

The Public Administration of the Napoleonic Kingdom of Italy



Carroll Quigley

**Doctoral Dissertation
Harvard University, 1938
Revised for Publication, ca. 1971**



"My doctoral dissertation *The Public Administration of the Napoleonic Kingdom of Italy* (Harvard, 1938) was never published because over-specialized experts who read the version revised for publication persisted in rejecting the aspects of the book in which they were not specialists. The only man who read it and had the slightest idea what it was all about was Gaetano Salvemini (1873-1957), the great historian from the University of Florence, who was a refugee in this country at the time. The book's message could be understood only by an historian who knew the history of Italy, France, and Austria, and was equally familiar with events before the French Revolution and afterwards. But these national and chronological boundaries are exactly the ones that recent historians hesitate to cross, for the French were reluctant to admit that the late revolutionary and Napoleonic reforms in French government had been anticipated in Italy, while many Italian historians knew nothing about French government before 1789 and wanted to concentrate only on the Risorgimento after 1814. No one was much interested in my discovery that the French state as it developed under Napoleon was based largely on Italian precedents. For example, while the French state before 1789 had no budgets or accounts, Napoleon's budgets in both France and Italy were strikingly similar to the budgets of the Duchy of Milan in the sixteenth century. Similarly, the unified educational system established by Napoleon in France in 1808 was anticipated in the Kingdom of Sardinia (Piedmont) in the 1720's. Such discoveries form part of the history of the growth of the European state, but are not of much interest to the narrow and overspecialized controversies of the last half century. So instead of writing the history of public authority, I got into what was, I suppose, my much stronger activity: the creation of the necessary conceptual paradigms, structures, and frameworks for understanding historical processes."

- Carroll Quigley, The 1st Oscar Iden Lecture, October 13, 1976

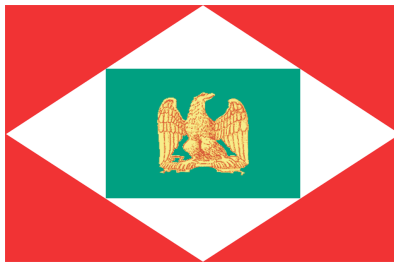


**A bust of Napoleon I as King of Italy,
wearing the Iron Crown of Lombardy,
(Museo del Risorgimento, Milan Italy)**

On May 26, 1805, in the cathedral of Milan, in the presence of Giovanni Battista Cardinal Caprara (1733-1810), since May of 1802 the Archbishop of Milan, Napoleon Bonaparte crowned himself *King of Italy* with the *Iron Crown of Lombardy*, exclaiming “*Dieu me la donne, gare à qui la touche*” [“God gives it to me, beware whoever touches it”].

At its maximum extension, the Kingdom of Italy consisted of 24 departments.

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The flag of the (Napoleonic) Kingdom of Italy 1805-14

In 1805, soon after Napoleon Bonaparte became Emperor of the French, the Italian Republic (which had had the same areas as the previous Cisalpine Republic – primarily Lombardy and the Romagna) was transformed into the Kingdom of Italy (“Regno d'Italia”), with Napoleon as King and his nephew Eugène de Beauharnais as Viceroy.



Two coins of the (Napoleonic) Kingdom of Italy 1805-14



The coat of arms of the (Napoleonic) Kingdom of Italy 1805-14

A Roman eagle as a supporter, wielding a thunderbolt, on its breast the heraldic shield of the kingdom surrounded by the [Légion d'honneur](#), and, above, an escutcheon of the [Iron Crown of Lombardy](#) (with pinnacles). The heraldic shield has a silver pale charged with the blue Milanic serpent (spitting out - as originally meant - the first human). Both sides of the pale are divided horizontally: the upper right quarter shows the papal parasol with the keys of Saint Peter; the upper left shows the Venetian lion, but without bible and with a Phrygian cap on its head; the lower right quarter shows the white eagle of the house of Este (for Modena) and the lower left shows the arms of Piedmont, but (under to the right) charged with a silver tower (for Rovigo and Feltre). Above the eagle rises the Napoleonic star

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Three Opinions

Stendal: "L'histoire du royaume d'Italie de 1794
à 1814 est le plus beau des sujets modernes:
l'idéal s'y joint au positif."

Foscolo, in 1815: "Italiens! Vous n'êtes plus un peuple
et vous ne devez plus avoir d'histoire. La nation
qui s'enorgueillit de son nom et ne sait point le
faire respecter par son propre courage, qui se
lamente de sa condition servile et n'ose point
s'élever, sinon en paroles, jusqu'à l'indépendence...
Une Pareille nation, c'est la vôtre. Donc, soyez
esclaves, et taisez-vous!"

Cantù: "Le premier royaume d'Italie était la plus belle
création de Napoléon."

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PREFACE AND NOTES

Preface

The greatest untold story in European history is that of the growth of public authority and the development of the modern state. Public authority is the only thing in Western civilization today which has developed and grown almost without interruption for a thousand years. A millennium ago, at the middle of the tenth century there was, in northern Europe at least, nothing which could be called public authority or the state. Today, at the middle of the twentieth century, these are among the most obvious aspects of Western civilization. The story of how this great change came about cannot be written until we have many detailed monographs on many small portions of the subject. The present work is one such study and may someday provide material for one brick in a far greater structure. For this reason the emphasis in this monograph has been kept almost entirely factual.

But there is also another, somewhat narrower but yet very significant, purpose in this study, and, in this, I have allowed myself a certain amount of freedom in interpretation. The usual interpretation of the period 1789-1815, found in most history books, is that France, in the late

eighteenth century, was the most advanced country of continental Europe and that the French Revolution, regarded either as a middle class or as a democratic uprising, showed the progressive condition of the country in which it occurred. Furthermore, this theory holds, the extraordinary energy and military skill of Napoleon permitted France, in the period 1800-1815, to extend its advanced ideas and institutions, throughout Europe, smashing down the forces of entrenched backwardness in the process.

Both parts of this accepted theory are untrue, and the present monograph seeks to contribute something toward the rectification of one of these errors. On the one hand, the French Revolution did not occur in France because that country was in an advanced condition of historical development but because it was, politically at least, so backward. France may have been rather advanced (from a nineteenth century point of view) in ideology or in economic life, but it was very backward politically, especially in terms of political organization and public administration. The fact that the Revolution began because the French government was bankrupt, without the power to tax and with its whole financial structure in chaos, is evidence enough of its backwardness in this respect. It was equally backward in respect to money and coinage, weights and measures, law and judicial organization,

in the relationships of the state and corporations (including guilds and ecclesiastical groups), in the organization of education, public charity, public works and services, public health and the process of legislation. All of these were profoundly modified in the twenty-five years 1789-1814, to create a modern nineteenth century state.

In this process of reform, especially in the Napoleonic period, the diffusion of ideas, organizations, and examples was not entirely from France to other countries but was, at least to an equal extent, from other countries toward France. The role of Napoleon was not, as the textbooks believe, to use his military power to impose French progressive methods on other countries, but rather to use his great force and power to impose on France modern methods and organizations copied and adapted from other countries. This process was most notable in public administration and in connection with Italy. It is, for example, now perfectly clear that the French educational monopoly established by Napoleon in 1808 was copied directly from the Piedmont educational system established in 1715-1738. It is equally clear that the French land tax, established by Napoleon on an effective basis in 1807-1811, was copied directly, through the work of J.F. Henry de Richeprey, from the Piedmontese cadastro established eighty years before.

On a broader view, this is generally true, of the whole system of public law and administration. The French monarchy of 1789 had no budgets or financial accounts, but, if we could reconstruct one, it would be nothing like a Napoleon financial statement of, say, 1808. On the other hand, the beautiful handwritten budget of the Kingdom of Italy of 1808 in the Beauharnais Archives at Princeton is very similar both to the French budget of 1808 and to an account for Lombardy in the eighteenth century. What is even more extraordinary is the fact that the Italian budget of 1808 is very similar to one for the Duchy of Milan in a much earlier period, for example that for fifteenth century Milan published by Formentini in Il Ducato di Milano (1877), pp. 78-81. I am not implying here that the financial system of Napoleonic France is derived from that of Renaissance Milan but merely point out the undeniable fact that the financial system of the Napoleonic kingdom of Italy (which is so very similar to that of the contemporary Napoleonic Empire in France) is clearly descended from that of a much earlier period in northern Italy, while no one would ever claim that Napoleonic finance owed much to the financial chaos of Louis XVI. The lines of connection in these interrelationships are far too complex to unravel in this volume, but the facts, on this and similar matters,

are clearly shown in this monograph.

The value of the facts recorded in this volume is now much greater than when they were assembled in 1938, since the major part of the archives on which my research was based were lost in the destruction of the Archivio di Stato of Milan by American air attacks during World War II. For this reason, if for no other, it is important that these facts be made available for future students who may wish to disentangle the relationships of international administrative history or even the story of the growth of the modern state for themselves.

At the present time there are available to scholars two works dealing with the subject described here. One of these, in French, is made up of seventeen articles on the First Kingdom of Italy by Albert Pinguad, who had previously published two solid volumes on the earlier Italian Republic of 1802-1805. Unfortunately, Pinguad's articles on the Kingdom (1805-1814) have none of the merits of his volumes on the Republic but are utterly worthless (in spite of the praise they have won in some quarters), being filled with errors of both fact and interpretation. The attached essay (Appendix A to this Preface) proves this statement conclusively.

The other work on this subject is Roberti's large, three-volume study called Milano capitale napoleonica. La formazione

di uno stato moderno, 1796-1814. While far superior to Pingaud's articles, these volumes of Roberti's are not nearly as impressive on close examination as they appear at first glance. This will be demonstrated in Appendix B, attached to this Preface.

The subject matter of this volume has been restricted, quite rigorously, to administrative history. The original version of this work had long chapters on political and economic history, and, as a result, it was more than twice as long as this version. It is recognized that military history, the events of personal politics, or the growth of industry and other economic changes had significant influences on administrative matters and, accordingly, a great deal of research, even in the manuscript sources, was made on them, but they are not touched upon directly in this volume.

In organizing this study it was not feasible to analyse the subject in terms of the customary American divisions into executive, legislative, and judicial: Napoleonic government did not observe the distinctions which we make between these functions. Instead I have considered in a single chapter the core of these attributes: the political power manifested in the kingship and the regalia, and surrounded by the various organs of public authority. Then, in order, I have considered each ministerial system of administration subordinate to this central core, taking first the most important, the financial, because it dominated all the rest.

I have solved as best I could a number of problems of organization, some of which are innate in the subject, others of which were created by my own division of it. In the first place, it is not easy to limit the subject, not only because of its obvious relationships with such subjects as natural resources, industry and commerce, but also because Napoleon's commanding position in Europe made it possible for him at times to use the same administration on both sides of political boundaries. By that I mean that the limits of the administration of Italy were not identical in each branch of that administration. For example, there was an Italian army consisting mostly of Italians and supported by the Kingdom.

There was also an imperial "Army of Italy," also supported by the Kingdom, but with a distinct administration. The two were constantly mixed in a military way, there were French and Italians in both, and the Italian army was part of the Army of Italy. The complexity is not diminished by the fact that Eugene was commander of both armies and after 1813 was ~~indeed~~ the superior of all troops, imperial or Italian, beyond the Alps, even in the departments of France.

In the domain of public order the police of Italy were constantly used by the Emperor beyond the boundaries of the Kingdom. Eugene, for example, was actively engaged in suppressing the insurrections of 1805 ~~using~~ ^{using} the power of the Kingdom even though the center of these revolts was in Parma.

In the field of finance it is almost impossible to disentangle the finances of the Kingdom from those of the Empire in military affairs. Furthermore, the customs boundary of the Kingdom was not coterminous with the political frontier, since ^{the former} ~~it~~ included the Swiss canton of Tessin which the latter did not.

Finally in the field of religious affairs it is impossible to separate the Pope's conflict with Napoleon as King of Italy and as Emperor of France. Even in affairs which were quite evidently the business of the latter, Eugene and the channels of the Kingship were used as the instruments of communication with the Pope. ^{Imperial officials} ~~The~~ ^{at} ~~the~~ at Rome and in the Papal states, for example, were usually given their instructions through Eugene or Bovara.

This problem of separating Italy from France becomes even more difficult if we concern ourselves with the more theoretical aspects of political power and sovereignty. Where, for example, did sovereignty lie? In the petition of April 18, 1814 we read that this power resided in the electoral colleges. But this is a wish of the petitioners, not a fact. Did it reside in a divided constitutional setup as in the United States? Or was sovereignty the will of the King? Except for the fact that a great deal was legally done in Italy without exercise of Napoleon's will, it is fairly evident that this ^{statement} ~~latter~~ is closest to the ^{truth.} ~~true explanation.~~

We have also by our organization created some problems, but, in each case, any aspect of the administration will be considered in conjunction with the ministry with which it is most intimately associated. For example, tariff policy is examined under the Directory of Customs in the Ministry of Finance; public opinion and conspiracies are examined as part of the Directory of Police in the Department of the Interior.

I should point out that the machinery of administration which I have studied was always functioning in an abnormal condition, that is ~~because~~ it was always in a period of war or a period of preparation for, or recovery from, war. If we desired to examine the administration of the United States, we should recognize that the situation was not typical in 1918 and we would choose 1913 or 1926 instead. In the Kingdom of Italy we cannot pick out any normal years. Although it was directly concerned with only three periods of war in its nine-years' duration, it was always on a war footing. Even in the years of relative peace,

such as 1807-8 and 1810-11, the financial system, which pervaded everywhere, was mobilized for war, and the economic system, which determined so much of the regime, was always crippled by the continental blockade. This was apallingly so in the second of the two periods of calm, so that wherever I wish to illustrate with statistics or facts from a single period, I shall try to use those from 1807-8. In this connection I should like to point out that the Kingdom was also abnormal because it was constantly expanding in every way. This makes it impossible to compare statistics of one year with those of any preceding year. In my investigations I have found writers who illustrated the iniquity of Napoleon's government by pointing out that the budget was much greater in 1812 than in 1805, or even in 1797, without ever mentioning that the Kingdom of Italy included a population twice that of the Cisalpine Republic and that it was charging to itself educational and charitable expenses which had formerly been supported by the Church.

This study of the administration of the First Kingdom of Italy is based almost wholly upon source materials ^{most of which are} ~~usually~~ in manuscript form. This was necessary since the subject was largely untouched, probably because the French had no time to spare from their examination of the larger aspects of Napoleon's work in relation to their own country to ^{give attention to} ~~find time for~~ this side-issue where his influence was ^{important} ~~direct~~ but impersonal. The Italians, on the other hand, did not find it to their taste to examine the details of a foreign domination and contented themselves with ^{emphasizing} ~~the~~ the spiritual aspects of the period--the ^{early} ~~Risorgimento~~ Risorgimento. This latter has been the subject of study ^{since} ~~from~~ Monti, ~~de~~ just as the purely

political aspects of the subject have been considered by a long line of students beginning with Botta. But the administrative side has received the attention of ~~no more than a handful~~ ^{very few,} and each of these has the value of his work ~~diminished~~ ^{marred} by some important fault. These will be mentioned in the bibliography.

When I say that this study is based largely upon source materials, I clearly realize that the demarcation between ~~these~~ ^{such} materials and secondary works is not a distinct one. It is sometimes difficult to deny the name of source material to works written later by active participants in the period. There is, for example, less reason to assign the memoirs of Marmont to the source side of the line than there is to assign a critical work such as that of Zanoli on the army or of Pecchio on ~~the~~ finance. Accordingly I have, perhaps arbitrarily, judged each work on its own merits and considered as sources works written by men who took part in the history of the period and wrote their works from information supplied by manuscript sources.

Whenever I have made use of such material in the volumes of Core^c~~X~~ncini, of Pecchio, or of Zanoli, even when the writers themselves participated in the events they describe, I have tried to check ~~on~~ their statements by the use of official documents. In each case I formed my opinion from the manuscripts before I consulted the printed work in question. It is evident that the advantage in merit between official sources and such writers of the time lies all with the former. The latter because they are contemporary may be of some assistance to the political historian. They offer a good deal less aid to the student of administrative history because in no case can the memory of such writers be more accurate than official figures and reports. If they relied upon such reports rather than memory, their aid is greater but

still small, because the reports themselves must be examined to discover sins of omission. Moreover, contemporaneousness has the additional disadvantage that any author who has participated in the events or observed them from close quarters, may have acquired some emotional involvement which his subsequent writings seek to defend. This is especially true of memoirs and explains the atmosphere of controversy in which most memoirs are written, attacked, and defended. The applicability of these observations to Ducasse's edition of the letters of Eugene Beauharnais will be indicated later.

The dependability of correspondence is somewhere between that of official reports and memoirs. Correspondence frequently takes the form of a report but, in any case, has the disadvantage that the writer is usually trying to present the best possible aspects of his conduct. This is especially true when the letter is from an administrator to his superior, that is to say at the very time when the letter is more likely to be a report. On this basis we may divide source material into five kinds:

- Official documents, such as statutes
- Official reports
- Correspondence
- Historical efforts of contemporaries
- Memoirs

We can say that these rank in dependability in the order in which we have placed them. Accordingly, when conflicting accounts or figures were found in our research we have given preference to those found in the higher type of document as listed above. Moreover, in our writing of this work, we studied the sources in the same order.

It must be evident from this that the task we set ourselves was very like the assembling of the parts of a jig-saw puzzle. With no dependable general outline of the administration to guide us, we resorted to the slow piecing together of our subject. Here an edict was fitted to a letter and an official report--the whole glued together by a sentence in a letter. In general the skeleton of the administration could be reconstructed from statutes and reports, the flesh could be put on from reports and correspondence, and the body given life from correspondence and memoirs. I might say here that just as the dependability of ~~the~~^{the} sources decreases as we move from statutes to memoirs, so the accuracy of our picture may also decrease as we move from skeleton through flesh to life--that is, our anatomy has ~~less~~^{fewer} errors than our physiology.

The primary sources are myriad. They are to be found on two continents and in six countries. It must be admitted, therefore, at once that they could not all be examined before this history was written. A belief that such must be done is perhaps one of the reasons why the subject has not been written. In 1911 Georges Bourgin wrote, "L'histoire du royaume d'Italie n'est pas fait." Twenty-five years later he wrote, "L'histoire critique du royaume annoncée par M. A. Pingaud est à faire. Elle ne sera point commode à écrire, les archives du prince Eugène, mises en vente en 1934 ayant passé aux États-Unis." But even if the papers of Eugene had remained in Europe, even in Paris rather than Russia, the task would not have been made much easier. In this connection I should like to quote extensively from Conard's introduction to

his work on the Napoleonic administration in Catalonia, but it seems to me that he is there a bit too apologetic about his failure to have examined all the sources. His task was sufficiently similar to mine for me to be able to say with understanding that not only was examination of all the sources impossible but it would have been unnecessary and undesirable. It would be impossible to see the forest because of the trees and his work would never have been written if he had attempted it, just as my subject would never be written if I had attempted it. Bourgin's quarter century would have become eternity.

It is, in historical writing, possible to examine all the materials for important events only if they are anterior to the fourteenth century. In modern history all the material can be examined only for subjects of minor scope and for biographies of persons of secondary importance. The materials for administrative history in modern times are always too plentiful to be completely examined by anybody. For example, in Venetia before the decree of 1806 there were 176 religious houses with revenues of almost five and a half million lire. For the purposes of administrative history it is sufficient to state the number of these houses suppressed, the total income appropriated to the state, and the destinations of these funds for state purposes, ^{in order} to ~~have sufficiently~~ comprehend the effects of the decree of 1806. Other details could with profit be added, but it is not necessary to seek out the individual archives of each of these houses to present an inventory of the goods appropriated. Even less is it the part of administrative history to discover what became of their human inmates, or the social and economic effects of the appropriation.

Similarly in regard to public works: Napoleon spent huge sums of money improving the harbor of Ancona. It might be valuable to seek to break up these sums to discover how much was expended on the breakwater and how much on other projects. It would not, however, be of any value to the history of administration to investigate in the archives of various European cities to discover what part of the breakwater expenditure was for materials and what part for wages. Any discovery of importance about these latter would be in the domain of economic history.

Since this is so, we must realize, as Conard points out, that the materials can be separated into layers of varying importance. We can make as many of these divisions as we wish. If we make three such layers, we see that the uppermost, the documents of primary importance, consists of all laws, edicts, and statutes which organize the administration, and the major ministerial reports such as the annual budgets and accounts. With this material we can form the skeleton of our subject, and this is what has been done by many writers on the Kingdom of Italy. *The works of Pinquand and of Roberti are* ~~Pinquand's work, for example, is~~ largely built of material of this kind. As might be imagined, much of this layer consists of printed sources such as the Bollettino delle Leggi and the Conti delle Finanze.

The second layer consists of the correspondence of the Ministers and the executive, reports of a more frequent or detailed sort from Ministers to the executive and from subordinates to the Ministers. From this layer we can clothe the skeleton formed from the top layer with

flesh. It now has bones and flesh, but it lacks life. This can only be obtained from the third layer since life is not the movement of great abstractions but essentially the small detail of the individual acts of everyday life. But this third layer which gives life to administrative history does so at the expense of leaving the field of administrative history and penetrating into the fields of biography, local history, or the history of economic and social development. It is in this layer that the materials of these subjects lie. In order, therefore, not to leave our subject, we cannot exhaustively examine these materials but in order to give life to our subject, to see how the generalizations and abstractions of administrative machinery adapt themselves to the needs of economic, social and personal conditions, we must make trial borings at various points. This is a matter depending upon the judgment of the student as he looks through the leaves that have gathered in that bottom layer, like Sibyl in her cave, except that he seeks the past rather than the future.

An author, therefore, who writes upon a subject in which it is impossible to examine all the sources, is faced above all with one duty. He must clearly state upon what materials he has built his structure. He must work with certain groups of materials and deal with them exhaustively. Above all, since it is necessary to sample, he must sample in a definite and declared way in order not to muddy the water for those who come after him and above all in order not to discourage others from coming after him. This latter, ^{for example,} ~~has~~ has been done by Tarlé, ~~for example,~~ if we ~~mention names~~ must be specific.

In order that no time may elapse before I follow my own precept, let me at once admit that my work is based upon the manuscript materials in three depots: the Beauharnais Archives at Princeton, the Archives Nationales at Paris, and the Archivio di Stato at Milan. The first two I have made completely my own; the last I have merely sampled. These are not the only sources for our period, perhaps even for our subject. At Paris there are other depots such as those of Foreign Affairs and War. In other French cities such as Lyons, material is available on commercial relations, and the same is true of depots such as those at Turin, and in various Swiss and Austrian cities. In the Hof-Haus-und Staats Archiv are materials on police, public spirit, military and political history. In various Italian cities such as Rome, Naples, Genoa and all the capital cities of the Napoleonic departments is material upon commerce, police, local history, public works, education, and other subjects. It can be safely said, however, that the material in cities which were not part of the Napoleonic Kingdom is of little value to administrative history but of more value to social or economic history especially to the history of commercial relations. The material to be found within the bounds of the Kingdom but outside Milan is frequently very valuable to the administrative historian, but usually these materials exist in summary or copy at Milan. Because of these conditions we have had no reluctance in restricting our search to the three depots mentioned.

As a final point I must express my gratitude to a number of individuals or institutions which helped me in various ways. Mr. André de Coppet of New York first attracted me to this subject when he generously deposited the Beauharnais papers in the Library of Princeton University in 1936. Harvard University granted me a fellowship in 1937 which made

it possible for me to continue my research in Paris and in Milan. After the manuscript was typed in its second version it was carefully read by Professors Gaetano Salvemini, Donald C. McKay, and Crane Brinton of Harvard University and by Professor Kent Greenfield of Johns Hopkins University. Many of their suggestions have been embodied in this final version of my manuscript, although, naturally, I alone am responsible for any statements made in it. My debt to Professor Greenfield is particularly great for he not only read the manuscript with great care leaving hardly a page without some comment and pointed out that many of my generalizations were open to misinterpretation, but he gave me several suggestions ^{even} before I ~~even~~ went to Europe which proved very helpful when I arrived there.

Finally I must say a word of public appreciation to my wife, Lillian Fox Quigley. For three months during the most glorious weather I have ever seen, she typed in Milan averaging more than twelve hours a day and working every day while the servants told her confidentially that she had a "marito cattivo".

NOTES

1. For the sake of simplicity the expression Lombardy refers not merely to the old territory of that name but to the departments that formed the Kingdom in 1806. After that year it also includes Guastalla. The word Venetia is applied to all the territory beyond the Adige as far as the Isonzo as annexed in 1806 or subsequently modified. It does not include Istria, Dalmatia, or any of the lands on the eastern shore of the Adriatic. These are called Illyria for brevity even before they are formed into the Illyrian Provinces in 1810. The provinces annexed from the Papal States in 1808 are called the Three Departments while these, together with Alto Adige, are called the Four Departments when they are administratively independent of the rest of the Kingdom.

2. The abbreviations are all obvious. The chief ones follow:

Beauh.	Bibliothèque
B.A.	Beauharnais Archives at Princeton
B.N.	Bibliothèque Nationale, Paris
A.N.	Archives Nationales, Paris
A.S.M.	Archivio di Stato, Milan
B.L.	Bollettino delle Leggi
F.O.	Foglio ufficiale

3. Where a decree is mentioned with its date and without a reference, it will be found in the Bollettino delle Leggi for that date. Likewise letters of Napoleon and of Eugene will be found in the correspondence of the former or in Ducasse under the dates mentioned.

4. All money values given without a coin being mentioned are in lire of the Kingdom or in equivalent francs. For 1806 and before values are usually expressed in Milanese lire. The lire of Milan was worth only .768 of the Italian lire, and, wherever I have compared one with the other, I have converted in that ratio.

5. The manuscript sources are drawn from only three depots, and it is not necessary in my references to signify the depot in which the document was found, for the catalog system is different in each. The mention of the number of the carton or the cote will always sufficiently identify the depot. There are no identifying numbers in the Beauharnais Archives so I have simply given the number of the box and usually the number of the document or dossier within the box. Thus: Box 42, #6. It is to be remembered that all documents from the Beauharnais papers have the word Box in the reference.

6. In like fashion all the cotes from the National Archives can be recognized by the fact that they consist of a letter and a number as F191919 or AF1v1710.

At Milan there exists a long and complicated identification for each carton. Fortunately there also exists a short identification consisting of a word and a number as Culto 2648, or Sanità 36 or Aldini 89. These shorter ~~ones~~ ^{rubrics} will be used in all references ~~x~~ from this depot.

6. The place of publication of printed works in French is Paris and of works in Italian is Milan unless otherwise stated. Roman numerals signify volume numbers and Arabic figures signify pages even when the abbreviations vol. or p. are omitted.

N O T E

The bibliography of this work is kept up to date on file cards and will not be typed until the manuscript is to be sent to the printer. To remedy this lack in a temporary way two appendices, which discuss the only two secondary works on this subject, have been added to the Preface. Both of these earlier works, a series of 17 articles by Pingard and a three-volume study, on a wider subject, by Roberti, and inadequate as studies of the subject considered here.

Chapter I

Introduction

The Battle of Marengo restored French power in northern Italy, but almost two years passed before any permanent organization was given to the territory which had formed the first Cisalpine Republic.^{1.} This organization was finally created at the Congress of Lyons in January 1802 and lasted for more than three years. Early in 1805 it became evident that it was not fitting that an Emperor of France should be President of Italy, so the Republic was changed into a Kingdom. This Kingdom continued, for almost nine years, to play an eventful part in the community of nations. Its life came to a bitter end on April 20, 1814 when a relatively small street-riot in Milan resulted in the fall of the government. These nine years of life found the Kingdom undergoing almost constant warfare and economic crisis. The warfare remained at a distance except in 1805, 1809, and 1813-14 but the economic difficulties, from small beginnings in 1805, became increasingly embracing and acute. Nonetheless, from some points of view, the Kingdom flourished. Its area grew from 4,586,000 square kilometers in 1805 to 8,404,000 in

1.

For organizational history see F. Lemmi: Storia politica d'Italia: L'età napoleonica (revised, 1936); or M. Roberti; Milano capitale Napoleonica. La formazione di uno stato moderno (3 vol., 1946-1947), I, 1-166.

1814, and the number of departments in the same nine years increased from fourteen to twenty-four. Originally in 1802 the Republic had twelve departments: Adda, Alto Po, Basso Po, Crostolo, Lario, Mella, Mincio, Olona, Panaro, Reno, Rubicone, and Serio. During the existence of the Republic, the district of Adige was formed into a department, and the territory around Novara, taken from Piedmont in 1800, was formed into ^{that of} Agogna. With the annexation of Venetia in 1806 seven new departments were added: Adriatico, Bacchiglione, Brenta, Istra, Passeriano, Piave, and Tagliamento. Two years later the district seized from the Pope was divided into the three departments of Metauro, Musone, and Tronto. In 1810 Istria was ~~lost~~ ^{transferred} to the French Empire. ~~being formed with~~ ^{It was added to} Dalmatia ^{to form} ~~into~~ the Illyrian Provinces, but since southern Tyrol was annexed as the department of Alto Adige, the number of departments remained at twenty-four.

Naturally such an increase in the area of the Kingdom was accompanied by a growth in population. This had numbered 3,810,022 individuals in 1805 and was about 6,703,000 nine years later. Of this total about 52% were male, and only 9% lived in cities of over 10,000 population. This great increase in the number of inhabitants was not ~~caused~~ ^{caused} ~~entirely by~~ ^{entirely by} ~~expansion,~~ ^{expansion,} ~~since due to the territorial increase in the country,~~ for the birth rate always exceeded the death rate, although both decreased during the nine years of the regime. The birth rate, which was 43.8 per thousand in 1805, was 39 in 1810, and the death rate in the same period fell from 34.5 to 33.

It was not a simple task to organize a government for a country

whose boundaries were ~~constantly~~ ^{frequently} shifting and whose everyday life was being disturbed by (constant warfare and economic crisis. Yet this was done by Napoleon and his aides and done quite successfully. In most cases the inspiration for these actions came from Italian, usually Lombard precedents, but in the higher brackets of the administrative system, the levels embracing what we have termed "the organs of government," the models upon which the administration was based were not Italian, ~~or even~~ ^{or even} ~~French~~ ^{but were} ~~and even more narrowly~~, Napoleonic. It is to these organs of government that we must now turn our attention.

Chapter II

The Organs of Government

1. The Constitution and the Constitutional Statutes
2. The King, Viceroy, and Regalia
3. The Royal Household and the Grand Officers of the Crown
4. The Electoral Colleges
5. The Censura
6. The Legislative Body
7. The Council of State
8. The Senate
9. The Ministers and Secretaries of State
10. Legislation and Execution
11. Titles of Nobility
12. Conclusion

Chapter II

The Organs of Government¹

The legal structure under which the Kingdom of Italy was governed was created by the Constitution of Lyons and nine Constitutional Statutes. Issued at different dates these modified one another and were interpreted by decrees.

The Constitution of Lyons, although it omitted all the declarations of the rights of man and citizen to be found in the Cisalpine Constitution, nominally recognized the sovereignty of the people. This sovereignty was exercised through three Electoral Colleges each of which represented one of the three chief social

1

The manuscript materials are chiefly in Milan. The minutes of the governing bodies such as the Council of State are in the section "Governo." This does not include the records of the Senate, which have disappeared. In the "Melzi" section are various documents on the Council of Auditors. For the Secretary of State there are the "Aldini" papers, and for the Royal Household carton 0²1130 at Paris and Boxes 26,27, and 44 at Princeton. The Constitution and Constitutional Statutes are printed in Raccolta di Costituzioni italiane, vol. II (Turin, 1852) or in Dufau Duvergier, Gaudet: Collection des chartes, vol. IV (1823). See also G [illot]: Dictionnaire des constitutions de l'Empire français et du royaume d'Italie, (3 vol. 1806). Of secondary accounts, Pingaud: Bonaparte, président de la République italienne (2 vol. 1914) is good up to 1805. On the Kingdom there is now M. Roberti: Milano capitale napoleonica, I, 167-322 or M. Roberti: "Il diritto pubblico Italiano nel periodo napoleonico, 1796-1814", Rassegna Storica del Risorgimento, 1936, XXIII, 531-538. A series of seventeen articles by Pingaud on the Kingdom are almost worthless. These include "Le premier royaume d'Italie", Revue des Etudes Napoléoniennes, 1923, XX, 194-216 and XXI, 34-50, 100-110.

classes--landed proprietors, professional men, and merchants. The Colleges had a joint committee called the Censura, but all four bodies were so hedged about with other institutions that their "sovereignty" availed them very little.

These other institutions taken together were called the government. They included a President, a Vice President, a Consulte d'État (Consulta di Stato) a Conseil législatif (Consiglio legislativo), a Corps législatif (Corpo legislativo);² and the ministers. Such a plethora of institutions did not permit their activity to be divided upon any logical lines. Instead, specified functions were allotted to each. The exercise of these functions by one was so circumscribed by the others that all essential power rested with the President.

This Constitution was modified by the nine Constitutional Statutes. The first of March 17, 1805 changed the Republic into a Kingdom. The second on March 27, 1805 created the Grand Officers of the Crown, provided for a regency, and established the oath of allegiance. The third, issued June 5, 1805, completely overhauled the Constitution of Lyons and established a Conseil d'État (Consiglio di Stato). It also founded the Order of the Crown of Iron. The fourth statute of February 16, 1806 adopted Eugene as the Emperor's son. The fifth and sixth of December 20, 1807 and March 21, 1808 formed and organized the Senato Consulente from part of the Council of State. The seventh statute, dated October 14, 1808, re-established and regulated titles of nobility. The eighth and ninth on March 15, 1810 fixed the dotation of the Crown and the appanages of royal princes.^{2a}

² In strict law the Corpo legislativo was not part of the Governo.

^{2a} Milano capitale napoleonica, I, 289-317. Texts of the statutes are in the Bollettino delle leggi under their respective dates.

The King, the Viceroy, and the Regalia

The King had all executive power, and all legislation originated with him. He did not have the right to levy taxes. He had control of all foreign affairs and named all principal officials, both civil and military. By the third constitutional statute he was given as property the royal palaces at Milan, Monza, Mantua, and Modena, as well as the forest of Tessin and the Villa Bonaparte in the capital. The same statute gave him ten million lire in national property by which palaces subsequently were acquired at Brescia, Bologna, Strà, and Venice. He was also granted a civil list of six million a year from the public treasury, and an additional two million in property to be used to support the Royal Guard. In this last force was created a special Guard of Honor to which could belong only the members of the Electoral Colleges or their close relatives.

The eighth constitutional statute regulated the royal domain. This was inalienable, could not be mortgaged, and was administered by an Intendant-general who was the legal representative of the King in regard to actions on his property. There could also be an Intendant-general of the Extraordinary Domain (^{that} ~~which would~~ ^{might} ~~be that~~ seized in war). Finally there would be formed from income in excess of five million from the royal property a private domain which could be alienated and to which the King became heir at the age of twenty-five. The accounts of the Treasury of the domain were reviewed each year by a committee of the Consiglio di Stato.³

³ There are notes on these accounts in Aldini 11.

The second title of the third statute empowered the King to appoint a Viceroy to reside in Italy and act as his representative. A decree of June 7, 1805 named Eugene ^{Beauharnais}₄ to this position. By the same document he was empowered to preside over the Council of State or name a substitute, to correspond through the Portfolio of Foreign Affairs with the Italian diplomatic agents in Italy and Switzerland, and to send all documents requiring the royal signature to the Secretary of State who stayed with Napoleon. Later the ninth Constitutional Statute gave Eugene an income of one million a year and the Villa Bonaparte.

This decree of June 1805 did not give the Viceroy the entire powers of the King. To the latter were reserved the convocation, adjournment, and dissolution of the Legislative Body, the convocation of the Electoral Colleges, all decrees ordering public works, control of the annual and bi-monthly credit ^{extended}~~opened~~ to the Ministers, and the nomination of all public officials down to the rank of Podestà of a first-class town.

The relationship between these two officials, King and Viceroy, was not a simple one. As Talleyrand pointed out in a letter to Napoleon on June 5, 1805, it was not a matter of public law but a private relationship, in which the personal responsibility of the Viceroy was the sole guarantee which he gave in the exercise of his authority. ⁵ At the beginning, Napoleon tried to tie Eugene down,

⁴ Decree in AFiv1709A.

⁵ Letter in AFiv1709A. The available biographies of Eugene are of no value for our subject. They are Prince Adalbert of Bavaria: Eugen Beauharnais, der Stiefsohn Napoleons (Berlin, 1940; French translation, Paris, 1943) and V.M. Montagu: Eugene de Beauharnais (London, 1913).

~~not only~~ because he wanted nothing done without his knowledge but also because he feared Eugene's youth. His letters are full of orders to do nothing except by his command. On July 31, 1805 Duroc wrote to Eugene that in no case and under no pretext, urgency, or excess of zeal could any powers of the King be used by another. Eugene was warned that if a Minister said to him, "That is urgent; the Kingdom is lost; Milan is going to burn; What is to be done?" he must reply, "I have no right to do anything. I must await the King's orders." Even when he was exercising his legal powers, if he asked Napoleon's advice, he was to do nothing until that advice came, no matter what happened. As Duroc put it, "If, for example, and to speak of a small matter, you ask His Majesty's orders or his advice to change the ceiling of your bedroom, you must await them. And if Milan is on fire and you ask him how to put it out, you must⁶ let Milan burn and await orders."

In fact, no such restrictions as these were put upon Eugene. As the years went by, he became more and more independent and not only issued decrees on many subjects without consulting the Emperor, but also sometimes refused to publish or enforce decrees which the Emperor had issued. This, for example, happened in regard to the decree of⁷ 1807 organizing the navy.

⁶ Ducasse: Mémoires et correspondance politique et militaire du prince Eugène Beauharnais (10 vol. 1858-60), I, 228.

⁷ Eugene to Napoleon, June 19, 1807 in AF1v1710B. See Chapter V below.

This was not the only case where the law was not observed in fact. According to law, the judiciary was independent, and the King had no powers of taxation. In fact, Napoleon ^{and} ~~as~~ Eugene interfered as they wished by decree or order in regard to justice and arrest. The Emperor also regulated taxes as he ^{saw} ~~believed~~ fit just as he fixed the annual budgets. As a result, there was no legal limit or regulation to the Royal power since the King could change any law or decree. ⁸ ~~by another one.~~ ⁷⁻⁸

The Royal Household

In its political aspect the Crown consisted of the government ^{served} and was ~~served~~ by the Ministers. In its personal aspect the Crown ^{served} consisted of the Royal Household and was ~~served~~ by the Grand Officers. These latter were created by the second Constitutional Statute and named May 9, 1805. They were five in number, but ^{a sixth,} ~~the~~ Intendant-general of the Household, was sometimes regarded as an officer of the Crown although not legally one, ~~of them~~. The others were the Grand Chaplain, the Grand Master of the House, the Grand Chamberlain, the Grand Equerry, and the Chancellor-Guardian of Seals. Each of these received a total of 15,500 lire a year derived from three ⁹ salaries.

The Grand Chaplain, Antonio Codronchi, was in charge of all matters concerned with the religious activity of the Household.

8 See Chapter III, Chapter IV, and "Civil Liberty" under Chapter VII..

9 Napoleon to Eugene, July 3, 1805 in Correspondance de Napoléon, (32 vol., 1858-70) XI, 2-3. The following information on the duties of the Grand Officers is based on the report of June 21, 1805 in AFIV1709A. See also Almanacco Reale, (1811), 50-64

He supervised the administration of the chapels of the royal palaces and any services in them. He also received the oaths of allegiance of Bishops. He usually spent between 65,000 and 75,000 lire a year in the exercise of these duties.¹⁰

The Grand Master of the Household or Grand Majordomo ^{supervised} ~~the~~ ^{the} ~~administration~~ ^{operations} of the Royal Palace, regulating all its provisions and furnishings, its heat and lighting. The post was held by Giuseppe Fenaroli, ^{whose} ~~whose~~ expenditures ^{ranged} ~~from~~ from 765,389 lire in 1807 to 1,005,602 in 1809.¹¹

The Grand Chamberlain was in charge of the ordinary and personal activities of the King; audiences, entertainments, and clothing, his health, library, and private office. The post was filled by Antonio Litta who spent from as little as 309,911 lire in 1811 to as much as 674,394 lire in 1806.¹²

The Grand Equerry was in charge of the stables, the pages, and all provisions for hunting or travelling. Among other items he had entrusted to him a school with eleven teachers for the ^{royal} pages and about fifty carriages.¹³ The Grand Equerry, who was Carlo Caprara, nephew

¹⁰ On Codronchi (1748-1826) see the article of Pasolini in Dizionario del Risorgimento, vol.II, (1933) and Casini: "Codronchi alla Consulta di Lione" in Il Risorgimento Italiano (1895) I, 721-39.

¹¹ On Fenaroli (1759-1825) see Pingaud: Les hommes d'état, 126-27.

¹² On Litta (1744-1836) see the article of Michel in Dizionario del Risorgimento, III. Unfortunately, this Grand Officer, who came into closest contact with Eugene, was personally detested by him.

¹³ 021130 and Box 27.

of the Archbishop, spent sums varying from 670,409 in 1812 to
¹⁴
 784,198 in 1809.

The Intendant-general of the Crown had most extensive duties. He collected the civil list and the revenues of the private domain, controlled and ordered all payments for the royal service, supervised all buildings and their contents, all parks, and gardens, and ~~prepared~~ ^{prepared} the budgets of the Household. This post was held by Costabili-
¹⁵
 Containi, who took it only under duress. Within six months Eugene had to take from the Intendant-general control of the accounts, chiefly
¹⁶
 because of Caprara's financial mismanagement. The budgets and accounts
¹⁷
 were then given to Hennin, who, at a salary of 9,300 lire, became Treasurer of the Crown subordinate to the Intendant. Among the latter's other assistants were Appiani, Royal Painter; Monti, Royal Historiographer; and Eugene's eleven aides-de-camp, who were regarded as

¹⁴ Carlo Caprara (1755-1817) was not a good manager, even of his personal fortune, and he was usually in financial difficulties. In 1806, to assist him, Napoleon offered to buy his palace for more than its real value. After its value had been fixed at 714,741 lire the Emperor gave 814,000 for it. At the end of 1807 the Grand Equerry wrote to the Emperor asking for more money, for, he pointed out, his profit was less than 100,000 lire. See letters in AFiv1710B.

¹⁵ Marescalchi to Napoleon, April 1805, in AFiv1709A. On Costabili-Containi (1756-1841) see Petrucci: Elogio storico del Costabili-Containi (Novi, 1841).

¹⁶ Eugene to Napoleon, March 17, 1806, in AFiv1684.

¹⁷ Originally 12,000 lire.

members of the Household and received 6,000 lire each. The expenses of the Intendant-general varied greatly. They amounted to 3,319,916 in 1806, fell to 2,925,218 in 1807, rose again in 1808 and reached 5,557,026 in 1809. They fell again in 1810 to 2,102,596 and to 1,967,586 in 1811. Much of the variety was due to expenses of travel and celebrations.

The Chancellor-Guardian of Seals had no duties by law. The position, admittedly a sinecure, was created to reward Melzi in 1805. His reluctance to accept any position was so great that he was persuaded to accept even this with difficulty. However, as time passed, it became necessary to utilize Melzi's experience whenever he could be persuaded to abandon his health treatments at the watering places. This was especially true during times of stress when Eugene was far from the capital. ~~Melzi exercised~~ During these periods, ^{Melzi exercised} in relation to Eugene

18 From a military point of view the dignity of the monarchy was served by two separate groups--the Honor Guards and the Royal Guard. The former were non-military in a professional sense, usually organized in a town to celebrate the arrival of some great personage by acting as an escort. Napoleon's visit of 1805 first called forth such bodies in Italy. See Bucquoy: Les gardes d'honneur du premier empire (Paris, 1808), especially pp.90-93. The Royal Guard was a professional military unit serving in close contact with the King and acting as a kind of military training school for commissioned officers. Created by a decree of June 26, 1805 (copied in France on April 5, 1813), this body was almost entirely destroyed in Russia and reduced from several thousand to a single company of 150 men after January 11, 1813. See decree June 29, 1805; Bucquoy, p.125-30; Almanacco Reale (1811) p.60-64; Adami: La Guardia del Presidente della Repubblica Italiana and La Guardia Reale Italiana ai tempi Napoleonici, (both Milan, 1930).

19 Various reports in 021130.

20 Melzi to Napoleon, June 1805, in AFiv1709A. On Melzi (1753-1816) see Melzi d'Eril: Memorie-documenti (2 vol, 1865) and "François Melzi, duc de Lodi" in Études Italiennes (1922) IV, 18-31, also in Pingaud: Les hommes d'État de la république italienne (1914) 3-37. The Epistolario of Melzi was being edited for publication by Rinaldo Caddeo when he died in 1956; it is still in progress. Fair judgments on Melzi are in G. Locatelli: "Francesco Melzi, precursore dell'unità italiana", Archivio Storico Lombardo, 1941, n.s. VI, 153-164; M. Roberti: "Francesco Melzi d'Eril", Rivista storica del Diritto Italiano 1941, XIV, 345-433; or M. Roberti: Milano capitale Napoleonica I, passim.

a position analogous to that which Eugene had in relation to Napoleon: as president of the Council of State he acted as head of the government. This first occurred during the War of 1809. On May 8, 1812 by telegraph the Emperor ordered Melzi to make daily reports on the Kingdom.²¹ At the end of January 1813 Napoleon had Aldini order the Ministers of Italy to deal with him through Melzi without bothering with Eugene. Melzi, however, refused to do this. At the end of 1813 he tried to resign from the presidency of the council, but the Viceroy refused his resignation.²²

On April 12, 1809 there was attached to the Guardian of Seals a subordinate officer, Sealer of Letters Patent. This was really a registry of titles^{of nobility}. The registry fee varied from 600 lire for enrolling the title of duke to 60 for a simple knight.²³

The Royal Household had two dependent households, which were separately administered. The Household of the Queen was created in 1805, and that of the Princes was established two years later. Each of these had its own Majordomo and separate accounts. The cost of the Queen's Household decreased quite consistently from a primary expense of 536,929 lire in 1806 to 319,619 in 1812. The other varied from a maximum of 124,337 in 1808 to a minimum of 40,953 in 1810.²⁴

²¹ These are in AFiv1712.

See Melzi d'Eril:

²² Memorie-Documenti, II, 355, 409-10.

²³ On titles in general see the Seventh Constitutional Statute (September 21, 1808); Almanacco Reale (1811), 58-59; "Legislazione nobiliare napoleonica nel Regno d'Italia" in Giornale Araldico-Genealogico Diplomatico, (Pisa) August-September 1887; Pasini, F: "Araldica nel Regno Italico" in Rivista Araldica (Rome) 1910, 1911, 1912, vol. IX-X; Statuts, Décrets Impériaux relatifs à l'établissement des titres héréditaires, ([Paris], 1810).

²⁴ 021130.

For the coordination of the activity of the Household there was created a Council of Administration of the Royal Household. This had existed informally almost from the beginning but was regulated only on August 18, 1810. It met under the Viceroy's presidency on the first Monday of each month. The Intendant-general and the Treasurer of the Crown were always present, but the other Grand Officers and officials of the Household came only when summoned. In practice the Grand Officers were almost always present and were assisted by several of the minor officials. The Treasurer acted as Secretary to the group which approved all sale, exchange, or purchase²⁵ of property, all construction, and contracts.

The Treasury of the Crown was entrusted to Hennin at the beginning of 1806. In 1819 this man was still actively corresponding with Eugene²⁶ about these affairs. He had as cashier, a certain Grassi.

The revenue of the Crown consisted of the six millions of the civil list which were received from the Treasury of Italy. In addition it had 21,000,000 lire worth of property which was supposed to yield about 1,050,000 lire a year at 5%.²⁷ Nine-tenths of this private domain was around Padua, while the rest was near Reggio. Finally Eugene had an income of a million from property given him by the ninth Constitutional Statute. Most of this was in Romagna, with the²⁸ rest in Lombardy.

²⁵ There are several documents on this Council in Box 44.

²⁶ A very large part of the Beauharnais Archives consists of reports by Hennin.

²⁷ Box 27, #26.

²⁸ Report of June 1814, in Box 44.

^{annual}
The budget of the Crown ~~was~~ drawn up by the Intendant-general from the estimates submitted by the other Officers and officials. It was then sent to Napoleon by Aldini to be approved. The Emperor usually changed it somewhat and returned it. All differences were ironed out by correspondence. Usually such difficulties were settled as Milan wished. As an example, the budget for 1809 was submitted to the Emperor in November 1808 calling for an expenditure of six million. Napoleon cut this to 5,743,225 and sent it back. Eugene denied the possibility of any reduction below the original figure, so the Emperor decreed the original budget. These budgets were afterwards readjusted and finally a definitive budget was drawn up. The Treasurer had to have incomes and expenditures balanced as in this final budget. The definitive budget of 1809, for example, was decreed on October 14, 1811. ²⁹

The form in which Hennin had to submit these accounts was established by a decree of February 19, 1810. The following December Hennin went to Paris and conferred with Count Estere, Treasurer of the Imperial Crown, on the method to use in ^{making} ~~forming~~ his accounts. A decree of June 29, 1811 fixed five years as the period during which an account could remain open. At the expiration of that time the Treasurer presented his final account to the Council of the Household where it was checked by five members named by the Viceroy. The chief of each service had to verify each warrant for his service. Those not in order rested at the Treasurer's account until verified. When an account was finally accepted, all the ^{supporting documents} ~~justifying pieces~~ were locked under royal seal in

the archives and burned five years later. The Kingdom did not have a sufficiently long life ^{to} ~~to~~ ever have occasion to make use of this last provision.
30

Electoral Colleges

The Electoral Colleges were created by title II of the Constitution of Lyons, which declared that three colleges of possidenti, dotti, and commercianti were the ^{primary} ~~primitive~~ organs of national sovereignty. These colleges were to meet at least once in three years on the invitation of the government to refill their own ranks by cooptation and name to the vacancies in the Consulta di Stato, the Corpo Legislativo, the Tribunals of Revision and Cassation, and the commissions of accounts. This was to be done by secret vote without debate in sessions of not *more*.

30 See documents in 021130 and Box 44. The expenses of the Royal Household for each year can be seen from the following table:

1805	6,008,575	1809	8,441,592
1806	6,823,819	1810	6,645,861
1807	5,593,801	1811	5,292,093
1808	5,918,421	1812	5,473,660
		1813	5,616,495

The first seven items in this table are accounts definitively accepted. The high expense in 1809 was met by a surplus of 2,392,908 left from the three preceding years. From the next three years there was a surplus of 3,445,249 on February 22, 1814. The curious treatment given these surpluses in 1814 makes it evident that Eugene expected Milan to be captured. On January 26 he ordered that half of all the free funds be turned into gold. On February 11 he ordered all money in the Treasury of the Crown including bonds of the Monte Napoleone to be sent to Paris. On February 23 he ordered a million to be transferred from the public treasury to the Treasury of the Crown on account of the debt owed by the former to the latter. On April 14 he ordered that the Queen be paid her allowance for the last eight months of 1814.

~~than~~ fifteen days. At these sessions, with a quorum of at least one-third of their members, these Colleges received lists of vacancies from the government and claims to these positions from anyone who considered himself eligible. They also pronounced on reforms of the constitution proposed to them by the Consulta di Stato. The members were at least thirty years old, were elected for life, and could be removed only for legal bankruptcy, absence from three sessions, service with a foreign state without permission, absence from the nation for six months after being recalled, or loss of citizenship.

The College of Possidenti consisted of 300 landed proprietors each with a revenue of at least 6,000 lire. Each department was represented by members at the rate of one per 30,000 population. The College, which sat at Milan, chose nine of its number to the Censura.

The College of Dotti and that of Commercianti had two hundred ^{each.} members. The former sat at Bologna, and the latter at Brescia. Each sent six members to the Censura. The Commercianti like the Possidenti replenished their own numbers by cooptation. The vacancies in the College of Dotti were filled by the Censura from a triple list presented by the College.

A law of October 26, 1803 added some details on the actions of the Colleges. On first assembling the oldest member became temporary president and the two youngest temporary secretaries. The assembly then picked permanent officers and received a list of the vacancies
31
to be filled from a Legislative Councillor.

31 Raccolta delle leggi, decreti, e circolari.....del ministro dell' interno, vol.I (1808), 44-56.

These regulations were changed somewhat by title III of the third Constitutional Statute. The Colleges assembled on a royal summons under officers named by the King to pick members of the Legislative Body. The members of all three Colleges in each department formed a departmental electoral college which assembled once a year in the capital of the department. This group, with the proprietors seated on the right, the merchants on the left, and the professional group in the center, drew up a triple list for vacancies in the department General Councils and among the justices of the peace.

A decree of December 5, 1807 extended the system of Electoral Colleges to Venetia. It set 320 as the total membership of the new territory and ordered that this be shared so that three-sevenths were proprietors and two-sevenths were for the other two Colleges. This added 138 to the first College and 91 to each of the others. ³²

Details were added in regard to departmental electoral colleges by decrees of June 12, 1806 and March 16, 1807. These regulated every action of the members. In addition to the duty of presenting ^{candidates} for justices of the peace and the General Council, the merchant section was allowed to present a triple list of candidates for the tribunals of commerce.

As can be seen, the Electoral Colleges had no duties of sufficient extent or importance to justify the belief that they were the ~~"resting"~~ ^{"abode"} ~~place~~ of sovereignty". All their duties were taken away at the

³² Aldini 62. In a similar fashion the Three Departments were given 57 Possidenti, and 38 Dotti and Commercianti by a decree of August 8, 1808.

foundation of the Kingdom except the right to name candidates to the Legislative Body. After this organ was extinguished, they had nothing to do except refill their own vacancies and that right was denied to the Dotti. With such functions, it was impossible to expect that men would travel many miles to attend. The meeting of December 1807 was a fiasco. Napoleon, in Italy at the time, even forgot to name the presidents of the meetings in time for the first session. In 1808 the sixth Constitutional Statute gave the Electoral Colleges a minor duty to nominate four members to the Senate. This was exercised in 1808 and 1809, but the Colleges never met again thereafter.

Even before the third Constitutional Statute had stripped them of almost all their powers, the members of the Colleges showed little enthusiasm for their tasks. In May 1805 the Merchants had five sessions, the others four. At the first session of each the Proprietors had 153 present, the Professional Men 136, and the Merchants 98. At the last meetings of each the members present were respectively 149, 118, and 83. That is, the total membership was 700; the total attendance 350. These figures give the whole story of these meetings, as nothing of ~~any~~ importance was said or done.

Censura

The Censura ~~shared~~ ^{shared} the ~~same~~ fate of the Colleges. As originally constituted in 1802, it had twenty-one members who were to meet at Cremona five days after the sessions of the Colleges. With a quorum of seventeen members, it filled the existing vacancies in the government

³³ Minutes of meetings are in Aldini 62. Roberti, with his usual emphasis on legal forms rather than on the facts of administration, fails to see the insignificance of these constitutional assemblies. Of the royal period he says (I, 314) "Continuavano infatti a funzionare ancora i College del periodo repubblicano...."

and the College of Dotti from the lists of nominations presented by the Colleges. In spite of the Constitution, the Censura usually met in the Archbishop's house in Milan, as it was foolish to expect that the members would go to Cremona after attending the sessions of their own College in Bologna, Brescia, or Milan. This, however, was only one of several illegalities which bothered no one. The vacancies of the Commercianti were filled in 1807 from a list which that body had drawn up when it lacked a quorum. Moreover, in all four bodies the assembly voted on one day and gave the uncounted votes to a committee of a few members to be counted overnight³⁴ without any possible method of checking on the count.

Legislative Body

The fate of the Corpo Legislativo was quicker and more certain than that of the Electoral Colleges. As constituted in 1802 the Legislative Body had 75 members at least thirty-years old, with the number from each department proportional to its population, and at least half ^{of them} members of the Electoral Colleges. Twenty-five members^A were renewed every two years. ^{This Body} ~~It~~ was convoked and dispersed by the government and could not remain in session more than two months in the year. All the Ministers and members of other constitutional bodies had the right to ^{visit} ~~listen to~~ its sessions.

The Legislative Body picked from its members fifteen individuals who formed a Chamber of Orators. All projects of law from the government were submitted to this Chamber, which examined them and secretly

³⁴ Various documents in Aldini 62.

conferred with councillors of the government. The Orators then recommended to the ^{Legislative} Body that the project be accepted or rejected. This was discussed by two Orators and two councillors of the government. No one else was allowed to speak, but the body then voted secretly on the bill. The Orators had no vote. If the ^{Legislative} Body accepted the law, it was promulgated by the government, and was unconstitutional until that promulgation.

These completely illiberal provisions were relaxed a little by the third Constitutional Statute. This abolished the Chamber of Orators and allowed the ^{Legislative} Body to choose a committee within itself to which projects of law were sent. Within its competence were (1) budgets and accounts, (2) military conscription, (3) alienation of national property, (4) the monetary system, (5) taxation, and (6) changes in commercial, civil, or criminal laws. The Body had a President and two Questori who were named for two-year terms by the King. It was given 700,000 a year for all expenses. This fund ^{provided} ~~was~~ administered by the three officers in conformation to a rule which ^a ~~was drawn up every two years in a secret committee.~~ The salary of ^{25,000 live for} the President ~~was 23,000 lire~~ and ^{10,000 lire for each} ~~that of the~~ ^{Legislative} ~~Questor.~~ ~~10,000~~ The King was empowered to dissolve the ^{Legislative} Body, in which case a new one was ³⁵ to be chosen by the Electoral Colleges within six months.

The relationship of the government with the Legislative Body was fixed by a decree of June 16, 1805. A Councillor of State went to ^{Legislative} the Body and explained the government's reasons for wanting a law, set a day on which the Body must discuss it, and left two copies of it.

The Body then divided into three commissions concerned respectively with justice, war, and finance. The commission ^{concerned} ~~in question~~ ^{in secret} ~~secretly~~ discussed the project, and then reported to the ^{whole group.} ~~Body~~. If the report was favorable, the ^{Legislative} ~~Body~~ voted on the bill without ^{further} ~~dis-~~ cussion. If the report was unfavorable, the Orators of the Consiglio Legislativo were called in to defend it. Then a vote was taken. The Commission of the Body could confer with the Legislative Council at any time in regard to its report. The vote was by name, the members walking to the President's table and dropping balls into differently colored compartments of an urn there. The President, named by Napoleon, could suspend the vote at any time. With such an arrangement the government should have been able to get any law it wanted. ~~and~~ ~~it did not result.~~ Experience soon showed it could not.

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The history of the Corpo Legislativo had always been stormy. Under the Kingdom it was also short. On June 7, 1805 the Censura named twenty-eight members to the Legislative Body to fill its vacancies. ³⁷ Taverna was named President, with Elli and Reina as Questori. ~~It had two employees--an archivist with an assistant.~~ Trouble developed almost immediately. The ^{Legislative} ~~Body~~, taking its right to debate and ^{defeat} ~~refuse~~ ~~bills~~ ^{bills} seriously, on July 13, 1805 refused to pass the Law of Finance, especially objecting to ^a ~~the~~ new tax on property-transfers. Eugene was going to dissolve the ^{group,} ~~Body~~, but, after a conference with Prina and the Conseil d'Etat, decided that he needed the budget anyway. He

36 Pingaud: Bonaparte, président de la république italienne, II, 13-20, 248-56; Roberti: Milano capitale napoleonica, I, 112-119.

37 Aldini 62. Minutes of Meetings.

38

withdrew the objectionable parts, and the bill passed on July 17.

39

These actions roused the wrath of the Emperor. On July 26 he had the Legislative Body suspended. Four days later Eugene analysed the trouble thus: "The cause of these difficulties is the animosity which everyone feels toward the Minister of Finance. They say that since he has been minister, Italy has been overburdened with taxes, and a thousand other similar stupid things." If Prina was the cause of this animosity, he was to suffer cruelly for it, but whatever the cause, the Legislative Body never met again. Nothing was definitely ~~done to abolish it~~ ^{said about this} until the Senate was created to replace it. It was merely not summoned to meet, and no ^{appropriation} ~~provision~~ was made for it in the annual budgets.

38 Eugene to Napoleon, July 17 and 21, 1805 in Ducasse, I, 201-4.

39 On July 16 he wrote to Eugene: "Vous ne dissimulerez pas au président.. qu' ils doivent bien savoir que je pouvais avec ma seule signature établir cette loi avant l'établissement de l'ordre constitutionnel." On July 25 he sent two letters to the Viceroy saying, "Ce corps législatif savait bien que vous n'aviez pas le droit de proposer une loi; celle-là étant signée de moi seul, moi seul avais le droit de faire ce que j'aurais voulu." Again, "La présentation de la loi est dans les attributions que je me suis réservées." Finally, "Si la loi sur l'enregistrement ne passe pas, je la prendrai de ma propre autorité...et tant que je serai roi, le corps législatif ne sera point réuni." See Correspondance de Napoléon, XI, 19-20, 35-37.

Council of State

During the Republic there existed two other governmental bodies--the Consulta di Stato and the Consiglio Legislativo. These were completely separate, and their members were distinguished by being called Councillors of State and Legislative Councillors. There were eight of the former, all over forty years old, and receiving 30,000 lire a year ^{each} for their services. They were empowered to examine treaties, provide for the safety of the Republic, propose reforms to the Constitution, suspend and nominate judges, and appoint the President's successor every ten years.

The Legislative Council had ten members, each over thirty years old, and receiving 20,000 lire a year. It deliberated ^{on} projects of law or any other matters submitted by the President and was specially charged ^{with preparing} ~~to prepare~~ laws and defences of them for the Legislative Body.

By a decree of May 9, 1805 the members of these two bodies were joined to the Grand Officers of the Crown and the Ministers to form a new body called the Consiglio di Stato. This was to ^{subdivide} ~~have~~ its members ~~divided~~ into five sections concerned with justice, internal affairs, finance, war, and religion.

This arrangement was modified the following month by the third Constitutional Statute. Title IV divided the Council of State into three sections--the consiglio dei consultori, the consiglio legislativo, and the consiglio degli uditori. The consultori were eight in number, including the Grand Officers of the Crown. They were presided over by one of their number named by the King and discussed problems on the meaning of the constitutional statutes and treaties of peace or commerce. They could also name a regent from among the

Grand Officers if that were ever necessary.

The Consiglio Legislativo had twelve members with the right to discuss all projects of law, all suggested rules of public administration, and interpretations of these. Its presiding officer was also named by the King.

The Consiglio degli Uditori had fifteen members with the right (1) to judge all conflicts of jurisdiction or public administration not in the sphere of the ordinary courts, (2) to judge agents of public administration, (3) to consider all appeals from the Prefectural Councils, (4) to grant concessions of mines or public waterways, (5) to permit public or semi-public corporations of charity or religion to accept donations or legacies, (6) to grant pensions to all public agents, civil or military.

The Council of State was not only complicated in its formation. It was no less involved in its methods of action. Every six months the King was to divide the councillors into two services, ordinary and extraordinary. The members of the Consiglio legislativo and the Consiglio dei consultori were divided into three sections: (1) legislation and religion, (2) internal affairs and finance, (3) war and navy. These sections made a preliminary report on the matters in their competence to their council.

All members of the three councils met ^{together} as the Council of State to consider questions submitted to them. For projects of decrees the Council was considered as having a quorum when two-thirds of the members were present. For other matters eighteen members formed a quorum.

^{39b} The Secretary was Giuseppe Compagnoni (1754-1833), whose memoirs have been published; see G. Compagnoni: Memorie autobiografiche (Milan, 1927).

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The Council of State had a Secretariat⁶-general which kept a record of all contention between the public domain and individuals, and all appeals from the decisions of the Councils of Prefectures as heard by the Auditors. After its original formation, an individual could be named to the Legislative Council only if already an Auditor and to the Consultative Council only if he had been a Legislative Councillor. The Consultants were named for life and could lose their functions but not their title or salary. Ministers were ex-officio members of the Council of State and could sit with whichever body was concerned with their duties. The members were used as public administrators and for missions at home and abroad. The salary was 25,000 lire of Milan for a Consulter, 15,000 for a Legislative Councillor, and 6,000 for an Auditor. The total⁴⁰ expense of this institution was 631,800 lire of Milan or 484,918 lire of Italy.⁴¹

By a decree of December 19, 1807 changes were made in the Council of State to provide for the increase in territory caused by the annexation of Venetia. The number of Legislative Councillors was increased to eighteen and the number of Auditors to twenty. There was also attached to the Council of State twelve Assistenti with the attributions held by those in France as in the decree of 19 Germinal an XI. These received 1,000 lire a year from the Treasury and had to receive an additional 8,000 from their families.⁴² These Assistants were aides to the Councillors and served an ^{internship} ~~apprenticeship~~ in public administration.

⁴⁰ A list of members of the Council of State is in Aldini 62, or in the Almanacco Reale, or in Zanoli: Sulla Milizia Cisalpino-Italiana (2 vol., 1845) I, 240.

⁴¹ D1 Breme's report to Aldini of February 8, 1808 in Aldini 62.

⁴² AFiv1710B. Compare C. Durand: Le Conseil d'État napoléonien (Paris, 1949)

in this way. A subsequent decree of July 1, 1813 regulated these posts and provided that the Assistants must be doctors in law or science from one of the three universities of the Kingdom, have fulfilled their military service, and have an income of 8,000 each. ~~They were allowed to be present in the Council of State when Napoleon presided only if specially permitted and eligible by one year's service.~~

The following day, December 20, 1807, the fifth Constitutional Statute was issued. This ordered that the Council of Consulters cease to be part of the Council of State and take the name Senato Consulente. It joined to its attributions the registration of all laws and the repression of all abuses of civil liberty. Its members were to be chosen by the King from a triple list submitted by the Electoral Colleges in such a fashion that there be one at least from each department.

This decree and the subsequent sixth Constitutional Statute which fixed the functions of the Senate left the Council of State in a strange position. On November 22, 1808 Eugene wrote to the Emperor and described the need ^{for} ~~of~~ reorganizing the body. He ~~pointed out in~~

~~detail that the third Constitutional Statute, reluctant to modify the Constitution, had composed the Council of State of the Council of Consulters, the Legislative Council, and the Council of Auditors with distinct attributions for each. Then, as a result of the suppression of the Legislative Body and the fifth and sixth Statutes~~

~~When formed the Senate, there was very little parallel between their activity in fact and their legal attributions. The Viceroy~~

pointed out that the Legislative Council, with cognizance only of projects to regulate public administration, had little to do. The Council of Auditors, ^{concerned} with all conflicts of jurisdiction, appeals from Prefectural Councils, concessions of franchises, and free acquisitions by corporations, had too much to do. Not only was this lack of balance bad, but no one could become a Legislative Councillor without having been an Auditor. This effectively closed the Council of State to Prefects ^{whose} salaries of 15,000 to 20,000 lire ^{made them unwilling} ~~could not be expected~~ to become ~~an~~ Auditors at 6,000. Yet the Prefects were the very men who were needed in the Council of State because of their administrative experience. In fact the Prefecture was the only successful school of public administration in the Kingdom. As a result, Eugene complained, the Council of State had become exclusively open to young scions with money, even perhaps with intelligence, but certainly without either knowledge or experience. The Viceroy proposed, therefore, to destroy the distinction between the two councils and make a single uniform body of ⁴⁴ twenty-five members.

This sensible suggestion was neglected and the two Councils went on as before. The only event of much importance in their history after the creation of the Senate was the nomination of new members. In a word, the Council of State was of no great importance. Of

⁴⁴ Eugene to Napoleon, November 22, 1808 in Aldini 35.

its original three sections only one had any important regular duties, and these were much more of a routine nature than one would expect in a body bearing the title Council of State. The existence of this ~~body~~^{body} did not in any way persuade the government to yield to ~~the body~~^{it} the power or the opportunity to make any important decisions. Nevertheless, the Council of State was frequently a place of sharp disputes. These, however, were usually caused by the clash of personalities and not of principles or policies. This body also had the bad effect of encouraging insubordination and lack of discipline within the Ministries. This ~~resulted~~^{arose} from the fact that all the Directors-general as well as all the Ministers were members of the Council. The former could always get their acts of insubordination condoned by persuading the majority of the Council to vote with them against their respective Ministers. Paradisi was especially prone to do this and on at least two occasions, after disagreements with di Breme, introduced the matter in the Council where his view was approved. The same thing happened to di Breme when Moscati insisted that the Minister had no right to review ~~the~~ cases of students expelled from public schools for disciplinary reasons. It was the loss of these three arguments which ~~prompted~~^{led} di Breme to submit his resignation, which was accepted only eighteen months later. 45

45 See di Breme: Observations du M. Arborio Gattinare de Brème sur quelques articles peu exacts de "L'histoire de l'administration du royaume d'Italie pendant la domination des Français" attribuée à un nommé M. Frederic Coraccini et traduite de l'italien (Turin, 1823) p.23 ff. Some of the records of the Consiglio di Stato are in Aldini 47-48. Minutes of the first meetings of the Council with Napoleon presiding as King (May-June 1805) are in AFiv1709A. These have been published by Rava: "Napoleone I nel Consiglio di Stato del Regno Italico" ~~Il Consiglio di Stato. Studi in onore del centenario~~ (2 vol., Rome, 1932), I.

Senate

We have seen how the Senate was formed from the Council of Consulters by the fifth Constitutional Statute of December 1807. It was organized by a sixth Statute on March 21, 1808. This provided that the Senate should consist of the Princes of the Royal Blood, the Grand Officers of the Crown, the Archbishops of the Kingdom, and eight citizens for each million inhabitants. These latter were chosen by the King with at least two from each department. One of these was taken from a list of four names presented by the departmental electoral college. On this list the Possidenti had the right to place two names and the other colleges one each. The Senators had to be at least forty years of age and could be removed⁴⁶ only for causes entailing loss of citizenship.

By a decree of February 19, 1809 thirty-nine men were named to⁴⁷ the Senate, and others were named at various times thereafter. The first meeting was held at the beginning of April 1809 when Paradisi, as ordinary president, addressed the body with a discourse full of⁴⁸ the most extravagant praise for Napoleon. This successful beginning

⁴⁶ The only secondary study of this important body is the article of Casini, "Il Senato del Regno Italico" in Rivista d'Italia (1915) 485-513. The author points out the fact that all the records of the Senate have disappeared. This event is made more strange by the fact that the minutes were apparently printed for the Senators. It is barely possible that some of these records in manuscript or print still exist in the archives at Vienna and have until now escaped investigators.

⁴⁷ See Casini: "I Candidati al Senato del Regno Italico" in Rassegna Storica del Risorgimento (1916), III, 9-55. Also Almanacco Reale for 1811, p.65-70; Veggetti: "Note inedite di Eugenio Beauharnais sui candidati al Senato del Regno Italico" in Rassegna Storica del Risorgimento (1933) XX, 109-25; list in Zanolli, I, 239.

⁴⁸ There is a copy in AFiv1711B. See Napoleon to Eugene, February 14, 1809 in Ducasse, IV, 333-34.

was followed by a long delay in issuing a decree on the functioning of this body. The project was drawn up early in 1809 and approved by the Emperor before he left Paris for the war. It was not sent to Milan until July and issued only in November.

This decree of November 9, 1809 together with the sixth Constitutional Statute fixed the sphere of action of the Senate and regulated its methods of procedure within that sphere.⁴⁹ The new institution had all the attributes of the Council of Consulters and was entitled to register all statutes, laws, and titles. It could declare acts of the Electoral Colleges unconstitutional, stop abuses of ecclesiastical jurisdiction, cashier irremovable judges for grave crimes, and examine all treaties, declarations of war, and accounts of Ministers before these were published. Each year it presented a note of the nation's needs to the King.

As a legislative institution the powers of the Senate were wider than those of any other constitutional body in the Kingdom. Projects of laws or statutes were presented to it by orators of the Council of State who ~~expressed the motives for the documents~~ ^{defended them.} When received, all projects were submitted to a commission of five which was picked by a ~~large~~ majority of ~~the~~ votes ~~on~~ a secret ballot. This committee was charged to return a report on a certain day, and the session was suspended until that day. After the report of the committee had been received, the Senate was free to discuss the project. Ministers, who

⁴⁹ This decree of November 9, 1809 is in AFiv1711B.

were not Senators, could be present but were not allowed to speak. Voting was by secret ballot with a two-thirds vote necessary for statutes but a simple majority sufficient for laws. At the meetings, which were secret, half the membership formed a quorum.

The internal organs of the Senate are of some significance. The King was President of the Senate but could allow a Grand Officer to preside. There was also an ordinary president appointed for a year, and a chancellor, a treasurer, and two pretors appointed for six years. The chancellor of the Senate fixed its seal to all acts of the body and administered its property through agents which he named. ^{He} ~~His acts were valid only after receiving the approval of the Grand Council of Administration, which was a committee of five Senators and two secretaries named by the Senate. The chancellor~~ had as ~~his~~ subordinates an archivist and the treasurer. The pretors were charged to preserve order ⁱⁿ ~~at~~ the Senate and manage its ceremonies. All these officials lived in the Senate Palace.

The most interesting organ of the Senate was ^a ~~the~~ Commission of Individual Liberty ^{consisting} of five members named by the body and meeting every four or five months. On the advice of the Ministers, this Commission took cognizance of arrests made for motives of public security whenever the arrested person was not sent before the courts in ten days. Such persons could ~~directly or through friends~~ petition the Commission. If the Commission judged that the detention was not justified by the ~~public interest,~~ ^{public interest,} ~~interest of the State~~ it could ^{call on} ~~invite~~ those who had made the arrest to free the prisoner or submit him to the ordinary courts. If after

three such invitations in the space of one month, the prisoner was not freed or tried, the Commission could request a special meeting of the Senate to draw up a declaration to the King that some one⁵⁰ was arbitrarily held in arrest.

The expenses of the Senate consisted chiefly of the salaries of its members and were met by an income of a million lire a year from an independent endowment of landed property and an annual grant of 400,000 lire from the public Treasury.

With attributes such as these the Senate could have become the most important political body ever established by Napoleon in Italy.

It had powers of discussion, an independent income, even a Commission of Individual Liberty. The provisions in regard to this latter were of little use since the basis of judgment was "interest of the State" and not legality. Also the chance that the Senate would send three summonses in the short space of a month was very slim. Finally, even when infringements on liberty were discovered, the Senate had no right to countermand them with some sort of habeas corpus writ, but had to be content~~ed~~ with notifying the King, who ~~was~~ probably ~~have been the~~ ~~one who~~ had ordered the illegal imprisonment. Nevertheless, with the powers granted it, the Senate could have been more important than it was. The reason it made so little of its powers was evidently personal. The handpicked group who formed this body were men who had climbed to fame by adulation of the Emperor, and none had any intention of losing his position by ~~any~~ lessening ~~of~~ that adulation. No evidence has been found of any important activity in regard to

⁵⁰ Decree in AFiv1711B.

personal liberty, and the budgets and accounts were usually accepted without ⁵¹ comment.

The first important action of the Senate was its approval of the budget for 1810 and the account of 1808. Eugene had some trepidation before the event; his speech on presentation of the budget was "a little long". He began by pointing out the importance of the occasion when the Senate was about to exercise for the first time this ^{significant} ~~important~~ ~~one of its~~ functions. His most difficult task was to justify the annual contribution of thirty million lire to France. Of this he said, *"I am not going to speak to you about the contribution which you make to the French Empire; you know that this, que vous acquittez à l'Empire Français; Vous savez que, comme tous les autres revenus de l'Etat, is spent within the Kingdom and has, moreover, the important purpose of supplying le Royaume et qu'elle a d'ailleurs cet important objet de vous donner you with a military force whose necessity for the security of your une force militaire dont la nécessité, pour la sûreté de votre pays, country has been shown only too frequently."* ~~a trop souvent été démontrée~~. Past this dangerous shoal the rest was easy. After demonstrating that Italy had remained at peace in time of troubles, which was dubious, and that the expenses had never exceeded ~~the~~ income since 1802, which was untrue, the Viceroy ended his discourse upon the following ringing apostrophe^h--"Heureux le peuple qui peut comme vous reduire sa politique à la confiance la plus absolue dans le génie et dans l'amour de son fondateur". This could hardly be interpreted as an invitation to independent action.

⁵¹If the records of the Senate are ever found, this judgement may have to be modified, but at the present time it is supported by all the evidence.

The Senate evidently found it quite to its taste, however, for
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 it approved the accounts without comment.

This docility did not make Eugene any the less cautious when it became necessary to submit to the Senate the accounts of the Ministers in 1811. ~~The step was ordered by Napoleon through Aldini early in the year~~ On May 12 Eugene wrote a long letter to Napoleon on the subject. He pointed out that the article of the statute in question merely said that the accounts of the Ministers "sont communiqués au Senate avant leur publication". To Eugene this merely meant that they should be submitted and not discussed. "Une semblable communication entendue et expliquée de cette manier, n'a point de consequences qui puissent allarmer pour l'avenir l'Autorité de Votre Majesté. Mais l'article 16 du statut n'a pas été compris par tous les sujets de Votre Majesté ainsi que je viens de l'expliquer, et voici pourquoi: c'est qu'il est suivi d'un article 17, conçu, dans les termes suivants: 'Le Senat est autorisé à présenter au Roi chaque année par le moyen d'une deputation des observations sur les comptes des Ministres, et à lui faire connaître les besoins et les vues de la nation.' Ces deux articles se suivant immédiatement dans le statut, plusieurs ont pensé que puisque le Senat était autorisé à présenter tous les ans ses observations sur les comptes des Ministres, il était

52 Copy of Eugene's speech in Box 23, #3; also in AFiv1710B. This problem of justifying the budget to the Senate was discussed at some length in a meeting of the Consiglio d'Amministrazione delle Finanze on January 19, 1810. It was decided that the budget of the Empire be presented to the Senators so that they could see how well off Italy was in comparison to France. The monthly payment to France was to be justified by showing that "Quantunque i due stati sieno distinti, gli interessi sono pero i medesimi." See minutes of meeting in Aldini 99.

nécessairement autorisé à examiner les comptes des Ministres, à les discuter, à en faire enfin l'objet de ses observations au Roi." According to Eugene this association of ideas was quite erroneous. He, however, had a more difficult task with article 26 of the decree of November 9, 1809 which specifically declared that the accounts of the Ministers would be given to a special commission of seven Senators, who would examine them and present to the King their observations on these accounts and on the needs of the nation. The Viceroy explained this passage as follows, "Votre Majesté a déjà remarqué que le second paragraphe de l'article cedessus justifie en quelque sorte l'opinion de ceux que ont regardé comme inseparable les dispositions des articles 16 et 17 du Statut Constitutionnel". After repeating the article once more Eugene wrote in astonishment, "Voilà donc les comptes des Ministres et les Ministres eux-memes justiciables au quelque sorte du Senat. Je ne sais si je me suis trompé, mais je ne pense pas qu'il ait été dans l'intention de Votre Majesté de donner au Senat une attribution de cette importance et de cette étendue."

Such a situation would have puzzled many a statesman, but Eugene took it in ^{his} stride. In his opinion the articles 16 and 17 were completely separate, and the accounts, although submitted to the Senate, were not to be discussed. ⁵³ To achieve this result he

53 "Dans mon opinion les comptes des Ministres ne sont pas présentés au Senat mais simplement communiqués. Ils ne peuvent pas par consequence devenir l'objet d'une discussion et moins encore des observations du Senat. Ils sont seulement déposée dans les archives du Senat, comme sont les traités de paix, d'alliance, de commerce, etc".

decided upon a decree which would submit the accounts by the Orators of the Council of State and order the Senate to deposit these in its archives in the same session. Then to make the distinction between articles 16 and 17, the same occasion would be used to begin annual reports on the condition of the Kingdom similar to those submitted in France. Article 17 would then have effect on the basis of this report. This would serve "to convince the Senate that article 17 of the statute does not give it, as it may have believed, any intervention on the material acts of the government, but only the right to express once a year its opinions on the moral situation of the Kingdom".⁵⁴

Eugene's worries were of little practical importance, as the Senate had no intention or desire to use the accounts as the basis of any criticism either of the government or the Ministers. It is, however, important as an example of the government's attitude toward any sort of liberal policy in regard to its own activity. Eugene's logic-chopping on this question is all the more significant in that the concession to the Senate had been originally granted by the government, and there was no possibility of it being misused.

It has not been possible to discover if Eugene's strategy was carried out, but certainly there is no evidence of any comment from the Senate in regard to the finances of the government. Thus the Senate, like the other bodies in the Kingdom, discussed what the

⁵⁴ This significant letter of Eugene to Napoleon, May 12, 1811 is not in Ducasse. The original is in AFiv1712.

government wanted discussed when and how it wanted it.

The Ministers and Secretaries of State

The government executed its will as ^{expressed} ~~expressed~~ in statutes, laws, decrees, or decisions by means of the Ministers. ~~We do not need to devote much time to these as~~ The activities of ^{these} ~~each~~ are considered in detail in subsequent chapters. ^{The} ~~There were~~ seven Ministers and two Secretaries of State ~~All of these~~ were named ^{and could be removed} ~~and removable~~ by the King. ⁵⁶ They took an oath to him and executed the laws without questioning. However, there was little need to question, for the laws concerned with the activity of any Minister were usually drawn up by him or under his supervision. The Ministers were admitted to the Council of State and the Senate, if they were not already members of these. In addition, they met together in an informal assembly of their own where almost any matter of public policy could be discussed.

The ^{functions} ~~office~~ of Secretary of State ^{were} ~~was~~ divided on June 8, 1805 into two ^{offices.} ~~parts~~. One of these, occupied by a Minister, was ~~located~~ in Paris; the other, occupied by a Councillor of State, was in Milan. The latter post was a continuation of the old Secretary of State of the Republic. It had been occupied by both Guicciardi and Nobili

55 See Eugene to Aldini, January 4, 1812 and Eugene to Napoleon, February 2, 1812 in Aldini 102.

56 In law the Minister of Justice, called Chief Judge (Grand Juge), was not removable, but in fact this provision was not observed. Spannocchi was removed from the post of Chief Judge on June 9, 1805 and replaced by Luosi. See Chapter IV below.

for short periods in 1802 but was entrusted to Luigi Vaccari on December 25th of the same year. ^{The latter} ~~this man~~ remained as Secretary

of State until October 10, 1809 when he succeeded di Breme as

57

Minister of the Interior. The next incumbent was Antonio

Strigelli who had had a varied career before he ^{became} ~~became~~

58

~~became~~ Secretary of State.

59

The Minister Secretary of State in Paris was Antonio Aldini.

~~The~~ Chief citizen of Bologna and the most influential Italian in northern Italy with the possible exception of Melzi, Aldini's taste for intrigue had caused his fall from favor during the Republic. When the Kingdom was formed, no position was offered to him,

57 On Vaccari, see Chapter VII.

58 In the first Cisalpine he had been a member of the Legislative Body. After Lyons, where he was secretary of a section, he became a member of the Corpo Legislativo and the College of Dotti. Early in 1803 he became legal auditor of the Legislative Council and in 1805 a member of the Council of Auditors. For a year before he succeeded Vaccari, he was an Inspector-general of Public Charity. See Casini: I Ministri, 298; Coraccini, p. cxxxviii.

59 Born in 1755 Aldini held more public positions than can be mentioned here. A lawyer at Rome and professor of law at Bologna, he became the diplomatic representative of the Cispadane Republic at Paris, presided over the congress at Modena, and the Council of Elders of the Cisalpine. At Lyons he was president of a section and mentioned for the Presidency of the Republic. Later as a member of the Legislative Council he made himself obnoxious to the government by his wilful obstruction and his ridicule of his office. For this he was removed from his place by Melzi. On this see Pingaud: République Italienne, II, 245-48. The standard life is Zanolini: Antonio Aldini ed i suoi tempi, 2 vol. (Florence 1867). On the records of his office see Cencetti: Inventario delle carte Aldini (Bologna, 1935).

and it was apparently the intention of the government to get along without him. ⁶⁰ By his ~~his~~ intrigues and ~~especially~~ his great power in Bologna, ^{he} succeeded in having him ^{self} made Minister Secretary of State on June 29. Two months later he was at Paris and in personal contact with the Emperor. This contact was not wasted. He was made a count, and ~~was~~ Treasurer of the Order of the Crown of Iron; he borrowed 300,000 lire from the Treasury of the Crown on one occasion and sold his palace to Napoleon at a profit; it was he who was largely responsible for such benefits to Bologna as the assumption by the Kingdom of the debts of the Cispadane Republic and the ~~labor~~ ^{work of} turning the Reno into the Po. 61

There is little doubt that his appointment to the position of Secretary of State was a mistake. All correspondence from Eugene or the government to Napoleon passed through Aldini's hands, and there is evidence that he showed the Emperor only what he wished him to see. In such cases he always had the same excuse, that, since

60 A note of June 1805 in AFiv1709A lists possible candidates for public office in the new Kingdom and says of Aldini, "On proposerait cet homme si on n'eut égard qu'à sa capacité et ses talents qui sont peu commun. Mais sa profession ouverte de mépris pour toute ce qui est délicatesse, décence, travail, assiduité ne le permette pas. On l'a renvoyé du conseil pour cause de sa négligence scandaleuse, mais on aurait pu ajouter à celle-la l'abus qu'il a fait à son profit des lumières recueillies dans le conseil, non moins que l'influence qu'il y a exercé pour appuyer ses vues personnelles, et ses intrigues... Ces considérations rendent impossibles l'admission de cet homme qui fait jouer des grands intrigues et des grands intriguants en sa faveur."

61 Eugene to Napoleon, January 3, 1809 in AFiv1711B.

the Emperor was too busy to see everything, some choice had to be made as to what should be shown him. On one occasion, Napoleon rebuked di Breme for having failed to submit a report on the departments. Di Breme answered that he had sent it to Aldini six months before. This gentleman explained that His Majesty had been too busy with the war to bother with such matters. ⁶²

Aldini corresponded with officials in the Kingdom without Eugene's knowledge, although the Viceroy forbade this in 1805. The matter came into the open when the Minister of Justice announced in the Council of Ministers that he had received from Aldini a royal decree ordering that a certain Romagnoli be freed on bond. This man, who had been in prison for some time for defrauding the State on army contracts, had already offered the government a million lire for his freedom. When all the Ministers in the Council protested against this decree, Eugene suspended it and wrote in protest both ⁶³ to Aldini and Napoleon.

Eugene's suspicion of Aldini did not decrease. On October 17, 1808 he wrote to Napoleon ~~and~~ ^{to} accuse the Secretary of relating back to Italy information which he intercepted in his position in Paris. He also accused him of speculating on public sales in Italy. ^{But} ~~nothing~~ nothing could injure Aldini in Napoleon's eyes, and he remained at his place until the end.

62 Di Breme: Observations, 16-17.

63 Eugene to Napoleon, October 12, 1805 in AFiv1709B; Eugene to Aldini, same date, in Aldini 34.

The Minister Secretary of State was carried on the budget, like all the governmental bodies, as part of the Ministry of the Interior. From 1802 until the end of 1809 the ^{Secretary of State} Ministry cost 317,703 lire and the Secretaryship at Milan cost 1,685,614 lire. The expense of both offices was 419,894 in 1810 and 436,113 in 1811 but fell considerably below these figures in subsequent years.⁶⁴

Legislation and Execution

The Secretaries of State played important roles as transmitters of documents from legislation to execution. By law, legislation took place through the activities of the Legislative Body, the Legislative Council, and the government. It was then promulgated by the government. In fact, the abolition of the Legislative Body gave the power of legislation to the government with the Council of State in a consultative role. The law as established on June 28, 1802 was not nearly as true a picture of the legislative process as Napoleon's declaration to Eugene, "I shall hold the legislative power as long as I hold the Crown."⁶⁵

In practice a law was usually made as follows: A Minister reported to Eugene on some matter such as the poor financial condition of the public hospitals. The Viceroy would write on the margin a notation which ran somewhat as follows: "Vu; je ne crois pas que le gouvernement puisse permettre les hôpitals de rester en cette façon. M. le Ministre de l'Intérieur me donnera un projet du decret sur ce sujet en dix jours".

⁶⁴ Aldini 98 and Aldini 103.

⁶⁵ Napoleon to Eugene, May 11, 1806 in Corr. XII, 367

This decision would be sent to the Minister by the Secretary of State. After the former had prepared a project ^{for a} decree it would be submitted with a justifying report. If it ~~was~~ ^{was} not considered satisfactory by Eugene, he could send it back with suggested modifications. When it was satisfactory, it was sent by the Secretary of State to the Legislative Council in the Council of State. If this body criticized the project, the differences were ironed out by correspondence. Eugene always had the deciding voice. If the decree ~~was~~ ^{was} an important one, it might also be submitted to the Council of Consulters and might then be signed by Napoleon. Usually these documents were signed by Eugene, and this ~~possibility~~ became more likely as the years passed.

When signed, the decree was sent to the Secretary of State at Milan for promulgation. He had the document printed, if it were for publication, and ~~given~~ ^{gave it} to a public crier who posted it about Milan. A number of other copies were sent to the Prefects who passed them on to the Vice-Prefects and municipalities, ~~which had~~ ^{to be} ~~they~~ posted. A law took effect one day after it was posted, or at a varying period after promulgation, when it was not posted. This period was ten days in Olona, twenty days in adjacent departments, and a month in the others.

If the decree ~~was~~ ^{was} not for publication, it was sent by the Secretary of State to the Minister charged with its execution. In

66 Decree of August 23, 1802 on Promulgation of laws.

most cases, ~~the~~ decrees were printed in one of the official publications. Originally there were two of these, both ^{established} ~~founded~~ by a decree of December 27, 1802. The Bollettino delle Leggi was intended to carry all laws and decrees concerned with the content of administration. The Foglio Ufficiale was to carry all other decrees, proclamations, and circulars regarding the form of administration. Shortly after the Kingdom was founded, the ^{two were merged} ~~former publication was~~ ^{under the former title.} ~~suppressed, and all documents were published in the former.~~

The nomenclature used in regard to official documents was for a long time very confused. Before 1805 acts of legislation issued in the regular way by the Legislative Body were called laws. After the ^{Legislative} ~~the~~ Body was suppressed, the term law was never used. Thereafter, almost every formal act was called a decree and every letter of explanation was called a circular. During this period, in 1805 and 1806, even the Ministers issued decrees. However, a decree of January 20, 1807 attempted to ^{formalize} ~~the~~ the use of terms. ^{In the future} ~~It established~~ ~~that~~ only the acts of Napoleon or Eugene ^{were to} ~~could~~ be called decrees; those of the Ministers or Directors-general ^{would} ~~were to~~ be called decisions or regulations. The acts of Prefects, Commissioners of Police, and all inferior civil officials were to be called decisions ^{ordinances.} (67) or ~~ordinances~~. In practice this decree was not always ^{strictly} ~~accurately~~

67 Raccolta...del Interno, I, 13.

followed. Usually, Eugene's formal acts were called decrees, but his informal ones were called decisions. The Ministers' acts were rarely called decisions but were called circulars when directed to specific officials or groups of officials, regulations when directed to all officials, and ^{notices (avis)} ~~advises~~ when directed to the public. In some cases acts of Eugene or Napoleon were also called regulations. The term ^{ordinance} ~~ordonnance~~ was almost never used, and the acts of inferior officials were usually called ^{notices (avis)} ~~advises~~.

Titles

All the provisions thus far mentioned have been in some way concerned with the functioning of the government. But the State ⁶⁸ also issued regulations concerned only with its dignity. The chief of these were concerned with titles of nobility. These had been abolished under the Cisalpine Republic and remained illegal until several years of the Kingdom had passed. During that time they were used, but entirely unofficially. Officially, in those years, nobles were called "ex-Count Tacco" or "ex-Marquis di Breme". Titles of

⁶⁸ The first posts created to enhance the dignity of the government were the exalted but solely honorary ones of Grand Officials of the Kingdom (Grandi Ufficiali del Regno). There were nineteen of these Officials, holding their titles ex-officio and including the five Grand Officers of the Crown, eight Ministers, five Archbishops, the Marshalls, the captain of the Royal Guard, and the Inspectors-general of Artillery and Engineers. See title II of the Second Constitutional Statute and the Almanacco Reale for 1811, p.50.

nobility in the old form were recreated by the decree of March 30, 1806 which regulated the annexation of Venice. This established twelve dukedoms which were to be supported by a grant of thirty millions in national property and an income of one-fifteenth of the public revenue of Venetia. A decree of April 26 changed these provisions somewhat by replacing the one-fifteenth of Venetia's revenue by fixed incomes on the public treasury and the thirty millions of property by 300 bonds on the cassa d'ammortizzazione. These bonds of 100,000 lire each carried interest of 5% from July 1, 1806. ^{They} ~~There~~ were divided into five classes of sixty bonds each to mature one class a year in twelve monthly installments beginning with January 1807. The Cassa was to be paid for this charge by putting up for public sale 40,000,000 lire worth of property seized from the order of Malta or other Venetian religious groups. ⁶⁹

The subsequent history of these bonds of April 1806 is of some interest. At the end of August 1806 Marescalchi gave the bonds to the Treasurer of the Empire. They were met as they matured in 1807 and 1808 but in 1809 were not paid. By a decree of March 29, 1809 the Monte Napoleone was authorized to issue twenty millions in new bonds of which six millions were to be used to pay the third series of the bonds of 1806 falling due in 1809. That was not done. Instead the Kingdom not only did not meet the series due in 1809 but also fell in arrears in its interest payments. By a decision of February 1, 1810 Napoleon ordered Count Estere to exchange the eighteen million in bonds of 1806 for an equal sum in new bonds

and printed

69 Decree in O^a 1124, ~~see~~ in Statute, Décrets Impériaux relatifs à l'établissement des titres héréditaires (n.p., 1810) 4-7.

of 1,000 lire each to mature in nine series from 1810 to 1818. The interest due up to 1810 was ordered to be paid in other bonds bearing 5%.

This was done. On June 12, 1810 Aldini gave Estere 480 bonds totalling 3,150,000^{lire} in value in payment of the interest in arrears. These were all to be paid up in six semi-annual payments from 1812 to 1814. Just a month later, on July 12, 1810, Aldini gave Estere 2,700 bonds of the Cassa di Amortizzazione of Italy totalling eighteen million in return for the equal amount in bonds of 1806. These new bonds were to be paid up by the end of 1818. If this whole manoeuvre had worked out as planned, it would have cost the Kingdom of Italy 25,425,000 by 1819 to pay off its debt of eighteen million.

The arrangement did not work out as planned. By August 1810 Prina and Estere were in a controversy as to what Italy owed for the first six months of 1810, the difference in their estimates being 28,000. This difficulty was settled, and the rest of 1810 passed in peaceful payment. Nothing was paid in 1811, and on July 10 Veneri wrote that Italy could not meet its obligations but would pay part on account. Napoleon on July 25, 1811 ordered Italy to pay in full. This was done. The June 1812 payment was only partly met, and that of December not at all. In 1813 the Italian government sent eleven drafts totalling 400,000 on the commercial house of Bigami, but this house went into bankruptcy before France could collect. The house then offered to exchange the drafts on it for claims which it had on bonds of the Monte Napoleone in

the Treasury. Prina, however, refused to honor this exchange and the situation settled down into a stalemate enlivened only by a constant exchange of letters between Paris and Milan disputing whether Italy owed 1,955,500 or 1,928,750 for June 1812. The whole
70
affair was ended by the political overturn.

Napoleon's other efforts to create titles in Italy were less complicated. On December 20, 1807 Melzi was created Duke of Lodi, Eugene's oldest daughter was made Princess of Bologna, and the Viceroy himself, as heir presumptive to the throne of Italy, became Prince of Venice. Less than a year later, on September 21, 1808, the seventh Constitutional Statute ordered that those who ~~were~~ ^{had been} ~~three~~ ^{three times} ~~times~~ president of the Electoral Colleges, could become dukes if they had property yielding an income of 200,000 lire. The Grand Officers of the Crown were made counts. This title ~~could be inherited~~ ^{was heritable} if the ~~holder~~ ^{they} established a trust yielding 30,000 lire income for ~~their~~ ^{his} heirs. Ministers, Senators, and Councillors of State were made counts with heritable title. Lesser officials became barons for life. A long decree of August 17, 1810 regulated in detail the incomes necessary to support a title. In general, titles were granted by constitutional statute, by special decree, or by letters patent. Of the ninety-four counts ~~which existed~~ ^{existing} at the end of 1810, fifty had taken their titles by the first method, eighteen by the second, and twenty-six by the

71

third. These titles were registered with the Council of Titles attached to the Guardian of Seals. This ^{office}~~organ~~ cost 24,000 lire a year paid by the Minister of the Interior.

72

In conclusion, we can say of this ^{system}~~government~~ that it was more of an administration than a government--that is, more of a policy-executing than a policy-making organization. The administrative system as organized from the Viceroy down through the Ministers, Directors-general, and Prefects worked fairly well, hampered only by frequent personal deficiencies. The government or policy-making system which included the King, the Council of State, the Legislative Body or the Senate worked not at all as it existed on paper. It was chiefly a façade set up to give dignity to the State and diversion to the people. It did not function, because all policy-making was absorbed from the governmental system by the administrative system, and members of the former engaged upon activities of consequence only when they participated in administrative functions. It would be incorrect to say that all policy-making was done by the King. Much more was done by the Viceroy, the Ministers, and even the Directors-general; ^{these}~~who~~ established policy because they drew up the decrees, interpreted them by circulars, and administered them by their own subordinates. Their efforts were, however, ^{restricted}~~hampered~~ within narrow bounds by the fact that the King did determine policy in regard to

71 Mosca to the Prefects, Circular of February 12, 1811, in Culto 2936. This circular names all the individuals entitled to bear this title.

72 Aldini 103. This Consiglio del Sigillo dei Titoli had six members including Melzi, three Senators, and two Councillors of State. The Council was created on September 21, 1808 and its members named on April 12, 1809. See Almanacco Reale for 1811, p.58-59.

the administration of the army and navy, and these took such a large slice of the national revenue that the other ministries were usually hampered by lack of funds.

Beyond this difficulty the administration ^{suffered} ~~was hampered by~~ from deficiencies of personnel. It was extremely difficult to obtain officials who were both able and loyal. Loyalty was even rarer than ability. Intrigue within the government frequently prevented its proper functioning. Such intrigue is always present in an autocratic government where one's position ^{may} ~~is frequently~~ depends upon the degree ^{to} ~~with~~ which one can court the autocrat ^{or} ~~and~~ ruin rivals in his eyes. In the Kingdom of Italy this weakness was increased to an extreme degree by the particularism of the Italians. ^{This} ~~Prina~~ made the Modenese jealous of the Milanese and ^{both} ~~the~~ of the Venetians. ⁷³ All were united against the French. These latter were not numerous except in the army and navy. They included several individuals in Eugene's staff but only Lagarde (Police at Venice), Darnay (Director of Postal Service), and Lafolie (Vice-Prefect at Ravenna) in the administration. The intensity of ~~the~~ anti-French feeling can be gathered from the fact that the mob of April 1814 wanted Méjan and Darnay after it killed Prina.

~~These contributions to~~ Intrigue ^{was} ~~was~~ increased by the fact that neither Napoleon nor Eugene was a good judge of human character. The former increasingly preferred syncopants to outspoken ability and constantly showed himself willing to replace the ability he had inherited from the Revolution with weaklings who would not resist

73 Some writers believe that this municipal particularism began to be replaced by the idea of a united state only under the influence of refugees from the South who came to Milan in the decade preceding the Kingdom to the number of several hundred. If this be so, their influence had not been a complete success even by 1802. See Morandi: Idee e forme politiche in Lombardia, 1748-1814, (Turin, 1927), 262.

his will or offer any rivalry to his position. Eugene was so outspoken and honest himself that he tended to accept the face of situations. He rarely saw the intrigue about him, and the jealousy in his court went unnoticed because it was so foreign to his own nature. There is no doubt that if Eugene had had full power unrestrained by Napoleon he would have governed the Kingdom much better than it was governed. The Emperor did not interfere frequently but, whenever he did, it was usually injurious to the country. If Eugene could have become full King as he was in 1810 and 1811, he would have given the country a magnificent administration. Before that time he was too impetuous, too warlike, and too inexperienced. That was to be expected of a youth whose whole public life was crowded between his twenty-fourth and thirty-third years. After 1812, his best moment as a ruler was past because he was too bitterly disillusioned and too much in love with his wife to make a completely successful King of Italy. Of him more than any person in the Kingdom it could be said that "all was lost save honor". More than any other quality Eugene had honor and courage, and those, more than any other quality, are essential to ~~be~~ a good King.

We can, therefore, conclude by saying that policy-making in Italy was a sham. The administration of policy was good but hampered by deficiencies in its personnel. As a result of this last fact, the State found itself served by intriguers like Aldini and Paradisi, incapables like Birago and Pino, traitors like Guicciardi and Luini, even a spy in foreign pay like Méjan.

We must not condemn this constitution too severely because it was so largely a façade for something quite different from its appearance. Even less should we do so because it is far short of our ideals of what a constitution should be. Every constitution falls short in practice of its own printed ideal plan. If the government of the Kingdom of Italy did so to a greater degree than others, this was to some extent forced upon it by the conditions of Italy on the one hand and the nature of Napoleon on the other. No constitution which fulfilled our ideals could have lasted for a moment in Italy. Nor could any document printed on paper be expected to restrain the actions of a man like Napoleon. The latter point is perhaps self evident. The former will bear enlarging.

Among the elements which the nineteenth century grew to look for in a constitution we should mention three--liberalism, nationalism, and democracy. The constitution of the first Kingdom of Italy was none of these in practice, yet on paper it was not marked by any great antipathy for these elements, and it is possible that if the Kingdom had continued it could have evolved in these directions. If the constitution had possessed any of these elements in itself as drawn up, it would have been unfitted for its task, for such elements in the document would have been quite unsupported by any sustaining public feeling in the population at the time. There were strong feelings of liberalism growing in Italy at the time, there were traces of nationalism, but there was very little democracy. Therefore, this constitution was acceptable, because, without being antipathetic to those

things which the later nineteenth century was to value, it was still vague enough to have permitted them to develop under it if military and political circumstances had allowed it to survive. The reasons why it did not survive were military and political. They were not constitutional, and to this extent at least the organs of government of the Kingdom of Italy were a success.

Chapter III

Finance

1. The Ministries of Finance and Treasury
2. The Collectors
3. The Direct Taxes
4. The Indirect Taxes
5. The National Domain
6. The Public Debt and the Monte Napoleone
7. Financial History
8. Conclusion

Chapter III

Finance¹

In any government the administration of finance is one of its most important activities. Indeed, we have Colbert's assurance that accounts and government are identical. Without going to this extreme, we must admit that finance was almost the most important aspect of the government of the Kingdom of Italy and certainly was the core about which all the others clustered and by which they were controlled.

From the financial point of view Italy never had a completely normal year. This condition was largely the result of two factors. In the first place, the country was always in a state of war even

¹ All incomes quoted in this chapter for which the year is given are from the Conto delle Finanze for that year and can be found easily. Unless noted otherwise amounts for 1805 or 1806 are in lire of Milan equal to .77 lire of Italy or francs. The manuscript materials on this chapter are probably more plentiful than those on any other subject. At Princeton and Paris they are scattered but at Milan are in nine sections as follows: (1) "Aldini" contains fifteen cartons of the reports on Finance sent to Paris. Included are most of the budgets and many accounts. (2) "Censo" contains documents relating to the administration of the real-property tax. (3) "Debito Pubblico" contains papers on the public debt. (4) "Direzione del Demanio" is concerned with the administration and sale of national property. (5) "Finanza" is concerned with the general administration of the Ministry especially material on taxation. (6) "Intendenze di Finanze" is concerned with the collection of taxes. (7) "Ministero di Finanze" has the papers which came to the Ministry from outside sources. (8) "Ministero del Tesoro" is similar for the Ministry of the Treasury. (9) "Tesoreria" is concerned with the records of payments. Fortunately the nature of the documents in "Aldini" and the excellent printed sources make it unnecessary to examine all these sections thoroughly. The chief printed source is the remarkable Conti dell'amministrazione delle finanze del Regno d'Italia nell'anno 1804-1812 (nine volumes, 1806-13). To this is added Pellini: Conto...delle finanze nell'anno 1813 e budget per l'anno 1814 (Aosta, 1906). Roberti's account of financial matters, covering six of his eighteen chapters, makes no use of these accounts but is based mostly on the laws and the Aldini papers; it suffers greatly from this.

when it was not actually fighting. In the second place, it was bound to France by a political connection which made the most sacred and untouchable item in each budget a gift of thirty million lire a year to France. These two facts,--constant mobilization for war and the grant of almost a quarter of the government's income to a foreign power, made it impossible for the government to plan a normal budget. ^{Indeed,} ~~in fact~~ the first cause of abnormality made it difficult to plan any budget, for, while the grant to France was fixed, the cost of constant mobilization was not fixed and could frequently increase during the year. This difficulty was partially avoided by a deliberate alternation of ^{periods} ~~years~~ of war ^{with periods} ~~and years~~ of peace.

The Ministries of Finance and the Treasury

For the purposes of administration, financial activity was entrusted to two distinct ministries. The Ministry of Finance was concerned with all incomes and sources of incomes, their regulation and collection. The Ministry of the Treasury was concerned with the ^{care} ~~conservation~~ of government money and all payments. These offices were separated on April 24, 1802, organized by a decree of May 25, and filled by two Ministers, four days later.

The Ministry of the Treasury as organized in 1802 had three parts controlled respectively by a cashier-general, a controller-general, and an accountant general. The first received the incomes from the collectors of direct and indirect taxes and the products of national property. The controller-general endorsed and approved all the paying warrants of the cashier. The accountant-general at the beginning of

each year received a statement of the kind, amounts, and dates of funds expected to enter the Treasury during the year and a list of the sums to be granted to each Ministry. Each week the cashier and the controller sent the accountant two reports. The first listed the sums which were collected during the past week; the second listed the sums drawn by each Ministry during the same period. All correspondence of the Ministry was also handled by the account-general. In the course of time, it became inconvenient to have correspondence and accounts mixed in the same office; at the same time the office of controller became useless as the accountant was essentially a controller over the cashier. Finally, the enormous business of collecting war-taxes and making military payments made it necessary to create a separate office. Under the stress of these influences the internal organization of the Treasury was modified. By 1809 a definitive form had been achieved. With this form the Treasury had four offices. These included a secretary-general with ten assistants, an accountant-general with sixteen, a cashier with twenty-one, and a central military cashier with sixteen payers.²

The portfolio of the Ministry of the Treasury was held by only two men during its existence. Antonio Veneri, with little previous experience, was named to this position on May 29, 1802 and administered the post in a moderately satisfactory fashion for nine years. In 1811 he retired and was succeeded by Ambrogio Birago, twenty-two years his junior. The change was not a happy one, since Birago could not cope

² See the decree of May 25, 1802 and Veneri's report of February 20, 1810 in Box 42, #14.

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with the increasing difficulties of his task. He became sardonic as bills continued to arrive without funds to meet them. Eugene accused him of obstruction and of failure to pay for the army before everything else. On November 5, 1813 the Viceroy discharged him and put the aged Veneri back in ³ his place.

No such difficulties were ever experienced in regard to the Minister of Finance. That post was held by Giuseppe Prina from first to last without ever any question of a change. Born in 1766, this man had been in charge of the finances of the Kingdom of Sardinia before the Revolution and had established a sufficient reputation for

e 3 On Veneri (1741-1820) see Granelli-Cerlini: Un ministro del regno italico, Antonio Veneri (Treviglio, 1927) or Casini: "Ministri, Prefetti, e diplomatici italiani di Napoleone" in Revue Napoléon, (Rome 1902) II, 295-96. On Birago (1755-1828) see Casini: "Ritratti", p. 419 or Coraccini, p. LXX. Birago had a great deal of experience in public affairs. He was Minister of War, member of the Legislative Body, and Minister to Rome in the Cisalpine Republic. He went into exile during the Thirteen Months, was at the Council of Lyons, became a Legislative Councillor and a possidente of the Republic. During the Kingdom he was a member of the Council of State before he replaced Veneri on July 9, 1811. Eugene retired Veneri, making him a Senator, because he felt that he was under the influence of "persons more interested in their own welfare than in that of the Treasury" (Eugene to Napoleon, January 31, 1811 in AFIV 1712). Casini believed that Birago was removed in 1813 because of his close friendship for Melzi. This is doubtful. Melzi may have abandoned the regime in 1805 when it was strong, but he came back in 1812 and 1813 when it was weak. Birago's conduct was just the opposite. See Melzi: Memorie-Documenti (1865) II, 395-6. On this last work see Pingaud: Les hommes d'état, p. 4. Roberti's account of this change in 1813 (Milano capitale napoleonica, II, 186) is worse than ambiguous.

Napoleon to name him Minister of Finance after the Congress at Lyons. His administration of his charge was technically perfect, but the Minister had one fatal fault which brought damage to himself rather than to his portfolio. Not blood but figures flowed in his veins. To him the most beautiful thing in the world was a balanced budget, and he was almost oblivious to personal feelings upon which a tax might impinge. This is seen at its worst in his refusal to suspend the new consumption-tax which incited part of the revolt of 1809, because he did not believe he had the legal right to do so. This does not mean that he was only an accurate accountant; he was a real Minister of Finance and realized very early the disastrous effects of Napoleon's commercial policy. He constantly appealed against this policy and obviously was bewildered at times by its contradictory phases. Nevertheless, he remained faithful and was the only member of the government who gave his life for it. Napoleon had such faith in him that he sometimes sent him accounts from other parts of the Empire for criticism. But this faith was as nothing in contrast with the hatred which large parts of the population felt ~~for~~ ^{against} Prina. ~~Most~~ ^{Much} of this was Milanese jealousy against a Piedmontese. In general, all the accusations against his personal honesty and courage were lies created by this animosity.

⁴ The manuscript materials dealing with Giuseppe Prina (1766-1814) are chiefly in the Biblioteca Civica of Novara. They have been used by Pellini for many works including Giuseppe Prina, ministro della finanze del Regno Italico; documenti inediti (Novara 1900) and Il generale Pino e la morte del ministro Prina (Novara 1905). Other studies are Fabi: Milano e il ministro Prina (Novara 1860); Ratti: Il ministro Prina cento anni dopo la sua morte (1914); and Ceria: L'eccidio del Prina e gli ultimi giorni del regno italico (1937). On Fabi see Cantu: Cronistoria dell'Indipendenza italiana, I, 869 (Turin, 1872). According to A. Giussani a new study of Prina's work is now in preparation by Carlo Marzorati of Milan.

The Ministry of Finance was organized at the same time as the Treasury in 1802. It was given control over the three chief sources of income---direct taxes, indirect taxes, and national domain. The administration of the Censo, or land-tax, which was the chief portion of the first, was under the Ministry of the Interior. The administration of the second was divided into four parts for customs, consumption-taxes, private rights and the collection called Poste, Zecca, Lotto, e Bollo della Carta. The administration of national property was under an Economato-generale, which had been organized on March 17, ^{1802.} Except for the Censo all of these, with the regular administrative offices, were made parts of the Ministry of Finance in 1802 so that the Ministry had eight sections as follows:

(e)

1. ~~Segreteria~~ ^{Segreteria}-generale
2. Ispettorìa delle imposizioni dirette
3. Direzione delle imposizioni indirette
4. Relazioni coll'Economato-generale de' Beni Nazionali
5. Ragioneria centrale
6. Protocollo
7. Spedizione
8. Archivio

This organization continued until late in 1805. The only change, beyond an increase in size, was the addition of a ninth office by the creation of a Legal Auditor by the decree of February 7, 1803. On this basis the Ministry in the first few months of the Kingdom had 245 internal employees earning salaries of 568,277 Milanese lire a year. In addition it had 5,198 external employees earning 5,570,564 lire a year. Among this number of external employees the chief ~~parts~~ were 2,351 collectors of indirect taxes and 1,860 individuals in

the armed financial police.

This organization was not satisfactory, chiefly because the Minister had only incomplete control over the direct taxes, and the administrations of the other taxes were not sufficiently centralized. Steps to abolish these difficulties were taken shortly after the Kingdom was formed. By a decree of June 7, 1805 the administration of the land-tax was taken from the Ministry of the Interior and organized under a Councillor of State as part of the Ministry of Finance.⁶ This new office was given to Birago. Shortly afterward, on June 28, a series of decrees formed separate Directions-general for the direct taxes, the customs, the administration of government monopolies and consumption-taxes, the administration of the domain and united rights, the lottery, the mints, and the post-office. Each of these was organized internally and attached to the Ministry. Some changes were made subsequently. On April 27, 1807 the Direction-general of Salt, Tobacco, Powder and Nitrate, and Consumption-taxes was given the name Direzione-generale delle Privative e dei Dazi di Consumo. The same day the Direction-general of the Land-tax was joined with all the direct taxes to form the Direzione-generale del Censo e delle Imposizioni dirette. Shortly afterward,

⁵ Prina's report of May 8, 1805 and various documents in Aldini ⁸⁹ especially Ruoli del ministero delle finanze of September 6, 1805. This latter gives a detailed analysis of the organization of the ministry, its members, and salaries.

⁶ AF1v1709A.

on July 27 the Direction-general of the Public Debt was made an integral part of the Ministry. Finally on May 18, 1808 the administration of all forests in the Kingdom was made part of the Direction-general of Domain with two Inspectors-general named by the King and numerous wardens named by the Minister.

~~On July 15 these
those latter officials, who served in the forests, were brought
under closer control by the appointment of three itinerant inspectors.
Much later, on September 28, 1811, the administration of
forests
was abolished as a separate office, and its attributes given
to the Direction-general of Domain.~~

~~This latter change and the division of the Monte Napoleone
into three parts a little earlier did not modify~~ Thus the main outlines
of the organization of the Ministry of Finance, ~~this was~~ were completely
established by the beginning of 1810. At that time the Ministry had
about a thousand employees earning almost seventeen hundred thousand
lire a year. ⁷ These figures include only the internal employees of

⁷ At that time the Ministry was organized independently of the Monte Napoleone and the various Directions-general but had within it divisions which served to generalize the detailed activity of these semi-autonomous agencies. The Ministry of Finance itself had the following sections with the indicated number of employees and annual salary. (Report of February 28, 1810 in Box 42.):

	Employees	Salary
1. Minister	1	50,000
2. Central Office	95	230,000
3. Monte Napoleone and Public Debt	132	242,261
4. Direction-general of Direct Taxes	62	176,850
5. Customs	146	190,500
6. Direction of Monopolies	172	219,651
7. Domain	206	316,907
8. Postal Service	115	143,844
9. Mint	41	94,960
10. Lottery	27	32,053
Total	997	1,697,056

the Ministry. The external employees were chiefly collectors and custodians and varied for each type of income.

Collectors

During the Republic the collectors for the indirect taxes were called Regulators and Delegates. Both had been created by the decree of October 16, 1802. The Kingdom was divided so that there was a Regulator in charge of each department and Delegates in certain large cities. Each of these ^{Delegates} had subordinate collectors. In September 1805 there were twelve Regulators and ten Delegates. The former had 1,702 employees and the latter 648. ¹⁸¹ On June 28, 1805 a decree was issued which changed these twenty-two offices into Intendancies each with an Intendant, a secretary, a recorder, various collectors for different kinds of indirect taxes, a cashier, and a commander of the armed financial police. This latter group, which was used almost exclusively for the collection of the indirect contributions, had been created by a decree of June 25, 1804. Organized as a military police, it included from 2,000 to 3,000 men for the whole Kingdom. Each Intendancy had a force of these police. The number varied, but was usually greatest in the border departments, where they were used as customs officials.⁹

Originally the Intendancies in the twenty-two cities of the Kingdom were divided into four classes according to the importance

⁸ Report of September 6, 1805 in Aldini 89.

⁹ This paragraph and much of this whole section is based on Prina's report of May 8, 1805 in AFiv1709A. On the financial police see Laria: I fasti militari dei finanzieri d'Italia (1917) 5-22. This writer does not seem to realize that the guardie della ferma created by Pallavicini in Lombardy in 1757 is a precedent for such police. See Valsecchi: L'assolutismo illuminato in Austria e in Lombardia (Bologna, 1934) II, 76. Laria believed that the earliest example of such police in Italy was the force of 496 men created in the Papal states in 1786 (see p. 8).

of the cities. ~~Salaries, which were stabilized on October 16, 1807, varied from 6,000 lire at Venice down to 3,500 in Class C.~~

The geographical expansion of the country and other causes changed the number of these agencies until a final decree of April 10, 1812 organized them in a uniform fashion and divided them into three classes with seven in Class A, fourteen in Class B, and six in Class C.¹⁰

The collection of direct taxes was the task of Receivers in the departments or in the communes. These officers had been created by the law of March 22, 1804. They were bound by renewable three-year contracts whose terms were regulated by a series of subsequent enactments and were extremely onerous.¹¹ In some cases the same

¹⁰ All decrees are in B. L. under the dates given. The original twenty-two Intendancies were increased by six at the annexation of Venetia. These fell into the original four classes but Venice was put in a unique Class A-1 by itself. By 1807 there were twenty-seven Intendants, reduced to twenty-six in 1808, but raised to twenty-nine by the annexation of the Three Departments. In the following years two were suppressed (Lodi on April 4, 1809 and Mortara on August 2, 1811). As arranged by a decree of April 10, 1812 the Intendancies were: Class A: Ancona, Bologna, Brescia, Milan, Udine, Venice, and Verona. Class B: Bergamo, Como, Cremona, Ferrara, Forli, Fermo, Macerata, Mantua, Modena, Novara, Padua, Trent, Treviso, Vicenza. Class C: Belluno, Intra, Morbegno, Pavia, Reggio, and Rimini. The internal activity of the Intendancies was regulated by the Istruzione del ministero delle finanze per la contabilit  delle Intendenze ed Uffici dipendenti, (1806).

¹¹ These terms were similar to those which bound the Receivers of the Clergy in France in the Old Regime. Pecchio calls them "un riepilogo delle norme prescritte dagli antichi editti sulla riforma Censuaria" (Pecchio, 18). The Receiver could not be related within three degrees of kindred with any local official nor be one himself. He could have no liens on his property nor ever have been convicted of a crime. His contract was not ended by death, but all his public liabilities rested upon his heirs with the Treasury as preferred creditor. See also decrees of December 5, 1805; November 24, 1810; October 10, 1811 and various circulars. See especially Bono: Codice del podesta e sindici del regno d'Italia (1811) 278-305.

individual was collector in more than one village but ^{he} always kept a separate account for each.

When a tax was declared, it was usually announced by the Prefect with the rate and day of payment. ~~It was~~ The Receiver ^{had} ~~a duty~~ to ^{collect} ~~have~~ the amount ^{fixed} ~~decreed in his hands~~ on the day mentioned. Contributors who were late with their payments were fined one soldo for each lire of their debt. This fine went to the Receiver. The latter had to pay the entire sum to the departmental Receiver on the fifth day after the tax was due. If he was late with this, he was also fined one soldo per lire. After fifteen days' delay the departmental Receiver could proceed to seize the communal Receiver's bond or property. Thus the Receiver always had to pay what was decreed, not what was collected. The only excuses ^{were} ~~was the event of~~ invasion, flood, or plague.

In the face of such liabilities the Receiver had some advantages. He could seize the property of a tax-payer who was in arrears and do this after fifteen days' delay directly by the police power without the need to resort to court action. But the properties which came to the Receiver in this fashion were rarely sufficiently liquid to permit him to pay his own dues to the departmental Receiver, who could act against him in the same violent fashion. The only way out was for the communal Receiver to borrow money to pay his superior using the seized property as collateral. This was frequently done, to the great detriment of the property and the ill-will of the owners.

The communal Receiver was a local employee, but the departmental Receiver was a national employee. The latter kept all the sums he

collected in a treasury at the disposition of the Minister of the Treasury.

Because of the strict regulations against Receivers, it became increasingly difficult to find men who were willing to take the task. At the same time the duty of collecting became more difficult because of economic and political conditions. Finally, by a decree of December 23, 1811, the government ordered that if no Receiver could be found in a commune, the Prefect could name someone to the post by force but relieve him of the responsibility of paying all the tax decreed, by making him submit only that collected.

Direct Taxes

The taxes collected by these ~~various~~ officials were similar to the taxes found in Italy today. The direct taxes included the land-tax and various personal taxes. These were administered separately until the end of 1805 with the land-tax (Censo) administered by the Ministry of the Interior and the others (Imposizioni Dirette) under the Ministry of Finance. As organized on June 28, 1805 the Direction-general of the Censo had four directors concerned with the land-rolls, transportation, receivers, and accounts and records. There was also a Secretary-general and an office of surveyors. The other direct taxes were administered by an Inspector of Direct Taxes with three assistants. These two administrations were joined to form a single Direction-general in April 1807, ^{although} their subordinates in the departments were left separate until February 18, 1812 when they were consolidated under a single director for each department.

The land tax was based on a property valuation determined by the government and inscribed on a tax-roll called the cadastro.¹² In Lombardy this had been made by Austria between 1718 and 1760, but was lacking in most other parts of the country. It was ordered to be applied to these in the Law of Finance for 1807 by methods established in a decree of April 13, 1807. This latter provided that the measure of superficial area to be used by the surveyors would be a metric perch of 1,000 square meters, and a map would be made of each commune at a scale of 1:2000. This would be done by government engineers and the expense divided into tenths of which the Treasury paid three, the department six, and the communes one. The valuation on this land was called the estimo and served as the basis for all taxes on real property.

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See Law of January 12, 1807 and decrees of April 13, 1807, March 25, 1807 and October 9, 1807. There are many secondary accounts of this great reform among which may be mentioned the following: Valsecchi: L'Assolutismo illuminato, II, 83-98; Vianello: Il Settecento Milanese (1934) 141-48; Pugliese: Condizioni economiche e finanziarie della Lombardia nella prima metà del secolo XVIII, (Turin, 1924) 309-13; Invernizzi: "Riforme amministrative ed economiche nello stato di Milano al tempo di Maria Teresa" in Bollettino della Società Pavese di Storia Patria (1913) XIII, 341-51; Sandona: Il Regno Lombardo Veneto (1912) 3-8; and Carli: Il Censimento di Milano in Opere (1784) I, 149-320. It is not strictly accurate to say that the parts of the Kingdom outside of Austrian Lombardy lacked a tax-roll. They all had a land-tax and an assessment upon which it was based but these were not as scientific as that of Lombardy. Perhaps the best was that which the House of Savoy ordered by letter patent of April 9, 1728. Compare this with the chaotic situation in the Papal States as described by Cior Gionmi: Dei privilegi in Bologna nel secolo XVIII (Jesi, 1908.) The Piedmontese system was copied in France only in 1807-1811, as a result of the work of Henry de Richeprey whose Project de règlement pour les ingénieurs géomètres of 1782 became the basis for the French tax law of 1 September 1790 and was copied, word for word, in the official Recueil méthodique des lois, décrets, règlements, instructions et décisions sur la cadastre de la France, (Paris, 1811). See P. Guichonnet

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"Le cadastre savoyard de 1738", Revue de géographie alpine, 1955, pp. 255-298; H. Guilhamon: Journal des voyages en Haute-Guyenne de J. F. Henry de Richeprey published as vol. XIX of Collection des archives historique du Rouergue (Paris, 1952) and reviewed at length by Pierre Goubert in Les Annales 1954, IX, 382-386; and R. Herbin and A. Pebereau: Le Cadastre français (Paris, 1953). A good account of the efforts to extend the system to the whole Kingdom is in Roberti: Milano capitale napoleonica, II, 491-520.

The making of this cadastro was a difficult task. That in Lombardy was not remade, but its estimo, which was usually well below the actual value of the property, was constantly revised. The extension of the system to the rest of the country was begun in earnest in 1807.¹³ By the beginning of 1813 40,781,352 perches had been measured in six years at a cost of 9,433,349 lire. It was hoped to finish the task by 1817, but the regime ended before it could complete its efforts.

Because the cadastro was not in effect in the whole Kingdom, a tentative estimo was fixed for the new territories, and the contribution of ^{each} ~~the~~ territory based on it. This contribution was then divided among the ^{tax-payers} ~~contributors~~ to the accompaniment of numerous complaints. The total estimo for the Kingdom was slightly more than three hundred million scudi after the annexation of Venetia and was increased a little by the subsequent annexations.¹⁴

¹³ In that year 396 surveyors laid out 21,618,650 square meters of land at a cost of 408,064 lire. The project was pushed with vigor. In the war-year 1809 only 301 surveyors were employed, but in the year of peace 1811, 425 men measured 9,679,581 perches. Of the total cost of 9,433,349 lire 7,545,541 went for labor and the rest for equipment. Conto del 1812, p.18.

¹⁴ The estimo varied from year to year not merely because of territorial changes but also because of emergencies. These latter changes, usually reductions, were made for departments or communes injured by floods, invasions, etc.. The assessment for the Old Departments was almost 211 million scudi; that of Venetia was a little less than 91 million. The figures for 1808, for example, were 210,695,336 and 90,898,442 giving a total of 301,593,778. (Conto del 1809), p.12.) This total was reduced by 1,933,973 when Passarino's claim that it had been over-taxed was accepted. See Pecchio, 15-17 and Conto del 1808, p.18. Details of this controversy are in Rota: Estensione e reddito censuario del dipartimento di Passariano (Udine, 1807), and Flaminia: Alcune osservazioni sopra il libro intitolato: "Estensione e reddito censuario...di Passariano" (1807). Another example of an effort to have the estimo of a district reduced is P.C.: Saggio sull'agricoltura, arti, e commercio di un determinato spazio del dipartimento del Tagliamento (Padua, 1808).

The land-tax was levied each year by a governmental decree which set the tax at so many denari per scudo. In theory Prina hoped to keep the direct-taxes about one-half of the indirect. In practice he usually tried to keep the land-tax as low as possible. There were two reasons for this. If the land-tax was low, there would always be room to raise it, if necessary, for any sudden or extraordinary need. This explains why most war-taxes were increments on the land-tax. It was also advisable to keep the land-tax low because the property owners were a powerful group to be placated for political reasons.¹⁵ The rate of the land-tax was higher in 1801 at 64 denari than at any time during the Kingdom.¹⁶ For nine years of the regime the annual average of this tax-rate was 51 denari. However, on several occasions the government advanced the date of the bi-monthly payments of the tax to cover immediate Treasury needs.¹⁷

¹⁵ These purposes were stated by Prina in Conto del 1804.

¹⁶ According to Pecchio the rate was 71.5 denari in 1799 and 92 in 1800. See Pecchio: Saggio storico sulla amministrazione finanziaria dell'ex-Regno d'Italia (Turin, 1852), p.11. In 1805 the national rate was only 50 denari, but the total rate was carried to 71 by a departmental tax of 14, a war-tax of 3, and an anticipation on 1806 of 4. In 1806 the rate was 60, reduced to 50 in 1807, and set at 48 in 1808. This figure remained fixed for the rest of the regime, with the exception of war-taxes in 1813 and 1814.

¹⁷ The rates, incomes, expenses of collection, etc. of the Censo are to be found in the various Conti delle Finanze published during the Kingdom. There is a secondary account of the land-tax in Pecchio, 10-22.

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Because of this moderate policy of the government in regard to the land-tax, its yield did not increase during the Kingdom except with the progress of territorial annexations. More than fifty million lire in 1805, the gross income from this source did not pass seventy million until 1812.¹⁸

The other direct-taxes consisted chiefly of two imposts. These were called the "personal-tax" and the "tax on liberal professions, arts, and commerce". The former was a poll-tax of about six lire divided between the national Treasury and the communes. In 1812 it fell upon more than a million and a half ^{individuals} ~~contributors~~ and grossed eight and a half million lire of which more than five million went to the central government.¹⁹

¹⁸ In 1805 the gross intake was 68,098,000 lire of Milan of which 53,668,000 was for the national treasury and the rest for the departments and communes. In 1806 the gross, including 10,672,000 lire from Venetia, was 63,177,000 lire of Milan. This total decreased with the decrease in the rate and the change to Italian lire. In 1808, with the Three Departments contributing 2,720,000 lire, the total was 57,730,000. Of that sum only 1,239,000 was for the departments but 7,393,000 for the communes. These proportions remained in succeeding years. In 1809 the total was 63,262,000 lire and in 1811, with Alto Adige giving 800,000, was at 68,364,000 lire. The increases during the later years of the regime were chiefly caused by the assessments for local governments. In 1812, for example, the total land-tax amounted to 70,879,283 lire. Of this only 52,462,049 came to the national treasury. Of the rest 5,235,070 went to the departments, 11,166,628 to communes, and 2,015,536 was paid to various private corporations devoted to irrigation projects. (See Conto del 1812, 11). Most of these figures are reduced to the nearest thousand. All are from the Conto delle Finanze of the year mentioned and can be easily found because of the orderly arrangement of the accounts.

¹⁹ The regulations governing the personal tax were almost a reenactment of the edict of Maria Theresa of December 5, 1755. This impost had been abolished for the State's part in 1796 and for the local part in 1801. Prina restored it partially in 1802 (for the communes on July 24) and completely in 1806. It fell upon all males between the ages of fourteen and sixty, but was not applied to fathers of twelve children or the inhabitants of walled towns subject to the dazi di consumo. The rate was 2.68 lire in 1806 and 1807, increased to 3.40 in 1808 and cut to 3.20 in 1811 (Decrees of December 23, 1807 and May 19, 1811). Since 2.60 lire was usually levied for the communes, the total tax was usually 6 lire. In 1806, when it was not applied to Venetia, it fell upon 914,248 individuals.

(con't. on next page)

The taxes on the liberal professions, arts, and commerce, although not all created at the same time, were administered as a single tax. They did not exist in 1805 but began the following year and were modified in 1807. The tax was paid yearly by certain categories of persons with ~~the~~ rates ~~being~~ ^{-ing} different from one activity to another. A lawyer, for example, paid 30 lire a year, an engineer 18, and a physician 25. The amount raised by this tax was always small, and, in its most profitable year (1809) did not reach three million lire. After 1809 it declined steadily in amount because the sad condition of commercial activity permitted fewer persons to practice it. ²⁰

19 (con't.) (Conto del 1807, p.22). This number grew gradually to 1,608,186 in 1812 (Conto del 1812, p.29.) In that year the gross was 8,433,206 lire of which 5,144,691 went to the central government. See Carli: Il Censimento di Milano, 242-45, 253-57; Pecchio, 22-24; Valsecchi, II, 83-5; Invernizzi, (1913), XIII, 352-55.

20 The tax on arts and commerce was the successor to the old imposta del mercimonio which was a tax of 1.25% on the capital used in commerce (edict of December 19, 1755) but soon evolved into a fixed tax levied on corporations of arts and crafts. As these latter bodies declined and were finally abolished (1771), the tax became a direct one varying with the locality and activity (edict of November 29, 1759). This system ended in 1796, and the law of December 15, 1805 was largely based on the French one of brumaire an VII. This regulation was subsequently modified by decrees of April 11, 1806, September 10, 1806, January 12, 1807, December 23, 1807, and June 13, 1811. The income from this source was 1,484,306 lire in 1806, rose to 2,737,885 in 1809 and sank to 2,275,864 in 1812. Of this sum a quarter went to the commune, the rest to the Treasury. See Carli, 235-42; Vianello, 145-46; and Pecchio, 24-27.

Il Settecento Milanese,

The expense of collecting the direct-taxes was not great. In 1811 this cost was only 1,847,418 lire or about 2.35%. Part of this amount was balanced by the sums taken in fines for delayed payments.²¹ In 1811 the total of such fines was 141,067 lire.

Indirect Taxes

The indirect taxes were more complicated than the direct taxes, and most of them were ~~very old.~~²² They were united into five administrations. These were organized as Directions-general in 1805 as we have mentioned and were eventually as follows:

1. Direzione generale delle Dogane
2. Direzione generale delle Privative e dei Dazi di Consumo
3. Direzione general del Demanio, Boschi, e Diritti Uniti
4. Direzione generale delle Poste
5. Direzione generale del Lotto

The customs were formed as a Direction-general by the decree of June 1805 and had a Director, three administrators, a revisor-general, an expert accountant, a recorder, and a secretary-general. By 1810²³ this staff had grown to number 146 employees. This group, with the aid of the financial police, enforced the tariff of December 22, 1803 for five years. The fashion in which this was done was regulated in

21 Conto del 1811, p.47.

22 A glance at a fifteenth century account such as that in Formentini: Il ducato di Milano (1877) 78-81 shows such incomes as customs, salt monopoly, notary fees, stamp-taxes, consumption-taxes, and profits of the mint. Income from tobacco sales, gunpowder, and the lottery were started under Spanish rule, so that by the eighteenth century Lombardy possessed in some form or other all the indirect taxes to be found in the first Kingdom of Italy a century later. See Pugliese: Condizioni economiche e finanziarie della Lombardia nella prima metà del secolo XVIII in Miscellanea di Storia Italiana (1924) 173-215.

23 Box 42, #4.

detail by a decree of January 22, 1804. This tariff of 1803 abolished all internal customs and placed import rates which varied from 1% to 8% with a 5% average. The export taxes were insignificant, and there was no theory of protectionism. On this basis, income from the customs reached a peak of almost fifteen million lire in 1806. The peak occurred in that year because the favorable effects of the annexation of Venetia had not yet been wiped out by the effects of the continental blockade and of Napoleon's efforts to make Italy a commercial colony of France. The commercial treaty of 1808 with France was so disadvantageous to Italy that the customs receipts reached their lowest ebb--less than nine million lire--the following year. In 1810 the tariff rates were completely changed, but Italian commerce revived slowly. Imports from countries other than France were very difficult, and the French paid only half-rate because of the commercial treaty. After 1810, however, increased rates, a more favorable Imperial attitude toward transit trade using the Simplon, and the use of licenses to circumvent the blockade gave a perceptible increase in the income from this source.

²⁴ No effort is made here to give an account of the commerce of the Kingdom of Italy. For that see Tarlé: Le blocus continental et le royaume d'Italie (1931). On the commercial treaty of 1808 see many documents in FI2534. Important decrees on the customs are December 22, 1803; June 10, 1806; August 5, September 12, and October 10, 1810; and June 27, 1811. The following table of incomes and expenses of collection is from the Conti delle Finanze:

Year	Gross	Expenses	Net
1805	10,797,803	1,356,609	9,441,194
1806	14,620,607	1,753,070	12,867,537
1807	10,526,797	1,487,635	9,039,162
1808	10,168,688	1,542,224	8,626,464
1809	8,659,589	1,564,345	7,095,134
1810	11,628,258	1,511,139	10,117,119
1811	14,009,721	1,833,748	12,175,973
1812	22,044,306	1,465,807	20,578,499

The drastic increase in 1812 was caused by an extraordinary tax on colonial goods imported for France, but, omitting this, the ordinary customs fell in 1812 to a gross of 12,271,399 lire. See Conto del 1812, 42.

The Direction-general of Monopolies and Consumer's taxes administered four taxes including the three monopolies of salt, tobacco, and powder. During the Republic these and the other indirect taxes had been included under a single Direction of Indirect Taxes²⁵ which employed a force of 111 men in 1805. They were organized as a Direction-general in June 1805 with a Director, a chief for each of the four taxes, an assistant for each chief, a revisor, and a secretary-general. By the beginning of 1810 the Direction-general had expanded to include ten offices. The chief of these were the three Administrations of the monopolies of salt, tobacco, and powder, an Administration of the Consumer's Tax, an Inspection of Powder, a Direction of Tobacco Factories, and various offices of revision, collection,²⁶ and correspondence.

The salt monopoly was created by a decree of January 15, 1803 which forbade anyone not authorized by the government to sell salt. It could be transported in amounts of over 15 pounds only with a seal certifying that it had been purchased from a ~~dispensary of finance~~^{government store} and with a license which specified its destination and the route to be followed. The government fixed the price at which salt could be sold and issued licenses to those who sold it. This price was raised steadily during the remainder of the regime. As the price increased, the per capita consumption of salt decreased, and the efforts at

²⁵ Prina's report of September 6, 1805 in Aldini 89.

²⁶ Box 42, #4.

evading the tax increased. Because of these factors, the increase in income from this source was caused rather by the territorial expansion of the country than by the increase in the price of salt. This increase in income carried the amount from less than thirteen million lire in 1805 to over twenty-six million in 1812.²⁷

As efforts at evasions increased, the government took steps to curb them. The decree of November 15, 1805 had allowed the Intendants to appoint sellers of salt at the rate of one for every 2,000 of the population. By another decree of September 2, 1808 each vendor of salt was given a district in which he had the exclusive right to sell. For this privilege he paid 1,200 lire in Milan or 800 lire in other places. Another decree of May 13, 1810 forbade the making of salt from salt-water and placed a fine of 500 lire upon this activity. To lessen this temptation the price of salt was made lower on the sea-coast.

The monopoly of tobacco was similar to that on salt. It was created by a law of February 6, 1804. This divided sales of tobacco into wholesale and retail with six ounces marking the difference. The price was fixed by a complicated table which listed all the

²⁷ In 1805 the price of salt was 9 denari of Milan for a pound of 12 ounces. It rose steadily and by 1810 was at 35 centesimi a pound. Two years later it was over half a lire a pound. See decrees of January 19, 1804, September 18, 1805, February 24, 1807, March 21, 1809 and May 19, 1811. This last decree broke the administrative uniformity of the Kingdom by setting different prices for the Three Departments and Alto Adige. In 1806 the consumption of salt in Lombardy was 19 pounds per person and in Venetia was 21 pounds per person. In 1810 the consumption was only 6 pounds which fell to 5.88 in 1811. See Conto delle Finanze, 1806, p.182 and 1811, p.68. This decrease appears all the more severe when we consider that the pound of 1806 was the 12 ounce pound of 1.31 kilogram while the pound of 1810 was the kilogram itself. The income from the salt-tax was 16,788,147 lire of Milan in 1805, rose to 25,362,825 lire of Italy in 1811 and reached 26,180,036 lire in 1812.

various sources and grades. It was provided that any violation of the price would be punished by a fine of 100 lire or fifteen days in jail, with the fine going to the informer. Until sold at the price fixed, all tobacco was government property. All ²⁸ sellers were appointed by the Intendants of Finance.

There was some difficulty in preventing the ^{growing}~~growth~~ of tobacco by private individuals in the Kingdom. This difficulty was regulated by a decree of July 23, 1811 which declared that tobacco could be grown only in certain districts. Every January the government fixed the price and bought the whole crop. This permitted the government to control the production of domestic tobacco which was imperative as the consumption in the country was rising just as the supply of imported tobacco was becoming increasingly difficult to obtain. From 1808 to 1809 the cost of Virginia tobacco rose from 85 lire per quintal to 130 lire per quintal with other kinds in a similar proportion.

The gross income from the tobacco monopoly increased with the annexation of Venetia but did not vary greatly thereafter. In 1805 it amounted to 7,059,985 lire of Milan, reached 10,727,957 in 1807, and 11,767,441 lire in 1812.

The monopoly of nitrate and powder was a military rather than ²⁹ a financial measure. It was created by a decree of May 21, 1804

28 Decrees of November 15, 1805 and April 22, 1808.

29 In spite of Pecchio's statement that powder was of no significance to a disarmed Lombardy before 1796, there was a regalia del polvere during most of the eighteenth century. See Valsecchi, II, 72, note 1.

which gave the government exclusive right to obtain nitrates. Factories were to be established with fixed quotas,~~and~~ to be fined twelve lire for each quintal short of their quotas. The state would purchase nitrate from all who had it for forty-eight lire of Milan a quintal. It was then sold by the government at one and a half lire a pound. If made into powder, this was sold at two lire the pound for the best quality. But it was sold to the Minister of War at less than half-price. For the more technical side of this activity there was created an Inspector of Powder and Nitrate with four assistants.

As organized under the Kingdom the monopoly used a similar method of prices and did not increase these greatly, but rather tended to lower them during the second half of the regime.³⁰ There were four powder factories at Lambrate, Treviso, Marmirolo, and Spilimberto capable of making a million kilograms a year. The production was usually about a quarter or a third of this figure with the ~~greatest~~ ^{major} part being sold to the army. In 1811, for example, 339,838 pounds³¹ were sold to the army and 84,803 to other purchasers. Because of this the monopoly was usually run at a loss and only rarely served as a source of income.³² The total sum for all years was a considerable

³⁰ Decrees of July 23, 1811, July 23, 1812, and January 17, 1813.

³¹ Conto delle Finanze, 1811, p.87.

³² In 1805 the gross income was 975,154 lire of Milan, but the expense was 1,005,000 lire. In 1807 the gross was only 1,132,883 lire of Italy and the expenses 1,348,720. The following year this loss of 215,837 was partially recaptured by a profit of 153,785 but this was again counteracted by a loss of 205,476 in 1809. The total excess of expense over income for the four years 1809-1812 was 3,817,323 lire.

deficit, but the government had the satisfaction of obtaining a plentiful and cheap supply of ammunition for its troops.

The consumer's tax was a complicated mixture of sales-tax, licensing-fee, and octroi. It was first created by a law of December 22, 1803, subsequently modified by many enactments. It was usually divided into two parts--on walled towns and on open towns. The former was regulated by a tariff of December 15, 1805 which took effect on March 15, 1806. It was essentially an octroi or tax on goods entering the town gates. It was applied to some degree to unwalled towns by a decree of June 20, 1805. There it was rather a licensing fee on those who sold goods. The articles upon which these taxes fell differed from one place to another but were almost always wine and meat, and usually olive oil and grain.³³ On May 4, 1807 the dazi in walled towns were subjected to more uniform rules, and on April 19, 1809 those of the open country were entirely reorganized and an effort made to put them on the goods rather than on the sellers. This would have been applied to grain or wine as a fee on grinding the one or pressing the other. It was this new method which caused the first revolts of 1809. As a result of these the plan was abandoned. The following year a decree of August 11 modified this plan so that the retailers' fees in the country were made proportional to the amount of business each did. This had a result almost similar to the attempt of 1809, since it made the income depend rather on the amount of business than on the number of retailers, but

³³ See list in Conto delle Finanze, 1805-6, p.209.

³⁴ See Bono: Codice dei podestà, 271-76.

it also made it necessary for the government to investigate every
³⁴ merchant's business. The taxes of walled towns were also regulated by making the rate depend on the size of the town. A final decree of August 6, 1813 attempted to bring more order into this matter by regulating the methods by which the goods should be sold.
³⁵ and the tax applied.

The consumer's tax was an extremely important source of income,
³⁶ although it brought as much as the salt monopoly only in 1809. In that year the ^{average} burden on each inhabitant in a walled town was 20.67 lire. On the other hand the ^{average} amount borne by each person outside a walled-town was 1.06 lire. This difference was partly compensated for by the fact that the personal tax did not usually fall on persons in walled towns, but nevertheless there was a good deal of justification for Prina's effort in 1809 to apply this tax more effectively
³⁷ to the country districts.

In the official accounts the customs, dazi di consumo, and three monopolies were usually lumped together with accidental incomes to

³⁵ In 1812 when the Kingdom had reached its full extent, the tax fell on ³⁶ walled towns with a total population of 822,759 persons. Its incidence was not always the same, and in the same year the amount paid per person varied from 32.62 lire in Milan to 6.05 lire in Osimo. Conto delle Finanze, 1812, p.78. Pecchio (page 41) miscopied this last figure.

³⁶ The gross income from the dazi di consumo doubled from 1805 to 1811. In the former year it amounted to 11,490,272 lire, grew to 19,357,613 in 1808, and 22,266,785 in 1809, and reached 23,036,232 lire in 1811. It fell slightly to 22,423,552 in 1812.

³⁷ Conto delle Finanze 1811, 84-5.

form a single total of indirect taxes with a common expense account. Since this expense amounted to 22.9% of the gross intake, the indirect taxes were much more costly to administer than the direct taxes for which this figure was 2.35%. The principal items in this cost were the Intendancies and the armed financial police. During most of the regime the former cost over a million lire a year and the latter more than a million and a half.³⁹

The lottery as a source of public revenue was very old having been brought to Lombardy in the sixteenth century. That in the Kingdom of Italy had been copied from one formerly in Emilia and was put into activity by a law of September 3, 1802. In June 1805 it was organized as ~~formed into~~ a Direction-general with a Director, a cashier and various assistants. The number of these latter was twenty-six costing 32,053 lire a year by 1810.⁴⁰ In addition there were numerous employees at the various centers from which the lottery was run. As definitively formed there were six such centers at Bologna, Mantua, Milan, Venice, Ancona, and Bolzano.

38 The following table shows the gross income, expenses, and net income from these sources for the available years:

Year	Gross	Expense	Net
1805	47,295,118	9,956,750	37,338,368
1806	67,716,500	14,387,693	53,328,807
1807	57,502,891	12,099,996	45,402,895
1808	63,658,559	15,273,480	48,385,078
1809	65,944,949	17,126,255	48,818,694
1810	69,870,620	15,485,856	54,384,762
1811	75,137,115	16,097,137	59,039,978
1812	83,647,830	16,821,690	66,826,140

39 According to the Conti delle Finanze the cost of the Intendancies rose from 978,246 lire of Milan in 1805 to 1,084,237 lire of Italy in 1808 and reached 1,134,150 in 1812. The financial police cost 1,122,788 lire of Milan in 1805, 1,320,966 in 1807, reached 1,655,220 in 1809, then fell to 1,545,474 and 1,603,749 in the next two years. This decline was not permanent as the figure for 1812 was 1,840,665 lire.

The gross income from the lottery increased consistently until 1812. It rose from four and a quarter million lire of Milan in 1806 to over eight million in 1811. Of this gross more than half went for prizes and another fraction went for administration expenses so that the net income from this source exceeded three million lire a year⁴¹ only once.

The post office was rather a public service than a form of taxation. Its origin went back to a Cisalpine law of ^{26 December 1800,} ~~5 November, anno IX,~~ but it was completely reorganized by a decree of June 28, 1805 which created a Director-general at Milan with a secretary-general and four assistants. This office had direct charge of the postage of Olona and was represented in the other department by a Director of Posts with a controller. The administration until the end of 1806 was chaotic. A report of September 1805 complained that a letter from Novara cost three soldi to go to Lodi and the same sum to go all the way to Rimini. Such letters were given to the first carriage going in the right direction, since there were no regular carriers. Naturally there were

⁴¹ The gross income from the lottery was 4,263,309 lire of Milan in 1806 and reached 5,010,665 lire in 1809. The climb continued to 7,312,561 in 1810 and 8,134,486 in 1811. The net income grew very slowly for several years being 1,417,192 lire in 1807 and reaching 1,613,909 only in 1810. The following year by cutting the prizes over 700,000 and increasing the gross intake the net grew to 3,147,220. In 1812 the war so affected the total that the net income was only 2,902,956 lire. All figures are from the Conti delle Finanze for the respective years. The law of September 3, 1802 was always subsequently referred to as of September 7. The definitive regulation on the subject is the decree of July 30, 1813.

many losses. Because of lack of employees the offices in the towns were entrusted to anyone who offered, and many were closed or under corrupt or ignorant individuals. The letters frequently took months and "on peut ajouter avec verité que le secret des correspondances, objet inviolable et sacré, est généralement le moins respecté!" When the letters reached their destination, they were left in some convenient place, and anyone could pick out a letter and take it by paying the postage without any questions being asked.⁴²

Most of these criticism were remedied during the next two years, and by 1812 the Kingdom had a rapid, efficient service. The financial law of 1806 prohibited anyone to carry mail except with a government license. The rates were divided into three classes--16 soldi in the same department, 20 soldi in an adjacent department, and 24 soldi to a more distant place.⁴³ By the time the decree of June 1805 had been put into effect the Directory-general at Milan had 15 employees. The Director in the capital city of each department had a number of subordinates, ~~as well as agencies elsewhere in the department.~~ ~~which varied from three in Novara to twenty-six in Bologna.~~ ~~He also had agents in various towns of the department. If the town was a large one, this agent had the title of administrator and had assistants who varied in number from two at Lodi or Pavia to as many as eight at Verona. Finally the Director of the department had clerks in less important places.~~ There were also several foreign offices.⁴⁴ One at Rome was directly attached to the Direction-general at Milan.

~~At Venice, there were two offices, branches of those at Ferrara and Modena.~~

⁴² Report of September 1805 in Aldini 61.

⁴³ Law of July 17, 1805. A much more complicated scale of fees was fixed by title VIII of the decree of January 12, 1807. Both in B.L. or in Aldini 91.

⁴⁴ Report of September 6, 1805 in Aldini 89.

On April 9, 1807 strict regulations were issued governing the mail service. Postal boxes were set up in parts of Milan with rates for delivery within the city of 5 centesimi per half ounce. There were to be three collections and three distributions a day by uniformed letter-carriers. The letters were stamped twice, in Arabic figures for the date of collection and in Roman figures for the date of delivery. Anyone receiving a letter had the right to ask the carrier to sign it with the date and hour. One delay by a carrier was punished by suspension and two by discharge. Failure to report letters not delivered involved discharge and imprisonment from eight days to six months. Giving letters to the wrong person was punished by imprisonment from a month to a year.

With such rules as these the service was soon more efficient. New rates were established for more distant places on January 2, 1808 with the most remote department of the Kingdom available for 40 centesimi. On February 4, 1811 His Majesty asked for a new and more efficient organization of this distant service. This was prepared immediately and increased the number of services by about a quarter. Four weekly mails were created each way between Milan and Udine by way of Verona, Padua, Venice, and Treviso. Four similar services were created each way from Milan to Ancona passing through Cremona, Mantua, Bologna, and Ferrara. Branch lines carried to other places. This meant that all the great cities received mail from Milan four times a week, while the less important chief places received it three times.⁴⁵

⁴⁵ See Custodi's report of February 16, 1811 in Box 42. A new schedule of rates went into effect by a decree of May 21, 1811. This carried a letter weighing 6 grams up to 50 kilometers for 20 centesimi, up to 100 kilometers for 30 centesimi, and charged 10 centesimi more for each additional 100 kilometers up to 600, and then 10 centesimi for each 20 kilometers more.

The gross income from the post-office did not increase during the first five years of the regime but remained about two and a quarter million lire. Later the extended service was reflected by increased receipts, so that each of the next three years brought over three million lire. From the point of view of the national Treasury the results were much happier than these figures might indicate for the expenses which absorbed three-quarters of the income in 1806 were steadily reduced as years went by. The net incomes tripled⁴⁶ in amount from 1806 to 1812.

The Domain and ~~United Rights~~ Consolidated Taxes

The second great division of the indirect taxes was known as the Domain and ~~United Rights~~ ^{Consolidated Taxes}. This had been formed by the financial law of 1805 by uniting the administration of the domain with a number of minor taxes and fees which were either newly-created or had formerly been administered as part of the indirect taxes. The decree of June 28, 1805 which created the Direction-general gave it a Director and

⁴⁶ The gross income from this source was 2,596,553 lire of Milan in 1805 and 2,176,922 lire of Italy in 1806. It increased to 2,301,910 in 1808 and 2,521,852 in 1809. The next three years were 3,053,664 for 1810, 3,376,830 for 1811 and 3,137,269 for 1812. The net income which was 283,145 lire in 1807 increased to 453,984 in 1808 and 594,897 in 1809. It was 1,235,294 in 1810, 1,661,917 in 1811, then dropped to 1,322,942 in 1812. All figures are in the Conti delle Finanze. On the post-office in general see Pecchio, 56-59; Pellini: Giuseppe Prina, ministro delle finanze del Regno Italico (Novara, 1900), 97-101; Ratti: Corrieri e poste dal 1800 al 1859 in Lombardia ([1901]); Pellini: "Una recente pubblicazione" in Bollettino Storico per la provincia di Novara (1907) I, 228-37. ~~and~~ Pugliese, 390-97; and, above all, Roberti: Milano capitale napoleonica, III, 229-259.

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three administrators. Each of these latter was concerned with a different part of the subject, one with national property, another with registration and fees, and the last with ~~the~~ stamp and similar taxes. There were aided by a secretary-general and seven other assistants, exclusive of a complicated administration for the domain which we shall consider later. After May 1808 this administration was called the Direzione generale del Demanio, Boschi, e Diritti Uniti. Two years later it had an office force of 196 individuals drawing an annual salary of 316,907 lire.⁴⁷

Exclusive of the domanial revenues this Direction-generale administered five groups of incomes. These were known as registro, impoteche, tasse diverse, bollo della carta, and diritti uniti.

The registration tax should be the most famous in the history of the Kingdom, for it caused the abolition of the Legislative Body. Otherwise, it is of no particular interest or importance although the most fruitful of this group of taxes. It was originally a fee for the registration of land-transfers but was extended to other formal legal actions as the years passed. As originally proposed in 1805 it was to have been in amount equal to 2% of the value of the property transferred. The chief argument which the Legislative Body had against this proposal was that it would entirely consume the property in fifty changes of ownership! After the Legislative Body had been suspended

⁴⁷ Lists of the Ministry of Finance of February 1810 in Box 42, #4. In general see Roberti: Milano capitale napoleonica, III, 97-116; most of this is on the Cisalpine background, with almost nothing factual or specific on the royal period.

by the Emperor, the law of finance for 1806 was issued by decree with the registration tax in it. It went into effect in the old departments on the first of April 1806 and in Venetia one month later. The income was very small at first but increased steadily month by month. In subsequent years a more substantial increase occurred much of it caused by the inclusion under this heading of various judicial and notarial fees which had previously been included under "Diverse Taxes".⁴⁸

The diverse taxes were exactly what their name implied. During the first half of 1805 they were administered by the Minister of the Interior and included judicial taxes, administrative fees, archive and notarial fees, fines and fees from fishing and hunting licenses. The expense of collection was always small and the income reached more than a million lire in 1806 and 1807. A decree of September 11 of the latter year, by transferring judicial fees from this category to the registro ^{made} ~~and~~ the income from diverse taxes ~~was~~ decline ⁴⁹ ~~which reduced their amount~~ to 301,184 lire in 1812.

The tax known as ipoteche was a registration fee on mortgages. This did not go into effect until the first of November 1806 so that the accounts of 1807 contained two months from the preceding year. Except for this first year, when mortgages posterior to the Code Napoleon were first registered, and 1809, when those anterior to the Code were first registered, the cost of this administration exceeded

⁴⁸ The total income of the registro in 1806 was 2,781,601 from the old departments and 971,605 from Venetia. Since the expenses were 336,183 this gave a net of 3,417,023 for the year. The net income was 4,853,159 in 1807, reached 6,035,548 in 1808, but fell to 5,675,046 in 1809. The following year it increased to 6,436,314 lire, was 7,782,426 in 1811 and 9,091,339 in 1812. The costs of collection did not increase in nearly the same proportion. In 1807 they amounted to 635,404, and in 1811 were only 771,339, although a peak of 813,887 lire was reached in 1809 and another of 820,810 in 1812. Some of the substantial increase in the income from registration after 1811 was caused by the fact that a decree of May 21, 1811 had applied to the kingdom most of the French laws on the

its income until 1811 when most of the French law on the subject was applied to the Kingdom. As a result, a net income of 202,420 lire in 1811 was more than doubled in 1812 when the total reached 479,139.⁵⁰

The bollo della carta was a complicated group of stamp-taxes upon official papers, commercial records, newspapers, ~~and~~ periodicals, playing-cards, and inventions.⁵¹ Some of these had been created during the Republic chiefly by the law of September 11, 1802. The

49 In 1805 the diverse taxes yielded 991,713 lire of Milan with an expense of only 5,207. In the following year the net income was 1,440,716 lire of Milan and in 1807 1,107,786 lire of Italy. In 1808 the figure was 465,403 and the decrease from there perfectly steady to 303,473 in 1811.

50 In 1806 the gross income from ipoteche was only 28,284 lire and the expense 25,808. The following year the gross was 104,262 lire and the expense 245,202, so that this branch of the national income cost more than it was worth. A decree of October 25, 1808 ordered that all mortgages anterior to the Code Napoleon be registered and another of November 19 increased the rates. The latter did not aid the situation much, but the former was sufficient to move the account for 1809 over to the credit side with a gross of 798,798 and expenses of 254,778. After the effect of the decree of October 1808 had passed, the deficit reappeared and amounted to 179,950 lire in 1810. The regulations in effect before 1811 were almost exactly a copy of those in the Austrian code of civil procedure issued for Lombardy in 1786 (Chapter IX). The fundamental rule in the Code Napoleon is in Titles XVIII and XIX. On this whole matter see Magri: Raccolta delle leggi, decreti, e regolamenti relativi al sistema ipotecario (Bologna, 1854) Vol. I, Part 1 (1806-1814)

51 Conto delle Finanze, 1811, p.125.

financial law of July 18, 1805 reorganized these, and the decree of November 3 increased them. The income remained quite stable thereafter at about two and a half million lire until 1811 when a decree of May 21 put into effect the French regulations on this subjects.⁵²

The last of the indirect taxes in this group was called the Diritti Uniti and was a motley collection of bridge and docking tolls, fines, fees on navigation and irrigation, certificates on weights, measures, and surveying records. It appeared as an item in accounts only to the end of 1810, for it was lumped in with the income from the national domain in later years. Most of these sources of income were old, and there was little legislation concerning them during the Kingdom.⁵³

The last and by far the most important element in this Direction-general was the Administration of Domain, which was concerned with the care of national property and collection of its incomes. Most of this property had been seized from suppressed corporations, chiefly

⁵² The net income from this source was 1,325,551 lire in 1805 and 2,751,337 in 1806. This was the best year until 1811 when the amount jumped to 4,209,748 and reached 5,184,199 in 1812. The lowest year after 1805 was 1808 with 2,312,992. The costs of collection were less than half a million lire a year until 1811 when the new system drove them up to 1,348,934 lire. Otherwise, the costs were a little over 400,000 a year except in 1806 when they were 349,299 and in 1808 when the annexation raised them to 547,753.

⁵³ The net income from this source was 598,370 lire in 1805. In the next four years it ranged between 763,128 lire in 1808 and 858,444 in 1806. In the three years following 1809 it remained steady at just over a million lire.

54 religious. The incomes from this source were of two sorts called ordinary and extraordinary. The first, which was the less important, represented the income from the property. The second, which had a long and intricate history, came from alienations of this property, usually by sale to private individuals.

Such a large activity required an important administration, and one was made even before the establishment of the Ministry of Finance itself. On March 17, 1802 was created an Economato generale dei Beni Nazionali 55 of eight men under the direction of a Legislative Councillor. After the establishment of the Ministry of Religion, which took from the Economato its control over religious and charitable properties, it was necessary to reorganize the office. This was done by a decree of June 16, 1802 which reduced its membership to three men and made it subordinate to the Minister of Finance, without any right to correspond 56 with other parts of the government ~~as~~ except through him.

The Economato was organized in 1802 with subordinate delegates in the departments. During the Republic it collected about 46 million lire 57 at a cost of about two and a half million. By 1805 the Economato was

54 See Chapter VI.

55 Foglio Ufficiale, 1802, p.17-18.

56 The decree of May is in F.O., p.74; that of June is on p. 115-6.

57 Prina's report of May 8, 1805 is in AFiv1709A.

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organized so that the central office in Milan administered the domain of Olona while 16 Sub-economi and Delegates administered property in the other departments. In the central office were the three members, and eighty-one other employees at an annual expense of 184,398 lire of Milan.⁵⁸

The decree of June 28, 1805 which formed the Direction-general of the Domain and United Rights changed this organization completely. A director of domain was set up in each department with a sub-director in each district and a receiver in each canton. All of these were subordinate to the Director-general. On July 15, 1808 there was also created in the Direction-general an Administration of Forests independent of the domain. On September 28, 1811 these were again joined together, and the separate Administration of Forests abolished. The same decree created eight conservators, twenty-five inspectors, thirty-eight sub-inspectors, and 150 guards to care for the forests as agents of the Director-general. This new administration was given a budget of 450,000 lire. The number of employees of the Direction of Domain was not greatly increased by this decree of 1811 because the cessation of alienation and the transference of national property to the Monte Napoleone in 1810 had decreased the activity of the Direction considerably. A decree of September 12, 1811 had discharged all the technical, legal, and financial employees of the Direction. Thereafter, the incomes of national properties were collected by the Intendants and paid to the Monte Napoleone. The Direction had left little more than physical administration and protection.

⁵⁸ A detailed report dated September 6, 1805 is in Aldini 89.

The ordinary incomes derived from the domain were usually considerably reduced by claims of pensions or gifts placed upon them before they reached the public treasury. By the year 1806, however, the government had adopted a policy which sought to transfer all continuing claims to the Monte Napoleone and thus free the incomes from national property.

During the first few years of the Kingdom the accounts of domanial income were separated into the so-called "old administration" and the "new administration". The former was from property possessed by the state before June 8, 1805. The latter was from religious properties seized by the government by the decree of that date. In addition the accounts of 1806 were divided into the old departments and Venetia. All of these were burdened by charges of various sorts, mostly to the profit of religious, educational, or charitable institutions. It was only the net income, left after all these and other expenses had been paid, that came into the Treasury.

⁵⁹ See Chapter VI.

⁶⁰ The results of this can be seen from the following table. (Conto delle Finanze, 1805-6, p.98, 104-5, 226-7.):

1805			
Gross incomes			
	Old administration		6,186,188
	New administration		729,416
		Total	6,915,604
Charges			4,354,386
Net income			2,561,218

(continued on next page)

N.B.

The extraordinary income from the domain came almost entirely from sales of national property. These were governed by a numerous ~~series of~~ regulations beginning with the law of March 21, 1804. This ordered that all national property not destined to another purpose should be sold at auction. Payment could be made by one-fifth of the price in cash and the other four-fifths in ^{rescrizioni.} ~~rescriptions.~~ These latter were non-interest-bearing bonds issued by the government for the payment of debts and convertible only in national property. Subsequent decrees of January 12 and March 3, 1807 regulated the sale against rescriptions in detail. Decrees of February 11 and March 12, 1806 also permitted national property to be bought with ^{inscrizioni.} ~~inscriptions.~~ These were interest-bearing, non-redeemable bonds on the Monte Napoleone.

60 (con't)

1806

Gross incomes

Old administration	6,143,872
New administration	2,040,980
Venetia	3,364,304
Total	11,549,156

Charges

Old departments	7,133,144
Venetia	3,611,046

Net income

804,944

In 1806 it was necessary to meet the deficit in Venetia from the surplus in the old departments. After that year the administration became simpler until 1810 when it was absorbed into the administration of the Monte Napoleone. The following table shows the various items for these years:

Year	Gross	Charges	Net
1807	5,354,398	3,956,311	2,398,087
1808	7,442,005	5,098,473	2,343,532
1809	8,045,791	6,868,406	1,177,385

From March 1804 to the end of 1805 there was definitively ^{sold} alienated national property for 47,069,941 lire of Milan. This brought to the government 8,709,819 lire in cash and the rest in rescriptions. The value of this method is illustrated when we consider that the Treasury thus extinguished almost forty millions in debt and received almost nine millions in cash. ⁶¹ In 1806 definitive ^{sales} alienations brought 14,727,699 lire of Milan of which ⁶² 3,737,493 was in cash. In 1807 ^{sales} alienation of national property in Venetia ^{were} reserved to the Cassa di Ammortizzazione of the Monte Napoleone against bonds of 1806. In the old departments ^{sales} alienations continued against rescriptions, inscriptions, and cash.

By a decree of March 29, 1809 the ^{sale} alienation of domain ceased at the beginning of July. By the end of that year there had been definitively ^{sold} alienated since 1804 a total of 91,814,471 lire of national property. ⁶³ The income from these activities decreased from year to year as the difficulty of selling national property increased. ⁶⁴ After 1809 the history of the incomes from national property became part of the complicated history of the Monte Napoleone.

⁶¹ Conto del 1805, p.106-8.

⁶² Conto delle Finanze, 1806, p.253.

⁶³ Conto delle Finanze, 1809, p.124

⁶⁴ The net income for these years decreased as follows: 1807; 7,272,059 lire; 1808: 6,144,243 lire; and 1809: 3,359,663 lire. Conto delle Finanze, 1807, p.99; 1808, p.128; 1809, p.120.

The Public Debt and the Monte Napoleone ⁶⁵

The Constitution of Lyons had promised that the new government would assume all the debts of the old provinces in the same territory. For this purpose a decree of March 31, 1802 created an office to receive all claims and divide them into various classes. After two years of such registration, on May 29, 1804, a new office was created to administer this debt. It was composed of a Prefect with two assistants and a council of administration. The office of registration continued to function and sent the results of its activity to the Prefect of the Public Debt.

In 1805 both of these offices were modified. By a decree of July 27 the office of registration was changed into a Direction of Liquidation with a Director-general, four directors, and a secretary-general. The Prefecture of the Public Debt was named the Monte Napoleone and given new regulations by the financial law of 1805 issued on July 17. By the beginning of 1810 the Monte Napoleone had 59 employees earning 99,293 lire a year. At the same date the Direction-general of Liquidation had 48 employees earning 103,968 lire. In addition the two offices shared 21 employees costing 39,000 a year. At that time the Monte Napoleone had a legal office, a treasury, a central bureau with various administrative offices, and three dependent bureaus concerned with perpetual debts, life annuities, and amortization. The Direction-general was divided into various sections dealing with debts

⁶⁵ In regard to the administration of the public debt and the Monte Napoleone no attempt has been made to improve upon the work of Vietti: Il debito pubblico nelle provincie che hanno formato il primo Regno d'Italia (1884).

arising from different causes or recognized by different decrees. For example, special registers were opened on June 1, 1811 to receive claims based on the suppression of ecclesiastical corporations⁶⁶ by the decree of April 25, 1810.

The financial law of 1810 issued on March 11 recognized the internal bureaus of the Monte Napoleone and made them financially independent of each other with new names. The Cassa di Garanzie was to deal with the perpetual public debt and have an income of ten million a year to meet the interest on it. The Cassa di Ammortizzazione was to have charge of all debts which by their nature would cease sometime, and it would have a fund to meet these. The Cassa delle Rendite vitalizie e pensioni was to administer all life annuities and pensions by means of a grant of ten million lire a year from the Treasury.⁶⁷

In the meantime the registration of the public debt which began in 1802 had accumulated a long list of claims. These claims consisted chiefly of life pensions due from suppressed corporations, public borrowings for war which had been backed by national property, and⁶⁸ debts of the old regime assumed from so-called Monti or Banchi.

⁶⁶Report of February 1810 in Box 42.

⁶⁷ The cassa delle rendite vitalizie e pensioni had no strictly legal existence as the law of March 11, 1810 created only the other two, but it existed and was called by this name in official documents.

⁶⁸ These Monti and Banchi had lent money to previous governments and received as interest control of some public income or the income from some monopoly. See Vietti, 85-155.

This process of registration continued to May 1, 1812 when the office was suppressed. By that time the total debt registered had reached the sum of 347,423,776 lire. Of this amount 118,814,229 was represented by the public debt of Venetia, 4,265,983 by that of Alto Adige and 7,520,975 by that of the Three Departments. The rest (216,882,589) was from the original departments of the Kingdom.

The administration of the public debt began with the decrees of March 21 and May 20, 1804. These established that the debt registered be paid half in rescriptions and half in inscriptions. The former were issued in denominations of one thousand, two thousand, and five thousand lire and were redeemable only by the purchase of national property. They were negotiable and endorsed by each owner. Those not used to buy national property were consolidated at 2% interest after the beginning of 1806. The inscriptions were perpetual bonds

69 The corporations or individuals to whom this debt was owed were as follows (Conto delle Finanze, 1811, p.136-37):

1. Institutions	{ in the Kingdom abroad	{ of religion	46,756,068
		{ of charity	55,253,212
		{ of education	5,944,391
			11,772,445
2. <u>Cassa d'ammortizzazione</u>			536,184
3. Communes			19,746,517
4. Individuals	{ in the Kingdom abroad		166,080,867
			41,334,092
		Total	347,423,776 L.

70 Early in the regime the market price of rescriptions was only 38% of their nominal value and declined in later years. The inscriptions were more in demand. They reached their highest price of 68 $\frac{1}{4}$ in August 1812 after the capture of Moscow and their lowest of 25 $\frac{1}{2}$ in October 1813 after the battle of Leipzig. See Pecchio, 67 and 72.

of the public debt bearing interest at $3\frac{1}{2}\%$.

As subsequently administered, the ^{debt in inscriptions} ~~inscribed debt~~ on the Monte Napoleone grew steadily. The ^{debt in rescriptions} ~~rescribed debt~~ varied in amount, for, as claims were cancelled by the purchase of public property, they were burned. Besides its activities with these two kinds of bonds, the Monte Napoleone began to administer ecclesiastical pensions and annuities which were transferred to it from the Treasury or the domain. As years passed these three items continued to grow. By the decree of January 12, 1807 two other types of activity came to this organ. By the first it cared for the liquid funds of public bodies and gave 5% in interest. By the second it assumed the burden of paying annuities of any kind if a capital sum sufficient to cover the yearly claim was deposited with it. Such a capital sum could be made up to four-fifths the total by inscriptions. The law of March 11, 1810 which divided the Monte Napoleone into three parts fixed ten million lire as the limit which could be paid each year in interest on the perpetual debt. In order to understand more easily the functioning of the Monte Napoleone in its fully developed form, we can examine this activity in a typical year.

In the year 1810 the Cassa di garanzia had its inscribed debt

⁷¹ Where the debt of the old departments was registered half in rescriptions and half in inscriptions, that of Venetia was only one-quarter in rescriptions and three-quarters in inscriptions (decree of July 28, 1806). The whole of the debts of the Three Departments was registered as rescriptions (decree of March 11, 1810), and the whole of that of Alto Adige as inscriptions (decree of August 14, 1810).

raised from 171,031,645 lire earning 3,949,043 in interest to 179,216,036 earning 4,124,950. The rescribed debt, which had been 128,831,841 lire on the first of the year, rose to 132,139,163 by the end of the period. Since 86,794,820 had been cancelled by purchases of national property before 1810 and 13,040,105 were so cancelled during 1810, this left only 32,304,238 lire worth of re-scriptions in circulation, at the beginning of 1811. In addition the Cassa had to honor certain perpetual annuities which had been placed upon it by specific decrees of the government. These amounted to 4,843,034 lire in 1810 and included the annuities to the Legion⁷² of Honor and the Crown of Iron, to the Grand Feudatories, to the four Grand Officers of the Crown, to the French soldiers in Italy, and the million lire to the Senate. To this expense of 4,843,034 lire was added the 4,050,108 in interest due on the inscribed debt. This total of 8,893,142 was paid by the Cassa with the grant of ten million made to it every year by the annual financial law. The surplus of 1,106,858 was transferred to the Cassa d'Ammortizzazione by a law of May 19, 1811. In a word, therefore, the Cassa di garanzia each year was granted a fixed sum to pay the interest on the public debt and certain perpetual annuities.⁷³

The activity of the Cassa delle rendite vitalizie was not quite so simple. It also had a fixed grant given to it by the financial law of the year and occasionally supplemented by other decrees. In

⁷² See Chapter IX.

⁷³ Conto delle 1810, p.225-35.

1810, for example, it received ten million from the Treasury, had 4,690,565 left over from 1809, received 827,000 from the Cassa di garanzia and had 4,817 lire of previous payments come back to it. With this total of 15,522,382 lire it had to pay five classes of creditors.

The first were life annuities granted by the government to various individuals who had won its favor. In 1810 twenty of these died and seventy new ones were added so the total number changed from 417 to 467 during the year. Their ^{annual} claims rose from 34,367 lire to 45,916 in the same period.

The second group consisted of ecclesiastical pensions which had been granted by the government for various reasons. In 1810 the number of these increased drastically because of the decree of April 25, even though 1,142 pensioners died. As a result 19,802 individuals had claims of 8,722,090 ^{lire} at the beginning of the year, and 26,472 had claims of 12,264,993 ^{lire} at the end of the year.

The third class of claims were the temporary assegni di culto granted at various times to poor priests in accordance with decrees of December 21, 1807 and November 11, 1808. In 1810 the number of these individuals declined from 892 to 844 and their claims from 189,184 lire to 179,200.

The fourth class of payments was for civil and military pensions established by decrees of February 12, 1806 and March 27, 1807. In 1810 475 new pensions were added and 202 ceased by death. The number of beneficiaries, therefore, increased during the year from 1,565 to 1,839, and their claims rose from 646,509 lire to 770,674.

The fifth group of creditors ^{consisted of} ~~were~~ a number of soldiers and functionaries from the old government of Venetia. By its nature the number in this group could not increase. At the beginning of the year 2,762 such individuals had claims of 757,828 ^{lire.} At the end of the year 2,570 had claims of 723,725.

From these figures it appears that the Cassa delle rendite vitalizie in 1810 had claims of 14,184,508 lire from 32,192 individuals. This figure was well within the income of 15,522,382 ^{lire} ₇₄ which the same cassa had during 1810.

The third section of the Monte Napoleone, the Cassa d'ammortizzazione usually had six kinds of claims against it. By the first it had to pay 5% interest on security bonds posted with it by various public functionaries, such as notaries, receivers, and judicial employees. The capital value of these deposits was 2,197,544 lire at the beginning of 1810 and rose to 3,012,506 lire by the end of the year. The total paid in interest during the period was 150,625 ^x lire.

The second group of claims was held by various public bodies which had deposited their free funds with the Cassa d'ammortizzazione. The interest on these funds totalled only 3,793 ^{lire} in 1810.

The third type of payment made by this Cassa covered the annuities assumed from persons who had given the Cassa sufficient capital to cover the claims of their creditors. This amounted to 28,552 ^{lire} in 1810.

The fourth class of payment was interest of public bonds and the retirement of such bonds. This item cost 1,643,545 lire in 1810.

The fifth type of charges on the Cassa d'ammortizzazione was due to a large group of religious corporations and activities. This payment amounted to 1,360,788 in the year we are considering.

Finally the Cassa had to pay various administrative costs which totalled 700,000 in 1810. These costs arose from the fact that this Cassa, unlike the other two, did not receive its funds by an annual grant from the Treasury. Instead it received the incomes from national property which had formerly gone to the administration of the domain. To these ~~was~~^{were} added sequestrations such as those of April 25, 1810, the 2% which all public employees had to pay from their salaries in order to secure the privilege of a pension, the income from vacant episcopal ~~sees~~^{sees}, and other accidental incomes. During 1810 the income from all of these amounted to 5,210,406 lire. The expenses totalled a sum of 3,887,303 lire, so that there was left a surplus of 1,323,103 lire.⁷⁵

The picture which we have drawn of the activity of the Monte Napoleone in 1810 was typical of all years. The only difference was that in later years the Monte did not always find itself in such an enviable position. The reasons for this are numerous. Many charges on it were very slow to decrease even among the pensions. At the same time the government found it more difficult to give the 18 or 20 million due to it each year, and the incomes from national property ravaged by war after 1812 began to decline. Also the government,

⁷⁵ Conto del 1811, p.239-246.

unable to keep the receipts from taxation sufficiently high to meet the demands of its military program, put increasing burdens on the Monte Napoleone. Finally, the burden of the bonds issued could not be met without jeopardizing the financial position of the sinking fund, because the sales of national property which were supposed to support these payments failed to materialize. These facts can be understood only in relationship with the financial history of the period.

Financial History

This financial history is portrayed in two kinds of documents-- budgets and accounts. The ^{original} budgets were drawn up at the beginning of a year and showed what was supposed to happen in the year. The accounts were drawn up at the end of the year and showed what had happened.

The budgets were ^{prepared} ~~formed~~ months ahead, the first step being taken when each Minister asked his subordinates what they expected to need in the approaching year. These requests were then formed into a single budget for the Ministry. On the basis of these demands Eugene formulated a list of recommendations which were sent to the Emperor. The latter, after examining these, fixed the credit which was ^{available} ~~opened~~ to each Minister for the year. This budget was published as part of a financial law. The rest of the law fixed the tax-rates, probably incomes, and the whole financial picture for the year. Such a budget was usually modified two or three times, sometimes several years after the year had really ended. This was because the budget, signed by

Napoleon was the legal expression of what should be done, and, therefore, it had to be constantly modified to approach as closely as possible to the accounts, which were not legal, but showed what was done or had to be done. No sums could be spent beyond those provided in the budget. The credits ^{available} opened to the Ministers by it were granted to them, a sixth at a time, every two months during the year. In that period the Minister could pay up to that amount by issuing mandates to its creditors. Such mandates could be cashed at the Treasury. The cost of any branch of administration could therefore be expressed in any one of three ways--credit opened by the budget, mandates issued, mandates cashed. This explains the differences between documents. These differences are not due, as Tarlé says, ⁷⁶ to the inexactitudes of the documents. A detailed analysis of the finances of the Kingdom of Italy has convinced me that its bookkeeping has a phenomenal accuracy.

Before we turn to examine the way in which budgets and accounts were brought into agreement we should say a few words about the methods by which the bookkeeping of the Kingdom was checked.

A Commission of National Accounts was created by a decree of November 19, 1803 to examine and accept the accounts of the nation and of the Ministers. It consisted of eight members ~~each~~ ^{and} earning 10,000 lire a year, ^{each.} and ~~being~~ ⁽¹⁾ renewed by twos every two years. The Commission had to report within a year after a national account was given to it and could receive ~~the~~ ⁷⁷ secret denunciations. This

⁷⁶ Tarlé, ~~Le~~ le blocus continental et le royaume d'Italie (1931), 29.

⁷⁷ Decree of November 19, 1803 and avviso of February 25, 1804 in Aldini 34.

Commission never had the opportunity to consider a national account as none was completed and closed by 1814. It did, however, review the accounts of Ministers. Those of 1805 were presented by a decree of March 1808, and on January 31, 1810 the simplest of them, that of the Minister of ^{Religion,} ~~Cult~~,⁷⁸ was still unacceptable. The chief functions of the Commission of Accounts were given to the Senate when it was formed in 1809, but these were never actively exercised by it, so the Commission continued to exist. A decree of September 10, 1811 extended the scope of the Commission's activity by subjecting to it all the receivers of direct taxes, cashiers of the Treasury or Monte Napoleone, cashiers of the domain, the intendancies, the lottery, the army, the mints, and all the postmasters, who had accounts from 1802 to the end of 1810. About this same time there began a tendency to form special commissions to check on accounts. The law of finance of 1812 created⁷⁹ a commission of four men to verify the deficit of 1809. We have already seen the fashion by which the Council of State reviewed the⁸⁰ accounts of the Household. By a decree of March 20, 1806 the Council⁸¹ of Ministers began to review the Ministerial accounts for 1804, although this activity was by law attributed to the Commission of Accounts. Another function was taken from this body by a decree of December 1, 1809 which formed a committee of six to verify all re-
scriptions received by 1809 before they were burned. Another decree

⁷⁸ Royal Commission to Bovara, January 31, 1810 in Culto 18.

⁷⁹ This commission was formed by a decree of April 15, 1812. There is a copy in Culto 15.

⁸⁰ Chapter II.

⁸¹ Culto 19.

of July 23, 1811 extended the same treatment to the rescriptions⁸² of 1809. This duty was carried out during February 1812.

In this same month an effort was made to centralize the review of accounts by creating a Chamber of Accounts (Chambre des Comptes). This was decreed on February 8,¹⁸¹² and nominations of the principal members were sent to Paris on March 2. A month later these had been named, but there is no evidence that they ever performed any part of their activity.⁸³ This system of uncentralized and apparently unorganized review of accounts was not nearly as careless in practice as it appears on paper, because all the accounts were scrutinized by Eugene with some care and even by Napoleon who constantly insisted on reduced expenses.

An example of the way in which a budget could be modified to agree with an account can be seen from that of 1808. The Ministers originally demanded 146,700,679 lire. After detailed study of their needs, Eugene drew up a budget totalling 136,932,498 lire. This was sent to the Emperor, who slashed these estimates to 120,000,000 and issued the budget on December 23, 1807 as part of the financial law of 1808. Since most costs were higher than provided in this way, it became necessary to open additional credits. This was done by decrees of September 19, and October 16, 1808, and of January 6 and February 28, 1809. The budget then totalled 128,000,000 lire. The largest

⁸² Minutes of meetings are in Conto delle Finanze, 1811, p.147-9.

⁸³ Eugene to Napoleon, March 2 and April 6, 1812 in AFiv1712.

items in this increase were 400,000 lire for the new Senate and 500,000 for the Three Departments.⁸⁴ After 1809 the changes in the budget of 1808 became more detailed as efforts were made to bring it into agreement with the account. By the beginning of 1810 this budget had been cut to 125,000,000 but at that time the income was less than 124,000,000 and the expense still at 128,000,000. This deficit was reduced from 4,000,000 to 1,600,000 by transferring to it a paper surplus of 2,400,000 from earlier accounts. This consisted mostly of uncollected taxes or incomes from national property. Of course the problem was not solved in this way, but it was concealed two years later by lumping all the years from 1802 to 1809 into a single account.⁸⁵

The original budgets for each year with the dates upon which they were decreed can be seen from the following table:⁸⁶

<u>Year</u>	<u>Budget</u>	<u>Dates</u>
1805	88,670,000	July 17, 1805
1806	100,000,000	July 17, 1805
1807	114,230,000	January 12, 1807
1808	120,000,000	December 23, 1807
1809	131,190,000	March 27, 1809
1810	127,000,000	March 11, 1810
1811	131,000,000	May 19, 1811
1812	144,000,000	February 6, 1812
1813	144,000,000	February 28, 1813

The fashion in which the budgets grew from year to year can be seen from this table, but it is as nothing compared to the way in which the sums^{spent} really ~~spent~~ increased. The account of 1806, for example, ^{amounted to} ~~amounted to~~ 121,514,880 lire by the beginning of 1808 and was not yet closed.⁸⁷ There was a surplus in the accounts for 1804 and

⁸⁴ Modified budget of 1808 in Box 42.

⁸⁵ Aldini 99 and 103.

⁸⁶ These are with the financial laws of the dates given in the B.L.

⁸⁷ Aldini 98.

1805, but that of 1807 also had a deficit. The law of finance of ⁸⁸ 1808 united the three accounts of 1804 and before, 1805, and 1806 to form a single account with an income of 347,221,698 lire of Milan and an expense of 340,739,686 lire. The surplus of 4,975,060 lire of Italy was applied to the deficit of 1807 but was still insufficient. The years which followed were not much happier. By the beginning of 1810 all the accounts up to that date had deficits, which totalled ⁸⁹ twelve million lire. With a constant series of poor years, it was difficult to form an account that would balance by joining a poor year with adjacent good years. Nevertheless, this process was continued, for Napoleon always had the hope that some of the paper incomes not yet collected in the more recent years could possibly be made to materialize to succor the more remote poor years where such hopes had faded. This did not prove effective, because low prices of agricultural products made it ^{difficult} ~~impossible~~ to collect the land-tax, and it was impossible to increase the other taxes because of "the already existing discontent". The only suggestion which was offered by the government was that the annual payment of thirty million lire to France be suspended. Napoleon absolutely refused to consider this ⁹⁰ until 1814 by which time it had cost the country 228,232,795 lire.

All other methods for raising funds proved equally futile. The resources of the national property could not be tapped, because the sales of this were always about half the quantity expected and about one-third the value. Moreover, the bonds which had been issued for

⁸⁸ December 23, 1807.

⁸⁹ Minutes of meetings of Council of Finance in January 1810 in Aldini 99.

⁹⁰ This total is given in Aldini 103. The other information is from Eugene to Napoleon, August 2, 11, and 26, 1809 in AFiv1711B.

the Grand Feudatories in 1806 had put upon national property claims which could be neither honored or dismissed. In January 1809 Napoleon proposed to issue more bonds, but Prina insisted that there was a complete lack of faith in the government's credit.⁹¹ In spite of the Minister of Finance, the royal will prevailed, and twenty millions in bonds were authorized by a decree of March 29, 1809. Only 3,651,500 lire of these were issued, the rest being withdrawn and annulled by the law of finance of March 11, 1810. Although these bonds did not begin to mature until the beginning of 1814, there was only 177,000 lire of them outstanding on October 1, 1812. The rest had come back to the Monte Napoleon, chiefly as payments on sales of national property.⁹²

⁹¹ Eugene to Napoleon, February 24, 1809 and November 14, 1808 in Ducasse.

⁹² The methods by which these bonds could come back to the government in payments were provided by decrees of March 29 and May 27, 1809. This latter unified the rules regarding alienation of national property as provided in decrees of September 3, 1802, May 17, 1804, March 3, and 13, 1807. The chief provision of this decree was that the incomes from all sales after June 30, 1809 had to go to the Monte Napoleone until a fund of 20 million had been created there to meet the expenses of the bonds of March 29, 1809. These bonds were divided into 20 series of a million lire each with interest at 6%. They were to mature after January 1814 at the rate of 3 million a year. The profit from these bonds ~~was~~ to be applied to the deficit of 1809 to the amount of 3 million, to the payment of the bonds of April 26, 1806 maturing during 1809 to the amount of 6 million, and to other accounts for the rest. See decrees mentioned and Conto delle Finanze, 1809, 168; 1810, 170-71; and 1812, 161. The decree of March 1809 is in the supplement to B.L. on pages 364-69.

The law of March 11, 1810 stopped the issuance of the bonds authorized in March 1809 as we have said, but did so only for the sake of authorizing two issues of bonds of its own. One of these issues, of eighteen million lire, was to replace the bonds of 1806 issued for the Grand Feudatories. The other, of fifteen million, was to be used to reimburse the Treasury for advances it had already made toward these bonds and to fill the deficit in the accounts of 1810 and 1811.⁹³ The Treasury apparently found some difficulty in disposing of these bonds and issued only part of them keeping the rest to its own credit against the Cassa d'Ammortiz²azione. By October 1813 when 4,638,000 lire of these should have matured, there had been retired over twice this amount or 10,277,500 lire. This does not indicate that the state was in a prosperous financial condition but rather that the public had so little confidence in the government's credit that it preferred to use the bonds as payment for purchases of public property.⁹⁴

⁹³ On the history of these bonds of 1806 see Chapter II. The bonds of March 1810 were to be payable in five years at 3 million a year beginning in 1811. To meet them and their 5% interest the Cassa d'ammortizzazione was granted 15 millions in liquid national property and 45 millions in ground and building leases. These incomes were paid directly to the bond-holders for their interest, and these holders became in effect the owners of these properties as specific properties were allotted to support specific bonds, and the bond-holders could make use of the public authority of the Receivers of indirect taxes to compel payments of the rents from these lands. The bonds were used by the Treasury to meet the payment of the bonds of 1806 maturing in 1808 amounting to 6,138,750 lire; the interest on these bonds and on the public debt of the Roman States from June 1808 to January 1810 amounting to 4,361,250; and to the accounts of 1810 and 1811 for the rest.

⁹⁴ Conto delle Finanze, 1812, 162. In 1810 a million of the civil list was paid to Eugene in bonds which the public did not want. (Decree of April 27, 1811 in Culto 21).

This lack of confidence was perhaps justified by the general financial condition of the government but it was in no way based on its conduct toward its obligations as its bonds had been punctually paid both ⁱⁿ ~~for~~ interest and principal up to that time.

The general deficit grew as the economic crisis deepened. On December 26, 1810 Eugene wrote to the Emperor that the deficits on various accounts to the end of that year amounted to thirteen and a half million lire. The law of February 6, 1812 which joined the accounts of the eight years 1802 to 1809 fixed the amount of this single account at 636,000,000 but confessed that the real income was only 628,585,480 lire. The deficit was made up by a credit of four million lire on the account of 1812 and various paper debts owed by France to Italy.

The somewhat improved economic conditions of the country in 1812 were more than balanced by the expense of ^{the} new war which took most of the Italian Army to Russia. No way of meeting the deficits was found during that terrible year, but by the beginning of 1813 time was taken from fighting to consider the problem. The law of February 28, 1813 joined the two accounts 1810 and 1811 and ^{united to} ~~gave~~ them the deficit of 1809 and before. This gave an expense of 279,903,705 lire while the most optimistic estimates of the income could not raise it over 271,903,705. To meet this deficit the Cassa d'ammortizzazione was ordered to give to the Treasury twelve millions in bonds maturing to the amount of 750,000 lire a year beginning in 1813 and to the amount of 3,250,000 lire a year beginning in 1816. These bonds were in small values of 100, 150 and 500 lire bearing interest at 5%. They were

acceptable within six months of maturity as cash with the Monte Napoleone or with the tax-receivers. With these the debts of the Treasury were to be paid.

On July 6, 1813 Napoleon wrote to Prina suggesting that twelve millions in new bonds be issued by the Cassa d'ammortizzazione. Prina answered that the twelve million already issued were falling in value every day. On August 14 the Emperor increased the land-tax of 1813 by five and a half million lire and ordered the new rate continued for the first eight months of 1814. The revenue of 1813 still fell 9,400,000 lire short of estimates including all possible revenues. On October 13 the Treasury asked for fifteen million for the war, so on its own volition the Council of Ministers created twelve million lire in bonds and gave half of them to the Treasury. An additional twelve million lire in national property was put up for sale. But⁹⁵ the people wanted neither the land nor the bonds.

The plan had been to use these bonds for payments until better times arrived, and taxes could again be collected. But better times did not arrive, and the government was driven more and more to pay even urgent expenses in bonds. On October 8, 1813 Melzi wrote to Eugene to report on the widespread complaints against the Treasury "qui ne payant qu'en bons toute espèce de service même urgente, les gêne d'une manière très embarrassante...Ce qui est certain, c'est que vu la perte totale du credit les bons perdent énormément et l'on ne trouve presque plus même à les escompter." Eleven days later the Chancellor

⁹⁵ Melzi to Napoleon, October 25, 1813 in Memoire-Documenti, II, p. 278-80. This same decree of October 22, 1813 ordered that all debts owed to communes be paid by March 1814. Mature bonds could be used for three-quarters of such payments.

wrote again that the Treasury was completely empty and that the
 96
 army contractors had ceased to deliver supplies.

From these figures it is evident that the Kingdom of Italy was bankrupt even before it had fallen under the impact of defeat in war and revolt at home. It was bankrupt because its economic policies had destroyed ^{much of} ~~all~~ economic life, and its political policies had destroyed all public confidence which might have permitted it to ride out the gale.

Such criticism is not at all directed at the form in which finances were administered. This was excellent. Its organization and taxes were subsequently adopted for the second Kingdom of Italy and continue in a large part even today. Its division into two ministries has been copied in France in our own lifetime. The difficulties of this administration did not arise from faults of organization. They were rather faults of policy--and not of financial policy. In the abstract the taxation was not too heavy. It was a good deal less than that in France at the same time. In 1805 the tax paid per capita in the country was 18 lire. By 1811 it was 19.5 and continued to rise. This compared to 11 lire per head in Lombardy of the old regime, but prices had also risen. 97 In 1812 with a population of 6,700,000 the budget was 144,000,000 lire, which is more than 21 lire each. By that time, prices had begun to fall. Moreover, even a sum as small as this was difficult ^{to pay} ~~in~~ in an agricultural country during a commercial crisis. Money was a rare thing for many people of Lombardy. If they could have paid their taxes in wheat, or raw silk, they would have done so easily, but money was scarce. A document of 1805 estimated

96 Weil: Le prince Eugene et Murat, 1813-14 (1902), II, 506-518.

97 These figures are given by Pingaud in Revue d'histoire diplomatique ~~for July-September~~ (1930), XLIV, 445.

the total income of the country at 1,008,000,000 lire of Milan⁹⁸ which made the tax of that year equal to 9%. By 1812 the taxation had increased by over 50%, but the population had increased 90%, so the burden should really have been less if the average income had remained the same. That was the crux of the difficulty.

The taxation was probably not excessive viewed in the abstract. It may not even have been excessive under the economic conditions, but it was excessive in the face of a public opinion antagonized by other things. If the people had been with the government, it could have collected its taxes and sold its bonds. But because the people were not with it, it fell beaten in war, dishonored by revolt, and financially bankrupt.⁹⁹

⁹⁸ This is not so much an estimate as a guess at the smallest income upon which the known population could live. The real income could have been much higher. Document is in AFiv1709B.

⁹⁹ Before we leave this subject, one point should be emphasized. Because the budgets of the French Empire and those of the Kingdom of Italy look very much alike, Albert Pingaud and other non-Italian students of the subject have assumed that the taxes and financial administration of Italy were based on those of France. Nothing could be further from the truth. The financial system of the Kingdom of Italy, even in most administrative details, was based on Italian precedents going back before 1789; the financial system of the French Empire owed almost nothing to French precedents before 1789. This can be seen if we compare a Royal budget of, say, 1808 with any budget for northern Italy of the Old Regime, even going back so far as the budget of the Duchy of Milan for the year 1463 in M. Formentini: Il Ducato di Milano (1877), 78-81 and then compare the Imperial budget of 1808 with any exposition of French finances of the Old Regime, as in Necker's famous Compte rendu (Paris, 1781). See footnotes nos. 9, 12, 19, 20, 22, 29, and 50 above.

for the year 1463

Chapter IV

Justice

1. The Ministry of Justice
2. The Judicial System
3. Substantive Law and Procedure
4. Crimes and Punishment

Chapter IV

Justice¹

The Ministry of Justice

✓ The Minister of Justice, officially known as Chief Judge (Gran Giudice), was legally the first of the Ministers although, in fact, the Minister of Finance was consistently treated as the most important Minister. The Constitution of Lyons provided that the Chief Judge be named by the President and be irremovable except by resignation or condemnation for crime. His functions, however, could be taken away and given to a Secretary of State for Justice. In such a case the

¹ Manuscript materials on justice are practically lacking at Princeton and Paris. At Milan the materials are multitudinous and arranged according to neither history nor logic. The documents are divided into twenty-one sections of which only four are catalogued. Seventeen are records and papers of various courts, all uncatalogued, and usually divided for each institution into those before 1807 and those after 1807. The other four are Giustizia Civile, Giustizia Punitiva, Ministero di Giustizia, and Uffici Giudiziari. In all of these the material is disappointing. The first is mostly documents regarding the various civil cases; the second those on civil codes with some on arrests and pardons; the third is not at all what might be expected since it is not concerned with the Ministry but with various parts of its administration, chiefly notaries. The last is somewhat more helpful but difficult to use because of its arrangement which makes it a formidable mass of details. The whole system apparently taxed the abilities of the archivists themselves, for three of them could not find any financial accounts for justice after a morning's activity on my behalf. Fortunately, the regulations regarding justice were printed in the Bollettino delle Leggi more faithfully than any others. A certain amount of material relevant to this chapter can be found in the standard works on the history of Italian law. For bibliographical guidance see A. Solmi, La storia del diritto italiano (Rome, 1922). The chief works are S. Pivano, Storia del diritto italiano: le fonti (Turin, 1948); F. Schupfer, Manuale di storia del diritto italiano. Le fonti, leggi, e scienza (Rome, 1904); F. Sclopis, Storia della legislazione italiana (3 vol., Turin, 1863-1864), III, 58-198 and A. Pertile, Storia del diritto italiano dalla caduta del l'impero romano alla codificazione (2nd ed., 6 vol. in 8, Turin, 1892-1903)

Chief Judge kept his title and salary while losing his duties. During the Napoleonic regime this was never necessary, because Napoleon, when the occasion arose, removed the Chief Judge as he would have removed any other Minister.

The first Chief Judge, Bonaventura Spannocchi, was named to his position on January 27, 1802. He was a poor administrator particularly inefficient in organizing the new tribunals, so he was removed on June 9, 1805 and placed on a pension of 15,000 lire a year. The second and last Minister of Justice was Giuseppe Luosi who was appointed in June 1805 and remained at his ^{post}~~position~~ until the end of the regime.

The duties of the Minister of Justice were enumerated in a decree of November 23, 1803. This established the Chief Judge as the superior of all judicial organs of the country, all judges, the chambers of commerce, all notaries, and lawyers. He had to send to the Legislative

2 Costituzione della Repubblica Italiana, titolo X.

3 Spannocchi (17 -18) had been president of a Court of Appeal and judge with the Court of Cassation in the First Cisalpine Republic. During the Second Cisalpine he was Chief Judge. See Pingaud: Les hommes d'Etat de la République Italienne, (1914) 89-91. Luosi (1755-1830) of Mirandola had been Minister of Justice and a member of the Directory of the Cisalpine. At the Congress of Lyons he was on the Committee of Thirty and became a Councillor of State of the new Republic in January 1802. He became president of the judicial section of the Council of State on May 9, 1805 and exactly a month later became Chief Judge. In 1810 he was admitted to the Senate. See Casini: Ritratti e studi moderni (1914) 392-93, 416-17; Compagnoni: Brevi memorie sulla vita di G. Luosi (1831); ~~and~~ Papotti: Notizie sulla vita del conte G. Luosi della Mirandola (Modena, 1836); and Ceretti: "Vita di Giuseppe Luosi", Biografie ~~di~~ Mirandole () II, 37-57.

Council all cases involving questions on the application of the laws and regulations of public administration. He supervised all payments for judicial services, extraditions, and proposed new laws. For these activities he was paid 50,000 lire a year.

The internal organization of the Ministry was partly carried over from the preceding government and partly modified later to meet the changes in the slowly-forming judicial system. As finally organized at the beginning of 1810, the Ministry had a Secretariate-general, five Divisions, and two ^{bureaus.} ~~offices~~. The Secretariate-general was divided into four sections of administration. The Secretary-general shunted all correspondence to the proper division and himself handled the matters reserved for the Minister. The four sections were archivio, protocollo generale, spedizione, and amministrazione economica. The five Divisions were concerned with legal studies, organization and personnel of courts, civil justice, criminal justice, and accounts. The two ^{bureaus} ~~offices~~ were known as the Ufficio di Consulta and the Ufficio di Cassazione. The former was an advisory council of twelve experts convoked by the Minister whenever he had a problem to discuss. Its membership included the Secretary-general, the five Division chiefs, the president of the Legal Commission, two judges and the Procurator-general of the Court of Appeals of Milan, Romagnosi from the Special School of High Legislation, and Sani, professor of criminal law at Pavia. The Office of Cassation kept the records of the civil and criminal cases before the Court of Cassation.⁴ Besides all these the Ministry had⁵ twenty-one minor employees giving a grand total of seventy-two employees.

⁴ Eight volumes of such records were published at Milan before 1810 with the title Giurisprudenza del Tribunale di Cassazione, ossia compendio delle sentenze.

⁵ A complete analysis of the organization, duties, and employees of the Ministry in 1810 is in Box 43.

Attached to ~~Dependant from~~ the Ministry of Justice, although not connected with the judicial system, were two other institutions, the Royal Legal Commission and the notarial archives. The Legal Commission had been created by a decree of December 27, 1802. It consisted of a board of three men who ^{served as} ~~were consulted by any of the Ministries or administrative~~ ^{to all government agencies.} ~~legal advisors,~~ ~~their activity in this field is difficult to ascertain as it is so scattered.~~ It is evident that their advice sometimes resulted in a change of method if not in a change of policy. This board was paid by the Minister of Justice. Its cost declined slowly as years passed. In 1805 it was 61,260 lire of Milan and the following year about the same. In 1807 it cost 41,565 lire of Italy⁶ and usually stayed below 40,000 for the rest of the regime.

The notaries and notarial archives were regulated by a long decree of June 17, 1806. The former were defined as public functionaries to receive acts and contracts which required the authenticity of public authority. They could serve for the whole department in which they were stationed, and usually there were two notaries for each district of a Justice of the Peace. The notarial archives were created on September 4, 1806 with twenty-one main archives and nine subsidiary ones. The former acted within the sphere of a whole department while the latter acted within the same jurisdictional territory as the Tribunal of First Instance in the same city. The whole system was put into complete activity by a decree of October 7, 1807 which named the employees of all these archives.

⁶ The accounts are in Aldini 98 and 103.

The expenses of the Chief Judge and the Ministry of Justice increased quite steadily during the regime. In 1805 it was 165,925 lire of Milan and the following year had risen to 258,368 lire of Milan. In 1807 it was 213,395 of Italy. This rose to 249,896 in 1809 and almost 310,000 in 1812. The other expenses of justice also increased although a vigorous effort was made to keep them down by the levying of fees and fines. The annexations of new territories made for a natural increase, so that this item, which had been only a million lire in 1804, rose to seven and a half million in 1812. The principal expenditures in these totals were for salaries and office expenses.

⁷ The first three figures are from Aldini 98, that of 1809 from MS. account #54 in the library of the Archivio di Stato. The last, which is credit opened for the purpose, is in Aldini 103.

⁸ See decrees of April 16, July 16, and November 8, 1804; also September 11, 1807, and September 9, 1808.

⁹ The following totals are from Aldini 98 and 103. The first four are amounts paid on these accounts to January 1, 1808. The last is a budget. The others are amounts paid to October 1, 1812. The great increase occurred in 1806 when the central government assumed all judicial costs previously borne by the departments.

1804	1,095,926	1809	7,241,313
1805	1,098,691	1810	7,647,353
1806	6,570,658	1811	7,553,554
1807	5,215,120	1812	7,500,000

¹⁰ A typical budget is that of 1812 from Aldini 103:

Minister of Justice	L 50,000
Employees of Ministry	260,000
Court of Cassation	186,400
Courts of Appeal	659,000
Courts of Civil and Criminal Justice	1,636,640
Civil Courts of First Instance	455,000
Justices of the Peace	1,394,000
Employees of Courts	1,153,000
Expense of trials	900,000
Royal Legal-Commission	36,500
Reserve	769,460
	<u>L 7,500,000</u>

The Judicial System

During the Republic the judicial structure, administered by the Chief Judge, was organized only incompletely and was handicapped by the chaotic rules of law and procedure which it had to practice. The organization of the administration of justice of the Cisalpine Republic had been restored after Marengo but lasted only two years.¹¹ The constitutional provisions on this subject were very vague, but the law of July 22, 1802 blocked out a new system whose chief elements had been first brought to Lombardy by Joseph II.¹² In each important town or city was to be a justice of the peace (pretore) aided by from two to six lieutenants; in the capital city of each department was to be a Tribunal of Appeal; in Bologna and Milan were to be Tribunals of Revision; and over all in Milan was to be a Tribunal of Cassation. In both civil and criminal law the ordinary case was presented to only two of these four stages of justice. The Tribunal of Revision received a case only if there was a disagreement between the Justice of ^{the} Peace acting as a judge of first instance and the Tribunal of Appeal. The

¹¹ The organic law of the Cisalpine Republic was published by a decree of 16 Thermidor, an. V as Leggi organiche giudicarie della Repubblica Cisalpina (Milan, anno VI-1797). This was revised after the Thirteen Months by the law of 16 Messidor, an. VIII in Collezione delle leggi, proclami, ed editti pubblicati in Bologna dopo il ritorno delle Truppe Francesi, part I, pages 65-67.

¹² The judicial system of the old regime differed from that of a modern state in many ways. It was autonomous, its judicial functions were not clearly separated from political or administrative functions, and its structure, developed over centuries, was neither logical nor hierarchial. All of these had been reformed in Lombardy before the Revolution so that the province had a modern system by 1789. The first two attributes mentioned above were ~~reformed~~ ^{reformed} by a law of September 23, 1771; the last by one of February 11, 1786. See Valsecchi: L'Assolutismo illuminato, II, 191-94, 215-18, 277; Sandonà: Il Regno Lombardo Veneto, 20, 22, 33-51; and Vianello: Il Settecento Milanese, 164-65.

removed

Tribunal of Cassation received a case only if some question of legal
¹³
 procedure or forms of law was involved.

This judicial system was organized very slowly. The Tribunals
 of Cassation and Revision were established and their judges named on
 April 15, 1802. By a proclamation of May 10, 1802 they began to func-
 tion on June 1, applying the law of the locality in which the case
 arose. The Tribunals of Appeal were named in the course of 1803 and
¹⁴
 began to function a year later. The Justices of the Peace in the
¹⁵
 prefectures and vice-prefectures were not named until August 6, 1804.

¹³ Judicial districts were left as established in the law of 28 ~~vendémiaire~~
 an X. The law of July 22, 1802 assigned to each judicial unit a com-
 missario, who enforced the forms of law and the discipline of the court,
 and a procuratore who defended the rights of the state. In civil cases,
 those involving more than 2000 Milanese scudi were reserved to the pretore
 all others were tried by the lieutenants. Both were appealable. In crim-
 inal cases the Constitution had promised two juries, one to indict and the
 other to determine questions of fact during the trial (Titolo XIII). The
 law of July 1802 established neither of these. Instead it divided crimes
 into those punishable by déportation up to 15 days or by a fine up to 100
 lire and those of greater penalty. The justice of the peace tried the
 former immediately and acted as a preliminary, indicting investigator for
 the others. The trial for these latter took place before a tribunal made
 up of the pretore and two lieutenants. In both cases the judgment could
 be carried to the Tribunal of Appeal. It could be carried to the Tribunal
 of Revision only if the first trial resulted in acquittal and the second
 in condemnation.

¹⁴ Some on April 1 and some on July 1, 1804 according to decrees of March
 2 and June 11, 1804.

¹⁵ According to the Constitution, the judges of Cassation and Revision were
 to be elected by the Electoral Colleges and the personnel of the lower
 courts chosen by the Consulta di Stato from a four-fold list submitted to
 it by these higher judges. Instead Napoleon named the upper judges
 (April 15, 1802) and fixed their salary two year later (March 30, 1804).
 The lower judges were chosen constitutionally as regulated by a law of
 July 25, 1802.

Besides the regular judicial system, Tribunals of Commerce were created on August 26, 1802, and many special criminal tribunals and military courts were established in a desperate effort to maintain public order.¹⁶

This judicial organization was not a success chiefly for external reasons. The variety of laws made civil justice an uncertain and halting activity. The lack of forceful effort in organizing the courts allowed months and even years to go by before the system was put into effect. This ~~lack of organization~~^{failure} made the enforcement of criminal law especially poor, and it was necessary to reenforce this by a series of edicts creating special summary criminal and military tribunals. Finally the whole fundamental basis of the system was weakened by the fact that all lower justice was at the expense of the departments which vied with each other in ~~their efforts to fail~~^{failing} to provide for it.

A number of these difficulties were removed immediately after the creation of the Kingdom in 1805. At the beginning of June all departmental administration including justice was taken over by the central government.¹⁷ The third constitutional statute of June 5 also had a ~~long~~^{section} on the administration of justice. This provided that all trials take place in public sessions before tribunals of several judges who decided by majority vote. These judges were named for life by the King. The Tribunal of Cassation was cautioned to observe the execution of laws and report to the Chief Judge whenever the Tribunals misinterpreted the sense of a law. In such a case the problem was decided by the King in the Council of State.

¹⁶ See Pingaud: Bonaparte, président de la République Italienne (Paris, 1914), II, 30-47.

¹⁷ See Chapter VIII

The old judicial organization continued, but a series of commissions were established to modify it under the guidance of André¹⁸ Abrial. He spent a year in the Kingdom of Italy for this purpose and on September 4, 1805 wrote to Napoleon that the general plan for¹⁹ the organization of justice was complete.

This organic regulation of civil and criminal justice was published²⁰ on June 13, 1806. It provided that justice be administered in the King's name by Justices of the Peace, Correctional Tribunals, Courts of First Instance of Civil and Criminal Justice, Courts of Appeal, a Court of Cassation, Tribunals of Commerce, and Military Tribunals. Each Tribunal had a President. Each Court had a First-President who was aided by a President. With each Tribunal was a Royal Procurator; with each Court was a Royal Procurator-general.

The lowest grade of judicial activity rested with the arbitrators. These were concerned only with civil cases, and there was no appeal from their decision unless one of the parties had previously made an express reservation.

¹⁸ Born in 1750 this man had taken part in the reforms of Maupeou and been commissioner to the French Court of Cassation from 1791-1799. In the latter year he organized the government at Naples, became Minister of Justice after the 18 Brumaire, helped write the French codes, and was made a Senator in 1802. He spent a good deal of the remaining years of the regime organizing justice on Napoleonic lines in the vassal states.

¹⁹ Abrial to Napoleon, September 4, 1805 in AFiv1709B.

²⁰ Regolamento organico della giustizia civile e punitiva, 13 giugno 1806 (Bologna, 1859) also in B.L. 625-54. For a French law this one is poorly organized and poorly written.

The second grade of justice ^{lay with} ~~was~~ the Justices of the Peace, who had both civil and criminal functions. In civil actions the Justices of the Peace judged without appeal cases involving persons or movable property up to a value of 100 lire. They also judged with appeal ²¹ cases up to a value of 600 lire.

In criminal actions the Justice of the Peace had jurisdiction over cases which were punishable by not over ten days in jail or fifty lire fine. From the fines there was no appeal. The jail sentences could be appealed to a Court of First Instance, but the term had to be served unless the defendant could post sufficient bail. The Justice also acted as a police agent under the orders of the local Court of ²² First Instance.

The Correctional Tribunals were the usual first gradation of ²³ criminal justice with cognizance of all misdemeanors which were not granted to the Justices of the Peace. These tribunals were really the civil section of the Courts of First Instance with four judges sitting. *The votes of at least three of the four judges were necessary* ~~When these divided equally the defendant was declared innocent~~

21 All disputes except those exempt by law from conciliation could be carried before a Justice of the Peace who acted as a conciliator. When that failed, the case could go to arbitrators unless the parties refused arbitration. In such an event the case went to a Tribunal. When the Justice of the Peace was successful as a conciliator, he received one-half per cent of the value of the disputed object within the limits of five lire and five hundred lire.

22 In this capacity he gathered evidence, witnesses, or other proof, had arrested those caught in flagrant crime or accused by general public outcry. In cities where there were several Justices of the Peace, only one, named by the King, had this task of police agent.

23 This decree assumed a basic distinction between misdemeanors (delitti che la legge punisce con pena correzionale) and felonies (delitti d'alto criminale). This was replaced by a three-fold distinction by decree of July 7, 1807.

for conviction.

The sentence of such a court could be appealed to a Court of Appeal by the condemned, by the Royal Procurator, or by the plaintiff when it was in the public's interest.

The Correctional Tribunals also received or rejected accusations of felonies. When the Tribunal decided that a felony had been committed, the Royal Procurator drew up a ^{bill} ~~act~~ of accusation. This ^{bill} ~~act~~ was ~~re-~~ ^{accepted} ~~accepted, modified,~~ ~~reformed,~~ or rejected by the Tribunal. When it was ~~accepted~~ or ~~reformed~~ ^{modified}, the Royal Procurator gave the case to the criminal section of the court for judgment. If the bill was rejected, the accused was freed, but the Royal Procurator could appeal such a rejection to the Court of Appeal. If the case involved public interest, the plaintiff could also do this. In general, no one could be tried for a felony before a Court of First Instance unless a bill of indictment had been ^{accepted} ~~admitted~~ by the civil section of that court.

24

These Courts of First Instance with civil and criminal sections were in each department. The civil section consisted of at least five judges including the President. This section had primary jurisdiction over all cases except those attributed to the Justices of the Peace or some other court. The decisions of the civil section of the Court of First Instance were without appeal if the value of the controversy did not exceed 1,200 lire ^{or} ~~of~~ one year's salary. If it was over this limit, the judgment could be carried to the Court of Appeal. The appeals from

24 The civil section of the Court of First Instance acting as a Correctional Tribunal, or as an indicting jury could be divided into parts, which could be sent by the King into different places where their functioning was needed.

the civil cases of the Justices of the Peace also came to the civil section of the Court of First Instance acting as a final court. The criminal sections of this court ^{tried} ~~considered the~~ cases of felony sent to it by the Correctional Tribunal in a public ^{and} ~~trial~~ in the presence of the accused. ^{The latter had the right to propose anything in his} ~~The latter had the right to propose anything in his~~ own defense. After the evidence had been presented, the judges deliberated in secret, ~~in secret~~ first on the facts, then on the law and penalty. ~~of the case~~ The judges were always in equal numbers with an equally divided vote ^{considered} ~~as~~ an acquittal. Appeal could be made to the Court of Appeal by the condemned or in cases involving the death penalty, except those of arson or assault, by the Procurator-general.

The Courts of Appeal judged ~~appealable~~ sentences from all lower ranks of jurisdiction including the arbitrators, Justices of the Peace, Tribunals of Commerce, and Courts of First Instance. In civil cases involving over 10,000 lire the parties could carry their case immediately to the Court of Appeal as a court of first and last jurisdiction. In such a case the parties had to deposit a petition to this effect with the Chancellor of the Court. In civil cases the Court of Appeal sat with seven judges, in criminal cases with at least eight, and in commercial cases with four judges and three business men. The Court also pronounced on accusations against a lower tribunal or against judges for violations ^{of the law in respect} ~~in regard~~ to their functions. In such a case the section of the Court presided over by the President accepted or rejected the accusation, and the section presided over by the First-President tried the case. Whenever the King judged it convenient, the Chief Judge could preside over a Court of Appeal.

The Court of Cassation was not a court in the regular judicial system. For most cases the Courts of Appeal were the highest jurisdiction in the Kingdom. The Court of Cassation was instituted to maintain ^{observance} ~~observation~~ of law and see that the other courts carried out their functions. It judged, not in the interests of the litigants, but in the interest of the law itself. Accordingly, it had no concern with the merits of any case but only with the legal forms of judgment. It annulled any ^{judicial} ~~legal~~ act which violated such forms or was manifestly in contravention of the law or the regulations of public administration. The only cases admitted to its cognizance were those already definitively judged or concerned with the competence of courts. When the appeal to Cassation was ^{lost,} ~~dismissed~~ the claimant was fined 400 lire, of which 300 went to the public treasury and the rest to the other party in the case. Cases could also be appealed to the Court of Cassation by the Royal Procurator for violations of competence. In every case annulled by the Court of Cassation the decision was written on the records of the original court. If the same case was appealed twice to the Court of Cassation the second time it was submitted to the Chief Judge for decision. Contradictory decisions by two courts in regard to the same case and petitions for change of venue also were submitted to the Court of Cassation for decision. When accusations were made against a Court of Appeal or First Instance, the charge was considered ^{for acceptance} by one section of the Court of Cassation and tried by the other if accepted. The indicting section was presided over by the First President; the trial section was presided over by the Chief Judge.

① All courts had associated with them so-called ministri pubblici. These were agents of the government who supervised the ^{observance} ~~observation~~ of the laws and the execution of ~~the~~ judgments. A portion of this activity was exercised by the Royal Procurators, even in civil cases where they represented the public interest and could interfere whenever they believed it to be necessary. There was also with each court or Justice of the Peace a Chancellor named by the King. He with his assistants performed all the duties of a Clerk of Court. Each Court also had patrocinatori, named by the King. No one could appear before a court without the aid of these in preparing the case. Finally each Court or Justice of the Peace had a number of uscieri, who maintained ^{order in} ~~public~~
 ~~court~~ ^{court} and supervised all the duties of police in connection with the administration of justice.

This judicial system did not begin to function immediately. A decree of June 17, 1806 established its institutional outlines and salaries. The Court of Cassation was to sit at Milan and the four Courts of Appeal at Milan, Venice, Bologna, and Brescia. There were twenty-one Courts of Civil and Criminal Justice established in the capital cities of the departments, and in nineteen other important towns were Civil Tribunals of First Instance. Finally there were two Justices of the Peace in Milan, Venice, Bologna, Brescia, and Verona
25
and one each in 330 other places.

25 The Court of Cassation had a First President, a President, sixteen judges, a Royal Procurator-general with an assistant and a Chancellor. These were paid a total salary of 174,000 lire. Each Court of Appeal had a First President, a President, fourteen judges, a Royal Procurator-general with an assistant and a Chancellor. The salary expense for the courts at Milan and Venice was 136,000 each and for the other two 116,500 each. Each Court of Civil and Criminal Justice had a separate Chancellor for civil and criminal matters and either twelve or eight judges depending on the size of the department. The salaries also varied so that the total was 86,000 for Milan or Venice but only 47,000 for Reggio, Sondrio, Belluno, or Capo d'Istria. The Tribunals of First Instance cost 19,000 lire each. The salary of a Justice of the Peace varied from 2,500 lire in Milan to 600 lire in a small town.

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It took almost a year to organize these courts and name judges to their benches. This was done for the Court of Cassation in January 1807. The Justices of the Peace were named for Lombardy in March and for Venetia in June with one in each canton. In the great cities where there were two, one served the city and one the surrounding canton. The officers of the other courts were named in May 1807 and the judges²⁶ in August. The whole system began to function on October 14, 1807.

This system of regular courts was extended to the subsequent annexations of the Kingdom. In the summer of 1808 the Three Departments were given a Court of Appeal at Ancona and inferior Tribunals in each department. Two years later on August 10, 1810 Alto Adige was given the inferior tribunals of a department and these made subordinate to the Court²⁷ of Appeal at Brescia.

²⁶ See decrees of January 11, March 7, April 21, May 18, June 19, June 26, August 8, and September 16, 1807. Once appointed these judges were to have been irremovable, according to the Constitution. The regulation of June 1806 suspended this provision for three years. After that time, the judges did not become independent of the government. They were closely supervised especially for judicial and political actions. Their discipline was established in detail by a decree of August 20, 1811 which even allowed them to be removed from their functions and discharged. Each had to have a laureate in jurisprudence from a national university since 1802 or from some other university before that date.

²⁷ On Dalmatia see decrees of September 4, and December 25, 1806 also "Distrettuazione giudiziaria nella Dalmazia nel 1807" in Boll. di archeologia e storia Dalmata (1888), 86-87. On the Three Departments see, among others, decrees of April 8, April 21, May 20, June 28 and 30, August 12, and September 16, 1808. On Alto Adige see Menestrina: "La legislazione civile del dipartimento dell'Alto Adige" in Archivio per l'Alto Adige, (1909) IV or in La Venezia Tridentina nel Regno Italico (Rome, 1919) 165-89.

No radical changes were made in this system during the remaining years of the regime, but a number of enactments added details to its administration. On August 16, 1808 the patrocinatori with each Court or Tribunal were organized into a chamber of from four to six individuals. This body was ordered to regulate the relationship between these counsels and the judges and to concern itself with the internal regulations of the court. Two weeks later on August 30 the government issued a long regulation on the police and discipline of all tribunals and courts fixing in detail such subjects as the size and conduct of the audiences and the allotment of duties and cases. Shortly afterward, on September 11 a chamber of uscieri was created in each court to assist in regulating all matters in the sphere of activity of these functionaries. Lastly on August 9, 1811 a decree established a bar²⁸ for lawyers practicing before tribunals and courts.

Besides the regular judicial system which we have examined there were a number of other judicial bodies of a more specialized nature. These were concerned with questions of commerce, ^{maritime law,} ~~maritime~~ or public order.
x

²⁸ The bar consisted of a list of lawyers made by the President and Royal Procurator of the town. Each individual on this list had to take the oath of allegiance. New individuals were admitted to this bar only if they had the laureate from a Royal University, three years experience in connection with a Tribunal of First Instance, a certificate of good conduct from the local political authority, and proof of having fulfilled their military service. The discipline of these lawyers was entrusted to a council of advocates to be created in each town where there was more than twenty of them. In other places this regulation was given to the local court. This discipline could be enforced by censure, suspension, or disbarment.

A decree of August 26, 1802 had created a commercial court (camera di commercio) of five members in each commune where there was already a mercantile tribunal. The original members were chosen by the government, but a third of these were replaced each year by the business men of the territory. The same decree created in each Court of Appeal or Revision a commercial section of three judges and two business men. This group served as a Court of Appeal or Revision for commercial cases.

Commercial justice was administered in this fashion until the end of 1806. Then the Regulation of June 13, amplified by a decree of November 7, abolished the Chambers of Commerce, replacing them by Tribunals of Commerce to be set up in sixteen principal cities. In places where there was no Tribunal of Commerce the local civil court exercised its functions. These new courts were to be supported entirely by ~~their~~ fees and fines. Whenever these proved insufficient, a tax was assessed on the business men of the district to make up the deficit.

There was some delay in ^{getting} ~~putting~~ these new courts ^{established.} ~~into being~~. As a result, the old Chambers of Commerce continued to function. On September 16, 1807 they were ordered suppressed by October 14 except in eight chief cities. In other places commercial cases were provisionally given to the regular courts. The members of these eight Tribunals and the commercial sections of their Courts of Appeal were not named until November 18, 1807. During the next three years six other such courts were established, the majority because of the annexations of new territory.

29 Tribunals of Commerce were in Milan, Venice, Bologna, Brescia, Verona, Ferrara, Bergamo, Rimini, Modena, Mantua, Rovereto, Bolzano, Ancona, and Sinigaglia. See decrees of June 30 and September 25, 1808, August 10 and November 24, 1810.

Maritime

~~Justice~~ justice received little attention under the Republic when the country had only a small and unimportant coast line. Justice of this kind was provisionally administered by the ordinary judges in accordance with a method established on August 10, 1803.³⁰ After the annexation of Venetia, the subject became of much greater importance. A decree of August 23, 1807 created a special naval commission to judge all persons already held on criminal charges in ^{maritime} matters, ~~of~~ ~~maritime~~. This commission consisted of five judges headed by a captain of a frigate and using military law. On September 8, 1807 a more permanent organization of ^{maritime} ~~maritime~~ justice was established. This consisted of three separate tribunals sitting at Venice and having cognizance of criminal matters, correctional police, and crews. The majority of the judges on these tribunals were naval men chosen by the Commissioner-general of Marine. Appeal could be made only for violation of legal forms or false application of law. This appeal was judged by a committee of the Commissioner-general of the Navy, the military and naval administration chiefs, the President and Procurator of the Tribunal of First Instance. This system of ^{maritime} ~~maritime~~ justice was originally organized only in Venice, but after 1808 it was necessary to set up a similar court in Ancona.³¹

The principal special courts were those created ~~during~~ during periods of crime waves or political unrest. Sometimes these were military, sometimes civil, and sometimes mixed. In the first and third cases they judged by the military code; in the second case they judged

³⁰ F.O.1803, pp.262-5.

³¹ Decrees of September 8, 1807 and February 24, 1812.

by the criminal code. During the early years of the regime such special courts were necessary because of the delay in organizing some system of criminal justice. In the latter years of the regime such courts were necessary because of the political discontent.

At the beginning of the Republic there existed extraordinary criminal tribunals which were replaced by special criminal tribunals on August 10, 1802. These were supplemented on September 21, 1802 by a Special Tribunal of Civil and Criminal Justice in First Instance to try crimes of violence involving the interest of the State. This lasted for three years, and on its expiration on November 17, 1805, it had received only nineteen cases of which nine were settled and ten awaited decisions. This paucity of work was the fault of the public prosecutor who refused to send cases to it.

~~At the beginning of 1804 on January 30 it again became necessary to create special Criminal Tribunals to try cases of robbery, assault, and similar crimes in the departments of Agogna, Olona, and Alto-Po. By a subsequent decree of March 1, the right of appeal was not permitted to those unanimously condemned to death by these tribunals. Their existence was of short duration, and they were abolished by a decree of July 23, 1804.~~

As soon as the Kingdom had been ^{established} ~~formed~~, the government felt it advisable to create special courts. This was ordered by a decree of July 12, 1805 which established a military commission of seven officers

³² Eugene to Napoleon, October 23, 1805, in AFiv1709B.

sitting in Milan and empowered to judge ⁶agressions on the highways, arson, and robbery with violence. This group judged ^{such}~~these~~ cases without appeal within twenty-four hours after arrest. It could administer the death penalty and was to continue until public security could be reestablished. By a decision of Eugene of August 15, 1805 this commission's powers were not retroactive, and it could not judge a crime committed on the night of July 11. ~~It remained in activity until January 8, 1808~~ ^{and} ~~It~~ re-
mained in activity until January 8, 1808³³ had its jurisdiction extended to Venetia on July 27, 1806. At the beginning of October 1807 the Minister of War reported on the activity of this court. It had judged 518 individuals of which 407 in private and 111 in public sittings. The results were that 52 were sentenced to death, 239 were turned over to the ordinary courts, 150 were given into police jurisdiction, and 77³⁴ were freed. In addition 269 were still awaiting trial.

Somewhat similar to this court was another commission created on September 26, 1805 to judge and punish all crimes against the State and public order. This consisted of two military and four civil judges, sitting at Milan and judging according to the military code. ^{No details} ~~are available on any details upon the results of~~ ~~are~~ ~~not~~ available ^{on} this commission's activity. It was suppressed on January 8, 1808.

The special courts of 1805 had hardly been abolished early in 1808 when it became necessary to establish new ones. This necessity became acute in 1809 and remained at a high level thereafter. The government

³³ All documents in Giustizia Punitiva 32.

³⁴ Report of October 4, 1807 in Giustizia Punitiva 31.

responded by the creation of special courts, either civil or military, and it was necessary to supplement the activities of regular courts by such bodies during the rest of the regime.

Substantive Law and Procedure

The complete judicial system which we have described needed laws to apply and procedure with which to apply them. This was an order of tremendous magnitude. It was cut to manageable size by the arbitrary decision of Napoleon that several of the French codes be also used in Italy. Before that decision was made the Italian Republic had been without uniform codes. In civil cases the law applied was that of the locality in which the case arose. ~~This~~ ^{followed} practice was ~~used~~ for civil procedure, ^{a/s.} until April 1804 when a provisional code of civil procedure

35 On March 21, 1808 the government was empowered to create special courts with eight judges to consider cases involving attacks upon public order, law, or the sovereignty of the government. They could also consider any cases of homicidal robbery, armed violence in public places, arson, or resistance to public force on the indictment of any police official or procurator, and in conformation to the code of criminal procedure. By decrees of April 2 and April 5, courts of this kind were established in Adige, Agogna, Alto Po, Bacchiglione, Olona, Reno, and Serio. These courts were kept in activity and assisted by numerous new courts during the troubles of 1809 and 1810. On January 12, 1809 the Courts of Civil and Criminal Justice of Passariano and Istria were made special courts for the crimes mentioned in the decree of March 21, 1808. On July 11 the same was done to the courts of Adriatico, Adda, Brenta, Basso Po, and Mella. On November 6 this was done to the court in Panaro and its jurisdiction extended to include the department of Crostolo. To suppress the riotous bands roaming the countryside, military courts were created on May 18, 1809 to try individuals found in such gangs. On April 21, 1810 one such military court was created in each department. Finally on December 3, 1811 three special mixed courts of five civil judges and three officers were created as in the decree of March 1808. The activity of all these courts is discussed in Chapter VII in the section on Police, Public Spirit, and Civil Liberty.

was issued under the title Methodo Giudiziario Civile. This went into effect on January 1, 1805 after having been modified by a decree of October 15, 1804.³⁶

For criminal justice the courts enforced a hodge-podge of local laws which had been replaced in regard to important crimes by a number of enactments made under the Republic. The chief of these was the law of February 25, 1804 on homicide, assault, and robbery. This was modified by at least six subsequent decrees,³⁷ and provided that murder be punished by decapitation and ~~homicide~~ ^{manslaughter} by life imprisonment in irons. Infanticide or exposing a child in a remote place was punished by death, and abortion by four to eight years at hard labor in prison. For robbery the punishment ^{varied with} ~~depended on~~ the amount stolen.

The criminal procedure used was that of Lombardy published at Milan in 1786 with the title Norma Interinale Criminale. This was extended to the districts which had not been part of Lombardy by a series of decrees in the summer of 1803.

Immediately after the creation of the Kingdom, steps were taken to obtain uniform codes for the whole country. On June 5, 1805 the third

³⁶ Both are in B.L.1804, 215-427, 857-93. These were interpreted by circulars of the Chief Judge dated April 23 and May 20, 1805. See B.L. 68-70, 84-86.

³⁷ March 6, March 28, April 23, April 26, April 30, June 12, 1804. The law itself is in B.L.1804, 86-112.

Constitutional Statute ordered that the Code Napoleon be translated into Italian by a commission of six men appointed by the Chief Judge. On June 14, 1805 the Minister reported that the commission had been named. He asked permission to form a committee to ^{draw up} ~~make~~ a code of civil procedure and announced that as soon as the organic regulation of civil and criminal justice had been accepted by the Council of State, he would establish a commission to reform criminal procedure ³⁸ and possibly to reform the criminal law entirely.

Although Napoleon ordered that the Code Napoleon be approved by the first of November and go into ^{force} ~~activity~~ on the first ^{day} of 1806, there was some delay in the translation. It was finished by 1806 and a decree of January 16 ordered that it go into force on April 1 superseding ^{any} ~~any~~ other law or ordonnance on the subjects within its scope. ³⁹

A similar delay was experienced in obtaining satisfactory versions of other codes. On September 4, 1805 Abrial wrote to the Emperor that there would be several months' delay in getting these into a final form. ⁴⁰

³⁸ Luosi to Napoleon, June 14, 1805, in AFiv1709A.

³⁹ Codice di Napoleone il Grande pel Regno d'Italia (Milan, 1806) See also Carcano: Indice del codice di Napoleone il Grande (1809); Raccolta di giudizi dei tribunali del Regno d'Italia sul codice di Napoleone il Grande (Venice, 1807); Formole degli atti da praticarsi nel Regno d'Italia a terme delle nuove disposizioni del codice civile (Second edition, Forlì, 1806) and Giurisprudenza del codice civile (34 volumes, Milan, 1807-11).

⁴⁰ AFiv1709B. André Joseph Albrici (1750-1828) had been an avocat co-operating with the reforms of Maupéou in France in 1768-1774 and commissioner to the Court of Cassation in Paris in 1791-1799. In 1799 he went to Naples to help organize the republican government there. After the Eighteenth Brumaire he was Minister of Justice in France, played an active part in formulating the new French codes, and became a Senator in 1802. He was then sent by Napoleon to help establish the Code Napoleon in Piedmont, Genoa, and the Kingdom of Italy. On his return he was made a Count of the Empire and became a Peer of the Restoration in 1814. See A. Auzoux: "Abrial, André-Joseph" in Dictionnaire de biographie française I (1932) 226-231.

On December 4, 1805 he wrote that the Code of Criminal Procedure was finished. He praised Luosi and reported that it would be necessary to remain in Italy all winter, for the penal code was only half finished,⁴¹ although the code of civil procedure was finished.

On April 14, 1806 Eugene wrote to the Emperor that Abrial had finally finished his task.⁴² This, however, did not imply that the whole system had been satisfactorily done. On May 13, 1806 Napoleon wrote to Eugene that he did not like the code of civil procedure which had been formed and had ordered that the French code be translated into Italian to be used in Italy. A decree of June 17 was issued to this effect. ~~and~~ *It argued* ~~provided~~ that the French code would be better suited to use with the Code Napoleon and could be modified slightly if necessary to fit the Organic Regulation of Justice issued on June 13. The translation was ordered to be published at the beginning of August and take effect two months later, *but this* ~~translation~~ was not carried out. The Code was sent by Aldini at the end of June, ¹⁸⁰⁷ ~~and~~ *went* into effect only on October 14, ~~1806~~⁴³

⁴¹ Abrial to Napoleon, December 4, 1805, in AFiv1709B. Also April 16, 1806 in AFiv1684.

⁴² AFiv1709B.

⁴³ Aldini 34. The period of transition was provided for by giving powers of discretion to the Chief Judge and issuing stop-gap decrees such as those of March 22, 1806, June 10, 1807, and December 2, 1808. The code was published as Codice di procedura civile pel Regno d'Italia (Milan, 1806). See also Marelli: Repertorio alfabetico all'analisi del codice di procedura civile del Regno d'Italia (Bergamo, 1808), and Analisi del codice di procedura civile per servire di guida alla pratica forense del Regno d'Italia (5 volumes, Milan, 1806).

An Italian commission headed by Luosi drew up a code of criminal procedure, ^{providing for} ~~two~~ two juries--one to determine guilt and the other to determine the punishment. When this was presented to Napoleon in January 1806, it was ^{rejected,} ~~rejected~~ and the task was given to a new commission headed by Romagnosi.⁴⁴ The new version, defended before the Council of State during the summer of 1807, was signed by the Emperor on September 8. During the interval the old methods were used and the mode of their application determined by two decrees of June 10, and July 7, 1807. These divided the jurisdiction of crimes into police, correctional, and alto criminale. Police jurisdiction, exercised by the Justices of the Peace, was applied to crimes punishable by detention up to ten days and fines up to fifty lire. Cases of this kind could be appealed to a Court of First Instance. Correctional jurisdiction, exercised by the Tribunals of Correction, included crimes punishable by detention from two days to two years and fines of over fifty lire. Such cases could be carried to a Court of Appeal. Felonies deserved imprisonment of over two years. Indictments were made by Correctional Tribunals, trial was before a Court of First Instance, and the cases could be carried to a Court of Appeal.

The code of penal procedure of September 1807 was the first Italian code.⁴⁵ It was divided into three books concerned with judicial police, judicial practice, and special judgments. It divided police activity

⁴⁴ Romagnosi (1761-1835) was the most famous jurist of the day. His Genesi del diritto penale (1791) and his Progetto del codice di procedura penale are in Opere (8 volumes, 1841-48) IV, part 1. See Cusani-Confalonieri: G.D. Romagnosi: Notizie storiche e biografiche (Carate Brianze, 1928)

⁴⁵ Codice di Procedura Penale pel Regno d'Italia, (Milan, 1808) also in B.L.1807, 561-758. See also Module del processo di polizia correzionale ed alto criminale secondo il codice di procedura penale pel Regno d'Italia (1807). By decree of September 16, 1807 this code went into effect on October 14, 1807.

into three sections--administrative, judicial, and punitive. The first was entrusted with the duty to prevent crimes, the second to prosecute crimes committed and gather evidence, the third to try cases in a judicial way. The second of these, judicial police, had two parts: to gather and preserve evidence and to prepare the case and hold the preliminary examination. This preliminary hearing was not exercised by the judges who were to hear the case but by a giudice istruttore, named on each occasion by the President of the Tribunal. This giudice did not take part in the trial judgment. The other ^{activities} ~~parts~~ of ~~the~~ judicial police were exercised by the ministero pubblico. This activity was handled by the Royal Procurators in the courts or by the commissioners of police for the Justices of the Peace. Where no commissioners of police existed the mayor (sindaco or podestà) performed the functions of ministero pubblico with the Justices of the Peace. In general the Royal Procurators performed most of the functions of a public prosecutor and insisted on the enforcement of the law.

The three-fold division of crimes into police, correctional, and criminal was maintained, and the same courts had competence over these. The forms of proof admitted were the same as those in most modern courts and included confession, proof of witnesses, written documents, and so forth. Trials were public and the accused had every right to ask questions or defend himself. He was advised by a counsel (patrocinatore), defended by an advocate, and prosecuted by the Royal Procurator. When the hearing of evidence was concluded, the decision both as to law and fact was made by the judges of the bench.

With a code of penal procedure in ^{force} ~~activity~~, it became necessary to ^{write} ~~form~~ a code of penal law. This was undertaken by a commission of nine

jurists. Although this group worked sufficiently hard to publish six
⁴⁶
 volumes of preliminary studies, their labors went for naught when the
 Emperor in October 1810 ordered that the penal code of the Empire be
 translated into Italian to be used in Italy. The Chief Judge appointed
 a committee to make this translation, and on November 7 the completed
⁴⁷
 work was given to him. Five days later, this code was approved and
 ordered to go into effect at the beginning of 1811. Because it did not
 fit the code of penal procedure on all points, this latter was modified
 in various details by a decree issued on December 7, 1810. This change
⁴⁸
 was made by another commission led by Luosi.

This does not complete the list of legal enactments. There were
 three others of importance. The first of these was the translation of
 the French code of commercial law into Italian. This was ordered by
^{49a}
 Eugene in November 1807; the completed work was approved on July 17, 1808,
 and went into effect at the beginning of September. The second was a
 decree of December 12, 1812 which put into effect in Italy various French
 laws on mortgages. The third was the publication of a code of procedure
 for the Court of Cassation on August 25, 1807.

46 Collezione dei travagli sul codice penale pel Regno d'Italia (6 volumes, Brescia, 1807.)

47 Eugene to Napoleon, November 7, 1810, in AFiv1711A. Codice dei delitti e delle pene pel Regno d'Italia (Milan, 1810). Indice (Venice, 1811).
 Also in B.L.1810, 1005-1136.

48 Box 43, #18. Text in B.L.1810, 1211-32.

49a Eugene to Napoleon, November 11, 1807, in AFiv1710B. Codice di commercio di terra e di mare pel Regno d'Italia (Milan, 1808). See Baldasseroni: Dissertazione sulla necessita ed importanza della compilazione d'un codice generale pel commercio... e sulle basi fondamentali sopra le quali debba essere compilato, (Milan, 1807); Manuale alfabetico ragionato del codice di commercio (Venice, 1808); and Locre: Spirito del codice di commercio; Versione italiana (8 volumes, Milan, 1811-14).

It would be the task of a legal expert to judge the value of these various codes. ^{49b} It is obvious, however, that no country could be expected to receive five great codes within four years without a jolt. This result evidently would be much more pronounced when four of those codes were direct translations from those of another country. The French codes in Italy were not completely suited for Italy. This, perhaps, was most glaringly evident in parts of the Code Napoleon, especially those concerned with the family and property. According to Pingaud the criminal code was so severe that it terrorized the Italians with such penalties as death for counterfeiting and ^{with} such crimes as ⁵⁰ having a religious marriage without a civil ceremony.

Crimes and Punishment

The government did not need to create crimes of ^{such small} ~~small~~ caliber. The evidence would indicate that the Kingdom had more than its share of ordinary crimes of violence. These were always plentiful but increased at times into crime waves of surprising proportions. There certainly was some connection between these crimes and political unrest because the periods of greatest crime usually coincided with the periods of greatest political unrest ^{came} or [^] shortly after these latter. It is not possible to discover the number of crimes in the first three years of the Kingdom, since monthly reports were made only after March 1808. Of these reports a large part has disappeared, but the ones remaining permit us to construct the following table of the number of crimes each month. These crimes include murder, murderous assault, infanticide, violent aggressions on the highways or in houses, arson,

^{49b} Such an assessment will be found in Roberti: Milano capitale napoleonica ~~Le Opere di Napoleone~~ II, 5-132.

50 Pingaud: "L'Oeuvre Sociale" in Revue d'histoire diplomatique (January-March 1933), XLVII, 10-33.

counterfeiting, etc.

<u>Month</u>	<u>Number of Crimes</u>
July 1808	148
August 1808	132
September 1808	158
October 1808	146
November 1808	179
August 1809	511
September 1809	612
October 1809	409
November 1809	712
December 1809	1066
January 1810	627
February 1810	626
March 1811	707
April 1811	781
May 1811	715

The largest part of the increase in 1809 was caused by violent robberies, assaults, and aggressions on the highways. The first of these rose from 210 in October 1808 to 671 in the following December. Assault cases averaged eleven per month from August to December 1808; they averaged thirty-two per month for the same period in 1809. Attempted murders averaged 1.5 per month in the four months August to December of 1808 and averaged fourteen per month for the last five months of 1809. Aggressions on the highways averaged sixty-eight per month in the four months August to November 1808 and averaged almost ^{a hundred} ~~100~~ per month in the last five months of 1809.

This increase in crime aroused a great deal of anxiety ~~on the part~~ ⁱⁿ the government. Eugene showed growing alarm as these monthly reports were submitted and wrote on November 7, 1810 "Ce resultat est

51 Giustizia Punitiva 32. All these figures are from twenty-four departments except the first two which are from twenty-one departments.

veritablement effrayant et ce qui l'est plus que tout le reste c'est qu'il ait été commis trois parricides dans le mois de juin, quatre dans le trimestre suivant, et 84 homicides dans quatre mois. Quelle idée prendrait-on des moeurs du Royaume si de pareils rapports étaient rendus public? Sept parricides dans quatre mois!" The Viceroy's concern was certainly justified, but the peak of the crime wave was already a year ^{past} ~~passed~~ at the time he wrote. December 1809 is the worst month which can be found among the incomplete records now available. The decrease can be charted from the figures for four chief classes of crimes in the last four years of the Kingdom:

	1810	1811	1812	1813
Murder	248	184	170	157
Attempted Murder	102	56	72	27
Assault	258	208	265	201
Infanticide and Exposure of Infants	58	48	42	40

① It is difficult ^l to place the credit for this improvement upon the better functioning of the judicial system, but certainly this must have been a factor. The two years 1809 and 1813 are comparable, since in both cases the Kingdom was at war and invaded, yet the record for 1813 is much better than that for 1809. In the last five months of 1809 there were 159 murders and 70 attempted murders, more than for the whole year 1813. When we consider that political spirit was much worse in 1813 than in 1809, it ^{seems likely that} ~~is a possibility that~~ ^{more efficient administration under} the new judicial and penal systems had something to do with the improvement. 52

52 All figures from Giustizia Punitiva 32.

~~6. etc. the efficient administration of justice~~

The information available in regard to civil cases is even more unsatisfactory than that for criminal cases. A document of 1809 gives 131,396 civil cases judged during the three years 1804-05-06. A note on the same document says that "all is confusion in this record". It is of little value to us because it is supported by no other evidence. 53

The justice administered in the Kingdom was apparently fairly unbiased and fairly intelligent. *The latter attribute was by no means guaranteed for the future since* ~~The possibilities of maintaining this last attribute for the distant future were not firmly established as since~~ the law permitted study only in the Royal Universities, and the study of law in these was never satisfactorily organized. The judiciary, which, according to law, was independent of the government, was not free in fact. This did not affect civil cases, touched criminal cases only rarely, and was noticeable only in political cases. Even in these latter, if a defendant could get a trial he usually received a fair one so that his problem was rather one of getting to trial at all than one of getting honest treatment. *actions* The ~~influence~~ of the government upon the judiciary for political reasons *were* ~~were~~ rather ~~an~~ efforts to punish judges who were not loyal to the regime than ~~an~~ efforts to influence cases. The former was not rare, and in general the irremovability of judges was a legal fiction even after the three-year period of probation had passed. In October 1808, on orders from Paris, Eugene demanded the resignations of the First President, President, and Royal Procurator of the Court of Justice of Adriatico. All three *yielded* ~~were~~ ⁵⁴. In 1809, on

53 Studi 1141.

54 Eugene to Napoleon, October 21, 1808 in AF1v1711B.

his own initiative, the Chief Judge suspended or discharged twenty-seven judges and ~~destituted~~^{arrested} five. This was not to Eugene's taste, although he would not ^{have} hesitated to do the same thing himself if he had believed it necessary. On August 17, 1809 he wrote, "Je ne sais pas s'il est bien regulier que la police arrête des juges, hors du flagrant délit, sans autorisation special du gouvernement... Si j'entend bien ce rapport du Grand Juge, il paraîtrait qu'il a destitué plusieurs juges. Il n'en a pas le droit."⁵⁵

On January 7, 1811 the Viceroy wrote to Napoleon that a judge on the Court of Cassation was deaf so he had "nominated another to the vacancy".⁵⁶ As a final example, on March 23, 1812, Eugene wrote to the Emperor that the Procurator of the Tribunal of First Instance at Este had done things which made him unworthy of his place although they were not such as allowed charges to be ~~preferred~~^{brought} against him. As a remedy Eugene sent a decree which nominated another in his place and thus assumed that the office was vacant.⁵⁷ There is also evidence that the government occasionally interfered in cases with a political or semi-political tinge. At the end of 1813, for example, a certain Passano sued the Intendant and Receiver of Finance of Ancona for seizing his ship for violating the Milan decree. On September 23 the Council of State moved the case from the court of Justice of Ancona where it had been brought to the Court of Appeal of the same city. There may well have been legal justification of this change of venue. At any rate such shifts were apparently not common.⁵⁸ The King did have the right to suspend a sentence and subject it to the review of a privy council appointed each time, but this was not frequently exercised.⁵⁹

⁵⁵ Polizia 458.

⁵⁶ AFiv1712.

⁵⁷ AFiv1712.

⁵⁸ Acque 294 for report of Council of State of September 23, 1813.

⁵⁹ Third Constitutional Statute, Title VII.

Chapter V

War and Navy

1. The Ministry
2. The Army
3. Artillery
4. Engineers
5. Fortifications
6. Supply
7. Transportation
8. Armaments
9. Military Schools
10. The Medical Service
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Chapter V

1

War and Navy

The Ministry

The administration of the army and navy was considered by the government as its most important task. Nevertheless, it was not organized as well or as early as several other Ministries.

In the First Cisalpine ^{Republic} the administration of war was entrusted to an extraordinary commission. Later it was confided to an Inspector-general and finally to a Minister. The incumbents were numerous and of varied capability. The following table gives a list of the various men in charge of the administration and the date on which they

1 The manuscript materials on this subject are almost as plentiful as those on finance. At Princeton a good half of all documents is on this subject, especially Boxes 28-38 on the Army and 39-41 on the Navy. At Paris the situation is similar with the core of the subject in cartons APV1108-1114 and AF¹V1365-1435. Additional correspondence on the Navy is in BB²128 and BB³287. At Milan the material is chiefly in the section called "Militare", but nothing was done with this. The chief source for this chapter is a long history of the administration to April 1807 which forms a manuscript volume at Princeton (Box 30, L^e). On the military history of the Kingdom see Turotti: Storia delle armi italiane dal 1796 al 1814 (3 volumes, 1855-58); [de Laugier]: Fasti e vicende di guerra dei popoli italiani dal 1801 al 1815 (13 volumes, Italia, 1829-38); de Laugier: Gli Italiani in Russia (Italia, 1826); Vacani: Storia delle campagne degli Italiani in Spagna dal 1808 al 1813 (Second edition, 3 volumes, 1843); Gachot: La troisième campagne d'Italie, 1805-06 (1911); Vaudoncourt: Histoire politique et militaire du prince Eugène Napoléon (2 volumes, 1828); Weil: Prince Eugène et Murat (5 volumes, 1902); Comando del Corpo di Stato Maggiore; Ufficio Storico: Gli Italiani in Illiria e nella Venezia, 1813-14 (Rome, 1930); and various studies in Comando del Corpo di Stato Maggiore; Ufficio Storico: Memorie storiche militari (esp. 1909, 1910, 1912) and Bollettino dell'Ufficio storico dello Stato Maggiore (especially 1927-1928). On the whole bibliography see D'Ayala: Bibliografia Militare-Italiana (Turin, 1854).

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began their service.

Birago	June 1797
Vignolle	November 25, 1797
Bianchi d'Adda	April 5, 1799
Polfranceschi	October 30, 1800
Teulié	April 22, 1801
Tordoro (without title)	July 31, 1801
Trivulzi	March 8, 1802
Pino	September 4, 1804
Caffarelli	March 14, 1806
Danna	February 14, 1810
Fontanelli	August 18, 1811

Of these men only two, Count Augusto Caffarelli and Marquis Achille Fontanelli had capabilities equal to the position they held, and the abilities of both eventually called them to other posts.³ Danna, who

² In some cases these dates differ from the dates of appointment. See Zanolli: Milizia Cisalpino-Italiana (2 volumes, 1845) I, 77-82 and Adami: I Ministri della Guerra Italiana (1930). All of these men gained fame in other connections so we concern ourselves here only with those who served as Minister during the Kingdom. Domenico Pino (1767-1826) had formed the Lombard Legion in 1796 and was a general of division by 1800. During the Republic he commanded the Italian division in France. As Minister his administration was far from satisfactory, and in 1806 he was made Commander of the Royal Guard and sent to Germany. On the death of Teulié he became commander of the Italian division with the Grand Army. Upon his return he went to Spain but left there in disgust in 1810. He made the Russian campaign and that of 1813, then returned to Milan in semi-disgrace. Put in command of the military forces in the capital he kept them from preserving order in April 1814. His motive in this was to assist in the overthrow of the French regime as a step on the way to a more national government, but this motive was highly adulterated with personal ambition. His bibliography is extensive. See Pingaud: Les hommes d'état, 146-53; Lombroso: Biografie dei primarii generali ed ufficiali ([1844]), 125-79; Casini: I Ministri, 294; Porro: Discorso funebre in onore del tenente maresciallo Pino (Lugano, 1826); and the numerous works on the event of April 1814, especially Pellini: Il generale Pino e la morte del ministro Prina (Novara, 1907) and Zanolli, II, 441-45.

³ Augusto Caffarelli (1766-1849) of Piedmont joined the army of the French Republic and became the aide-de-camp of Bonaparte in the first Italian campaign. In 1805 he was in charge of the trip of Pius VII to Paris and then was made a general and Governor of the Tuileries. After commanding a division at Austerlitz, he was made Minister of War in Milan and devoted much of his effort to building up the navy. In February 1810 he was recalled to France and served on the Spanish front until the end. He did not officially relinquish his title of Minister of War until 1811. In the interim the administration fell to General Danna. See Zanolli, I 335; Casini: Ritratti e studi moderni, 441-42. Achille Fontanelli

[N.B. continued on next page → (con't.)]

served between these two, was removed for inefficiency and Pino, who⁴ preceded them, was notorious for his intrigue and poor spirit.

The Ministry of War was organized by a decree of April 25, 1802. It was divided into three divisions dealing with personnel, artillery and engineers, equipment and supplies, respectively. There was also a Direction of the Navy and sections of accounts and correspondence. The Second Division included the Depot of War charged to collect all historic memoirs, maps, and plans. ^{Attached to} ~~Depending from~~ the Depot was a⁵ topographic corps which was mapping Italy. As originally created,⁶ it had 73 employees at a total annual salary of 215,850 lire of Milan.

3(con't.) (1775-1838) formed a cohort of Modenese volunteers in 1796. After the Thirteen Months he organized a battalion of the Italian Legion. During the Republic he served as an aide-de-camp of Napoleon and as general in the Guard. In 1805 he organized the military schools, the guards of honor, and the vérites. In the campaign of 1805 he was a general of division and later governor of the Royal Palace. He succeeded Pino as commander of the Guard in 1807 and held the post four years. In the campaign of 1809 he was brilliant in command of Severoli's division. In 1813 he served in Germany returning to Milan after Leipzig. See Iacopetti: Biografia del conte Achille Fontanelli (1843); Roncaglia: Intorno al Marchese Achille Fontanelli (Modena, 1879); Lombroso, 449-95; Zanoli, 335-38; Casini: Ritratti e studi moderni, 378-82, 442-43. ~~Fontanelli, Achille, 1775-1838, Modena, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 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3829, 3830, 3831, 3832, 3833, 3834, 3835, 3836, 3837, 3838, 3839, 384~~

On August 23, 1802 by virtue of a decree of July 3 there was established in the Ministry a commission of Administration of three men each concerned with a different branch of administration. The three divisions were ordered abolished, but this was never done.⁷

According to Pino's report of April 30, 1804 the Ministry at that time had eight parts. These were (1) a secretariate of five employees under General Salimbeni, (2) the First Division under Commander Bertolsi with fifteen, (3) the Second Division under Captain Rossi with nine, (4) the Council of Administration with seventeen employees under the three councillors Beccaria, DeStrani, and Paribelli, (5) the Ragioneria Generale of eleven, (6) the protocollo and spedizione of four, (7) the archives of seven, and (8) the Navy Department of nine under Captain Paolucci.⁸

The ~~constitution~~^{organization} of the Ministry ~~varied~~^{changed} a good deal during the first few years of the Kingdom. During that period ~~a great deal of~~^{much} trouble was experienced obtaining capable employees. There is among Eugene's papers a detailed report on these by name, and their quality can be judged from this. It says that the chief of the First Division was helpless and had to rely on others. His subordinate was capable but an ex-convict from Naples. In the second Division the chief was mediocre and hated the French. In the section on accounts the chief was capable but a sworn enemy of the French. One of his assistants lacked even the rudiments of education. In the Administrative Council two members were excellent, but the third was mediocre and anti-French.

⁷ Box 30, L^O, p.13. The decree of August 23 is in F.O.1802, 178-79.

⁸ Report in Box 28, #1.

In the archives the chief was "a good poet but a bad director". In the Navy Department Paolucci was "impudent and intriguing and could not hold his place without his assistants."⁹

Under Caffarelli a great deal of improvement was made. The council of administration was abolished, the offices reorganized and a better personnel secured. By the end of 1809 there were eight divisions: (1) Secretariate of twenty-eight employees including military sanitation, (2) First Division of seventy, (3) Second Division of twenty, (4) Third Division (artillery) of eight, (5) Fourth Division (engineers) of thirty-six, (6) Division of Marine of thirteen, (7) Central Office of Accounts of fifty-one, and (8) Military prisons of thirteen. This gave a total of 239 employees.¹⁰

This organization was not completely satisfactory so at the end of 1811 Fontanelli proposed a new system which was put into effect within a short time. The Ministry then had a secretary-general, four divisions, and a direction. ^{All} ~~Every kind of~~ business passed through the hands of the secretary-general, Alessandro Zanolli. The Minister determined on the general outlines of decisions, the secretary-general took care of all details. Subordinate to these were the four divisions which were concerned respectively with personnel, administration, supply, and navy. Somewhat apart was a direction concerned with conscription. Each section took care of all its own business including accounts, and the office of accounts, which had been created on May 12, 1807, was abolished.¹¹

⁹ Box 35, #18.

¹⁰ Report of December 28, 1809 in Box 30, #4.

¹¹ See Zanolli, I, 246-49.

With this arrangement the Ministry in 1813 had 343 employees collecting 642,298 lire a year in salary. The Minister's salary was 50,000 lire, but the heads of divisions received no payment beyond that due their military rank.¹²

The Army

The military force administered by this organization constantly increased throughout the duration of the Kingdom. It was called the "Italian Army" to distinguish it from the "Army of Italy", which was a French Army in Italy. The Italian Army, which was usually a part of the Army of Italy, had all the arms of any regular army,—infantry, ^{engineers,} cavalry, artillery, ^A medical, and supply. In addition, there were in the Kingdom and administered by the Ministry of War the special branches including the gendarmerie and the navy. These did not form part of the Italian Army.

The army of the Cisalpine Republic had a force of about 20,000 of which a third ^{were} ~~was~~ Polish mercenaries. In 1799 a large part of this was demobilized, while the rest retreated with the French. This second group returned in 1800 and formed the core of the new army. In spite of the efforts of the government, its growth was slow, since volunteers were ^{scarce,} ~~non-existent,~~ and it was necessary to organize a conscription. Much of this lack of military feeling had been created by the Austrian custom of sending troops enrolled in one place to some distant part of the empire for service.

¹² Zanolli, II, 336.

By November 15, 1802 the Italian Army consisted of only 8,365 ^{These were} men. ^{five} ~~This was~~ formed into half-brigades of heavy infantry each of two battalions, one-half brigade of light infantry, and three cavalry regiments.

In 1803 conscription began, but it was so difficult to administer and desertions were so frequent that the army grew slowly. In May a force was sent to act in Naples, and in September another went to France for an expedition to England. By April 1, 1804 the army totaled ¹³ 1,310 officers, 23,755 men, and 3,593 horses.

The next few years were devoted to building upon this foundation. In fact the army grew so fast that there was a temporary scarcity of offices. ^r The General Staff was reduced from 115 to 94 from January 1, 1805 to January 1, 1807 because of the ^{need to send} ~~necessity of sending~~ officers from it into active service. In the same two-year period the infantry increased in strength from 21,591 to 29,198. This was accomplished by adding battalions. In the same period the cavalry decreased from 3,714 to 2,914 because the decree of August 4, 1806 gave the Polish mercenaries

¹³ These were divided into the following groups (Box 30, L^o):

<u>Arm</u>	<u>Officers</u>	<u>Men</u>	<u>Horses</u>
General Staff	54		
The President's Guard	90	1,350	240
Infantry	510	13,138	
Cavalry	110	1,962	1,635
Artillery	138	1,847	409
Engineers	80	908	
Gendarmerie	49	1,331	826
Invalids	13	130	
Veterans	34	276	
Navy	9	112	
Polish Mercenaries	119	2,701	483
Extra Officers	104		
	<u>1,310</u>	<u>23,755</u>	<u>3,593</u>

to the King of Naples. This transfer reduced the armed force by 5,200 infantry and 946 cavalry. The loss was much easier to make up in regard to the former than the latter. In this same period there was also created the Royal Guard and the Dalmatian Legion. The former, built on the President's Guard, was 3,555 in 1807, but the Legion because of enlistment difficulties could not be organized until 1808.¹⁴

^{Dalmatian}
The Legion was not the only unit with which the government had difficulty. The figures which we have given were ^{only} ~~entirely~~ on paper, and in general conscription and desertion were problems of almost incredible magnitude. The forces above were organized in five regiments of heavy infantry, two of light infantry, and three of cavalry. The twenty-one battalions of infantry had in fact only about 16,300 men¹⁵ while the cavalry really numbered about 1,600.

Most of this group were sent to Germany under Teulié after Jena and were present at Friedland where the Commander was mortally wounded and replaced by Pino.¹⁶ In Germany the Italians acted like bandits according to ~~some~~ reports.¹⁷

During 1807 another regiment of light infantry was formed in Italy. This process of building continued during the year of peace, 1808. In that year each regiment was increased in size to five battalions or twenty-eight companies. Of these battalions only four were kept in active service at once. The other was left at a permanent

¹⁴ All material from report of May 1807 in Box 30, L^o, pp.1-28. On the Royal Guard see Zanoli I, 14-15, 326-28 and Adami: La Guardia Reale Italiana ai tempi Napoleonici (1930); on the Legion see Adami: "Un reggimento italiano di Dalmati (1805-14)" in Archeografo Trestino (1924) XI, 407-30.

¹⁵ Napoleon to Eugene, May 11, 1807. Even this figure may be too large. Capello gives the fighting strength of the Army in 1807 as 9-10,000 men. Capello: "Napoleon in Italia nel 1807 e l'esercito italico de quei tempi" in Nuova Antologia (1908) series 5, volume CXXXVI, 89-102.

base which served as a rallying point for supplies and conscripts.¹⁸
 In this fashion the Italian army had increased in size by the end of
 1808 to 44,000 men and 6,000 horses.¹⁹

A slight increase was made in this force just before the War of
 1809, but it probably never went as high as 50,000 men. Since almost
 20,000 were lost from desertion, illness, and casualties in the course
 of 1809, the total at the end of the year was only 37,000 men and
 5,100 horses including new additions. In 1810 only 5,000 were lost,
 and there was a steady increase in the military strength of the nation²⁰
 for the next two years.

After the annexation of the Papal States, the Kingdom was divided
 into semi-autonomous military divisions such as existed in France. *There*

¹⁶ Napoleon to Eugene, June 23, 1807.

¹⁷ General Victor to Napoleon, December 15, 1807 in Ducasse, III, 460-61.

¹⁸ Napoleon to Eugene, June 19, June 25, and October 21, 1809, and Eugene to Napoleon, April 3, 1809.

¹⁹ A complete analysis is in Zanolli, I, 179.

²⁰ In the following table the figures for 1810 are from AFiv1711A; those of 1811 are from Ducasse, VII, 102-3.

<u>Arm</u>	<u>June 16, 1810</u>	<u>November 1, 1811</u>
Royal Guard	3,584	4,500
Infantry	35,171	42,000
Cavalry	3,466	3,600
Artillery	3,146	2,400
Engineers	848	900
	<u>46,215</u>	<u>53,400</u>

~~There~~ were six of these with headquarters at Milan, Brescia, Mantua, Bologna, Venice, and Ancona. On the basis of these units the nation²¹ was organized for defense after the Russian disaster. By a decree of April 18, 1813 a new army was ordered in Italy. At the same time the field of operations was expanded by making Eugene Commander-in-chief, not only of the Army of Italy, but also of the 27th, 28th, 29th and 30th imperial military divisions as well as ^{of} Illyria. This really marked the end of the Italian Army. Half had been lost in Russia; half went to Germany at the beginning of 1813; the new Italian Army to be created was almost absorbed in the Army of Italy.

On July 15, 1813 when this process had been advanced as far as the situation would permit, Eugene's command had five parts. The first consisted of the six royal military divisions. These were manned in part by Italians with numerous French officers. It was a force of 626 officers, 19,536 men, and 1,555 horses. The second part, the Corps d'Observation d'Italie, was divided into three lieutenancies of which the third under Pino was Italian. This latter had two army divisions under Palombini and Lecchi. It totaled 23 battalions of 17,529 men and 864 horses. The third part of Eugene's command was the seven forts of the Kingdom. The garrisons of these totaled 13,052 but only half were Italian. The fourth part of Eugene's command was the four imperial military divisions, and the fifth part was the Army of Illyria. The former had few soldiers from the Italian

²¹ Of 27,394 men of the Italian army who entered Russia only 1,000 returned to Germany in 1813. In addition, in the same year 14,000 were lost on other fronts plus an unknown number in Spain. Zanoli: I, 27, and II, 206.

Army, but the latter, numbering 17,285, was strongly sprinkled with
²²
 troops from the Kingdom.

Unfortunately these figures represent the roster as it should
²³
 have been, not as it was. According to Weil the true figures in
 May 1813 would have numbered most battalions at less than twenty men.
 This seems unduly pessimistic, for an official report of the ^{of Italy} Army gives
²⁴
 its number as 68,156 on April 21, 1813.

Whatever the true numbers, they decreased rapidly during 1813.
 As the government's position became more hopeless, conscription be-
 came more difficult and desertion more frequent. By the end of the
 regime, the Italian Army was reduced to several thousand men. Most
 of these were dispersed by the Austrians.

22 Reports in Box 62, #4.

23 Volume I, 9-11, 125.

24 These were scattered all over the Empire as follows (AFiv1712):

	<u>Men</u>	<u>Horses</u>
In the Kingdom	31,215	3,679
In Germany	21,133	5,061
In Spain	9,497	970
In Illyria	2,925	7
In Ionian Islands	1,222	25
In Elba and Corsica	2,164	1
	<u>68,156</u>	<u>9,743</u>

Zanoli gives the figure for May 1813 as 72,132 men and 11,296 horses
 (II, 346-54) while Napoleon gives it on January 31, 1813 as 56,000 to
 be increased by conscription to 62,000 (Zanoli, I, 200). Probably Weil
 is as pessimistic as the Emperor was optimistic.

The Artillery

Having examined the development of the total army in this cursory fashion, we must now glance for a moment at four special branches. These are artillery, engineers, fortifications, and supply.

Steps were taken to organize the artillery as a separate unit only in 1803. On ~~10 February, Anno XI~~^{January 30, 1803}, Napoleon issued his first decree on the subject and fixed the cost at 200,000 lire of Milan a month.

This created a Director of Artillery under the supervision of an Inspector of Artillery. The latter established the outlines of policy,²⁵ while the former was concerned with the details of execution.

By April 1804 the Direction had eighteen officers and twenty-four men and a total force of 138 officers and 1,847 men. An effort was made to centralize the administration around Pavia and establish an arsenal and foundry in that city.²⁶ During the first two years of the Kingdom the artillery was consolidated into two regiments, one of foot and the other of horse. By the beginning of 1807 these numbered 1,669, and 741 men respectively. During the same period the organization, under Danna, was modified to consist of a central Direction at Pavia and two subordinate directions at Mantua and Brescia.²⁷

On this basis the artillery branch was expanded like the rest of the army. It remained, however, at two regiments, of which one was horse, until 1811. An additional company of horse-artillery was created in the Royal Guard, but this numbered only 87 men on March 15, 1809. At the same date the two regular regiments totaled 1,528 men

²⁵ Box 55, #12

²⁶ Box 30, L^o, p.19.

²⁷ Box 34, #12

and 433 horses. By the middle of 1810 as we have seen the total force of artillery was 3,146 men. The figures do not indicate any further increase in the size of this force, although Eugene wrote to Napoleon on January 18, 1811 suggesting ^{such an increase} ~~an increase~~²⁹. Just previous to this, on January 9, 1811, the Kingdom had been divided for administrative purposes into four artillery divisions instead of the three which already existed.

The equipment for the artillery force can be gathered from many documents. A typical inventory made on May 1, 1813 lists among other items that the nation had 1,340 cannon of various sizes, 200,588 projectiles for them, and 1,349,090 kilogram of powder to propel these.³⁰

Engineers

The organization of the engineers was parallel to that of artillery. This body was originally formed by a law of ^{March 12, 1792} ~~23 Ventose, Anno VI~~ to be composed of thirty-four officers. A later act of ¹⁸⁰⁰ ~~Anno IX~~ increased the personnel to forty-four under a brigadier-general who was a member of the general-staff.³¹ A corps of sappers was created in 1803, and at the end of the same year a commission was formed in the Ministry to direct all military works. In that year the engineers had as their first task the work on the Fore Bonaparte. They then built a barracks and a large stable in Milan.³² By April of 1804 the force of engineers had increased

28 Box 62, #5

29 AF1v1712.

30 Box 24, #113. On this subject see Zanoli, I, 118-22.

31 Bianchi d'Adda to Pino, November 30, 1804 in Box 33, #42.

32 Box 30, L^o, p.20.

to eighty officers and 908 men. The organization of these, however, was not a happy one. Rivalries between the French and Italians became bitter. Early in 1806 Chasseloup divided the Kingdom into four engineering districts, put all Italians, in two, and principally French in the others. In the mixed ones the French were given superiority over Italians of equal rank, and a determined effort was made to make these entirely French. These two were centered at Mantua and Venice,³³ while the Italian districts were about Bologna and Milan.

Upon this basis there was built up a battalion of engineers that³⁴ numbered 388 men by March 1809. This arm steadily increased in size but was not organized in a definitive way until March 22, 1811. Then Danna issued a regulation which divided the Kingdom into six engineering divisions. Each of these was in charge of a Director-of-Engineers who was subordinate to the Commander of Engineers in the Ministry. No works could be constructed except with the latter's approval. As subordinates the directors had officers in each fortified place. Most work was put out on contract, with the engineering corps in a technical³⁴ or supervising role.

Attached to the corps of engineers was a topographic corps and a topographic archive^s. Both of these had been established in 1802 and by 1805 there were fourteen men in the corps and twenty-one in the archive.

³³ Chasseloup to Eugene, February 25, 1806, in Box 32, #55. The French regulations on this arm had been put into effect on April 5, 1804 and published as Raccolta di ordinanze, leggi, decreti, istruzione e circolari concernenti l'arme del genio (3 volumes, 1804).

³⁴ Box 62, #5.

³⁵ Box 32, #11. See Zanoli I, 122-24.

By a decree of August 2, 1805 Campana, who was chief of the former, was made the head of a Direction of Topography. The archive remained as part of the Depot of War. This organ was somewhat modified at the end of 1808 to bring it more in line with the French system. ³⁶

Fortifications

The corps of engineers was chiefly concerned with the works on the various forts of the Kingdom. The number of these upon which activity was directed varied from year to year but usually included seven or eight chief forts. In general, considering the amount of money spent, the result achieved was small. ~~This was due to several~~ ^{Among the} reasons ~~of which~~ ^{for this} the chief was bad organization and lack of cooperation.

Napoleon usually did not think in terms of defensive warfare. The forts had been practically abandoned by the Republic when all their provisions were sold in 1803. The following year Bonaparte ordered that they should be reprovisioned, but, after a contract had been made, he annulled it. A new decree of June 9, 1805 ordered the provisioning of the seven chief forts at a cost of 1,500,000 lire. By the middle of 1807 eight forts had been provisioned for periods up to six months. ³⁷ This whole process cost about three million lire.

In 1806 Colonel Anthouard reported on the fortifications of the chief places in the Kingdom. It was not a very optimistic report and in one place showed the lack of cooperation which was so injurious to

³⁶ Box 30, #1; Box 38, #16; Box 32, #44; Box 32, #51.

³⁷ Box 30, L¹, p.17, 125. For an analysis of the strategic importance of the fortifications of Northern Italy, see Pingard's ~~article on~~ "L'œuvre militaire", Revue d'histoire diplomatique (1928), XLII, 171-177.

any successful activity. The director of engineers at the important post of Brescia had no contact with his many subordinates because they all corresponded directly ^{with Milan} as they pleased. ~~with Milan~~ This was contrary to regulations, but had originally been adopted as a way by which the subordinates, who were Italians, could avoid the director, who had been French. The custom continued in 1805 even though the ³⁸ director was then an Italian.

Another report of March 1808 examined the progress that had been made in the fortifications since 1805. At Rocca d'Anfo work had been begun, but nothing done. Peschiera had been almost abandoned. The others had been pushed with varying success. After this report, activity was increased. ³⁹ On September 20, 1811 a plan was drawn up to finish all these fortifications by 1815 at an expenditure of 1,800,000 a year. This project was disrupted by the events of the next few years, ⁴⁰ and most of the forts were not completed when the regime fell.

38 Box 35, #17.

³⁹ In 1808 only 1,182,000 was spent on fortifications (Box 33, #62). In 1809 the sum was 3,500,000 (Box 33, #82), and the following year rose to 3,700,000 (Box 43, #69). In 1811 there was sent 3,340,000 lire, and, by the end of that year, the seven chief fortresses of the Kingdom had cost as follows (Box 32, #27 and Box 34, #4):

Venice	1,713,676 lire
Mantua	7,718,697
Ancona	1,529,662
Palmanova	4,680,296
Osopo	1,051,377
Peschiera	2,666,000
Legnago	2,748,881
	<u>22,108,589</u>

⁴⁰ Box 34, #5-11. See Zanolì, I, 124-32, 342-56.

Supply

The organization of a supply service for an army such as ~~that~~ ~~which~~ we have pictured was a difficult task. In fact, it was probably the most difficult part of the work of the Ministry of War. It comprised at least six branches of activity (1) barracks, (2) food, (3) forage, (4) heat, (5) clothing and equipment, (6) transport.

Originally the providing of living quarters for the soldiers was granted on contract to a private company. The first contract was made with ^{the} Papounean Company on ^{October 15, 1802} ~~25 Vendémiaire, Anno X~~ to provide lodging for the army at two lire five denari per bed. This contract expired on June 30, 1803 and was not renewed. Instead, the service was given to the Prefects with the result that all was soon in chaos.

In August 1803 a new contract for three years was made with Martini Company at two lire seven and a half denari a bed. These arrangements were for stationary troops. Those on the march were provided for by the communes. The lodgings of the gendarmerie rested on the Prefecture. The officers in Milan were originally lodged with the citizens, but during the Republic a barracks was built for them.

These arrangements were not satisfactory. At the middle of 1807, the contract with Papounean, which had expired over four years before, was still a subject of controversy. The contract with Martini was on the rocks almost immediately, as the company could not fulfil its part. The government made advances of funds, and the situation soon developed into a condition where the company was administering its duties with government money. In this halting fashion, service continued until April 1806. Then a ministerial commission investigated the company

1801

and ordered its bond sold, but Eugene countermanded this. Periodic small grants from the government continued until the contract expired. Then the government seized the bond and the company's property and administered the work itself through the Commission in the Ministry.⁴¹ For this purpose it used the company's property and government funds.

In regard to food, forage, and other supplies the French rules were generally used from the beginning. At first, all of these were provided by contract, but during the War of 1805 requisitions were used for grains and hay. In 1805 a contract was made for a single year, and in 1806 a five-year agreement was signed with Beretta. By this agreement the company had to replace in triple quantity any supplies of bad quality. Almost all supplies--bread, wood, candles, hay--were covered by this contract. It worked fairly well, although modifications were necessary. In the first six months of its duration it cost 874,817 lire.

The cost of forage became so great that after 1806 the government took the supply of this necessity into its own hands, while other objects were left at contract. It was able to reduce the cost fairly consistently from 1.76 lire a ration in 1808 to 1.59 in 1810.⁴²

Other supply was not so well provided. Clothing and equipment ~~were~~ administered by the government on a hit-or-miss basis until March 16, 1807. Until that date, and in a few cases even later, troops were to be found without uniforms. As finally organized, this service was administered by a separate office in the Ministry and the materials obtained by contract. The army was completely equipped and a reserve

⁴¹ Box 30, L^o, p.14-15, 149-51.

⁴² Report in AFiv1711A.

of 12,000 uniforms built up. The expense of all this was fixed during 1808, item by item, but rising prices soon made it necessary to abandon ^{these} ~~the~~ estimates. ^{They} ~~It~~ had fixed the cost of the complete supply of an army of 68,000 men at 2,631,525 lire a month including pay.
43

Transportation

The transportation of such supplies was not a great problem in times of peace, but during wars it became most difficult exactly when it became most necessary. An army had to have six ^{to} ~~or~~ eight days ~~of~~ supplies always in reserve at its rear. In addition, each soldier carried four days supply of bread and liquor, while an equal amount was carried by each division. Beyond that was much confusion. An analysis of the regulation of supply written in 1809 says of this matter, "C'est un service abusif, onereux...qu'on a vainement tenté de soumettre à des règles, puis que par sa nature, il est inseparable du désordre et de la confusion."
44 The same document estimated the transportation facilities of an army of 70,000 men at 538 caissons, 2,152 horses, and 525 mules.

An effort was made at the end of 1804 to organize this ^{activity.} ~~subject.~~ It was divided into three kinds: direct transportation, that in the rear of the army, that for ^{individual} ~~scattered~~ men. The first was put at contract with a private company until the end of 1805. Then another contract was made which offered to transport 100 Milanese pounds a

43 Box 30, L^o, p.101-11; Box 30, #1; Box 38, #20. On the whole topic see Zanoli I, 83-96 and Adami, V: "L'alimentazione del soldato in guerra del 1700 ai giorni nostri" in Nuova Rivista Storica (1931), XV, 259-72. The last writer considers in other publications topics which we have not mentioned ~~including a decree of May 9, 1863 which ordered the creation of a service of chaplains.~~ See Adami, "I Cappellani militari durante il periodo napoleonico", Archivio Storico Lombardo, 1926, LIII, 474-492.

mile for one lire eight soldi of Milan. This was so successful that it was renewed for three more years later. The transport in the rear of the army was ^{placed} ~~put~~ on the communes by a rule of September 20, 1805. This really means that the army seized all transportation facilities from a village and told it to send the bill to the Prefect. One of the chief grievances with this method was the delay in making payment to the communes. The system continued like this until 1807 when it was decreed that each army corps have its own transportation facilities for which it paid a fixed price for each day's march. At the beginning of the War of 1809 the departments beyond the Adige were ordered to furnish 1,200 horses for the army to the Prefect.

These were formed into brigades of forty horses under army commissioners⁴⁵ and cost 113,040 a month for hire and other expense.

The third type of transportation, that involving isolated individuals, was from ~~the~~ beginning to ^{end} ~~the~~ provided by the communes, ⁴⁶ ~~and~~ ~~continued to be provided that way.~~⁴⁷

Armaments

Somewhat separate from the supplies we have mentioned was the manufacture of armaments. By a decision of February 12, 1806, ^{musket,} ~~rifles~~ ⁴⁷ had to be manufactured in the Kingdom. These were made at Brescia in a factory whose reputation had once been high but whose product

⁴⁵ Box 37, #5.

⁴⁶ All material on transportation from Box 30, L^o, p.114-18. On this topic see Zanolli, I, 100-02.

⁴⁷ Napoleon: Correspondance, XII, 35.

was not always of good quality ^{in our period.} ~~later~~. In September 1803 Berthier sent three French inspectors to the Italian city to try to improve the quality of the guns. These ^{inspectors} were paid by France until 1805 when France stopped payments. ⁴⁸ It was very difficult to get good quality afterward as the workers were ignorant and careless. ~~They~~ For example, ^{they} had orders from Napoleon to make bayonets of the 1777 model but insisted on making them on the 1763 model. As the guns became worse, ⁴⁹ their wage-demands increased. In spite of these difficulties the arms made at Brescia were superior to those possessed by most of the army. In March 1809 Caffarelli reported that the army was ^{generally} equipped with arms of Piedmontese or Venetian manufacture which were bad. The replacing of these by arms of Brescia was a slow task, as few were made there. In 1805 only about 450 a month were made, the following year the figure rose to 600, and in 1807 to 900 under the best conditions. In 1808 there was ^{a further} ~~a further~~ increase, and the best months produced about 1,200 guns. Lack of skilled workers made it difficult to push the production rate higher, and subsequent increases were slower. The price of these guns with a bayonet was about 36 lire ⁵⁰ each.

Cannon were made at Pavia and Cajonvico. The foundry at the latter site was under construction in 1810 to be completed the following year at a cost of over half a million ^{lire}. The other was worked on a contract by which the government supplied the bronze and paid fixed prices

⁴⁸ Marescalchi to Napoleon, April 12, 1805, in AFiv1709A.

⁴⁹ Box 35, #16.

⁵⁰ Box 30, #3; Box 35, #22.

for the product depending on the size. This price varied from 1,050⁵¹ lire for the largest to 445^{lire} for small field pieces.

For ammunition the army used powder made in the Kingdom at one of the four powder mills. Nitrate was a government monopoly and yielded about 70% of its weight in powder. The product went almost exclusively to the army, although a little was sold to private individuals for hunting and mining. The amount produced was 783,801 pounds in 1805, and rose steadily to 1,821,205 in 1809. From there it fell⁵² sharply.

Military Schools

Somewhat separate from the active army whose organization and equipment we have examined were a number of other institutions which were also administered by the Minister of War. These included military schools, hospitals, military police and conscription, the gendarmerie, and the navy.

The first military school was formed at Milan at the end of 1802. It was created in a semi-official fashion by ^{bringing together} ~~the juxtaposition of~~ military orphans and the veterans who ^{came} ~~were brought~~ to Milan after Marengo. On March 11, 1807 Eugene made it an official school with 300 paying and 30 ^{scholarship} ~~free~~ students. Its graduates went to the higher military schools or to the army as non-commissioned officers. The number of pupils never rose to the legal limit even though the number

⁵¹ Box 35, #22; Box 39, #14.

⁵² Box 30, L^o, p.167; Conto delle Finanze various years. These figures are apparently Italian pounds of twelve ounces.

the total

of free students was increased to 100. In 1807, ~~it~~^{the total} was 154 and in 1810 was only 198. At the latter date the cost was 79,285 lire a year.⁵³

By a decree of July 7, 1805 three other military schools were ordered. One at Modena had already been established for the special arms; the others were ^{to be} at Pavia and Bologna. The former was not ready until the end of 1807, while the latter was never established.

The school at Modena was for artillery and engineering. It originally had a faculty of ten with twenty-seven students, who were paid 1,400 lire of Milan a year. Only nine were admitted each year after an entrance examination. These passed a three-year course and were graduated as second lieutenants. In 1807 the number of students was increased to thirty-six and the course to four years. The number of military students tended to decrease, while the number of non-military students increased. In 1810 there were only twenty of the former and thirty-eight of the latter. The cost per year was then about 111,288 ^{lire} and the teaching staff had eight members.⁵⁴

The school at Pavia was opened with high hopes, but "la jeunesse italienne n'a point apprécié les avantages d'un si utile établissement". At first its expense was borne equally by the Ministries of the Interior and of War, but this caused friction, so the former abandoned its share. It had a staff of nine appointed by the Director-general of

⁵³ See Chapter VII, Education. Also Adami: "Notizie e documenti sugli istituti di educazione militare negli antichi stati italiani" in Rassegna Storica del Risorgimento (1935) XXII, 754-72, 925-64.

⁵⁴ See Canevazzi: La Scuola Militare di Modena ~~(1756-1814)~~ ^{(Two vol., Modena, 1914-1921), vol. I (1756-1814).}

Public Instruction. Its graduates usually went to Modena after their course^{at Pavia} was finished. At no time was the enrollment over fifty during the first two years, although provision had been made for eighty. After 1808 the enrollment rose, and was seventy-three in 1810. At 55 the same time the cost of administration was 99,972 lire a year.

Medical Organization

Originally, matters of military health and sanitation were administered by a council, but at the end of 1802 this was suppressed and di Bellagio, Professor of Anatomy at Pavia, was made Director of Military Sanitation in the War Ministry. Shortly afterward Pietro dell'U was made Chief Doctor of the Italian Army and Director of the Military Hospitals. He had forty-one surgeons with the army and four in ~~the~~ Sant' Ambrogio Ambrosio Hospital. In addition he had twenty-six physicians and pharmacists. 56 Except for size, this organization continued practically the same for the rest of the regime. In 1810, with dell'U still in charge, the medical corps consisted of eighty-one surgeons on active service with the army, and seventy-seven surgeons, nine physicians, and twenty- 57 six pharmacists on duty in the four military hospitals.

55 Box 30, L^o, p.51ff; Box 31, #3 for Report of March 8, 1810. See Adami: "Documenti sulla scuola militare di Pavia (1805-16)" in Boll. della Società Pavese di Storia Patria (1927) XXVII, 73-96 and Zanoli, I, 45-46, 226-27. Also decree of July 7, 1805 instituting compulsory military training in the two Universities of Pavia and Bologna.

56 Box 38, #3.

57 Report of November 23, 1810 in Box 38, #4.

In the early days of the Republic there had been no Italian military hospitals, and the wounded nationals were treated in the French hospitals at a fixed price per day. In 1802 part of ~~the~~ ^{Sant' Ambrogio} Ambrose Hospital in Milan was taken over for the soldiers. The following year a commission of professors was named to examine the qualifications of aspirants to the medical service. About the same time, the hospital at Milan was ~~entirely~~ ^{entirely} taken over, and put under a Military administrator. In April 1805 this latter officer was replaced by a council of administration. The cost was 2.44 lire per patient-day compared to 2 lire in the civil hospitals. These latter were used by the government to care for patients who were not able to be cared for at Milan.

~~The site of~~ ^{Sant' Ambrogio} ~~St. Ambrose~~ was expanded to 800 beds and an equally large hospital was established at Chioggia after the annexation of Venetia. In September 1810 Eugene established two more at Mantua ~~and~~ and Ancona. The French at the same time had four military hospitals at Bologna, Brescia, Udine, and Vicenza.

All eight hospitals were used by soldiers of both nations. In 1811, for example, there were 846,634 patient-days for French soldiers in the Italian hospitals. The cost of administering ^{these} hospitals was over one and a half million ^{lire} a year.

In general, the military hospitals, while more expensive than the civil, were better administered. In 1812 with 45,554 patients only

58 Box 30, L^o, p.18, 129-45.

59 Eugene to Napoleon, September 4, 1810; Box 38, #4.

2,624 died (about 6%). This compared to over 10% in civil hospitals. This mortality apparently decreased as years went by. In the first three months of 1808, 1263 died out of 6,302 sick or 20%. In the same period of 1810 only 873 died out of 12,415 sick or 7%.
60

Conscription and Military Discipline

We have already mentioned that the efforts to build up the army with volunteers were futile. This made it necessary to pass a conscription law on August 13, 1802. Registers were opened on January 1803, juries of recruitment established, and commissions created to verify all infirmities and other ~~causes for~~ excuses from service. As originally organized, conscription ~~was~~ was done by the Vice-Prefectures, but later this was changed. It was always ^{under} ~~entrusted to~~ the civil authorities and was administered by a Consiglio dipartimentale di leva, which had subordinate commissions ~~of conscription~~ in each canton. In December of each year a list was made of all those twenty years of age or older on the preceding first of October. The necessary quota was drawn by lot from this list and sent to a barracks. At the end of each year the government paid back to the communes what they had spent on this object.
61

In general, conscription worked poorly and began to function, even partially, only in 1806. At the beginning of 1805 ~~there were still~~ ^{were still owed} ~~owed~~ 1745 conscripts from twelve departments. During 1805 the Minister

60 Box 38, #22 and Box 43, #69.

Codice dei podestà (1810)

61 Decrees November 4, 1808 and December 14, 1810; Bono, p.117-20; Box 39, #19. On the application of conscription laws to a single department see Pedrotti: "I contingenti di leva, gli ufficiali, i soldati del dipartimento dell'Alto Adige" in La Venezia Tridentina nel Regno Italico, 231-336. The general laws were in Raccolta delle leggi, decreti, e regolamenti sulla coscrizione militare e sulla leva del Regno d'Italia (5 volumes, 1800-10).

of War was pestered with questions from local authorities even when the law was perfectly clear. In October the Prefects of Adige, Lario, and Mella reported that it was impossible to raise their allotment of conscripts because of "l'émigration presque générale de leur jeunesse." On October 17 Eugene wrote to Napoleon that Adige which owed 118 men had sent none, and Lario which owed 247 had sent 24. To meet these obstacles, Eugene, on October 14, decreed that conscripts who did not report for service were to be regarded as deserters. This permitted action against their families or those who harbored them. So many young men fled across the Adige in 1805 that the Director-general of Police suggested that a cordon of troops be put along the river. Eugene did not allow this as he feared Austria might regard it as an act of hostility. Instead he caused rumors to be spread about that those who crossed the Adige met a worse fate by being forced into the Austrian army.⁶²

In 1806 a new method ~~of conscription~~ was put into effect in Venetia. The number of conscripts due from each commune was stated and the responsibility to provide them was put squarely on the Prefect. Penalties were set for anyone who hindered the process in any way. This method was somewhat more successful and was applied to the whole Kingdom in 1807.

⁶² Various documents in AFiv1709B. Government-inspired propaganda on this subject can be seen in such works as Oggeri-Vicenti: Delle necessità della coscrizione militare unico e stabile fondamento della felicità e grandezza di una nazione (Cremona, 1807) and Ferloni: Piccolo catechismo sulla coscrizione (1808).

By a decree of August 4, 1806 all who had been excused in the preceding years were reviewed, and a large number ^{were} forced to serve on the grounds that their exemptions were invalid. Many individuals, even municipal officials, were arrested for bribery in this matter, but it was almost impossible to get convictions from the ordinary ~~courts~~ ^{courts}. There was also difficulty in forcing ~~some~~ individuals with revenues of over 5,000 lire to pay the exemption taxes which the conscription laws ^{imposed} ~~imposed~~ on them. In the four years 1803-06, 449,265 ⁶³ lire of such taxes were imposed, but only 280,345 were paid.

By making use of all ~~the present~~ methods at hand the conscription quotas were almost filled for the first time in 1806. The quality of these individuals can be seen from the fact that ^{one} a battalion started out for a march one day with 600 men and arrived with only 359, ^{owing} ~~due~~ to desertions. ⁶⁴ This situation continued for the rest of the regime. On January 27, 1807 Eugene wrote to Napoleon, "Il est honteux de dire qu'un tiers des conscrits donnés aux dépôts décampent après être habillés." ~~This was bad, but the trouble necessary to get these conscripts to the barracks was even worse. On September 13, 1807 Eugene gave a report on that difficulty.~~ He pointed out that in some places fear of conscription caused such wholesale emigration as ~~to~~ ^{noticeably} reduce the population. Frequently, efforts to obtain a ⁶⁵ single man resulted in the expatriation of ten or twelve. From the beginning of 1807 to the first of September 1810 there were 22,227

63 Box 30, L^{II}, p.73-79.

64 Eugene to Napoleon, August 1806, in Ducasse, III, 108.

Eugene's reports of January 27 and September 13, 1807 in

65 AFIV1710B. The number of refractory conscripts can be judged from Spadoni's statement that a single judgment of the Court of Justice of Macerata condemned 316 men. See *Uomini e fatti delle Marche nel Risorgimento Italiano* (Macerata, 1927) p.22, note 3. See also Rocchi: "Un episodio del primo impero (1808) a Montesecco nelle Marche" in *Il Muratori* (1893) II, 164-66.

refractory conscripts. During that time about 45,000 conscripts were levied so that the loss through this cause alone was almost
⁶⁶
 50%

The more difficult the enforcement of conscription became and the more efforts the government made to enforce it, the more it became a source of intense public agitation. ~~Plotters~~ Plotters against the regime usually justified their actions by listing two or three of the government's iniquities. One of these ~~reasons~~ was always conscription. This was hated as much as any other single ^{activity} ~~action~~ of the State. The figures, however, do not indicate that it was excessive. From 1802 to 1813 inclusive a total of 165,432 soldiers were levied in Italy. ^{Setting aside} ~~disregarding~~ the fact that only a fraction of these were ever enrolled, this does not seem excessive ^{from} ~~a~~ a population of over six and a half million in thirteen years. A number just as large was levied on fourteen French departments whose population was almost
⁶⁷
 two million less than the Kingdom. Or we can look at this subject from a different angle. Contemporary statistics revealed that there were 24,712 males between the ages of twenty-one and twenty-three for each million of the population. The assumption was that one-sixth of this number might be unfit which left 20,590 potential conscripts per million inhabitants. In 1810 with a national population of six and a half million, only 15,000 were levied from the 133,835 theoretically

⁶⁶ Documents in AF1v1711A.

⁶⁷ Zanolli, I, 76.

available. That is only about one in nine was taken. In 1813 when the levy was at the highest ^{point} in the history of the Kingdom this ~~ratio~~ ⁶⁸ ratio was about one in four.

Hardly less difficult than conscription was the problem of desertion. This is only a part of the subject of military police, but in Italy it was by far the chief part. ⁶⁹ Strangely enough, the proportion of desertions was much higher from the Royal Guard than from any other branch of the service. This is evident from the fact that 4,012 out of 9,547 desertions were from the Guard during the two and a half years before July 1807. ~~Efforts~~ ^{little} Efforts availed ~~much~~ in preventing this or even in mitigating it. It was Eugene's belief that most desertions were ^{by} ~~new~~ new recruits who found the life strange. Every effort was made, therefore, to make the new life less difficult, and

68 These results are calculated from the figures in Zanoli and AFivl709B. The former finds the incidence of conscription on the whole population only $\frac{1}{4}\%$. On the whole subject see Zanoli, I, 72-76 or ~~N. Giacchi~~ ^{N. Giacchi}, "Il contributo militare italiano durante il periodo napoleonico, 1796-1814" in Italy. Corpo di Stato Maggiore, Bollettino dell'Ufficio Storico (1927), II, 243-259.

69 This can be seen from the following table which gives the charges for all cases tried before courts-martial from January 1, 1805 to April 1, 1807 (Box 30, L^e, 83):

<u>Charge</u>	<u>Condemned</u>	<u>Acquitted</u>	<u>Total</u>
Desertion	3,619	94	3,713
Homicide	14	23	37
Assault	31	53	85
Robbery	133	80	213
Insubordination	43	37	80
Miscellaneous	69	136	205
	<u>3,909</u>	<u>424</u>	<u>4,333</u>

there was some decrease in the proportion of desertions; but it was not great. The total number of deserters from January 1, 1805 to September 1, 1810 was 24,794,⁷⁰ enough to form an army in itself.

Gendarmerie

Somewhat apart from the army, but still under the administration of the Ministry of War was the Royal Gendarmerie. This was decreed on December 18, 1802. In April 1804 it had forty-nine officers and 1,331 men. Changes were made in its organization at the end of the same year by decrees of September 3 and October 13. These organized a force of 1858 men into two regiments under an Inspector-general, who was the subordinate of the three Ministries of War, Justice, and the Interior. The Inspector-general from the beginning was Pietro Polfranceschi, who kept this title and the rank of a brigadier-general⁷¹ from the time he organized the force.

The gendarmerie was to have been recruited by volunteers, but it soon became necessary to resort to conscription. Usually its vacancies were filled from the regular army or from the Imperial Gendarmerie. This latter was used in Italy and was actively connected with the Royal

70 Afivl711A and Box 30, L¹, 84-9. See Istruzione generale dell'esecuzione dei decreti reprimenti la diserzione dei sotto-ufficiali e soldati dell'armata di terra (1812).

⁷¹ Polfranceschi was primarily an intellectual and not a soldier. As a report of May 1808 said, he was loyal and a great student, acquainted with all the laws on the subject, but he was anti-military, entirely absorbed in his writing. He had never led a military life, was severe at the wrong time, and insisted on tons of reports which threw his subordinates into confusion. The critic was convinced that if three-quarters of the reports were abolished, the service would have been four times as good. Box 37, #12.

Gendarmerie. In June 1805 the majors of the Imperial Gendarmerie ^{drew up} ~~drafted to form~~ a plan for reorganizing the Royal force, and this was followed by three other projects from other sources. ^{No} ~~The~~ reform was ~~was~~ put into effect until 1809, when the force was divided into three regiments ^{stationed} ~~centered~~ at Milan, Forli, and Vicenza. Each of these was divided into two battalions centered at Como, Cremona, Bologna, Ancona, Treviso, and Verona. There was also usually a company in each department. The total force was about 2,300 men of which about two-thirds were mounted.

72

The Gendarmerie was used ~~as might be imagined~~ for internal police, ^{working} ~~work. They worked~~ in cooperation with the Prefects and Podestas. ~~but~~ ^{They} had a bad name in the Kingdom. As a report of 1808 expressed it, on the rare occasions when travellers saw the Gendarmerie on the road, it roused fear instead of confidence ~~to~~ ^{by} both its appearance and its actions. Its members were frequently accused of arbitrary acts and abuse of power and were constantly before the councils of war. There were occasions when a squad of five had three in prison. In one case, two of them tied their corporal in a sack with a stone and threw him into the river.

73

The Navy

The last activity of the Ministry of War was the navy. We can divide our consideration of this subject into administration, personnel, and equipment. The navy was of no importance before the annexation

72 Box 30, #50; Box 28, #49.

73 Box 37, #12.

of Venice, then it was a hope for four years, but after the defeats of 1810 to 1812, it became a sad might-have-been.

Before May 1806 the fleet consisted of two schooners and five gun-boats along the coast of Romagna and on the Lombard Lakes. The administration was in charge of a commissioner and in April 1804 the force was only nine officers and 112 men. This administration was organized by Eugene on October 19, 1805 to consist of an Inspector of Marine at Milan with three subordinate sections concerned with construction, ~~movements~~ ^{operations,} and administration and accounts. The first of these was under an engineer, the second under a chief, and the third under the Commissioner of Marine. The ~~Chief of movements~~ ^{Operations} was really commander of the fleet, while the commissioner had control over all other matters except construction. The chiefs of these three sections with a secretary formed a council of marine which met twice a week under the presidency of the Chief of ~~Movements~~ ^{Operations}. The acts of this council were always submitted to the Inspector for his approval. ⁷⁴
This ~~was not done~~ ^{decree, which} organized the marine, ~~and~~ also reduced its administrative cost from 172,052 lire of Milan per year to 115,767.

As personnel ~~of~~ ^{for} this arm there had been formed a battalion of naval gunners in October 1803. As time went on the navy ~~was broken up~~ ^{separated} into two ~~navies~~ ^{parts;} one was ~~the military side, the other the naval part, each with seamanship, and each was subordinate to its own~~ ^{concerned with fighting and gunnery, the other} under a different chief. On May 1, 1806 even with numerous French ⁷⁵ added, the force numbered only 598 men.

⁷⁴ Decree in Acque 294.

⁷⁵ Box 30, L^o, p.191; Box 39, #10.

Early in 1806 Napoleon sent Colonel Bertin to Italy to organize a navy. He brought with him three French naval experts, and immediately discharged the three heads of sections in the Italian navy. He made Maistrat, Chief of ^{Operations,} ~~Operations,~~ Maillot, Chief of Construction, ~~and~~ himself, ^{76a} Commissioner of Marine, and Cruvelier, Inspector.

The annexation of Venice did not ~~immediately~~ give the Kingdom a ^{immediately, as all} navy, ~~the~~ the Venetian ships were too old to be ~~used~~ used. The Venetians had either forgotten what they knew about ships or had no intention of using it. The Austrians had taken everything possible away with them including all documents. Although a marine conscription law was issued on July 25, 1806, not a single department had filled its quota a year later. No one seemed able to organize the navy, and all efforts to do so were torn apart by the constant fighting between Milanese, Venetians, and French. The chaos was so involved that it is indescribable in spite of the contemporary efforts to describe it ^{76b.} ~~which exists~~

This chaos continued until at least 1810, although a number of efforts were made to organize the administration. The chief difficulties were that the French and Italians would not work together nor would the Venetians with the Milanese. The whole financial administration was in the most complete disorder. Much of this was due to Napoleon ~~who~~ who created complicated positions at Venice without sufficiently tying them to the Ministry at Milan.

^{76a} Bertin to Eugene, March 11, 1806 in Box 39, #2; same March 25, 1806 in Box 40, #14.

^{76b} See various reports in Box 39 and Box 40.

The basic decree was that of May 29, 1807 which created a maritime prefect in charge of the administration of the port and district of Venice. He was in charge of all fortification and all ships, acting as the direct subordinate of the Minister of War. His office had seven dependent services concerned with (1) military forces and ^{operations} ~~movements~~, (2) naval construction and works, (3) estimates, contracts, purchases, (4) armaments, rations, hospitals, (5) ship-yards, work-shops, prisons, (6) cordage and sails, (7) accounts. Each of these services was in charge of a commissioner of marine for that service. These were all independent of each other but subordinate to the prefect of marine. In addition there was an Inspector of marine with assistants who was independent of everybody except the Minister of War in Paris. An advisory council was made ^{by assembling} ~~from the assembly of~~ the Prefect, ^{the} chief of ^{operations} ~~movements~~, ^{the} chief of construction, and ^{the} chief of estimates. This met in the presence of the Inspector at least bi-weekly.

78

This decree, which Eugene refused to execute, was no ~~more~~ ^{92ve} improvement on the existing disorganization. It ~~contained~~ diverse tasks to the same officer and divided similar tasks between different officers. It increased the number of administrators and those who watched others and reduced the number of those who really worked. While making the commissioners completely independent of each other, it gave them subordinates in common, like the twenty-four gardes-magasins who were

77 Box 43, #38 for decree.

78 Eugene to Napoleon, June 19, 1807 in AFiv1710B.

subject to anyone who needed them. It gave the Commissioner of Construction only three engineers as assistants at a time when five ships of 74 guns ^{each} were under construction. It made no provision at all for the supply or care of wood with which those ships were constructed. 79 Some changes and staff-increases were made by a decree of April 11, 1808 but at the end of 1810 this was still unexecuted.

If the law was poor, the fact was worse. Bertin, who, according to Eugene, was "too disorderly and too fat" ⁸⁰, found it so difficult to obtain capable assistants that he combined some posts in the same hands.

~~Maillet was made Commissioner of Construction with Maistrat Chief of Operations, Movements, and Gunrellier Inspector.~~ ^{the Chief of Operations,} As Maistrat, was sick, Bertin took his duties himself and combined them to his post of commissioner-general. He made an Italian, Falconis, his assistant, but such disputes arose that the Italian was recalled to Milan. Bertin made a certain Collet his adjutant, but the latter could not control the mixture of nationalities in the naval force, so Maistrat was sent to France and Falconis given his post as Chief of ^{Operations} ~~Movements~~. At the beginning of 1808, Bertin, who had been under investigation for malfeasance for a year, was replaced by Maillot. Falconis intrigued and corresponded with Milan behind his back. The Minister investigated Falconis and discovered that twenty years before he had deserted from the French navy to join the Austrians.

79 Observations sur...le decret du 29 mai 1807 in Box 39, #6.

80 Eugene to Napoleon, March 14, 1807, in AFiv1710B.

Only two of the commissioners^s had been appointed by the end of 1809 and only three of the eight sub-commissioners. Moreover there were not enough clerks to fill the places, and most of those were incapable. Domenighini, in charge of accounts, was completely ignorant. He could not make out a salary account,^{so was} ~~and~~ retired at the end of 1807. The salaries were still in disorder in 1810. His assistant in 1807 tried to straighten out the account of 1806, in which three million ~~more than that provided~~ ^{over the sum appropriated.} had been spent. He died of overwork. The commission which investigated Bertin discovered that he had used salary money to buy munitions.⁸¹

To complete this chaotic picture we should say a few words about finance. In 1806 supplies were purchased directly by the Ministry and three million more than provided was spent. At the end of the year, without money or credit, ^{the} a contract was made with Ferro Company by which the company offered to buy goods at 15% below the market price for a commission of 4%. This was taken, but the saving of 15% did not occur. The company then maintained that it was bound only to purchase below the market price, but since it was in alliance with all the merchants of the city of Venice this meant very little. However, in the first half of 1807 about 9% was saved on the preceding year. In the second half of the year the navy again ran out of money. The company lent it the money to pay for the goods and added the interest to the price of the goods. When Mailliot came to power in 1808, he refused to have

⁸¹ Eugene to Aldini, January 30, 1807 in Aldini 35. This whole account is chiefly based on Mailliot's reports of November 28, 1809 in Box 39, #13 and November 30, 1810 in Box 40, #39.

anything to do with the company and himself purchased in the competitive market, although the contract was still in existence. The company then spread the rumor ~~about~~ that it was creditor for large sums to the marine. This made other merchants wary of selling to Maillot. Finally, ^{the} Ferro Company, ^{through its} ~~which had~~ friends in the Ministry, had the government shut off all money going to Maillot. In the first half of 1808 he had spent only 126,000 ^{live} ⁱⁿ ^{year} while ^{the whole} ^{of} 1807 ~~had~~ ^{had been spent through} ~~most~~ 1,825,965 ^{from} the company. After a personal appeal to Napoleon, Maillot obtained funds again, and a working arrangement was made with Ferro. During 1809 16% was saved on 1807 in spite of rising prices. ^{In December} ~~On December 6~~ 1809 Ferro's three-year contract was not renewed. Instead one ^{for the same duration} ~~of equal length~~ ⁸² was made with another merchant. ~~two day later~~

From that point, at the end of 1809, the administration of the navy ^{achieve} began to ~~put up~~ some semblance of order. Maillot gradually weeded out the more incompetent, although this was difficult because the service was so short-handed. ~~During the time of stress~~ Functions and offices had been so confused that there was probably no one who knew what the organization was except Maillot. During 1810 he began to obtain ~~some~~ necessary assistants and even some of the long delayed commissioners and sub-commissioners. By October 15, 1810 he had an administrative force of 428 men including two inspectors, four commissioners, ⁸³ and eight sub-commissioners. By January 15, 1811 his administrative

82 Box 39, #8 and Box 40, #91.

83 Report in Box 40, #7.

84

2

force had increased to 499. With ~~the~~ working force thus formed, it ~~was time~~ ~~became necessary to try~~ to reestablish some of the distinction of functions which had theoretically existed. On his visit to Venice at the beginning of 1811 Eugene gave orders to this effect, and on February 21, 1811 Maillot reported on how this ~~was to~~ ^{could} be done. The functions of the commissioner-general were divided so that military service was distinct from the administrative service. A Prefect with two Inspectors was in charge of both branches and these were completely reorganized.

85

We have already seen that the quality of the administrative personnel was far from high and was ~~retained~~ ^{improved} with difficulty. This was equally true of the military personnel. At the end of 1806, when an English frigate and brig appeared before Venice, a veritable panic seized everyone there from the commanding general down. If it was

84 This included (Box 45, #45):

Administration	61
Marine Health	64
Telegraph	140
Royal Naval College	11
Subordinate	223
Total	499

85 The military branch had a ship's captain with three assistants as a head and consisted of four sections (1) a chief-engineer with 27 assistants, (2) a chief of ~~movements~~ ^{operations} with three assistants, (3) a director of artillery with four assistants, (4) a port-captain or harbor-master with two aides. The administrative branch had three sections (1) administrative with a commissioner-general, four commissioners, ten sub-commissioners and 76 assistants, (2) a medical unit of a doctor with 39 aides, (3) a company of marine gendarmerie and a company of guards. See Box 39, #16 and Maillot to Eugene, February 21, 1811, in Box 41, #54.

difficult for the government to build up an army, it was impossible to build up a navy. Skilled sailors were rare, the best being from a few Adriatic ports particularly on the eastern shore. But these were the very places where ^{loyalty} ~~public spirit~~ was least good. The army deserted rapidly, but the navy deserted more rapidly. With an army it was possible ^{for} ~~to~~ time to remedy lack of skill and experience; with the navy ^{this} ~~such~~ was not possible, for, by the time experience had been gained, all the ships had been lost. Napoleon knew this. When Eugene wrote on October 18, 1806 "Je crois qu'il est necessaire de faire sortir des chaloupes canonnières ou frigates de leur faire voir l'ennemi sans rien compromettre d'habituer les marins à cette vue, et meme petit à petit à entendre siffler les boulets ennemis," the Emperor retorted, "Mon fils, l'idée de pouvoir acclimater les marins de Venise à lutter contre les ⁸⁶ bâtiments anglais est une folie".

These sailors had been enrolled by conscription from the ^{coastal} ~~depart-~~ments of the Kingdom, ~~which had sea-coasts~~. The original decree ~~for this~~ ^{on this subject} ~~subject~~ of July 25, 1806, ^{set up} ~~was~~ modified on June 22, 1808. In twelve ports along the shore ^{set up} ~~were~~ marine syndics, who made up lists of those eligible ⁸⁷ for conscription. There were ~~two~~ two different lists--one for sailors and one for workers in ship-yards and harbors. The rate of the levy was about one per 2,000 population in Adriatico, one per 3,000 in the Three Departments, and one per 4,000 in the other departments. In 1813 there were 14,221 on the sailors list and 2,831 ~~on the~~

⁸⁶ Napoleon to Eugene, November 8, 1806 in Ducasse, III, 200.

⁸⁷ Istruzione pei sindaci marittimi istituiti dal decreto 22 guigno 1808 e raccolta dei relativi decreti (1808).

on the workers' list. Of these 1,958 and 277 respectively had been enrolled in the service. The difficulty of recruiting made it necessary for the government to use convicts as workers. At one time in 1811⁸⁸ there were 700 of these working in the ship-yard at Venice.

The ~~strength~~^{roster} of the navy varied a great deal, ~~going~~^{rising} from 121 in 1804 to over six thousand in 1813. The personnel of the construction ~~branch~~^{branch}, on the other hand, was almost 7,000 in 1807 and decreased to 2,700 in 1813.⁸⁹ This reveals quite clearly that at the beginning the government lacked equipment as well as men. In the last year of the regime much of the building was finished, by the great spurt of construction in 1811, but the complete failure of ~~that construction~~^{the resulting vessels} against the English led to the disillusionment of 1813 and 1814.

⁸⁸ Eugene to Napoleon, August 11, 1811 in AFiv1712; report of May 1, 1813 in same carton; Eugene to Napoleon, October 20, 1810, in AFiv1711A.

⁸⁹ The following table gives the number in the naval and other branches at certain dates:

<u>Date</u>	<u>Navy</u>	<u>Constr. and Adminis.</u>	<u>Total</u>
April 1804	121		
April 1806	598		
June 1807	4,851	6,868	11,719
October 1809	3,140		
May 1810	3,929	4,374	8,303
October 1810	4,743	3,271	8,014
June 1811	4,890	5,019	9,909
April 1813	6,082	2,842	8,924
May 1813	5,428	2,769	8,197

The sources are respectively as follows: Box 30, L^o; same; same; Box 40, #61; Box 40, #2; Box 40, #7; Box 45, #45; AFiv1712; same.

We have already said that it was more difficult to build up a navy than an army because of the greater skill and experience necessary to work with the more complicated equipment. We must now examine that equipment. It fell roughly into two classes--~~naval~~ ^{coastal} hydraulic works and vessels. ~~ships~~ The former included the effort to build up good, well-fortified harbors with facilities for construction and repair. There were two important harbors in the Kingdom, at Venice and Ancona. The former was annexed in 1806, the latter two years later. An enormous amount of ~~work~~ ^{energy} and money ~~was~~ ^{were} spent on both.

As soon as Venetia was annexed a commission was formed of Bertin, Daugier, Sganzin, and Prony to investigate Venice. This was to discover (1) what were the resources of the arsenal to construct ships of war and (2) how these ships could be put to sea. The commission's report recommended (1) that there be renovated or constructed along the Novissima Grande twenty-three ways for ships and twenty-four for frigates, and (2) that a new exit from the arsenal be opened and joined to a new canal leading to the estuary of Malamocco. This report was accepted and the works recommended in it were ordered by a decree of ⁹⁰ December 8, 1807.

The work done at the Arsenal was enormous. The Porta Nuova was opened and a new basin was built enclosed by three dykes at a cost of 265,184 francs. A tower 110 feet high to be used for stepping masts was constructed at a cost of 112,690 francs. Seven ways were built ⁹¹ of masonry larger and stronger than those left by the Venetians.

90 Box 28, #4 and #3

91 Maillot's report of April 21, 1806 in Box 30, #29.

As for the canals and lagoons, over half a million lire was spent on dredging equipment and a larger amount on operations by 1812. At that time all the naval canals had 17 feet of water except at four points where the depth was half a foot less.⁹²

At Ancona over a million lire were spent to dredge the harbor and extend the jetty on the western end 300 yards.⁹³

With the facilities at Venice the government built many vessels. In the first year of possession over a hundred were built or repaired. All of these were small except six brigs of which ~~two~~ two were armed. The Italian navy can be said to have begun with a decree of July 26, 1806 which ordered the construction of two ships of 74 guns and a number of lesser vessels. By a subsequent decree Eugene increased the number of ships to five. In December 1806 the keels were laid of two ships of 74 guns (the Reale Italiano and Il Rigeneratore) and two frigates of 28 guns (La Corona and La Favorite). In January 1807 three other ships were started (Rivoli, Castiglione, and San Bernardo). Two months later, two corvettes of 32 guns^{were} begun (La Bollone and La Carolina). Five other ships were started later (Lombardo, Semering, Saturn, Montenotte, and Arcole).

The first of the ships to be finished was the Rivoli, launched on September 3, 1810. It was shot to pieces by H.M.S. Victorious on its maiden Voyage. No other ship dared leave Venice, although two were finished in 1811 (Reale Italiano and Il Rigeneratore). Of the four lesser vessels we have mentioned, three were lost at the engagement off Lissa (March 1811). On April 16, 1813 there were still on the ways under construction seven ships, four frigates, and three brigs, but the government was so discouraged

⁹² The last point is from Maillot to Eugene, July 16, 1811 in Box 41, #66. The rest from Prony's report of November 6, 1811 in AFivl712.

⁹³ Decrees of November 3, 1807 and July 20, 1809, also Prony's report of 1811 in AFivl712.

by its failure on the seas that none of these was finished. The combination of English superiority, deserting sailors, and shortage of arms and equipment was too much for any will to overcome.

Finance

It is almost impossible to write any financial history of the administration of the army and navy of the Kingdom of Italy. The forces of France, Naples, and Italy were so mixed up, and orders were so rapidly followed by counter-orders that each account was indebted to every other account, not only between countries, but even within the administration. Debts lasted forever. In 1810 those before Marengo were still being paid. We need therefore only note that war expenditures quadrupled from 1802 to 1811, rising from fifteen to sixty million. These figures, which do not include

94 Of these ten ships six were technically French--that is they carried the French ensign. But this was only a technicality, as the costs of construction were paid by Italy. The detailed budget for 1810 in Box 41 lists the costs of ships under construction without distinguishing in any way between those which were French and those which were Italian. Moreover, once at sea all vessels, of both nations, were under orders of the Italian Minister of War as long as they were in the Adriatic. The commanding admiral in that area, although French, sent his reports to Milan, and they are now in Box 41. The French ships built at Venice are the Rivoli, the Monte S. Bernard, the Castiglione, the Montenotte, the Saturn (called originally Montebello) and the Arcole. The spelling of these names varies in the documents from French to Italian, and the Semering was frequently spelled Simmering. Of the ships mentioned the Castiglione and San Bernardo were burned on September 14, 1814. The Saturn was broken up in 1821, and the Lombardo was still on the ways in 1829. The fate of the others is not known to me. See Nani-Mocenigo: L'arsenale di Venezia, 40-42. See Pisani: La Dalmatie de 1797 à 1815 (1893) 410-22; Pasqualigo: "Dopo Lissa (1811)" in Bollettino delle Primo Congresso Storico del Risorgimento (1906) 89-96; Capello: "Giuseppe Duodo e la prima battaglia di Lissa" in Atti della Accademia di Udine (1927) VI, 193-203; Levi: Navi da guerra costruite nell'arsenale di Venezia dal 1664 al 1896 (Venice, 1896) 50-57; Nani-Mocenigo: Del dominio napoleonico a Venezia (1806-14) Venice 1896; id; L'arsenale di Venezia, supplement to La Rivista Marittima (April 1927) 40-42; Randaccio: Storia delle marine italiane dal 1750 al 1860 (2 volumes, Rome, 1886) I, 163-80; Celani: Saggio di una bibliografia marittima italiana (Rome, 1894). The account by Pingaud (in Revue d'histoire diplomatique XLIII, 178-180) is worthless. There is a brief account of the naval actions of the period in S. Romiti: Le Marine militari italiane nel risorgimento 1748-1861 (Rome, 1950), 89-104.

the monthly contribution

✓ to France, also devoted to military expenses, usually were over
95
forty per cent of the total annual expenditures.

In conclusion two facts can be emphasized in regard to the Ministry of War and its administration. To Napoleon it was apparently the most important aspect of the activity of the Kingdom. Yet in spite of that it was constantly in disorder, poorly organized, or badly run. Much of this ~~was due~~ ^{is attributable} to poor personnel. The second fact about the army is that it consistently cost so much that it prevented the other ministries from obtaining sufficient funds to pursue ~~completely~~ ^{adequately} their more constructive tasks.

95 The following table gives the amounts spent on various accounts for this Ministry. In the second column, I have added the figures given by Zanoli (I, 109-13) for the same ~~years~~ ^{years} ~~accounts~~. His figures are from the budgets, not from the accounts and show the wide divergence between the two:

<u>Year</u>	<u>Spent</u>	<u>Zanoli</u>
1804 and before	32,361,822 lire	
1805	37,358,967	36,841,000
1806	42,170,135	22,260,000
1807	45,888,397	40,000,000
1809 and before	249,057,660	
1810	45,235,437	45,000,000
1811	61,308,130	44,000,000

Zanoli gives the total paid for the army of Italy excluding the monthly contribution, from 1802 to 1814, at 723,055,888 lire. My figures are from documents in Aldini 98 and 103.

Chapter VI

Religion

1. The Ministry of Religion
2. The Political Relationship of Church and State
3. The Legal and Administrative Relationship of Church and State
 - a. General Regulations
 - b. Church Corporations and Groups: Episcopacy, Chapters, Séminaries, Parishes, Monasteries
 - c. The Clergy as Individuals--Appointments, Restrictions, Salaries
 - d. Ecclesiastical Justice and Church Discipline
 - e. Vacant Benefices
 - f. Finances and Pensions
4. Conclusion

Chapter VI

Religion¹

1.

The Ministry of Religion

It is not surprising to find a Ministry of Religion in the Kingdom of Italy. In both time and place the situation required it, because of the serious problems raised by the effort of enlightened despotism and the French Revolution to extend state sovereignty to religious matters and because of the difficulties attendant upon any temporal government in Italy, the traditional home of the Catholic Church. This necessity was not recognized by the pro-papal group, and they were reconciled to the existence of the Ministry with difficulty.

It was, however, necessary to ^{carry out} ~~execute~~ the ecclesiastical provisions of the Constitution of Lyons, so the office was created ~~somewhat later~~ ~~than the others~~ by a decree of Napoleon dated May 1, 1802.

¹ The manuscript materials on this subject at Princeton are few and scattered. The only subject treated copiously is the controversy of 1807-09 and the occupation of the Roman States. There are many letters from Eugene to agents in these districts in the letterbooks in Box 27, and there are several hundred letters from Miollis, Lemarois, and others stationed there. The manuscripts in Paris are numerous, as the papers of both Fesch and Caprara are there. These, however, are concerned chiefly with events during the period of the Republic. There is scattered material in the archives of the Secretary of State. At Milan the material is chiefly in the section "Culto". The most important portion of this last was published by the ministry as Regolamenti pel Culto, (1808, 1813).

It was not easy to find a man to fill the new post, since it required that its holder be experienced in both ecclesiastical and administrative affairs yet willing to pursue a secular policy. On May 29 such a man had been found and nominated to the office by a letter from Marescalchi carrying a decree of Napoleon. The new Minister, Giovanni Bovera, was ideally suited for his position except for his advanced age. Born in Lombardy in 1734, he joined the Oblates, taught canon law at Pavia, and became one of the three members of the ecclesiastical commission which advised Joseph II in church reforms. Recommended to his new position by Melzi, he held it until his death on October 13, 1812, when the office was taken over by Giudici, the Secretary-general.²

Melzi in

The Ministry was organized by a decree ~~of 1802~~ of June 23, 1802, which fixed its internal ^{organization} ~~formation~~. Directly depending from the Minister himself was a Secretary-general called assessore, who handled all routine work and filled the office of Minister in his chief's absence. For most of the period this was held by Gaetano Giudici at a salary of 8,000 lire a year. He was regularly chief of the First Section, which handled all matters of general business or concerned with ^{religious} ~~public~~ institutions ^{or clerical} ~~and seminaries~~, discipline, ~~and regulation of clergy and~~

2 Regolamenti pel Culto II, 231. There is a sketch of Bovera in Pingaud: Hommes d'Etat, pp.109-112. There is also Cavriani's Elogio del fu conte senatore Giovanni Bovera (1812).

~~ecclesiastical corporations~~ The Second Section, under a chief (Giuseppe Corti) who received about 6,000 lire a year, was concerned with matters of benefices and institutions of public charity. The Third Section, under a chief who received 4,600 lire a year, dealt with incomes of pious foundations and all accounts and finances. There were also the secretarial staff, registry, and ^{necessary} ~~3~~ ~~associated~~ ~~with administrations~~ ⁴. In all there were usually employed in the Ministry about half a hundred individuals at salaries ranging from 8,000 to 1,620 lire a year and totalling over 100,000 lire.

The expenses of administration of the Ministry of Religion were comparatively small and about half went for wages. Bovara's salary was 35,000 Milanese lire through 1807; after that it was 50,000 Italian lire. On his death, Giudici, as holder of the portfolio, did not receive the full salary of a Minister but only one-third of it.

³ The decree is in B.L., p.123. The original signed by Melzi is in Culto 15.

⁴ The number of employees decreased steadily from sixty-five in 1804 to fifty in 1809 and forty-five in 1814. Figures from Culto 19, Box 43, #22, and Culto 22 respectively.

⁵ The following table gives the cost of the Ministry for each year divided into the two parts of salary and office expenses. The first three years are in lire of Milan. The year 1804 is small because in that year all offices and furnishings were at the expense of the Ministry of Interior. The years 1806 and 1808 are large because of the annexations. The year 1809 is large because of the expense of the creation of an office for an agent with the Pope, and 1811 is large because of the Council in France.

Year	Salary	Office	Total
1804	175,942	18,531	194,473
1805	179,042	30,673	209,715
1806	178,980	46,376	227,356
1807	144,217	56,691	200,908
1808	159,000	48,900	207,900
1809	159,000	39,244	198,244
1810	156,000	27,459	183,459
1811	152,298	47,587	199,885
1812	152,300	43,200	195,500
1813	152,300	40,794	193,094
1814	17,719	19,719	37,438

First three years from Culto 17; next three years from Culto 21; last five years from Culto 22; 1814 is for two months.

In the middle of 1802 the duties of the Ministry were extended by the transfer to it from the Economato^{dei} delle Beni Nazionali of the care of ecclesiastical establishments and pious foundations especially those which were vacant. For this purpose agents in the departments were essential. These were created by a decree of September 23 as "delegates" ~~who were~~ ^{to be} named by the Minister and subordinate to the prefects. These new agents were also ordered to watch all local establishments of public charity and report on violations of their administration and discipline.⁶ Accurate reports were demanded from the delegates especially in regard to the incomes of vacant benefices and the assignments for religion placed on these funds. On December 21, 1807 these agents lost a considerable part of their duties when the administration of public charity was transferred from the Ministry of Religion to that of the Interior. Finally at the end of 1811 they lost their chief excuse for existing when ^{the} administration of vacant benefices was given to⁷ the Directions of Domain, but their offices were not suppressed.

In September 1803 there were appointed 119 of these delegates for twelve departments. The abolition of the Vice-prefectures in April 1804 made it necessary to establish more, so that by the beginning of the Kingdom in 1805 there were 211 in thirteen departments. In 1806 they were reorganized, and their numbers began to decrease. In 1810 there were only 112 in nineteen departments, and these turned into the Monte

⁶ Bovara to Melzi, September 9, 1802, in Culto 2940. Decrees of June 23 and September 23, 1802, Instructions of September 23, 1802 and circular of April 7, 1804 in Regolamenti pel Culto I, 1-9, 92.

⁷ Culto 111 and Regolamenti I, 187.

Napoleone revenues of 91,695 lire of Milan collected from vacant
 8
 benefices.

During the Kingdom, orders came to the Minister of Religion through the Viceroy, either from Aldini or from the Minister of Religion of France. These orders were executed by the Minister ⁱⁿ ~~by~~ direct correspondence with the clergy, delegates, prefects, or other local authorities. The content of these orders was determined by a decree of Melzi of June 23, 1802. This content was most extensive. The first article read, "The Ministry is entrusted with ecclesiastical affairs, with discipline and police of clergy, of corporations directed to exercise of religion, of pious institutes and establishments of public charity". In other articles this was specifically interpreted to ^{cover} ~~contain~~ doctrine, seminaries, dioceses and parishes, preliminary examination of bulls and letters both papal and episcopal, pensions, restriction of mortmain, pious legacies, incomes of vacant benefices, etc.. The 25th and 26th articles are sufficiently general to be quoted in full--

"25: The public interest, which is justly the sole civil power, ought to prevail in all acts which are not essential and precisely necessary to the end to which is directed religion, to balance the merits of mixed matters which have intrinsic connections with both religion and civil power, and to determine ^{those} ~~these~~ provisions and securities which, without altering the limits of ecclesiastical ministry, will secure the order and obedience due to the power of the state."

8 See circulars of January 8 and February 6, 1808 and prefects' reports on these in Culto 55. Also many documents in Culto 2940. In order to provide the delegates and the prefects with a knowledge of the rules on religion the Regolamenti pel Culto were issued in two volumes in 1808 and 1813. By the end of the latter year 622 copies of this work had been distributed, of which 382 were sold for 662 lire (Culto 16.)

"26: The Ministry will see that no one is impeded or disturbed in the private exercise of his own ^{belief} ~~faith~~ in a spirit of religious intolerance, as citizens should be protected in the exercise of those rights which the constitution accords them."

We have already mentioned the ^{curtailment of} ~~decrease in~~ the functions of the Ministry of Religion by the transfer ~~of~~ of public charity and vacant benefices to other administrative groups. Except for these two changes, the functions of the Ministry remained the same throughout its history.

2.

The Political Relationship of Church and State

The political relationship of Church and State is too large a subject for us to attempt to describe it here. Many such efforts have ~~already~~ ^{most of these} been made by others. ~~Of these, only one is both adequate and impartial, but it goes only to the end of 1807. Another is adequate, but, as it was written chiefly to justify the papal actions in this period, it is hardly impartial. The other writings on the subject are marred by~~ ¹⁰ ~~are guilty of~~ important errors and omissions, and ~~are~~ ¹⁰ are written as accounts of the relationship between the Emperor of France and the

9 Charity is discussed in Chapter VII; but vacant benefices are examined below in ~~part of~~ this chapter.

10 The excellent study of Latreille: Napoléon et le Saint-Siège (1801-08), (Paris, 1935) stops in December 1807. Ruck: Die Sendung des Kardinals de Bayane nach Paris (Heidelberg, 1913) carries the story on for another month. Rinieri: Napoleone e Pio VII (2 volumes, Turin, 1906) covers the whole period and shows extensive research but is written from an extreme pro-papal position and has some omissions.

(continued)

(footnote 10 continued)

Leflon: La Crise revolutionnaire, 1789-1846 (vol. 20 of Fliche et Martin: Histoire de l'Eglise, Paris, 1949), 161-273, is sound, but brief, with little on Italy and nothing on administration; Dansette: Histoire religieuse de la France contemporaine (2 vol., Paris, 1948-1951), II, 159-231 is of little value; while Melchior-Bonnett: Napoléon et le Pape (Paris, 1958) is undocumented and overwritten. Roberti: Milano capitale napoleonica, I, 393-513 is political rather than administrative in outlook, devotes most of its space to events before 1805, and has significant errors and omissions. A. Latreille: L'Eglise Catholique et la révolution française (2 vol., Paris, 1946-1950), II, 103-154 is much inferior to his earlier 1935 volume and is very similar to Fugier: Napoléon et l'Italie (Paris, 1947). Older than these, but not notably inferior (because based on the same sources) is Cantù: Cronistoria della indipendenza italiana (4 vol., Turin, 1872-1877), I, 663-760.

Pope, not as accounts of the King of Italy and the Pope, which is a different subject even though King and Emperor were the same individual. 11

The relationship between the Holy See and the Kingdom of Italy falls into two distinct parts with the year 1808 ~~acting~~ as a ^{divide.} ~~watershed~~. The first part, which lasted less than three years, was one of troubled diplomatic relations in which agreement was always possible however unlikely. The second part, which lasted five years, saw the Holy See and Milan completely and permanently alienated, with all agreement rendered impossible alike by the high-moral ground upon which the Papacy had been forced to take its position and ^{by} the fact that the Kingdom had gone too far in its ^{agressions} ~~for it~~ to ~~make any~~ retreat without a loss of prestige. The turning point between these two parts is the period between February 2, 1808 and June 10, 1809--that is between the Italian occupation of Rome and the French annexation of ^{that} ~~the~~ city.

The Italian Republic had been in disfavor with the Holy See for several reasons. ~~of these~~ The chief ^{of these} were that it was the direct heir of the radical anti-church policy of the Cisalpine Republic and it ~~was~~

11 None of the following is completely trustworthy: Driault: Napoléon en Italie, 1800-12 (Paris, 1906); d'Haussonville: L'Eglise Romaine et le premier Empire, 1800-14 (3rd edition, 5 volumes, Paris, 1870); Artaud: Histoire du Pape Pie VII (3rd edition, 3 volumes, Paris, 1839); Welschinger: Le Pape et L'Empereur, 1804-15 (Paris, 1905); and Feret: Histoire diplomatique: La France et le Saint-Siège sous le premier empire (Paris, 1911). The more general histories such as the following are too sketchy: Hergenröther: Handbuch der allgemeinen Kirchengeschichte (6th edition, 4 volumes, Friburg, 1924-25); Kirsh: Kirchengeschichte (4 volumes, Friburg, 1930-33); and Schmidlin: Die Päpstgeschichte der Neusten Zeit, vol. I (Munich, 1933; French translation, Lyons, 1938).

still held
~~profited in a territorial way by the annexation of~~ the Legations,^to
 whose loss ~~left~~ ^{was} the papacy unreconciled.

The obvious solution to these differences lay in a general agreement or concordat between the two parties, but Rome was unwilling. This reluctance vanished with the publication of the Organic Law of 1802 issued at Lyons with the Constitution. This Law made it clear to the Holy See that if it did not participate in an agreement, a settlement would be made by the government without ^{any} consultation.¹²

As a result, conferences ~~were~~ began between Cardinal Caprara, Archbishop of Milan, and Marescalchi, Foreign Minister of the Republic. After negotiations of more than a year's duration, a concordat was completed on September 16, 1803 and published on February 26, 1804.

The achievement of this agreement seemed about to inaugurate a period of ⁱaimable relationship between Milan and Rome. Napoleon was satisfied, and the Papacy, which had not wanted the concordat, considered it, according to ^{Cardinal} Consalvi "a real triumph for religion."¹³ This joy

¹² There is a copy of the Organic Law in Dufau, Duvergier, Gaudet: Collection des chartes, IV, 300.

¹³ Consalvi's remark is in a letter of January 1804 quoted in Latreille, 268. On the whole subject of the Concordat see the works mentioned and Theiner: Histoire des deux Concordats (2 volumes, Paris, 1869-70), especially volume II.

was short-lived, for the pleasure which the Concordat afforded Rome and Paris was not shared in Milan. In December 1803 the Legislative Body raised a voice of protest. Above all, Melzi, a strong Josephist, was displeased. He sought to ~~counteract~~ ^{counteract} the Papal victory ~~by a political action~~ ^{by a political action}. The French Concordat on its promulgation had been accompanied by organic decrees which put it into execution. Melzi did the same thing, ~~except that~~ ^{but} his organic decrees, issued with the Concordat on January 26, 1804, ~~not merely modified it~~ ^{Melzi made two} ~~which~~ ^{which} profoundly modified it. ^{assumption} ~~assumption~~ basic assumptions ~~of Melzi~~ ^{of Melzi} would have destroyed the whole Concordat. The first ^{assumption} ~~assumption~~ was that the previous regulations of the Republic were annulled only when they were ^{in conflict with} ~~contrary to~~ the Concordat. The second ^{assumption} ~~assumption~~ was that the President of the Republic, as successor of the Emperors and Dukes of Milan, possessed all the privileges and rights in Italy which they had possessed. Melzi's articles, while pretending merely to put some of the provisions of the Concordat into effect, had by the change of a few words entirely modified the sense. For example, where the agreement provided that no suppression of an ecclesiastical corporation could be accomplished without negotiation, Melzi had added the word "definitively" after "accomplished". Again where article 21 made the Concordat replace all previous religious regulations, the decree made it replace all those contrary to its provisions. ¹⁴ Among the twelve paragraphs was one which provided that the free communication of bishops with the Pope did not include cases before the law courts of the Kingdom. Another paragraph modified the section on military service so that only those clergy who lived in seminaries were exempt.

¹⁴ The decrees are in F¹⁹ 1919. ~~see Roberti (Milano)~~ ^{see Roberti (Milano)}

[continued]

(footnote 14 continued)

Roberti (Milano capitale napoleonica, I, 457-479) believes that the organic decrees were issued by Melzi without Napoleon's approval. See, also, Latreille, Napoléon et le Saint Siège, 270 and M. Gorino: I concordati napoleonici (Rieti, 1930). The work of G. Manganelli, in spite of its title ("L'Applicazione del concordato italiano nella corrispondenza diplomatica" in Miscellanea offerta a A. Luzio, II, 143-168) is not concerned with this subject but with later disputes, chiefly about nominations to bishoprics.

These articles at one blow destroyed the friendly atmosphere created by the Concordat. While Napoleon pretended he lacked power to annul these acts, the Pope refused to consider the Concordat in force until they were annulled. Melzi, who declared his willingness to give up the Legations to the Pope if he could secure the Josephist system for the rest of the Republic,¹⁵ was adamant.

For more than a year a stalemate existed on this issue. While Cardinal Fesch tried to get his nephew to abrogate the Melzi decrees, Caprara, who realized that this was expecting too much, sought a simple¹⁶ declaration that the Concordat was in full force. A royal decree¹⁷ satisfied this desire on May 22, 1805. Napoleon wrote to Pius VII in this vein, but Fesch took it upon himself to announce that the organic laws had been abolished. Pius was grateful for the former message;¹⁸ Consalvi was dubious about the latter.

The decrees of June and July 1805 on the clergy of the new Kingdom soon showed that better judgment was with Consalvi's doubts than with Pius' gratitude, since they violated article 9 of the Concordat. The act of June 5 which ordered the Code Napoleon to be law in the Kingdom after the end of the year was another blow to the Holy See--this time on the spiritual side, as the regulations of article 56 on divorce and

¹⁵ Melzi to Marescalchi in Melzi d'Eril: Memorie-Documenti, II, 595.

¹⁶ Caprara to Talleyrand, May 2, 1805 in AFiv1709A.

¹⁷ Decree in F¹⁹1919.

¹⁸ Napoleon: Correspondance X, #8781; Latreille, ~~Paris~~ Napoléon et le Saint Siège, 398.

marriage were contrary to canon practice. Finally, on the more ~~purely~~ temporal side, the modifications in the status of Liguria and Parma served to intensify fears that "Kingdom of Italy" might be on the way to become a geographical truth. A more solid basis for this last fear was given in the fall of 1805 when Gouvion Saint-Cyr occupied the Marches about Ancona to protect the flank of the army invading Venetia.

The Holy See had no means of preventing this series of affronts, but in retaliation made use of the only weapon at its command, its right to hinder religious functions. Pius declared that since the agreements with Napoleon had been ~~so~~ violated by the Emperor himself, the investiture of the higher clergy provided for in these agreements was suspended. This reluctance to invest Napoleon's episcopal nominees and His Holiness' protests, such as those of November 13, 1805 and January 29, 1806, ^{strengthened} the Emperor's ~~and his~~ determination. His answer to Pius' letters of protest ~~was~~, for the first time, ^{made a} suggestion which was eventually, to ^{entirely} ~~entirely~~ destroy any possible agreement between them. Summed up in the Emperor's own terse demand, "All my enemies must be his", ^{was a demand} ~~that~~ the Temporal Power join in ²⁰ ~~an~~ alliance with the Napoleonic States.

19 See Latreille, 434-43. This occupation was extended to include the sea coasts of the Papal States both Adriatic and Tyrrhenian in May 1806. See Napoleon to Déjean, May 6, 1806, in Picard & Tuetey, Correspondance inédite I, 231 and Napoleon to Joseph and to Eugene, May 6, 1806 in Correspondance XII, 354-55. The Marches were made partially subject to the Kingdom of Italy by a decree of October 14, 1807. See copy in Ducasse III, 359.

20 On the investiture of bishops see the account in this chapter below. The Pope's protests of November 1805 and January 1806 are in Raccolta di documenti autentici (3 volumes, Italia, 1814) I, 2-11. The Emperor's answers are in Correspondance, XI, 563 (#9717) and XII, 40 (#9806).

When the Consistory rejected such an alliance on March 8-10, 1806, the matter was suspended for more than a year. It was reopened in September of 1807 after the crisis caused by Napoleon's savage letter of July 22 had passed. The negotiations in Paris in the fall of 1807 between Caprara and Bayane on one hand and Champagny on the other consisted chiefly of demands by the latter which were duly forwarded to Rome by the former. The chief item of all of these demands was the Emperor's insistence that the Papacy abandon its neutrality to form some kind of an alliance with the vassal states in Italy.

21 During the interval all the old controversies simmered on and were joined by three others. These included the scandal over Cardinal Oppizzoni (on which there is much information in AFiv1709B), the extension of the Italian system (including Concordat, ecclesiastical reforms, and Code Napoleon) to Venetia, and the fiasco over Napoleon's efforts to obtain the nomination of three members of the Papal Rota (See documents in AFiv1709B).

22 Napoleon's letter of July 22, 1807, probably the most violent ever received by the Holy See, is in Correspondance XV, 441-47 (#12953). Champagny's five demands of September 21, 1806 had to be accepted at once under pain of the immediate annexation to the Kingdom of Italy of the provinces of Urbino, Macerata, and Ancona and the summoning by Napoleon of a General Council of the Church. They were (1) a promise to make war on England, (2) abolition of all regular religious orders in Italy, (3) freedom for Italian bishops from the necessity of going to Rome for investiture, (4) an increase in the number of French cardinals to make their number proportionate to the French population in the Catholic Church, and (5) the negotiation at Paris of a concordat for Germany. See Champagny to Caprara, September 21, 1807, Champagny to Bayane, and Champagny to Eugene, September 30, 1807 in Box 6.

Six weeks later these demands on the Holy See were modified and then insisted that it must (1) declare war on the English and "infidels", (2) join the continental blockade, (3) pay two thousand French troops stationed at Ancona, (4) recognize all the vassal princes, (5) give the French one-third (not two-thirds as Driault says on page 513) of the membership in the College of Cardinals, (6) accept the Concordat of 1803 as valid for all northern Italy, (7) conclude a concordat for Germany, and (8) pay 400,000 francs a year to dredge the port of Ancona. See Bayane to Casoni, November 10, and 16, 1807 in Ruck, 79-81.

These demands were so unacceptable to the Holy See that it had already steeled itself to face the breaking-off of negotiations when Champagny gave Caprara on January 9, 1808 a six-point ultimatum to be accepted within five days of its receipt in Rome. The following day Napoleon ordered Eugene and Joseph Napoleon to occupy Rome. This occupation took place on February 2, although the Papacy had accepted²³ four of the six points of the ultimatum on January 28.

²³ The six points of this ultimatum included points 1,4,5, and 7 of the demands of November plus two new ones: to expel all supporters of Ferdinand IV of Sicily from Rome and to arrest a hundred fugitives from the Kingdom of Italy refugees in the Papal States. See Rinieri I, 397-401; Ruck 47-50; Cantù: Corrispondenze dei diplomatici (1885) 342. The ultimatum is not mentioned by Pacca, Artaud, Driault, d'Haussonville, Welschinger, Feret, or in the published correspondence of Napoleon or Eugene. On the acceptance of the four points see Alberti to Testi, February 1, 1808 in Esteri 21 or in Cantù: Corrispondenze 340. The only satisfactory account of the seizure of Rome is in Rinieri in spite of some errors. Other accounts beyond those mentioned are Maddi: "I rapporti fra Napoleone e Pio VII nel carteggio di Francesco Alberti" in Rassegna Storica Risorgimento (1935) XXII, 685-748; Amadei: "Un epistolario inedito sugli avvenimenti romani dell'anno 1808" in Archivi (1936) III, 233-47; and Corridore: La politica della Santa Sede rispetto alla questione polacca e al blocco continentale (Turin, 1901). There are over four hundred unpublished documents on the occupation of Rome in the Beauharnais Archives. The published documents are in Documenti relativi alle contestazioni fra la S. Sede ed il governo francese (5 volumes, 1833-34); Raccolta di documenti autentici sulle vergenze insorte fra la S. Sede ed il governo francese (3 volumes, Italia, 1814); Correspondance officielle de la cour de Rome avec les agens de Bonaparte (Paris, 1814); Pièces officielles touchant l'invasion de Rome par les Français (Rome, 1809); Muzzarelli: Complément de la Correspondance de la Cour de Rome avec Buonaparte (Paris, 1814); Pièces officielles touchant l'invasion de Rome...pour servir de suite a la Correspondance (Rome, 1809); Correspondance authentique de la Cour de Rome avec La France (Genoa, 1809); and Schoell: Précis des contestations qui ont eu lieu entre le Saint-Siège et Napoléon Buonaparte, (2 volumes, Paris, 1819).

The occupation of Rome made all reconciliation between Pius and Napoleon impossible. The former's only weapon was passive resistance, but this involved the cessation of his own government in the Papal States. Every public act^x which the Holy See refused to do^x made it necessary for General Miollis at Rome to ~~do it himself as a result~~ ^{take over more of the Papal govern-} ment himself. As a result, the French controlled ~~the French had assumed~~ the papal administration almost completely before the territory was annexed to France in 1809. The alienation of the two governments was completed by the excommunication of June 10, 1809 and the abduction of Pius on July 9, 1809.

^{Of} More direct^{to} concern^{with} the Kingdom of Italy was its annexation of the Marches. A decree to this effect was signed on April 2, 1808 but published only at the middle of May. The delay was caused partially by the troubles in Spain but also because Napoleon had sent His Holiness a new ultimatum on April 3, demanding an offensive alliance and threatening this very annexation as penalty for refusal.²⁴

This addition to the territory of the Kingdom added new fuel to the religious controversy, especially because of the effort to obtain an oath of allegiance from its bishops. The removal of these prelates and the papal refusal to invest any other bishops gave rise to an acute investiture problem in the Kingdom.²⁵ This problem, which also existed in France, was much more serious in Italy because the Empire had a tradition of Gallican independence which the Kingdom lacked. Curiously

²⁴ See the letters in Napoleon: Correspondance, XVI, 463-69.

²⁵ On the investiture controversy in Italy and the discussion over the oath of allegiance see the next section.

enough Napoleon was more completely successful with his Gallicanism²⁶ in Italy than in France.

His Majesty's recourse to Gallicanism began with his efforts to fill the vacant archbishopric of Paris. In October 1809 Cardinal Maury, a strong Imperialist, was named to this seat by Napoleon. In spite of Pius' refusal to issue a bull of investiture, the Emperor insisted that the Cardinal take possession of his see. The chapter of the cathedral was asked if it would grant him the administration of the episcopal property without pontifical institution. On the ground that Gallican principles permitted it and that episcopal jurisdiction never dies, the majority voted that the grant should be made to the Cardinal.

Napoleon tried to get all the bishops and chapters under his control to accept the interpretation of the majority of the Metropolitan Chapter in Paris. The declaration of this chapter was published in the Giornale Italiano on January 14, 1811. On February 6 Eugene ordered the bishops of Italy to issue public declarations of their adhesion to these principles of the chapter of Paris and to do so without any mention of his pressure on them. The bishops in turn ordered their chapters to do likewise. Within two months ^{all} thirty-five bishops and fifty-one ^{of sixty-four} chapters had written to the Viceroy signifying their acceptance of these principles. These letters were published in both French and Italian at

²⁶ Eugene was being advised at this time by a learned but poor priest named Ferloni who wrote most of the government's declarations on the problem. Given a small government pension in 1813, he died in October of the same year. His magnum opus on the changes which time had brought in church doctrine was never approved by the censorship. See Coraccini: Administration du royaume d'Italie, 200-204.

once. After the Restoration they were all retracted by their writers²⁷ and put on the Papal Index.

This effort to make the church of Italy accept^{one of} the principles of Gallicanism had a number of curious results. In general, it^{was not} more than a superficial success, because the church of Italy did not have the corporate existence and the strong internal organization of that of France. Works^{advocating} Gallicanism were printed in Italy and, on²⁸ the surface at least, persuaded the clergy. The lay faithful were²⁹ more reluctant to accept these foreign doctrines.

²⁷ The letters were published in the departmental periodicals as well as in a special collection containing versions in both French and Italian. See Raccolta degli indirizzi umiliati dagli arcivescovi, vescovi, e capitoli del regno d'Italia a S. A. I. il Principe Eugenio Napoleone (1811). The retractions are in Dichiarazioni e ritrattazioni degli Indirizzi stampati in Milano l'anno 1811 (2 volumes, Rome, 1816). The letters were put on the index by a decree of September 30, 1817. This declared that they were false and altered. According to Cantù most were written by Ferloni (Cantù: Della Indipendenza Italiana (1872) I, 743 n.) The bishop of Padua declared in his retraction that the letter published in 1811 in his name was not the one he had written. See Dichiarazioni II, 43-45. His biographers are not in agreement on the validity of this explanation. See Brotto: Francesco Dondi dall'Orologio, vicario capitolare e vescovo di Padova (Padua, 1909) and Ottolenghi: "Francesco Dondi dall'Orologio vescovo di Padova e l'indirizzi 11 Febbraio 1811" in Atti e memorie della R. Accademia di scienze, lettere, e arti in Padova, (1900-01) XVII, 209-21

²⁸ Such works as F. B.: Della libertà della chiesa gallicana e di altre materie delle quali più comunemente oggi si parla (1811). On February 16, 1811 Eugene wrote to Napoleon that the Archbishop of Urbino was enthusiastic over the four propositions of 1682 and believed that they would be generally accepted in Italy if known there. He commissioned a certain abbé Evasio Leone, teacher of history in the lycée of Tronto, to write a book "également capable de convaincre les gens instruits et d'instruire ceux qui ne le sont pas". See Eugene to Napoleon, November 16, 1811 in AFiv1712.

²⁹ When in 1811 the papers of the Bishop of Savoy were seized by Napoleon a letter was found from Louis Melzi, brother of the Duke of Lodi, in which he stated that he had bought some national property and asked Papal sanction of this act. Napoleon wrote to Eugene in a rage but was told that such actions were fairly common. See various documents in AFiv1712.

After 1810, it is difficult to distinguish the controversy between the Church and Napoleon in France from that in Italy. The Italians took a prominent part in the episode of the Emperor's marriage, the Council of 1811, and the negotiations with the Pope in the following two years.³⁰ All of these events took place outside the Kingdom and are really a part of French or Church history. Within the boundaries of the Kingdom itself the echoes of this distant strife were surprisingly faint and most attention there was concentrated on the efforts to abolish parishes, unite dioceses, fill vacant benefices, or other events of an administrative or legal nature.

³⁰ Of the thirteen "black cardinals" who refused to attend Napoleon's wedding all were Italian, four natives of the Kingdom. See Grand-maison: Napoléon et les Cardinaux Noirs (Paris, 1895) or Beseghi, I tredici cardinali neri (Florence, 1944).³¹ Oppizzoni, who as Archbishop of Bologna had been saved from shameful publicity in 1806 and subsequently made a Senator, was forced to resign his various honors. See AFiv1712. The Bishop of Faenza was one of four prelates who negotiated with Pius VII in 1811 and the Italians took an active part in the National Council. See Rossetti: Giornale ossia memorie relative al concilio nazionale convocato in Parigi (Venice, 1844); Rinieri, II, 177ff; Liste par ordre de préséance des illustrissimes et reverendissimes cardinaux, archevêques, et évêques réunis à Paris pour le concile national (Paris, [1811]); de Pradt: Les quatre concordats (3 volumes, Paris, 1818) II, 473-505; de Barral, 229-334; Ricard: Le concile national de 1811 (Paris, [1894]).

The Concordat of 1813 was published in Milan (B.L.1813), 179-80. A circular of April 13, 1813 ordered its provisions on investiture to be strictly observed (Culto 2936).

3.

The Legal and Administrative Relationships of Church and State

Beneath the hubbub and excitement caused by the political relationships of Church and State, there was developing throughout the period of the Kingdom a steady determination of this relationship upon a legal and administrative basis. This was ~~very little~~ ^{very little} influenced by the clamor of the more obvious political controversy. We can divide this relationship into six different parts, and we ~~shall~~ ^{shall} consider them each in turn. They are concerned with questions regarding (1) general regulations, (2) Church corporations or groups, (3) clergy as individuals, (4) clerical justice, (5) vacant benefices, and (6) finance. The complexity of these questions is increased by the fact that the Kingdom was made up of various territories whose past ecclesiastical history had been different. ³⁰⁶ The extremely advanced religious policy of Joseph II ~~was~~ made Lombardy an easy district in which to apply the Napoleonic church-system. The piety of Venetia, on the other hand, had been less rigorously restricted, with the result that it possessed a plethora of monastic houses and convents as well as semi-secular groups to which many public services such as charity, orphanages, and hospitals had fallen. In the three southern departments, added in 1808, the Papal need for patronage had created another problem--the large number of small dioceses. Because of this variety we must examine to some extent the application of the various laws to each section of the Kingdom and not treat it as a homogeneous whole.

The general regulations regarding the relationship of Church and State are in some ways the most revealing, although not the most

306 [see p. 212a]

30b

Bulferetti: L'Assolutismo illuminato in Italia, 1700-1789
 (documents; Milan, 1944); Spellanzon: Storia del Risorgimento (5
 vol., 1933-1945), I; E. Rota: Le Origine del risorgimento, 1700-1800
 (2 vol., Milan, 1938); G. Candeloro: Storia dell'Italia moderna
 (2 vol. Milan, 1956), I; F. Valsecchi: Le Riforme dell'assolutismo
illuminato negli stati italiani, 1748-1789 (Milan, 1955); F. Ruffini:
Lineamenti storici delle relazione fra lo Stato e la Chiesa in Italia
 (Turin, 1891); B. Cecchetti: La Repubblica di Venezia e la Corte di
Roma nei rapporti della religione (2 vol. Venice, 1874); R. Cessi:
Storia della Repubblica di Venezia (2 vol., Milan, 1945-1946), II; M.
 Petrocchi: Il tramonto della Repubblica di Venezia e l'assolutismo
illuminato (Venice, 1950); G. Quazza: Le Riforme in Piemonte nella
prima metà del settecento (2 vol., Modena, 1957); U. Benassi: G. Du
Tillot, un ministro riformatore del secolo XVIII (3 vol., Parma,
 1923); C.A. Vianello: Il settecento milanese (1934); Valsecchi:
L'Assolutismo illuminato in Austria e in Lombardia (2 vol., Bologna,
 1934), II; A. Visconti: "Su alcuni caratteri della politica
 ecclesiastica del Governo Austriaco in Lombardia (Seconda metà del
 XVIII^o secolo)" in Arch. Stor. Lomb. 1920, v.47, 272-333, and G.
 Savioli, "La Legislazione di Francesco III di Modena" in Atti
e memorie della R. deputazione di Storia patria per le provincie
modenesi, Ser.IV, vol. IX, (1899) pp.1-42.

~~conclusive~~, because statistical results are not easy to find.

The theory of the government on the relationship of Church and State ~~was one of~~ ^{upheld} the complete superiority of the State over all religion. Occasionally, in controversy, the government denied that this superiority extended to matters of doctrine, but in practice it did not fail to legislate regarding these because it drew the line between institutional and doctrinal where it wished. It could do this because the Church steadfastly refused to recognize any distinction between its doctrinal and its institutional aspects. This is clearly evident in the controversy of 1808. Nor did the government hesitate to use force in its dealings with the Church. This is evident from the orders which the government sent to Lemarois and Miollis in 1808. We find such expressions as "s'il (Roman Government) fait quelque publication vous avez ordre de faire arrêter les gouvernants et les agents qui les permettraient", or "à la moindre insurrection qui éclaterait il faut la repousser avec de la mitraille" or "si la cour de Rome ne le fait par de bon gré vous le ferez de force".

Examples of government interference in doctrinal or near-doctrinal matters are not difficult to find. One of the most obvious is the regulations which made it necessary for all religious instruction to be made from the catechism which was used in France. This was translated secretly into Italian in Eugene's private office and then given

³¹ Letters of Eugene to Miollis of January 29 and February 18, 1808 in Box 27, Letterbook B.

to Bovara for advice on how to nationalize it. He suggested that it be submitted to a commission of Bishops and only adopted if accepted by them. Eugene rejected this plan as he could not permit that "the adoption of a measure that Your Majesty had judged good be discussed and even decided by a group of Bishops." Instead he sent it to Caprara and ordered him to make it the sole official catechism for the diocese of Milan. Then by a decree of March 14, 1807 he ordered that the catechism of Milan be made the national catechism. In a letter to the clergy of May 2, 1807 Bianchi, vicar-general of Milan, ordered that instruction of the faithful be made only from that book.³²

Another example of government regulation is the circular of February 3, 1803 putting restrictions on the conversion of Jews.³³ Again on September 19, 1806, we find the Bishops prohibited from making new feasts without the consent of the government.³⁴

³² Eugene to Napoleon, March 17, 1807, in Aldini 106. Bianchi's letters are in Culto 104. The volume was published and went to a second edition in 1809 as Catechismo ad uso di tutte le chiese del Regno d'Italia (1807, 1809). See Latreille: Le Catechisme impériale de 1806 (Paris, 1935).

³³ Regolamenti I, 42-47.

³⁴ Regolamenti I, 151. On the subject of church feasts it is interesting to note that a regular war was waged by the government against the memory of Pope Gregory VII. In his report of April 11, 1810 Bovara spoke of Gregory as "Papa famoso pei suoi attentati contro l'Impero." A week before, the misnamed Ufficio Centrale della libertà della Stampa had ordered Gregory's name omitted from all religious calendars. The observance of his feast, which was among those permitted by the decree of September 1806, was prohibited by a decree of April 26, 1810. Finally on July 3 of the same year Bovara issued a circular to all the clergy ordering that Gregory be omitted from all calendars, missals, breviaries, and liturgical books and be replaced by Urban, Pope and Martyr. All documents are in Culto 2732.

Such restrictions on liberty were not isolated, for we find a circular of December 18, 1806 to the Prefects and Clergy that no missions or spiritual exercises would be permitted except with the consent of the Ministry of Religion, and there is likewise a circular of Bovara to the Prefects on August 16, 1808 that no establishment of religion or charity would be allowed to alienate a work of art without the consent of the Ministry.³⁵ Finally we are told that Bovara forced Nani, Bishop of Brescia, to remove his Vicar-general and replace him by another more acceptable to the government.³⁶

By means of the Ministry of Religion the Church organization was used as it had been in the old regime as an instrument for issuing proclamations and for other civil purposes. For example on June 16, 1804 the clergy were advised to cooperate with the government in furthering inoculation with vaccine;³⁷ on December 17, 1803 they were to warn people of an eclipse of the sun due on February 11, 1804 "lest there be alarm and superstitious credulity";³⁸ on December 31, 1808 they were to instruct people to observe the Civil Register.³⁹ Nor were all circulars increasingly restrictive of religious freedom, although the two we find which are not do not overwhelm us with their

³⁵ Regolamenti I, 155, 248.

³⁶ Odorici: Storie Bresciane (Brescia, 1861) X, 153, note 1. In the same diocese Bovara in 1804 succeeded in having a modification made in the list of cases reserved to the bishop for absolution. See Fe d'Ostian "Dei casi riservati nella diocesi di Brescia" in Brixia Sacra (1917), VIII, 78-79.

³⁷ Regolamenti, I, 106-7.

³⁸ F.O. (1804), 226-28.

³⁹ Regolamenti, II, 18-20.

generosity. We read that bishops were given freedom to print their pastoral letters with the consent of the Prefect,⁴⁰ and that article 291 of the Penal Code, which forbade assemblies of over twenty persons without consent, would not be applied to Church services for worship and to gatherings of priests in seminaries, although all other religious gatherings did require such consent.⁴¹ Another interesting use of the Church is to be seen in Bianchi's letter of July 28, 1806 ordering every parish to compile lists of boys in their district to be used for conscription by the Ministry of War.⁴²

Although in theory, the Ministry of Religion was to concern itself with all religions, in practice, it was chiefly concerned with the Roman Catholic. In February 1807 delegations of Jews were sent to a conference with Napoleon in Paris and an act of September 19, 1808 created a Greek Catholic seminary and bishopric in Dalmatia with an income of 15,000 lire from the Treasury to the latter. The 50,000 Orthodox Catholics across the Adriatic had asked for 40,000 lire promising to add 80,000 of their own to found these two bodies.⁴³

The second part of this problem---the relations of the civil state to the Church as a corporation---touches upon a critical aspect

⁴⁰ December 26, 1810, Regolamenti, II 122-3.

⁴¹ Regolamenti, II 127-9. Circular of Bovara of February 20, 1811 in Culto 2752. This was strictly enforced by the police as can be seen from the letters of Mosca to Bovara in this last carton.

⁴² Culto 104. In this carton are many other minor regulations of a similar nature. As an example of the use of Bishops in conscription, see the acts of Gamboni recorded by Rizzardo in "Il patriariato di Venezia durante il regno napoleonico" in Nuova Archivio Veneto (1914) XXVII, 360-61.

⁴³ On Jews see Cantù, Corrispondenze, p.337 and Culto 2911. On Orthodox Church, letter of Eugene to Napoleon, September 12, 1808 in AFiv1711B.

of the Church-State problem. The juridical and constitutional position of corporations within the state has always been a problem. This is increasingly so as modern times have witnessed the advance of the conception of sovereignty and the better delimitation of the idea and practice of public authority. The problem is one of supreme difficulty when the corporation ^{has} ~~is one with~~ the worldly power, spiritual prestige, and ancient tradition possessed by the Catholic Church. The difficulty presented itself to the Latin world in its most acute form during the eighteenth century, and it is not surprising that many of its implications had still to be solved in the time of Napoleon. In its simple form the problem is this: one of the most essential attributes of state sovereignty is the incorporating power, that is, the power to declare that legal personality will be extended only to those groups to whom it is specifically granted by the state. This has always been an essential part of the claim of sovereignty, although in practice it has not usually been possible to achieve its theoretical perfection. In historical fact the Church is a natural corporation which is at least as old as the modern state itself, but the extravagant claims of the theorists of state sovereignty have made it possible to admit this, by placing the Church on a par with the State as a natural corporation, only in exceptional cases such as ~~that of~~ Althusius. In France the theory of state sovereignty remained ^{an ideal} ~~a plaything~~ of the Roman jurists and political philosophers, although a dangerous one, and was not brought to any complete realization in practice in the old regime even by Louis XIV. The Revolution definitely stated this theory

as an essential element of the practice of the new society it was seeking to create. Napoleon as the culmination of this aspect of the Revolution did not hesitate to continue this doctrine in the Kingdom of Italy as well as in France.

44

The question of the attitude of the Kingdom toward the Church viewed as a corporation is extremely complicated. We shall consider it in three parts. In the first we shall make a survey of the laws passed by the state in regard to Church corporations or groups. These laws either abolished such groups entirely, ^{joined} ~~united~~ them together to decrease their number, or otherwise regulated their existence. In the second part we must consider the effect of these laws upon the number and kind of ecclesiastical corporations. In the third place we must consider the financial effects of these acts on the State. This includes the value of the Church property seized and the amount of pensions created as a public charge by these acts.

The general ~~attitude~~ attitude of the State toward groups was stated in the decree of the Minister of the Interior of December 27, 1802; ~~this~~ ^{this} prohibited any association or assembly without the consent of the government. Little was done to put this decree into practice in regard to religion during the ~~period of the~~ Republic.

44 A French expression of this doctrine is to be seen in the preamble to the decree of August 18, 1792 which said in part "...un Etat vraiment libre ne doit souffrir dans son sein aucune corporation pas même celles qui vouée à l'enseignement public ont bien mérité de la patrie." Such a statement was legally much more revolutionary in France than in Italy where Roman law's influence was greater, where feudalism had not so completely extended its sway, and where enlightened despotism had done so much to revive state-sovereignty.

The creation of the Kingdom was followed almost at once by regulations on this subject. At the Council of Ministers on May 13, 1805 Napoleon ordered Bovara to prepare eight reports on church corporations⁴⁵ to be presented at a future meeting. Before these had been entirely drawn up, the decree of June 8 was issued. This is, with a single exception, the most important^{enactment} on this subject during the Kingdom's existence.

The decree had two titles. The first in 36 articles fixed in rough outline the number of houses of regular clergy that would be permitted to exist. The second in 16 articles fixed the income of bishoprics, chapters, seminaries, and diocesan buildings. The first title was separated into five sections which remained throughout the history of the Kingdom as basic categories of thought in considering the regular clergy. These divisions were (1) monasteries devoted to education, care of the infirm, or other acts of public utility, (2) other possessing monasteries not mendicant, (3) mendicants, (4) convents devoted to education,⁴⁶ (5) other convents.

⁴⁵ The record of these demands is in AFiv1709A. The reports submitted are in Aldini 106. These were (a) a table of archbishoprics and bishoprics with the communes in each diocese and its department, the communes outside the Kingdom which were in dioceses of the Kingdom, the names of bishops, a list of Italian communes which were in foreign dioceses, and a list of dioceses to which they could be united; (b) the income of each bishopric derived from property within the Kingdom, from property outside the Kingdom, and in incomes from the State, and a list with the population of each diocese; (c) a table of chapters, seminaries, and ecclesiastical schools; (d) a list of parishes with the income of each; (e) a list of Church buildings; (f) a list of public charitable institutions such as hospitals, asylums for the poor, and so forth giving the income of each, the uses of it, and the number of inmates; (g) a list of Monti di Pietà with the income, administration, and expenses of each; (h) a plan for the concentration of the mendicant friars.

⁴⁶ The decree is in Regolamenti pel Culto I, 122-26.

This decree provided the main outlines of its purpose. The details were to be filled in subsequently by Bovara. This regulation was sent to the Prefects and Bishops on July 10.⁴⁷ The drastic ~~nature~~ ^{nature} ~~visions~~ of these acts roused a great deal of public comment. In a letter of August 10 Marescalchi listed them as the chief source of Papal discontent.⁴⁸ The population does not seem to have ^{been aroused} ~~been~~ to any political actions because of their feeling. They contented themselves with religious reactions--prayers and outraged piety. Many of the more wealthy instantly offered to buy the property taken by the government and reestablish the orders in them at their private expense. In a letter to Eugene on July 22, Bovara reported this and recommended⁴⁹ that all such offers be refused.

In the same month in which the regular clergy were reduced in this fashion, there was also issued a fundamental decree dealing with the secular clergy. In May Bovara had been ordered to present a list of all parishes in the Kingdom.⁵⁰ On the basis of this list the Minister tried to form a project for uniting many of these so that they should each have between 5,000 and 8,000 souls in bigger churches.⁵¹ ~~It was~~ ^{not possible} ~~to~~ ^{a decree} to apply this to the whole Kingdom at one time, ~~was not possible,~~ so on June 22, 1805 ^{a decree} was issued ~~a decree~~ reuniting those in twenty chief cities. This decree was sent to all the Bishops with a circular letter

⁴⁷ Bovara sought information on this subject from the Prefects in a circular of June 19. The regulation was issued on July 8. The regulation, circular, and answers are in Culto 2541;

⁴⁸ AF1v1709B.

⁴⁹ Culto 2541.

⁵⁰ Culto 104.

⁵¹ AF1v1709A.

on June 26. It suppressed 187 out of 337 parishes and provided that the priests of ^{those} ~~the~~ united should become vicars in those conserved with the same pay for life. On their death, their incomes ^{would go to} ~~devolved upon~~ the parish to pay for future vicars. This decree was regarded with especial disfavor by the Pope. ⁵² In this, as in other aspects of its religious policy, the State retracted not a whit but accepted every protest as an excuse for a further advance.

The next step concerned itself with a third type of Church group--lay societies--and abbeys. The latter were ^{covered} ~~attended to~~ by two minor decrees of March 1806. More important was ^{one} ~~that~~ of April 25, 1806 which confiscated, to the profit of the State, the property of all religious groups of foreign origin including abbeys, schools, confraternities, and other lay religious bodies. The confraternities mentioned in this edict were local groups of laymen associated together for pious purposes. ⁵³

A much more drastic edict appeared the following year. This dissolved and prohibited all confraternities, congregations, or other lay religious societies except one (Confraternità del Santissimo) for each parish. This ^{one} ~~could~~ meet once a year under ^{the supervision of} ~~a~~ royal delegate of police.

⁵² In a letter dated 17 Fructidor anno 13, Cardinal Fesch wrote to Bovara that he had been appointed by Napoleon to confer with the Pope on all the difficulties over the application of the Concordat, but that His Holiness insisted on the suspension of the decrees suppressing parishes as an indispensable preliminary to all negotiations.

⁵³ May 26, 1807.

Groups ^{engaged in} ~~concerned with~~ charity and ^{teaching} ~~instruction~~ were reserved for separate treatment. Each parish was also permitted to have a fabbricerie^{of three members,} ~~which was~~ similar to the marguilliers of France or church-wardens in England. This group was regulated by a long circular of the Minister of Religion on September 15, 1807. Its ^{three} members ~~was~~ ^{were} to be chosen by the Minister ^{or the Prefects.} ~~in communes of the first or second class on the advice of the Prefect and by the Prefect on advice of the delegates in the other communes. This membership consisted of three individuals one of whom acted as a treasurer.~~ Elected for five-year terms, they administered all temporalities of the parish and could spend 200,000 lire a year with the consent of the Prefect and ^{more than} ~~less~~ that sum with the consent of the Ministry of Religion.

Before this last edict appeared, the ^{earlier} ~~preceding~~ decrees had been applied to the new departments annexed from Austria in 1806. In May Bovara ~~was~~ issued circulars to the Prefects and clergy of the new departments seeking the necessary information, ^{which was} ~~and the information was~~ ⁵⁵ ~~in the customary forms and~~ presented to Eugene. With this as a basis the Viceroy, in a letter of July 10, ordered Bovara to reduce ~~the~~ the number of convents and monasteries along the lines of the decree of June 8, 1805. He himself set the numbers of each to be

54 Regolamenti pel Culto I, p.164-73. In general see Manuale dei fabbricieri o collezione dei decreti e regolamenti risguardanti l'amministrazione delle chiese (1812).

55 The circular of May 31, 1806 is in Culto 2543; the reports are summarized in Aldini, 106. Prina had made a report on all corporations in Venetia on February 22, 1806, and this was presented in twenty-seven large tables, which are now in AFiv1710.

conserved. These provisions were ^{carried out according to a} ~~annually followed~~ de-
cree of July 28, 1806, which was sent to the Prefects and Bishops of
Venetia with a circular of August 6. 56

The application of the decree of June 22, 1805 on parishes to 57
Venetia was more difficult and was not ordered until December 18, 1807.
On March 10, 1808 Eugene issued a decree which ^{joined} ~~united~~ the orders of
June 22, 1805 and December 18, 1807 and extended the policy of concen-
tration to all churches while the others had applied only to parishes.
This decree fixed the maximum number of churches--parish, subsidiary,
or oratory--which would be permitted in each of twenty-five principal
cities. Four days earlier, in preparation for this decree, Prina had
presented to Eugene a list of all the churches which existed in these
twenty-five cities. The Viceroy did not, however, specify which should
be suppressed, ~~in his decree~~ He merely fixed the maximum number ^{permitted} ~~which~~
~~the government would permit~~ and left it to Bovara to apply it to spe-
cific establishments. In this decree, as in several others which sup-
pressed Church groups, it was provided that the order was not to be
printed in the Bolletino delle Leggi. 58

In this same year 1808 began the process of applying the Kingdom's
religious regulations to the Three Departments taken from the Pope. A
decree of May 20, 1808 extended to these districts the Concordat, ~~the~~

56 The letter of July 10 is in Box 27, Letterbook A. The decree and
circular are in Culto 2543.

57 Culto 127.

58 The original is in Culto 127. ~~Shortly afterward (March 25, 1808)~~
~~it was announced that public chapels of particular institutions such~~
~~as schools, orphanages, hospitals, etc. were not included in those~~
~~suppressed by the decree of March 10.~~

the decree of June 8, 1805 on the regular clergy, and that of April 25, 1806 on foreign abbeys and lay confraternities. As in Venetia, more extensive preparation was required before parishes could be united. On April 4, 1810 Bovara presented a report on these in the principal cities and towns of the Three Departments, and a decree of April 12 suppressed about forty per cent of them in seven towns. As ⁵⁹ was to be expected, this decree was not published.

All of these acts were really but preliminary to the drastic changes of 1810. On April 17, 1810 an order abolished all religious houses in the Three Roman Departments. ~~This was not executed, for it was not necessary to execute this~~ [^] a week later, on April 25, 1810, was issued the most important decree on the subject of religious corporations in the whole history of the Kingdom. This ^{decree} [^] abolished all religious establishments or communities except bishoprics, seminaries, cathedral and special collegiate chapters, parishes, nursing orders, or sisters of charity and feminine instruction. It also prohibited the wearing of the habit of any religious order and expelled all clergy of foreign origin from the Kingdom. All members of mendicant groups were ordered to return immediately to the department in which they had been born. The property of all suppressed corporations or groups was confiscated and given to the Monte Napoleone. This institution in return paid pensions to the members of suppressed groups ⁶⁰ according to the scale established by the decree of June 8, 1805.

⁵⁹ It is in Culto 128.

⁶⁰ This important document is in B.L. (1810), 264-67.

This decree of April 1810 was so drastic that there was left no room for any important subsequent enactments. It was modified slightly by a decision of March 4, 1811 and a decree of August 29 of the same year but other subsequent enactments were concerned with modifications in ~~the~~ detail of the institutions which were conserved. These will be examined in our analyses of the ecclesiastical effects of all these rulings below. Before going on to that subject ^{we} ~~we~~ wish to establish one fact. These decrees against the Church were not enacted because the government was anti-religious. Eugene's whole attitude proves that. Nor was it because the government needed the Church property which came to it by these actions. Indeed, in many cases, the assignments on the State in the form of pensions or other grants exceeded the income received from the seized property. The real reason was that the all-devouring state sovereignty which was being created in Northern Italy in this period was too jealous of its own prerogatives to permit the continued existence of any moral persons except those which it had itself authorized. The issue is essentially that--a struggle against the moral personality--the "corporativeness"--of these ecclesiastical establishments. This can be seen in the efforts to enforce the decree of April 1810.

On May 29, 1810 Bovara sent a circular to all the clergy of the Kingdom pointing out the provisions of the April decree. He added that no individual members of the suppressed groups could perform any functions or practices proper to the group, nor "is their action as moral persons permitted, ^{nor} ~~or~~ exercise of jurisdiction, ^{nor the} ~~or~~ use of ^{any} ~~any~~ privilege or ~~a~~ distinction characteristic of the order, chapter, or group suppressed!"

This was vigorously enforced by the Director-general of Police.

That it was this point of moral personality which was crucial is evident from another circular from the Minister of Religion to the Prefects on June 9, 1810. It warned these officials that in the approaching feast of Corpus Domini they should carefully watch the Bishop and the religious procession to see that the order of precedence of parishes was observed, that the priests were divided by parishes exclusively and that any other association or ecclesiastical representation was excluded.⁶²

Again on May 27, 1810 Mosca wrote to Bovara that some Bishops of the former regular clergy were violating article 2 of the decree of April 25 by wearing a color similar to that of the old religious habit. This, he declared, was objectionable since "Questa consuetudine conserverà la reminiscenza degli ordine aboliti e possa fare differenza tra Vescovo e Vescovo".⁶³ Finally, to take an example from a later period, we find a letter from Luini to Bovara, dated February 13, 1813, which reports that in Musone several priests of the Dominican and Carmelite orders were continuing to celebrate Mass according to the rite of their suppressed orders. He also added that the special calendars always printed for these orders were being prohibited.⁶⁴

⁶¹ In Culto 2752 are letters from Mosca to Bovara on this matter dated May 24, June 6, and 13, and August 2. The circular of May 1810 is in Regolamenti, II, 87-89.

⁶² Culto 2752.

⁶³ Culto 2936.

⁶⁴ Culto 2752.

All of these statements taken together show that the government wished to destroy the religious groups, not as property-owners, but as spiritual facts--that is, as moral personalities or corporations, *and desired this for political or legal rather than for economic reasons.*

In order to appreciate the result of all these decrees we must examine their effect upon the various kinds of Church groups or corporations. These can be divided into five classes. These are (1) the episcopacy, consisting of the bishop with his mensa and his cathedral or fabbrica; (2) chapters, both cathedral and collegiate; (3) seminaries; (4) parishes and other churches; (5) regular clergy. It is evident that the decrees we have outlined had a very great effect upon the number and quality of all these bodies. It should be equally evident that the government, in order to be able to make such decrees, kept itself constantly informed on the constitution and actions of all these bodies. This was done through the Prefects almost exclusively. For example, on May 9, 1807 Eugene issued a decree that *holders of* all benefices in the Kingdom including bishops, parishes, co-adjutors, and canons should give a complete account of their financial status to the Prefects or Vice-Prefects within two months. ⁶⁵ Again on January 30, 1810 Bovara issued a circular to all the Prefects ordering them to submit accurate ⁶⁶ lists of all convents.

When the Kingdom of Italy began in June 1805, it included thirty ⁶⁷ dioceses. Each of these had an episcopal mensa and a church. The

⁶⁵ Culto 110.

⁶⁶ Culto 2542. The lists submitted are in the same carton.

⁶⁷ This included Verona which was considered a diocese with 180 parishes on the right bank of the Adige, although the cathedral with 260 parishes was on the left bank in Venetia. These 30 dioceses, according to Bovara's report of May 22, 1805 in Aldini 106 had a total of 4740 parishes of which 4432 were in the Kingdom and the rest outside. In addition there were 113 parishes within the country but depending from foreign sees.

former was the group of properties from which the Bishop derived his ^{and ecclesiastical} personal income. ~~and that with which he exercised his episcopal functions.~~

The latter included not only the cathedral and its attendant buildings but also ~~a similar group of~~ properties from which were derived ~~the~~ funds for maintenance. These properties did not necessarily have to be in land, although usually they were. There was also associated with the bishop other groups such as the chapter and the seminary which we shall consider later.

The treatment which this cluster of property-owning groups received from the Kingdom of Italy was based upon a very simple purpose. This was to reduce the number and change the size of the dioceses until each was coterminous with a department. A second part of this plan was that all these groups or corporations should be made completely dependent ^{on} ~~from~~ the State by confiscating all their revenue-producing properties and paying to each corporation a fixed annual allowance from the public treasury.

After the conquest of Venetia the Kingdom received an addition of thirty dioceses. In Venetia there were 14, if we include Verona and Saint Marks at Venice, which was independent of the Patriarch. These ^{had} ~~had~~ 1742 parishes. In addition there were 4 in Istria and 12 in Dalmatia.

In 1808 the annexation of the Three Departments added twenty-two dioceses with 1236 parishes. One of these ^{dioceses} was not a bishopric but an abbey from which depended three parishes. Finally in 1810, the annexation

of Alto Adige added the diocese of Trent. This gave a grand total of sixty-five sees in the Kingdom proper which had to be reduced to twenty-four.

There was a great deal of talk during the Kingdom ^{about} reunions, but on this matter there was more smoke than fire: ~~by that I mean that~~ although reunions of all kinds were projected, ordered, and decreed, very little was actually accomplished. In fact, the divorce between what was and what was said to be was so wide that it is very difficult to see what actually resulted.

Of the original thirty dioceses the Concordat suppressed two abbeys and two sees. Although the Concordat was made in 1803, the Kingdom had been created before anything was done about this. In 1805 the abbey of Nonantola was united to the diocese of Reggio which received ~~the~~ ^{and} ~~the~~ care of its 37,000 souls ~~and also~~ its revenues. About the same time the abbey of Asola, which had ten parishes, was suppressed and the abbot moved to the vacant see of Adria, but the abbot continued to rule Asola as a separate diocese by virtue of a Papal brief which was approved by the government. Of the two sees suppressed by the Concordat, Sarsina had its ^{property} ~~house~~ seized but the Bishop remained in his seat and at the end of 1810 was still there. To support him a decree of November 8, 1805 gave him a grant of 2,439 lire a year from the government. The see of Bertinovo was suppressed with more success. Its ^{property} ~~house~~ was given ⁶⁹ to Carpi, and it was administered by a vicar of the Archbishop of Rimini.

During the first five years of the Kingdom many reunions were projected. On June 19, 1805 Bovara submitted a project by which 23⁷⁰ dioceses were kept and 4 suppressed. Two days later Napoleon ordered Eugene to unite Carpi to Modena without any income. Nothing of this was done by the end of 1810. Inasmuch as the 8,251 souls annexed with Guastalla were not united to any see but administered as a diocese from the abbey there, the net result of five years' work was that thirty dioceses in 1805 were reduced to twenty-nine in 1811.

Napoleon was no more successful in Venetia. In his report of November 21, 1806, Bovara suggested that five of the eighteen dioceses in Venetia and Istria be united to others. Of these one had 43 parishes and the rest less than 20 each. By a letter from Aldini on January 12, 1807, Napoleon refused to approve these reunions on the ground that it would antagonize the Pope, so on March 18 Eugene submitted a new project by which ^{one} ~~three~~ Bishop would be appointed to several sees and thus the number of dioceses reduced in fact if not in law. By the beginning of 1811 no success had been achieved in putting this plan into effect. The only semblance of a union in Venetia, after more than four years, was that the diocese of Toriello with 15 parishes was administered by a vicar of the Patriarch of Venice.⁷¹

Of the twenty-two dioceses in the Three Departments none was united. However, the occupants of twenty sees were asked to take the oath of

⁷⁰ AFiv1709B.

⁷¹ Documents in Aldini 106. In cases such as this, where fact was so different from legislation, the weakness of Roberti's Milano Capitale napoleonica, largely based on legislation, is clear. None of these matter is ~~mentioned~~ mentioned in this work nor in his "La legislazione ecclesiastica nel periodo napoleonico" in Chiesa e Stato (2 vol., Milan, 1939), I, 255-332.

allegiance and when nineteen refused, their properties were seized and the bishops prevented from exercising their functions. Of the other two, Ancona was vacant and the abbot of San Lorenzo in Campo⁷² was never asked to take the oath.

After 1810 the efforts to reunite dioceses became mixed with the efforts to fill vacant seats because of Eugene's plan to bring about personal unions. Before examining these efforts, we should mention those taken to fill vacancies in the first five years of the regime.

In June of 1805 eight dioceses were vacant. By decrees of September 18, 1805, Napoleon nominated Scotti, Litta, Crivelli, Boschi, Camboni, and Molin to the six less important ones keeping Brescia and Ferrara for another time. Immediately Cardinals Scotti, Crivelli, and Litta refused to accept, so that only Carpi, Vigevano and Adria were⁷³ filled. A little later Cardinal Dugnani refused Ferrara.

On April 23, 1806 another effort was made to fill the vacancies of the old departments by decrees which named Fana, Narva, D'Allegre, Dugnani, and Bosignori to Ferrara, Brescia, Pavia, Imola, and Faenza. The see of Imola was not vacant as Pius VII was its Bishop, but it was considered ^{to be.} ~~as vacant~~.

These decrees were hardly issued before Venetia and Istria were annexed, with eight out of eighteen sees vacant. For these and the

⁷² All information on dioceses unless otherwise acknowledged is from Eugene's report to Napoleon, September 14, 1810 in Aldini 106.

⁷³ List of vacant sees in Culto 2935 or Aldini 106. Announcement of refusals in Marescalchi's letter to Napoleon, October 16, 1805 in AFiv1709B.

vacancies in Dalmatia, Bovara submitted nominations to the Pope on November 27, 1806. His Holiness refused to receive them from Alberti, but Cardinal Casoni in a note pointed out that Napoleon's violations of the Concordat entitled the Pope to suspend His Majesty's nominating power granted in that document. He also noted that Napoleon had no right to nominate to either Zara or Adria as these had always belonged to the Pope. A previous effort to submit these nominations had ~~had~~ ^{also been refused} ~~the same result~~ except that then the Pope had added that, since the nominating power had been granted to Napoleon, nominations should be received from him and not from a public official the Holy See did not recognize.

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The Pope did not ~~keep~~ ^{maintain} this attitude ~~being~~ and in October 1807 issued bulls of investiture for the sees of Brescia, Pavia, Vigevano, and Carpi. A month later bulls were also issued ^{for} ~~to~~ Udine, Padua, Adria, Chioggia, Verona, Forlì, Rimini, Faenza, and Crema. This left only Ferrara vacant in the old departments and Venice, Torcello, Belluno, and Caorle vacant in Venetia. ⁷⁵ The last named place had become vacant when its occupant was shifted to Chioggia. In the next three years, only Ferrara was filled, but Milan, Mantua, Vicenza, and Cesena became vacant by death and Bologna by a forced resignation. This gave a total of nine vacancies in Lombardy and Venetia and twenty in the Three Departments at the end of 1810. This situation determined Eugene to try finally to put into execution the long-suspended plan to reduce all the dioceses

74 Marescalchi to Napoleon, March 9, 1807 in AF1v1709B.

75 These bulls were issued by Pius "motu proprio"--as if they were his nominees. On the effort to fill these vacancies see Manganelli: "L'applicazione del concordato italiano nella corrispondenza diplomatica" in Miscellanea di Studi Storici offerta a A. Luzio (Florence, 1933) II, 143-68. This account is more extensive than mine (Pages 150-65) and differs from it in some details, but, as mine is based on the manuscripts that I have seen, I leave it.

in each department to a single see. With this in mind, he nominated only to ^{sees in the} capitals of departments in his letter of August 5, 1810 to Napoleon. All such nominations were futile, as it was not possible to get investitures from Pius. Napoleon, therefore, determined to try to fill these vacancies in Italy by the authority of the chapters of the cathedrals. On orders from him, Eugene made discreet inquiries ^{to} ~~to~~ these groups and on January 27, 1811 was able to report to His Majesty that the Vicar-general and five members of the chapter of Milan had expressed themselves as ready to guarantee that the chapter would not only accept a candidate, but would issue a special proclamation agreeing with the principles stated by the Metropolitan chapter of Paris on January 6. It is perhaps only a coincidence that the Cathedral of Milan which had become vacant on the death of Caprara on June 21, 1810 had received a gift of 2,000,000 francs in public property on February 20 of the same year.

Accordingly, Eugene nominated Dondi dall'Orologio, Bishop of Padua, to the see of Milan, and Napoleon decreed this on February 3, but the good Bishop of Padua refused to accept. ⁷⁶ The delicate negotiations to fill the seat continued and were extended to fill the see of the Patriarch of Venice, which had been vacant since before the conquest of 1805.

In his letter of February 17 in which he announced the refusal of the Bishop of Padua to accept his new post at Milan, Eugene offered as a substitute the Bishop of Bergamo who was not only doyen of the episcopacy of Italy, but had the inestimable recommendation of having been

⁷⁶ Eugene to Napoleon, January 27, February 8 and 17, in AFiv1712.

the first in Italy to declare his adhesion to the principles of the Gallican Church. This nomination was likewise refused, and Eugene was still left with his principal see vacant. He emphasized to Napoleon the evil of this, for he declared that the seats of Milan and Venice must be filled before the chapters of other sees would accept the bishops named by His Majesty.⁷⁷

~~The~~ Efforts to fill the Patriarchate^{te} of Venice were more successful. In February¹⁸¹¹, the Viceroy ~~suggested~~ ^{wrote} that he had talked with the Bishop of Faenza who agreed with the Metropolitan of Paris and therefore was worthy^{of being} ~~to be~~ shifted to Venice. He added that a further advantage of this change would be that Faenza could be left vacant, since it was in the department of Rubicone where there was also the see of Forlì. In this way Napoleon's plan to have only one bishopric in each department could be advanced without public discussion. It is worth remembering this plan, because there frequently were vacant sees which Eugene did not count as such, since he neglected all those which were not also departmental centers. For example, on June 22, 1811 he wrote Napoleon that he had five vacant sees, Milan, Ancona, Mantua, Vicenza, and Belluno, and that these could be filled by shifts from sees of less importance in order to reach the goal of one Bishop per department.⁷⁸

From the end of 1810 to the middle of 1812 the Viceroy made a determined effort to bring this system into existence. Although decree after decree was drawn up, it was impossible to accomplish anything because of the prestige of the Church. After 1812 nothing was done⁷⁹ because constant warfare kept attention on other matters.

⁷⁷ Documents in AFiv1712.

⁷⁸ AFiv1712.

⁷⁹ Several different projects sent by Eugene to Napoleon and Aldini were refused by the Emperor in 1810 and 1811. They are in AFiv1712.

The regime's final effort was made on November 14, 1811 when Bovara presented to Aldini a series of decrees which would have ~~en~~ ^{drastically} ~~timely~~ modified the existing situation. After pointing out that "the extent of dioceses is a subject of political concern", he offered a decree which would conserve all the dioceses of the chief cities. This would give one for each department except Adda, which would be dependent from Como. In addition ten other sees would be conserved and all subjected to seven Archbishoprics. If this project had been carried out thirty-three would have been conserved and twenty-seven suppressed. The former would have divided among them 6,882 parishes of which 118 were in France and 214 in other states surrounding the Kingdom of Italy. But all these extensive plans remained dreams. ~~which came to nothing~~ At the end of the Kingdom, although vacant sees were everywhere, the only suppressions which had even been partially accomplished were those provided in the Concordat of 1803.

Napoleon's plans to seize the revenues of episcopal mense and cathedral fabbriche and replace them with revenues ^{from} ~~from~~ the State were hardly more successful than his projects for reunions. The income of the original thirty dioceses was 670,726 lire of Milan ⁸⁰ while those of Venetia were 310,470 lire of Milan. ⁸¹ The sees of the Three Departments ⁸² had 218,145 lire and that of Trent, annexed in 1810, at least 28,377.

⁸⁰ According to Bovara's report of May 22, 1805 (in Aldini 106) the incomes of the original thirty dioceses in 1796 and in 1805 were ^{from the} following sources:

	1796	1805
1. Real Property in the State L.	1,199,057	L. 845,195
2. Real Property outside State	113,833	112,325
3. First fruits (livelli)	231,964	213,888
4. Tithes (decime)	153,993	139,369
5. Grant from Government	0	10,000
Total	1,698,847	1,320,776
Charges	635,878	650,051
Net income	L. 1,062,969	L. 670,726

The decree of June 8, 1805, which sought to regulate the mensa^a to some extent, estimated the incomes of twenty-six sees at 631,762 lire of Milan. Twelve of these were left as they were, but a government subsidy totalling 107,958 lire was divided among the others. Milan remained the largest at 157,013 lire^{income,} while Como was the smallest with 13,200.⁸³

The changes which were made to the incomes of other sees were not extensive. In some cases pensions for famous men were placed at the expense of these incomes and occasionally revenues were diverted from one see to another.⁸⁴

Some effort was made to fix episcopal income absolutely by a grant from the State which would take possession of the income-bearing properties. In only one case was this project carried out. By a decree of September 24, 1807 the income of Venice, which had been 22,434, was set at 50,000. On August 10, 1810 Eugene sent Napoleon a decree which would have fixed the income of Milan at 80,000 and given the ^{surplus}~~extra~~ to the Monte Napoleone. Again, in his letter of January 1811, he declared that

⁸¹ The income of Venetia included Istria but not Dalmatia and is from Bovara's report of November 21, 1806 (in Aldini 106); it is slightly more than the 223,507 estimated by Prina in a report of April 15, 1806 (in AFiv1710).

⁸² The ^{incomes in}~~values of~~ the Three Departments and Trent are in Eugene's estimates of January 1811 and September 1810 (in Aldini 106). The Trent income represents the amount left after some sales had been made by the government from the capital.

⁸³ Figures from Table A of decree of June 8, 1805 in Culto 2541.

⁸⁴ See decrees of August 24, June 8, and July 19, 1805 and October 18, 1808 in Aldini 106.

all the bishops should be paid entirely by the State and offered a decree which fixed the incomes of Fermo and Macerata at 20,000 each and that of Ancona at 25,000. Nothing ever came of these projects. 85

Even less success was experienced in stabilizing the incomes of fabbriche. Of the original thirty dioceses of 1805, seven had no such incomes. The others totaled 354,067 lire of Milan in 1796 and ~~171,204~~ 171,204 in 1805. This latter was ^{supplemented} ~~supplemented~~ by grants of 56,335 from the State. The seventeen dioceses of Venetia and Istria had only 16,122 between them, while ^{the figures for} ~~the figures for~~ the later annexations ^{are} ~~are~~ unknown. 86

The only degree of success the government had in modifying this situation was in regard to the diocese of Milan. There, in compensation for the large grants given by the State to finish the façade of the Duomo, it took possession of most of the cathedral's property, and from 1805 to October 1807 sold 572,259 lire of property on which it realized ⁸⁷ L.295,843.

The information available for the State's treatment of the next two ecclesiastical groups--chapters and seminaries--is far from satisfactory. It is evident, however, that the government's policy was similar to that toward other groups and was fairly completely applied.

⁸⁵ All figures from Aldini 106.

⁸⁶ All documents in Aldini 106.

⁸⁷ Aldini 106. See Annali della fabbrica del duomo di Milano, (9 vol. Milan, 1877-85)

On May 13, 1805 Bovara was ordered to present a table of all the chapters in the Kingdom. This was submitted on May 22 and showed that the chapters of all the cathedrals in the Kingdom had incomes ^{totalling} 1,473,090 lire of Milan. By the decree of June 8, 1805 the chapters of seven cathedrals were left as they were, with incomes of 118,100 from property. The chapters of the other cathedrals were reorganized. Their incomes of 1,354,990 were seized by the State, and pensions totalling 555,600 from the Treasury were granted to them. The number of ⁸⁸ individuals composing these chapters was increased from 122 to 156.

In addition, the same decree made provisions for non-cathedral chapters. That of Saint Barbara at Mantua was kept. Four others were treated like the cathedral chapters and given incomes totalling 63,500. It was provided that other non-cathedral chapters which had at least four endowed canons could be increased by reunions from those of other Churches.

This decree was put into effect in August 1805 on the feast of Saint Napoleon. Bovara considered this a very good omen as it would call attention to His Majesty's magnanimity in thus endowing chapters at public expense. A less biased opinion of the transaction would indicate that the government made over half a million lire on the deal. ⁸⁹

⁸⁸ In Milan and Bologna they were left at the number of forty-four and twenty-eight respectively with incomes of 76,000 and 47,000. The remaining chapters in sixteen cathedrals were divided into three classes. All were increased by two members with incomes of 400 each and in addition Ferrara and Ravenna were given one each at a 4,000 lire stipend. See Table A appended to the decree of June 8, 1805 in Culto 2541.

⁸⁹ Bovara's letter to Eugene is in Culto 126.

After the annexation of Venetia, it was discovered that the new ^{territory} ~~addition~~ had 17 cathedral chapters with 438 canons ~~and~~ and a total income of 307,305 lire of Milan, while 19 other chapters had 161 canons ~~and~~ with incomes of 158,935. ^{The decree of June 8, 1805 was applied to} ~~These were treated in accordance with the provisions of June 8, 1805~~ ^{these,} ^{only two} and of the non-cathedral chapters, ^{only those} ~~at~~ Saint Mark's and Cividale, were kept.

Shortly afterward, in June ^{1806,} Bovara issued circulars seeking information on ~~the mode in which~~ ^{how} canons were named. ~~From these~~ He discovered that in parts of the Kingdom which had formerly been in the Papal States, the Pope nominated, if the vacancy occurred in eight months of the year, while the clergy nominated in the other months. In Venetia the same two had the right in alternate months. In Piedmont the right was possessed by the Pope or by the chapter itself in alternate months. In Lombardy the Concordat of 1784 had given the nomination to the Emperor for six months and to the clergy in the others. On November 22, 1807 Bovara drew up a projected decree which would give the nomination of all canons with cure of souls to the Bishops. The others would be held by Napoleon and the clergy in alternate months. This decree was not accepted by the Emperor. Instead on December 22, 1807 he issued a different decree which gave all nominations of canons to himself. ⁹⁰

The subsequent history of the government's policy toward ecclesiastical chapters is not clear. All these acts were clothed in secrecy, and the material in the archives is scanty. It is apparent that little more of permanent importance was accomplished. The decree of April 1810

⁹⁰ Regolamenti, II, p.3-4. For an antagonistic account of the effects of this in a single city see Fè d'Ostiani: "I Benefici di patronato regio nella diocesi di Brescia" in Brixia Sacra (1920) XI, 3-9, 52-58, 79-86.

suppressed the non-cathedral chapters, and pensions for their members were created by a decree of November 9, 1810. In July 1813 Prina tried to assume the administration of vacant canonates for the profit of the caisse d'amortissement, but the Legislative Council rejected his suggestion.⁹¹

The seminaries of northern Italy had experienced many vicissitudes before Napoleon became King of Italy. In Austrian Lombardy they had all been abolished by Joseph II who forced the clergy to study at a general seminary in the University of Pavia. The French, on their arrival in Italy at the end of the eighteenth century, abolished these institutions almost everywhere they found them. Some of these, such as that at Mirandola, were never reestablished; others, such as that at Reggio revived

⁹¹ For the history of a single chapter in this period see Ceretti: "Delle chiese, dei conventi, e delle confraternite della Mirandola" in Memorie Storiche della Mirandola (Mirandola, 1889), VII, 173-75. A longer account is Maggi: "Memorie storiche del capitolo della cattedrale di Brescia nei tempi napoleonici (1797-1818)" in Guerrini: Le cronache bresciane inedite dei secoli XV-XIX (Brescia, 1933) V, 199-290.

after the Concordat of 1803. When the Kingdom began, there were eighteen seminaries in activity on its territory. In 1796 there had been twenty-nine with incomes totalling 337,060 milanese lire a year, but ~~in the next~~ ^{later} nine years, ⁹² this had decreased to only 171,861 lire.

92 Bovara's report of May 22 in Aldini 106. The manuscript material on these institutions is unsatisfactory because the archives of their affairs in Milan were kept in the Direction-general of Public Instruction and share in the chaos prevalent in that office. There is evidence that information was not much more plentiful in the time of the Kingdom than now. On January 30, 1808 Eugene wrote a curt letter to Bovara in which he began, "It is more than a year since I asked for a report on seminaries, and I have still received nothing, although I renewed my demand on July 18." Two days later Bovara wrote an answer in which he said that the report sought had been submitted on July 21, 1807 and used as a basis for a decree issued July 22. On the margin of this letter Eugene wrote that what he really wanted was a report on the execution of the decree. Unfortunately a diligent search has revealed none of these documents. There are available studies of specific seminaries based on local archives, but these are not very valuable. They include Ceretti, III, 145-85; Berenzi: Storia del seminario vescovile di Cremona (Cremona, 1925); Valle: Il seminario vescovile di Pavia (Pavia, 1907); [Guerrini]: Il nostro seminario maggiore (Brescia, 1930); Balletti: Storia di Reggio nell'Emilia (Reggio, 1925), 601. On the Lombard seminary see Rota: "Per la riforma degli studi ecclesiastici nell'Università pavese al tempo di Giuseppe II" in Boll. Società Pavese Storia Patria (1907) VII, 402-12; Vittani: Spigolature sul Seminario generale per la Lombardia in same (1924) XXIV, 191-48; or Cusani: Storia di Milano, IV, 191-96. On the seminaries of Lombardy which were reestablished by Leopold II see the notes in appendix A of Vittani.

The annexation of Venetia added thirteen seminaries with incomes of 42,729 lire to the Kingdom. Some of these were united to others for economic causes, but various important ones in Lombardy which had been closed were opened. The total for the whole Kingdom became fixed at thirty-five and remained at that figure to the end, except for the additions brought by the annexations of 1808 and 1810.

The decree of June 8, 1805 did not suppress any seminaries, but offered them financial support which many needed. It was provided that any which had an income of less than 12,000 lire could ~~set up to~~ ^{be raised to} that sum from the State ~~by giving~~ ^{by giving} up its properties in exchange. Information is not available on how many took advantage of this offer.

We do find a number of efforts to control these institutions. On March 20, 1808 a decree ordered that no one could teach in a seminary until his political views had been approved by the Minister of Religion. He must take the oath, and teach from the National Catechism. In addition, each seminary had to report to the government every year on "its doctrinal conclusions". These are all carefully conserved in the Milan archives and consist of lists of propositions such as "Deus unus
93
est".

Another decree of March 3, 1811 forbade the entrance into seminaries of students who did not intend to enter Holy Orders, except in towns where there was no lycée or equivalent public school. In such
94
a case laymen could be admitted with the consent of the Prefect.

93 Studi 1077; the decree is in Regolamenti, I, p.216-17.

94 This decree is in Studi 1078 with various circulars on it.

This decree was aimed rather at preventing ^{evasion} ~~avoidance~~ of military drill than at injuring the seminaries. In some towns where a public school was lacking the government expanded the curriculum of a sem-
 95
 inary so that it could serve as such a school.

The government's policy probably had a greater effect upon the organization of seminaries than upon their personnel. The total number of students is difficult to discover, but it is evident that throughout this period of stress the enrollments varied very little. In Serio the number of such students was 319 in 1790. Five years later it was 316 and in 1807 it was 315. During that span of seventeen years the greatest variation was between 1792 and 1793 when the number changed
 96
 from 299 to 322. In 1809, in the whole Kingdom, except the Three Departments, 518 individuals were graduated from the seminaries into Holy Orders. The following year the thirty-five seminaries in the same territory had a total enrollment of 5189. This does not seem excessive in
 97
 a population of almost six millions.

95 An agreement of December 26, 1811, for example, was made between Bovio, Vice-prefect of Feltre, and the Cathedral Chapter setting up six chairs of secular studies in the local seminary to transform it into a ginnasio-convitto. See Vecellio: Storia di Feltre (Feltre, 1877) IV, 395-97.

96 Studi 1076. The only evidence upon the number of teachers is obtained from a document of April 1807 which gives 273 for the whole country except Olona (Studi 1077). At the very beginning of the Kingdom (April 1805) the total number of clergy studying in seminaries was only 432 with the largest enrollment at Milan (17) and only one at Vigevano. Obviously most students were not in ^{Holy} orders (Studi 1076).

97 Studi 1078.

Although parishes are not Church corporations strictly speaking, we shall consider them in this category. The total number originally existing in the territory of the Kingdom was 7,823. At the end of 1811 there were only 6,882 ^{but only two-thirds} ~~of this~~ of this reduction of 941 can be

attributed to the government's policy of concentration, ⁹⁸ ~~although this~~ ~~that part is~~ ~~by far the greater and must rise to two-thirds of the total reduction.~~

The acts which suppressed parishes and acts which suppressed churches were not the same, although frequently united in one decree after 1808. The type of the former can be seen in the first of these decrees, that of June 22, 1805. This united parishes in twenty principal cities of the Kingdom in such a fashion that 337 parishes were reduced to 150-- that is, a reduction of 56%. The individual reductions varied from 25% in places like Modena to 75% in places like Faenza and Verona. It was provided in the act that the priests of the suppressed parishes should ⁹⁹ act as vicars in those conserved and keep the same pay for life.

It was not until two years later on December 18, 1807 that a similar decree was applied to Venetia. After the annexation of the Three Departments, on the basis of a report submitted by Bovara, on April 4, 1810, ¹⁰⁰ 65 parishes in the seven principal towns were reduced to 38.

^{varied}
98 The total number of parishes ~~varied~~ with the many minor territorial changes and differed depending upon whether diocesan or national boundaries were used. Roughly the numbers originally were:

The Kingdom of 1805	4,740
Venetia	1,742
Three Departments	1,236
Alto Adige	105
	<hr/> 7,823

See various documents in Aldini 106.

99 This decree was executed at once, and on November 9, 1805 a circular to the Prefects asked for detailed reports on the results of the reunions. The decree and reports are in Culto 127.

100 These and subsequent decrees suppressing churches are difficult to find as it was provided in them that they were not to be published. My information is based on documents in Culto 127 and 128.

In the interval between the two decrees just mentioned a much more sweeping step had been ~~made~~^{taken}. On March 6, 1808 Bovara sent to Eugene a list of the 1,362 churches existing in the twenty-five chief towns of the Kingdom. Four days later the Viceroy issued a decree which reduced the number of churches permitted to 781. On March 15, 101 at Bovara's request this number was raised to 788.

The specific churches to be suppressed by this decree ~~was~~^{were} not provided in the act itself. Those with the greatest governmental subsidies were abolished, and their movables^{property} given to other churches or to the nearest lycée as provided by the Bishop. Their real property was added to the domain. The whole problem was administered by a commission in each city consisting of the Prefect, the Vice-Prefect, the Bishop, the Podestà, and the local Director of Domain¹⁰² or other delegate of the Ministry of Finance.

Several minor decrees subsequently modified the provisions of this act of March 10, 1808. The only one of importance was signed thirteen days later and provided that public oratories of individual establishments of charity and education were not to be ~~abolished~~^{abolished.}¹⁰³ ~~abolished in those churches~~

101 Culto 127. The reduction was more drastic than appears at first glance as both totals include 214 churches of the regular clergy which were not touched at that time.

102 The acts of the committee of Venice are reported in Rizzardo: "Il Patriarcato di Venezia durante il Regno napoleonico" in Nuova Archivio Veneto (1914) XXVII, 354-56.

103 All documents are in Culto 127. On October 4, 1810 Bovara demanded reports from the Prefects on all churches suppressed. These reports are in Culto 128. Many local histories give the results of the decree in their towns. See for example Cappelletti: Storia di Padova (Padua, 1875) II, 300-01; D'Arco: Storia di Mantova (Mantua, 1874) VII, 153-63; Rotta: Le Chiese di Milano (Milan, 1891); Balletti, ~~Storia di Reggio~~ Storia di Reggio nell' Emilia, 602-603.

After 1810 many efforts were made to exchange parishes with foreign countries to make dioceses' limits identical with national boundaries. ~~All of these were similar, and we need mention only examples.~~ The total number of parishes exchanged in this fashion with France, Tuscany, the Illyrian Provinces, Switzerland, ^{and} Bavaria runs to over a hundred. Usually the exchange was made by Marescalchi through the regular diplomatic channels. ^{One of the} ~~The simplest and~~ most interesting ^{arose} ~~example~~ in the summer of 1810 when it was discovered that 93 parishes dependent from Italian Bishops were in Tuscany and could not be filled by their Bishops because the Empire had a ^{law} ~~statute~~ that priests could be named within the Empire only by national Bishops. To rectify this difficulty Eugene on September 14 ordered that they be detached from the Italian sees and ^{placed under} ~~subordinated to~~ the jurisdiction of Vicar-generals of Florence. Later, in 1812, Bovara and Marescalchi arranged for a more complete exchange of parishes between the Kingdom and the Empire, as well as with Illyria and Bavaria.

The last group of corporations which requires our attention is that of the regular religious orders. On these the government's policy was most drastic and most completely achieved. At the beginning these were divided into three types and a different treatment accorded to each, but, by the end of the regime, they had almost all been abolished ^{completely.} ~~completely.~~ The three groups were (1) teaching and nursing orders, (2) other property-owning orders, and (3) mendicants. In general, the severity of the government's policy increased in the order in which we have ranked these three types.

Since this is true, it is not surprising that the first decree was aimed at the mendicants. Issued on May 13, 1805, it applied to twelve departments and provided that 102 houses with 2,068 ^{inmates} ~~individuals~~ be conserved and 103 with 949 inmates be suppressed. This rule was never enforced as it was superseded within a few weeks by the decree of June 8, 1805, which became the basic law on the regular clergy. ¹⁰⁵

This decree ^{applied to} ~~had six sections in title I covering~~ both monasteries and convents in the three groups just mentioned. ~~Monasteries~~ "Monasteries" of public utility were reunited only to a moderate degree and most were left with ~~all~~ their property except the Barnabites. ^{These latter} ~~For these latter~~ ^{were} ~~provided that they be~~ allowed to keep ~~all their~~ property to ^{provide} ~~produce~~ ~~800~~ 800 lire for each inmate in Holy Orders and 600 for each lay member. The rest was taken by the State. ~~It was also provided that~~ Any house could sell its goods and turn the money over to the Monte Napoleone, which would guarantee a yield of 5% in interest.

Other possessing monasteries were ordered reunited ^{so} ~~to each a pension~~ that each house should have at least twenty-four members in Orders and a proportionate number of lay members. ~~Each~~ Each member would be given an income of 700 for the former and 450 for the latter from the public treasury. This pension would be continued even if he canonically abandoned his vocation.

For the mendicants it was provided that the Minorites form twenty-six houses, ^{the} Franciscans thirty-two, and the Capuchins thirty.

¹⁰⁵ The decree of May 13, 1805 is in Aldini 106. That of June 8, 1805 is in Culto 2541.

~~the~~ Convents "of public utility" were left untouched, but those of other possessing orders were to be united ^{so} ~~in such a way~~ that each would have at least twenty-five members but that the total number kept should not be over eighty ^{houses} for the whole Kingdom. ^{Incomes of these} ~~were fixed at a level slightly below that provided for monks, with~~ ~~to be divided into two classes. Each in the first class would~~ ~~receive an annual income of 10,000 from the State plus a life pension~~ ~~of 1000 for each inmate. Each in the second class would receive annual~~ ~~a minimum of 600 lire~~ ~~life pensions of 600~~ for each nun and 350 for each novice.

The convents of mendicants were left for later consideration.

All regular orders, except mendicants, were given permission ~~among the general provisions was permission to all except the~~ ~~mendicants~~ to accept new members with the consent of the government. This permission was denied to boys under twenty-one years or girls under eighteen and to the mendicants until their monasteries had been concentrated and their total membership reduced to 1,350. It was also stated that all property not conserved was to be joined to the public domain and be sold for the profit of the Monte Napoleone, which would use the proceeds to ^{reduce} ~~the~~ the public debt after giving five million to the cathedral at Milan.

~~The following provisions~~ This decree ^{was} ~~was~~ applied to specific religious establishments by a regulation issued by Bovara on July 8. In a circular of June 19 the Minister of Religion had written to the Prefects and asked for detailed information on all the monasteries and convents concerned. ¹⁰⁶ On the basis of these reports, ~~the~~ ~~the~~ Bovara was able to divide all the houses of the Kingdom,

except mendicant convents, into those conserved and those suppressed.

The following table will show the result:

	<u>Monasteries</u>		<u>Convents</u>	
	Conserved	Suppressed	Conserved	Suppressed
A. Possessing Orders:				
1. Teaching, etc.	14	4	Untouched	
2. Others	31	24	73	37
B. Mendicants	109	100	Reserved	

The 128 articles of this regulation were to be executed by the Prefects within eight days. ¹⁰⁷

~~In a letter to Eugene on July 2, Bovara explained that he had conserved 23 of the 30 convents permitted by the decree of June 8 and placed 20 of these in the first class to which was attached 10, and was to leave place for the houses of mendicants in the regulated order.~~

After the annexation of Venetia, this same process was applied to that territory. A circular of May 31, 1806 asked the Prefects for all necessary statistics on the regular orders of religious, and, on the basis of the answers received, Eugene issued his decree of July 28, 1806. The results of this document can be summarized as in the following table:

	<u>Monasteries</u>		<u>Convents</u>	
	Conserved	Suppressed	Conserved	Suppressed
A. Possessing Orders:				
1. Teaching, etc.	13	0	Untouched	
2. Others	24	54	71	76
B. Mendicants	23	31	Reserved	

The provisions of these two tables were not exactly carried out, for Bovara was given power to modify their effects as he felt necessary. Also, especially in Venetia, several extra houses were found which had

^{of Bovara to Eugene of July 9, 1805}
 107 Regulation and letter, ~~in~~ in Culto 2541.

108 The circular and answers are in Culto 2541. The decree is in Culto 2543.

109 ~~In the course of the~~ In the course of the ~~year 1807~~ year 1807 the prefects were circularized for reports on the results ~~recognized that the total of convents in Group II was 155 and not 14~~ as in the table. On April 22, 1807 a circular to the Prefects of Venetia asked for information on the results of these foundations. Six months later a similar letter was sent to all the Prefects in the Kingdom of these enactments.¹¹⁰

After the annexation of the Three Departments in May of 1808, this decree was applied to the 509 houses of the regular orders found there.¹¹¹ Forming the same type of table we see the following results:

	<u>Monasteries</u>		<u>Convents</u>	
	Conserved	Suppressed	Conserved	Suppressed
A. Possessing Orders				
1. Teaching etc.	20	13	Untouched	
2. Others	81	152	80	40
B. Mendicants	67	56	Reserved	

There was no ~~necessity~~ ^{need} to apply this decree of June 8, 1805 ~~anything~~ to Alto Adige after it was annexed in 1810. By that time the ~~application of the~~ regular clergy had been entirely destroyed by the decree of April 25, 1810. The only exceptions were a few houses of nuns devoted to acts of social importance. These altogether totalled ¹¹² less than a score with a few hundred inmates.

109 In Culto 2543.

110 The circulars and the reports are in Culto 2544.

111 These are based on Prefects' reports of July 1808 in Culto 2544.

112 Specifically twelve houses devoted to feminine education were kept. These had 188 nuns and 63 novices with 288 pupils and incomes totalling 77,757 lire. See decree of August 29, 1811 in Culto 2542.

The effect of this decree^{of 1810} was most apparent in the Three Depart-
ments where 181 monasteries and convents were seized and closed. 113

In the rest of the Kingdom the process of destruction was apparently already far developed by the end of 1809. A report of September 11, 1809 says that there were, in the other twenty-one departments of the Kingdom, only twenty-two monasteries and twenty-two convents--that is, 114 one per department except for Alto Po, which had two of each.

The real reason for abolishing these institutions from ^{Napoleon's} ~~the~~ point of view was that they performed no ^{concrete} ~~practical~~ social function and kept men out of the army. From the theoretical point of view, they were destroyed because they stood in the way of an all-devouring state sovereignty. We have already discussed this latter cause, but a few facts can now be drawn from an analysis of these groups, which will illuminate the former point.

If we compare the number of persons, both men and women, in regular ecclesiastical orders with the population, we can see that the number was proportionally greatest in the Three Departments and least in Lombardy, with Venetia in an intermediate position. Specifically, the proportion was probably greatest in Tronto and least in Olona.

113 See list in Box 43, #7.

114 This document seems authentic in every way, but such a small number at this early date seems hardly credible. ~~It does, however, show the way the wind was blowing.~~ It is in Culto 2544.

There was also a difference in the proportion of monks to nuns in the different parts of the country. In the Three Departments the two sexes were almost equal, while in the rest of the Kingdom, women formed over 57% of the whole. The figures which we possess indicate that the Kingdom, ~~in 1800~~ ^{of 1808,} after the annexation, had a total of 26,317 individuals in regular orders. Of these 11,762 were men, and 14,555 were women. As the population at the time was about 6,400,000 this gives almost 4.1 per 1,000. The same ratio for the Three Departments was 7.2; for Venetia was 4.0, and for Lombardy was 3.7. ¹¹⁵ None of these figures would indicate that the Kingdom was in serious danger from the high proportion of its citizens who had taken vows. However, to Napoleon, no detail was too small, and to him ten thousand men in robes rather than in uniforms was something more than a detail.

Regulations which concerned the clergy as individuals rather than as groups or corporations cover a number of important matters such as appointments, personal restrictions, military exemptions, salaries, and pensions.

The appointment of both the upper and lower clergy had been fixed by the Concordat and Organic decrees as we have seen. We have also mentioned the decree of December 22, 1807 by which the nomination of ~~dignitaries~~ ^{dignitaries} and canons of cathedrals was reserved to Napoleon. A number of other rules were issued regarding the details of appointments. By one of January 18, 1803 the Prefects were notified that ~~bulls~~ ^{letters} of

¹¹⁵ These calculations are based on figures in Studi 1141 and Culto 2544.

canonical institution to parishes must be sent to the Ministry of Religion.¹¹⁶ Previously a long circular to the Bishops had notified them as to the method to use in exercising the power of appointment to parishes granted to them on August 13, 1802. All rights of patronage were reserved untouched to the individuals or corporations possessing them, but the Bishop could first judge the fitness of the candidate, and his ~~bull~~^{letter} of institution had to be given to the Ministry in order to gain possession of the temporality of the benefices.¹¹⁷ By a law of June 7, 1807 the price of a bull of ~~institution~~^{investiture} for Bishops was fixed at a quarter of the annual revenue of the mensa.^{2.}

Because of their unique social position the clergy were subject to various restrictions. Most of these fell upon the Bishops; ~~who~~ by a decree of June 7, 1806^{these} could not leave the realm without special permission of His Majesty. Another ~~ordinance~~^{ordinance} of Bovara, issued on May 16, 1809, prohibited the transfer of any individual from one religious house to another without his permission.¹¹⁸ On February 12 after a conference with Bovara, Mosca issued a circular to the Prefects to allow only persons with titles confirmed by letters patent to use titles. This was to prevent the Bishops from using the title of Baron granted them by the Constitutional Statute.¹¹⁹

All precautions were taken to make it difficult for ecclesiastical murmurs against the government to reach the ears of the people. A

¹¹⁶ F.O. (1803), 6.

¹¹⁷ F.O. (1802), 168-69.

¹¹⁸ Culto 2542.

¹¹⁹ Culto 2936.

(Director general of Public Education)

circular of Scopoli¹²⁰ on December 26, 1810 was sent to all the clergy with the injunction that all books to be printed, including ~~new~~ editions of pastoral letters or similar papers, must be authorized and guaranteed by the Prefect or Vice-Prefect.

The chief restriction on the clergy as individuals was the compulsion on the Bishops to take the oath. The form of this oath had been prescribed in the Concordat but was changed by a letter from Bovara to Melzi on April 25, 1805 because of the change in the form of government. The form was "Io giuro e prometto sui Santi Evangeli ubbidienza alla Costituzione e fedeltà al Re. ~~Similmente prometto~~^{tenerò} che non ~~terrò~~ alcuna intelligenza, non interverrò in alcun consiglio, e non prenderò parte in alcuna unione sospetta o dentro o fuori del Regno che sia pregiudizievole alle pubblica tranquillità e manifesterò al Governo ciò che io sappia trattarsi o nella mia Diocesi o altrove in pregiudizio dello Stato." This was not very much different from the oath which the Pope would have permitted. His Holiness allowed a promise not to take part in any plot or action against the government and to obey as far as Church law would permit. The point to which the Curia objected was the word "constitution" in the government's formula as this was interpreted to include the Organic decrees and the Church legislation.¹²¹

¹²⁰ Culto 2936.

^{Cardinal}

¹²¹ See Gabrielli's "Instructions" of May 22 and 29, 1808 to the Bishops of Provinces united to Italy in Raccolta di documenti autentici sulle vergenze insorte fra la S. Sede ed il governo francese nell'usurpazione degli stati della chiesa (Italia, 1814) III, 126-34.

~~The~~ Difficulty over the oath did not arise until 1808 when nineteen of the Bishops in the Three Departments refused to take it. There was little trouble with the clergy in the old departments even during the time of the most intense controversy with the Pope. A number of Bishops took it before the Emperor during his visit at the end of 1807. ^{On} ~~By a decision of~~ January 17, 1808, Eugene ordered all Bishops who had not already taken the oath to do so before February 20. They were ~~all compelled~~ to come to Milan to do so except those in Dalmatia who could take it before Dandolo, ^{(Governor of Dalmatia).} Travel expenses were paid by the government, ^{and amounted,} ~~and a decree of May 10, 1808 fixed the sum~~ for the most distant ones, ¹²² 2,300 lire. This generous allowance was taken from vacant sees. Most of the Bishops submitted during the summer of 1808, except for the recalcitrant ones from the Three Departments. These roused the Emperor's anger by their refusal. On July 17, 1808 he ordered the Viceroy to seize any Bishop who refused the oath, put him in a convent with an annual revenue of a thousand écus, and divide the rest of his property so that half went to the general charities of his diocese and half to repair the churches there. In accordance with these instructions, Eugene called the men concerned to Milan where he interviewed them one by one. Of the twenty-one that came, all refused to give the ¹²³ oath. After ~~only~~ a few days delay Bovara sent letters to these Bishops again and politely invited them to take the oath. Again they all refused, but within a few weeks the Bishop of Urbino changed his mind and took it. For this he was showered with honors, while the others

¹²² Culto 2938.

¹²³ Eugene to Napoleon, July 25, 1808 in Ducasse IV, 202-04.

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were all arrested and taken to various cities of Lombardy.

The ^{property} ~~monks~~ of the nineteen ^{sees whose} Bishops ~~were~~ refused to take the oath ^{was} ~~were~~ seized by the government and administered ~~as if~~ as if they were vacant. The Bishops persisted in their refusal for the rest of the regime and were kept in exile during that time. There was some difficulty, however, in combatting their moral influence. A decree of July 30, 1809 forbade these ecclesiastics to take part in any public ceremony or to attend a ceremony at which other persons were present. There was difficulty in enforcing this decree, and many of these men continued to exercise their episcopal functions through secret channels. It was openly maintained in a large part of the Kingdom that they were still the spiritual heads of their dioceses. Luini reported this to Eugene in a letter of July 12, 1813, and the Viceroy wrote on the margin, "The Bishops who have refused to conform to the laws are at least suspended from their episcopal functions and as long as this suspension exists are not able to exercise them validly in any place in the Kingdom".¹²⁵ Eugene's naive belief that he could make a Bishop's exercise of his spiritual powers invalid by writing a few words on a piece of paper comes close to representing the apex of secular presumption.

¹²⁴ Bovara's letter and answers are in Culto 2938. The Bishop of Gubbio also took the oath but swore Eugene to secrecy and was treated as if he had not. According to Alberti, the Pope considered the Bishop of Urbino a heretic. See Alberti to Testi in Cantù: "Roma e il Governo Italo-Franco" in La Rassegna Nazionale (Firenze, 1882) XII, 164-5. See also Eugene to Napoleon, December 25, 1808 and Napoleon to Eugene, October 24, 1808 in Ducasse, IV, 225 and 251-55. On the whole subject see Cornaggia-Medici: "Una pagine di politica ecclesiastica del Regno Italico" in Arch. Stor. Lomb. (1934) LXI, 169-220.

¹²⁵ Culto 2938.

The Concordat's provision that the clergy be exempt from military service was always respected by the government. It was, however, ~~whittled down~~ *hedged about* by other regulations. One of these of April 10, 1808 provided that students in seminaries could be exempt from military service only if they had a religious vocation and resided in the institution. The government fixed the maximum number which would be allowed in each diocese. This number ranged from sixty in Udine to four in Carpi. A much more severe decree was that of September 21, 1809 which fixed the number of individuals who would be permitted to be engaged in sacred functions in each diocese. The number ranged from seventy at ¹²⁶ Bologna to twenty at Cesena.

As in the old regime in France the government concerned itself in maintaining a standard of clerical salaries. By a decree of December 21, 1807 a fund was set up in the Monte Napoleone for parish priests whose income was less than 500 lire a year in order to raise it up to that figure. For this operation a sum of 37,174 lire a year was needed. This was to be obtained by a tax of 25% on regular clerical incomes of over 400 lire a year, and secular clerical incomes of over 1,500 lire plus a 4% tax on episcopal incomes of over 15,000. These taxes applied only to ~~parishes~~ *vacant benefices*. A commission was set up in each department to determine the real as well as the nominal value of parish incomes by examining price variations over a ten-year period. The process was a long one. By March 19, 1813 the reports of these commissions had been received in only four cases, it was partly finished in ten others, and totally lacking

¹²⁶ The decree is in B.L. and Culto 2751. The latter is full of petitions to the Ministry of Religion for permission to admit individuals to Holy Orders.

127 in the rest. The raising of the money to yield ^{the necessary subsidies} ~~the necessary subsidies~~ ~~which the subsidy could be drawn~~ was also a long process. In September 1808 Bovara proposed that 300,000 a year be taken from the domain to yield this income until a sufficient sum had been built up with the Monte Napoleone. In this way the subsidy to parishes was carried out while waiting for the final execution of the decree of 1807. This execution never ^{occurred,} ~~occurred~~ but it must be stated that probably no parish priest wanted wanting in the meantime. ^{128 To meet} ~~As the~~ ~~efforts to carry out the decree were not sufficient to~~ the needs of some parishes, especially in the mountains, a grant of 415,000 lire ^{to Bovara} was made ¹²⁹ on April 10, 1812 ~~to be distributed~~ to be distributed where necessary.

The government was also concerned over the ability of native Cardinals to maintain their dignity and in the happy period before the Church dispute became acute gave a grant of 15,000 lire to each whose ¹³⁰ income was below 50,000 lire.

The fourth great section of Church-State relationships which we must examine is that of clerical justice. This has two aspects, the first concerned with the relationship between secular and ecclesiastical courts and the second concerned with the conduct of these latter. The relationship between the two types of courts did not become a problem as long as the Kingdom remained south of the Adige since the policy

127 Reports in Culto 145.

128 The letter of Bovara is in Aldini 106. The list of needy parishes is in B.L. (1807), 1234-1335. ^{carried} Life grants to priests for this purpose, carried on the Monte Napoleone as "Assegni pel Culto," amounted to 184,184 lire for 1892 priests in January 1810. See chapter I

130 The grant was made on September 12, 1805 (B.L. (1805), 485-6) and was paid from the Treasury of the Crown.

of past governments had already solved the problem there. After the annexation of 1806, Luosi pointed out in a report dated June 4 that in some parts of Venetia, ^{the old} distinctions between Foro Civile and Foro Ecclesiastico were still in use, with cases, ^{of} ~~involving~~ matrimony and benefices in the scope of the latter. A law of ~~6 Brumaire, anno 17~~ ^{October 28, 1800} on the occasion of the Republic's annexation of Agogna, had declared that this practice was illegal, so on June 16, 1806 Eugene ~~issued a decree on this subject.~~

~~This document is peculiar in that it did not decree that such courts should cease to exist.~~ ordered the Minister of Religion and the Chief Justice to issue circulars to the Prefects pointing out that title XIII of the Constitution of Lyons and title VI of the Third Constitutional Statute provided that any jurisdiction of Ecclesiastical Curiae in matters of criminal or civil justice including matrimony or benefices must cease and these cases be brought before the ordinary tribunals. Another circular of June 3, 1808 was issued by Bovara extending this ruling to the Three Departments. ¹³¹

The administration of clerical justice ~~which was permitted~~ could be settled in a satisfactory fashion only after secular justice had been organized. By 1808 such a condition had been reached. On May 14 a circular of Bovara's provided that the Bishop could ~~proceed to~~ punish canonically any cleric who was proved guilty of "bad actions", lack of discipline, or failure in his duty. Proof could be ~~obtained~~

¹³¹ All material from Culto 2939.

by confession, or witness of a reliable person, by circumstantial evidence leaving no doubt, by assured and constant notoriety, or by notice from the government. Pecuniary fines or personal arrest were not considered canonical punishments. If the accused ^{was} ~~was~~ guilty of a public crime rather than an ecclesiastical deviation, he could be arrested to undergo political or ^{criminal} ~~criminal~~ procedure. The Bishop in such a case was notified, as provided in article 101 of the Code of Criminal Procedure, and ^{was to} ~~cooperate~~ by canonical suspension of the accused. If proved guilty, the latter was ^{to be} ~~degraded~~ by the Bishop without publicity. Degradation or suspension were also canonical punishments for ecclesiastical deviations, but if the culprit refused to obey an ecclesiastical punishment, he could be forced to do so only by the Minister of Religion. By an edict of December 24, 1810 Prefects and all police officials were ~~obliged~~ ^{of} to inform the Bishop of any ecclesiastical deviation which they knew. 132

The fifth part of Church-State relationships is concerned with benefices, especially the administration of vacant ones. By the act of September 23, 1802^x which created the delegates, the administration of vacant benefices was conferred upon them. Two years later a restriction was put upon their expenses of administration. These were

132 See also circular of October 8, 1802 in Regolamenti. On this general subject see Savioli: "L'immunità e le giustizie delle chiese in Italia" in Atti e Memorie delle R. Deput. S.P. per le provincie Modenesi e Parmensi (1888) series III, volume V, 29-131 and (1890) VI, 1-226. Also Bertani: S. Carlo, la bolla coenae e la giurisdizione ecclesiastica in Lombardia (1888); Scaduto: Diritto ecclesiastico vigente in Italia (Naples, 1889) I, 21-65; and Cecchetti: La repubblica di Venezia e la corte di Roma, passim, esp. I, 14-48.

not to exceed 8% of the income from each mensa¹³³ plus extraordinary expenses of fifty lire a year if the Prefect approved. Later this sum was reduced to 5% and abolished in 1810. When a delegate first took charge of a vacant benefice, he had to draw up a complete report¹³⁴ on its credit and debts and make similar reports periodically.

The income of these benefices usually went into the Domain, but in 1806 they were secretly granted to the Treasury. In his order of March 25, 1806, Eugene wrote that it was not convenient to issue a decree on the subject, but "vous pouvez regarder la présente comme¹³⁵ une autorization suffisante." This transfer was modified again by a decree of October 29, 1807 which declared that the Monte Napoleone was the depository of all incomes from vacant benefices of any kind. On May 31, 1808 Bovara issued an Instruction on the execution of this decree. He declared that it applied to benefices of private patronage¹³⁶ as well as to ~~any~~ others.

In 1810 Eugene was astonished to find that the delegates were still receiving their 5% allowance for administration and on July 25, 1810 wrote Bovara that his decree of October 1807 had intended to¹³⁷ place the expense as well on the Monte Napoleone. This, of course, had not been provided in the decree, so on September 13, 1811 the Viceroy issued a decree which gave the administration of vacant ~~mensa~~^{sees}

¹³³ The decree of April 27, 1804 is in Regolamenti I, 92-93.

¹³⁴ See Regolamenti, I, 3-32.

¹³⁵ Box 27, Letterbook B.

¹³⁶ Culto 111.

¹³⁷ Box 27, Letterbook B.

and canonates to the Caisse d'Ammortissement while leaving parish benefices in the charge of deputies of the Ministry of Religion. On September 16 Giudici protested to Eugene against the inconvenience of this transfer at that time, so, by a decision of September 24, it was postponed until the beginning of 1812.¹³⁸ A circular providing for this transfer of administration was issued by the Prefect of the Monte Napoleone on December 16, 1811.¹³⁹ At the time ten sees were vacant, administered by delegates, and twenty-two in the Three Departments were considered as vacant although administered by Vicars-general. These latter were left in their unsettled condition¹⁴⁰ and cost 28,800 a year to administer.

The last aspect of the relations of Church and State is financial. It is an extremely complicated subject but can be divided into two main sections. The first is concerned with the ~~income~~^{profit} that the State derived from its ecclesiastical policies; the second is concerned with the expenses which the State had to ~~support~~^{bear} because of these policies.

The ~~income~~^{profits} which the State derived from its actions toward the Church consisted chiefly of two types--property seized from ecclesiastical corporations suppressed or united, and incomes of suppressed or

¹³⁸ Culto 2942.

¹³⁹ Culto 111.

¹⁴⁰ Culto 2942. On the general history of this subject see Galante: Il diritto di placitazione e l'economato dei benefici vacanti in Lombardia (1894) and Cecchetti: La repubblica di Venezia, 170-181.

vacant corporations and benefices administered by the State. The former made up the ^{major} ~~largest~~ part of the national property which was sold during the regime. It was not kept separated from national property of non-ecclesiastical origin so that we cannot add anything here to what has been said already on this subject in Chapter III. Search has not revealed any inventories of the property which came to the State from such decrees as those of June 8, 1805 or July 28, 1806. Indeed Bovara had as much difficulty discovering the value of the government's confiscations as we have. On July 27, 1805 Custodi wrote to him that he did not know the value of the property in the religious houses suppressed by the decree of June 8.¹⁴¹ On April 9, 1807 Prina wrote the same thing in regard to the decree of July 28, 1806. This is easy to comprehend, for the capital value of these properties varied greatly depending on the demand, and the income varied from year to year depending on uncontrollable factors. The following scattered notes will give some idea of the magnitude of the State's confiscations.

The decree of June 8, 1805 ~~in the year 1805~~ produced 376,182 lire from alienations and 729,416 in income¹⁴². In the year 1806 it produced 3,737,493 from alienations and 2,040,980 from incomes. The decree of July 28, 1806 brought to the State properties producing an annual income of 3,234,184.¹⁴³ The cathedral chapters' property taken by the decree of June 8, 1805 earned an income of 1,354,900 lire a year. The same corporations suppressed in Venetia yielded to the State property

¹⁴¹ Culto 2541.

¹⁴² Conto delle Finanze (1805-06), 98.

¹⁴³ Conto, (1805-6) 226-7.

worth 150,000 a year.¹⁴⁴ The Monte Napoleone by January 1, 1812 had come into possession of property worth 128,143,145 lire from the suppression of April 25, 1810.¹⁴⁵ Vacant mense in 1811 yielded 669,881 lire.¹⁴⁶ The State also came into possession of old traditional incomes of the Church. The privileged position of the Church had been shattered by the Revolution, but the slate had not been wiped clean, and under the Republic when money was scarce, it became advantageous to the State to revive some of the old customs to its own profit. On June 13, 1803 the Chief Justice wrote to the various Tribunals declaring that refusal to pay tithes and first-fruits was actionable, and defendants could not quote the law of the Cisalpine Republic that "nessuno potesse essere sforzato a contribuire per ragione di Culto", since it was based on completely different conditions.¹⁴⁷ The previous year a law of September 14, 1802 had declared that the nation had the right to demand that the tithes and ground rents customarily paid to suppressed corporations be paid to the State.¹⁴⁸

All of these facts would seem to indicate that the government derived enormous incomes from its ecclesiastical policy. But this same policy put almost equally weighty burdens on the State. In many cases the burdens were tied up with the very actions which brought the income. For example, the sum gained from Venetia by the decree of July 28, 1806

¹⁴⁴ Aldini 106.

¹⁴⁵ Conto (1811) 184.

¹⁴⁶ Conto (1811) 209.

¹⁴⁷ B.L.(1803) 119-21.

¹⁴⁸ B.L.'1802) 343-6.

was exceeded by the charges laid on the State by the same decree.

We can divide the charges laid on the State by its ecclesiastical policies into three groups. The first consisted of grants to corporations, that is, to episcopal mense, chapters, convents, fabbriche, and seminaries. Most of these arose from the decree of June 8, 1805 and the various applications and modifications which it underwent. There is no generic term for these grants to corporations so we shall simply call them "grants". The second group consisted of subsidies to parishes or churches either to increase their income to 500 lire a year or to provide vicars, habitations, or Masses. Most of these arose from the decrees of December 21, 1807 or November 11, 1808. In the documents they are usually called "assegni pel culto", but we shall call them "payments" in our discussion. The third group consisted of pensions to various individuals either because the property from which they derived their incomes had been confiscated or because they were foreign regular clergy who had been called back into the Kingdom and thus deprived of their incomes. Pensions can be divided into sections depending on their causes thus:

- (1) "old pensions" are those based on decrees previous to June 8, 1805;
- (2) "regulars recalled" we have just explained;
- (3) those caused by the decree of June 8, 1805; and
- (4) those caused by the decree of April 25, 1810.

These various expenses----grants, payments, or pensions----were charged either to the Domain or to the Monte Napoleone. In the first case each expense had a specific property set aside to provide the annual sum necessary for its payment. In the second case the expense was inscribed on the Monte Napoleone as a perpetual debt at a capital value which would yield the expense at 5%.

At the beginning there was no policy as to whether a debt of this nature should be charged to the Domain or to the Monte. In some cases they were even charged to the Treasury. About the middle of 1805 a policy began to be formed, by which the Treasury was to be gradually freed from charges, which would be shifted to the Monte. A little later it was decided that the charges on the Domain should also be shifted to the Monte and this process continued until 1810. Before examining the amounts of these charges we should make a short examination of the process by which these charges were paid.

The old pensions were paid partly by the Treasury and partly by the Domain until July 1, 1805 when they were placed on the Monte Napoleone. On that date they amounted to 6,563,240 lire and were due to 10,119 individuals. For the first semester of 1805 the Treasury had appropriated six million for these charges, but not all was spent by the first of July so the surplus was given with the charges to the Monte. ¹⁴⁹

¹⁴⁹ In all the following tables the figures for 1805 and 1806 are in lire of Milan unless otherwise stated. All are based on the Conti delle Finanze for the year in question. The following table shows the amount and number of these pensions at the dates mentioned.

<u>Date</u>	<u>Individuals</u>	<u>Amount</u>
July 1, 1805	10,169	6,563,240 lire
April 1, 1806	9,508	6,142,965
January 1, 1807	8,820	4,530,361
January 1, 1808	8,405	4,323,372
January 1, 1809	7,984	4,116,507
January 1, 1810	7,630	3,933,185
January 1, 1811	7,344	3,802,863

The pensions of June 8, 1805 were also on the Treasury and the Domain until April 1, 1806 when they began to be put on the Monte, but this was done only to those for Venetia during 1806. After January 1, 1807 all the pensions of the decree of June 8, 1805 were charged to the Monte, but those for the Three Departments and Alto Adige were paid by special appropriations from the Treasury. ¹⁵⁰

The pensions from the decree of April 25, 1810 were never completely inscribed as one section of the decree was not carried out. The other charges were on January 1, 1811 due to 6,943 individuals to the value of 3,202,332. lire.

The pensions to regular clergy called back from abroad differ from the other three we have mentioned because the number of individuals did not decrease from natural causes but frequently increased as the government's orders were more strictly enforced. ¹⁵¹

¹⁵⁰ The following table shows the burden of these pensions on the Monte Napoleone for various dates and various parts of the Kingdom:

<u>Date</u>	<u>Individuals</u>	<u>Amount</u>
April 1, 1806 (Venetia)	6,774	1,908,512 lire
January 1, 1807 (Lombardy)	2,477	875,059
January 1, 1807 (Both)	7,265	2,698,595
January 1, 1808 (Both)	6,974	2,548,679
January 1, 1809 (Both)	6,881	2,503,404
January 1, 1810 (Both)	6,636	2,416,972
January 1, 1810 (Kingdom)	11,945	4,687,055
January 1, 1811 (Kingdom)	11,235	4,833,524

¹⁵¹ The following table illustrates this fact:

<u>Date</u>	<u>Individuals</u>	<u>Amount</u>
January 1, 1807	160	104,326 lire
January 1, 1808	222	101,831
January 1, 1809	214	96,553
January 1, 1810	227	101,850
January 1, 1811	950	426,224

After the beginning of 1811 all four classes of pensions were lumped in a single group by the government. The following table shows the totals:

<u>Date</u>	<u>Individuals</u>	<u>Amount</u>
January 1, 1811	26,472	12,464,993
January 1, 1812	26,661	12,553,451
January 1, 1813	26,108	12,079,741

The grants to corporations were originally charged to both the Domain and the Monte Napoleone. ¹⁵² In the accounts all were charged to the Monte after the beginning of 1807. Until 1810, however, they were listed under the two headings of "Monasteries" and "other corporations". The table ~~for both~~ ^{for both} is

<u>Year</u>	<u>Monasteries</u>	<u>Other Corporations</u>
1806	206,400 lire of Milan	760,705 lire of Italy
1807	242,843 lire of Italy	760,705
1808	280,912	728,705
1809	280,298	729,014

~~The table for other corporations is~~

1806	760,705 lire of Italy
1807	760,705
1808	728,705
1809	729,014

The assegni pel culto were in 1807 mostly at the expense of the Domain. A report of December ~~1807~~ ¹⁸⁰⁷ ~~made by Bovera fixed their value at 1,116,775~~ ^{value} made by Bovera fixed their value at 1,116,775. ~~The Minister proposed to keep for 1808 625,000 as per~~ ~~annual payments and 208,233 as temporary payments. This would mean a~~

¹⁵² A decree of November 20, 1806 transferred 718,605 Milanese lire of claims from the Domain to the Monte. Another of January 25, 1807 transferred 107,554 Italian lire, and one of October 28, 1807 transferred 9,037 lire.

~~saving of 202,500 for 1808. This suggestion was part of the policy~~
 to free the Domain from ^{these} charges as much as possible. To this end
 Prina in a letter to Bovara on January 20, 1808 ordered that except
 by special provision all assegni on the Domain would be ~~suspended~~.

~~The special provision could be made only by a delegate of each minist-~~
~~er and had to be approved by Eugene. The assigned payments were~~
 transferred to the Monte Napoleone. In each department a commission
 of the Prefect with delegates of the Ministries of Religion and Finance
 examined all the payments and presented three lists with those to sup-
 press, to decrease, and to conserve. ~~As this decision could not be~~

~~administered for the first part of 1808, Bovara tried to get a lump~~
~~sum of 370,000 to pay for the assegni. He estimated their total at~~
~~902,903 lire, but an inventory of the charges against the twenty one~~
~~Directions of Domain showed that 1,056,775 lire were due 4,361 indi-~~
~~viduals or objects.~~

In the course of 1808 these assegni were completely reorganized
 and drastically reduced. They were divided into permanent and temporary
 payments. The former were established by the decree of November 11,
 1808 and the latter chiefly by the decree of December 21, 1807. ~~The~~
 temporary payments ~~were~~ amounted to 193,124 lire owed to
 912 individuals and gradually decreased for the next
 seven years.

~~153 The last estimate is from Culto 50.~~ All ~~other~~ material on assegni
 is from Culto 5.

~~154 We can make a table for these temporary payments as follows:~~

<u>Date</u>	<u>Individuals</u>	<u>Amounts</u>
January 1, 1809	912	193,124 lire
January 1, 1810	892	189,184
January 1, 1811	874	179,200
January 1, 1812	831	176,642
January 1, 1813	806	167,236

The permanent payments were 596,159 in 1809 but after the beginning of 1810 were lumped with all the other permanent charges such as those to monasteries and corporations. The result was as follows:

<u>Date</u>	<u>Individuals</u>	<u>Amount</u>
January 1, 1810	1,749	1,325,176 ^{lire}
January 1, 1811	1,928	1,360,768
January 1, 1812	1,253	1,196,815
January 1, 1813	1,242	1,195,311

All of these figures, large as they are, do not give a complete picture of the sums which were paid from the State to the Church because they illustrate only the charges on the Domain or on the Monte Napoleone. Beside these, it was always necessary for the Treasury to give extraordinary grants. During 1808, for example, while assegni were being reorganized their burden of almost a million lire was borne by the Treasury. Again, after the annexation of the Three Departments, the ecclesiastical expenses of the district was borne for the first year by the Domain to the value of 90,847, but afterward the assegni were supported by special funds granted by Eugene as in the decrees of June 30, 1810, July 31, 1811, and September 10, 1811. This sum decreased from 60,000 in 1811 to 40,000 in 1812, but in the latter year the new department of Alto Adige was placed in the same category, which raised the expense to 48,490.¹⁵⁴ Another decree of April 10, 1812 granted 415,000 lire for various expenses which were proving too much¹⁵⁵ of a burden on the Monte Napoleone.

¹⁵⁴ All figures from decrees in Culto 5.

¹⁵⁵ Culto 2942.

The extent of this burden can be seen from the following two tables. The first shows how the ecclesiastical charges on the Domain decreased each year; the second shows how the ecclesiastical charges on the Monte Napoleone increased. ¹⁵⁶

A. Domain

<u>Year</u>	<u>Paid in lire of Italy</u>
1805	1,311,515
1806	3,147,381
1807	1,015,799
1808	90,847
1809	34,558

B. Monte Napoleone

<u>Year</u>	<u>Charges in Italian lire</u>
1806	7,852,245 (paid
1807	8,336,830
1808	8,015,499
1809	10,838,863
1810	11,527,343
1811	14,004,981
1812	13,926,908
1813	13,452,288

This steady increase in the burden of ecclesiastical charges on the Monte Napoleone began to be felt by the beginning of 1810.

By a decree of February 20 of that year Eugene appointed a commission to recommend what could be done. On the same day another decree ~~of Alessandri, Agucchi, de' Pisanis, and Bossi to examine the permanent charges. They were to submit a report in which they should specify~~

¹⁵⁶ The figures are calculated from the Conti delle Finanze. In the case of the Domain the figures represent the sums actually paid out during the year; in the second table the figures indicate the annual charges enrolled on the Monte on the first of January of the year indicated.

~~which were recommended to be continued and which should be suppressed at the deaths of their beneficiaries. On March 6 another decree added Pedrazzini to this commission in place of Fè who had resigned.~~ 157

~~On the same day as the commission was formed another decree for~~

forbade any future payments to be made for ecclesiastical purposes from the Domain. 157 ~~This~~ ^{did not alleviate} ~~the troubles of the~~ the troubles of the Monte. These difficulties became more intense as the effects of the decree of April 25, 1810 began to be felt. On June 11 Custodi wrote to the Ministry of Religion that the Cassa d'Ammortizzazione did not have funds to pay the charges arising from this decree. 158

During 1810 several minor efforts were made to assist the Monte, but nothing of ^{much} ~~great~~ value was accomplished until 1811. Then by a decree of April 27 Eugene, ^{abolished} ~~abolished~~ the various asegni pel culto for celebration of Masses and maintenance of churches and subsidiary chapels. ~~was to be paid.~~ On August 7 and December 7 the Minister of Religion appealed against this decree, but it was necessary, to save the Monte. The decree took effect only for the second half of 1811, and the saving that year was only 283,000. 159

As an additional aid, Custodi on June 8, 1811 proposed to Bovara that the incomes of priests whose parishes had been abolished should

~~be paid.~~

157 ~~157~~ Culto 5.

158 ~~158~~ Culto 128.

159 ~~159~~ Culto 127. Bovara's protest is in Culto 5.

go ^{at} ~~on~~ their deaths to the Monte instead of to other parishes for vicars as provided in the decrees. There is no evidence that this proposition was acted upon. A solution of sorts was found, however, by ^{transferring} ~~the transfer of~~ many ecclesiastical charges from the Cassa d'Ammortizzazione to the Cassa di Garanzia, which was equivalent to putting them back upon the Domain. There was, however, no need to carry this process far, for by 1812 the peak of these charges had been passed, and they were becoming extinguished by deaths and other causes quicker than new ones could be created. By 1812 it was difficult to find any new ways to create these, for the Napoleonic church policy on this side at least had put its most difficult days behind it. There is little doubt that if the regime had continued, it would have made the Church, within the Kingdom at least, completely dependent, ^{on} ~~from~~ the State from an administrative and financial point of view.

4.

Conclusion

What is the importance of all this? In many ways the policy of the Kingdom of Italy toward the Church is the most significant part of its activities. For many centuries the Church as a natural corporation had existed as the greatest barrier ^{to} ~~in~~ the development of State sovereignty just as today it should stand as the greatest barrier ^{to} ~~in~~ the development of the totalitarian state which is the acme of state sovereignty. The Kingdom of Italy under Napoleon completely surmounted that barrier. By simple decree it called into existence or waived into nullity ecclesiastical corporations; it took, or transferred, or granted ^{further} Church property. It even went that additional step [^] which we should

expect to find only in a totalitarian state;----it regulated spiritual matters. ~~The victory was really complete in its own sphere of operations, and~~

~~It~~ It was able to achieve this victory because the relationship between Church and State was divided into two aspects. One of these was the political. This was the cynosure of all eyes and was apparently the bone of contention between the two institutions.

In that aspect Napoleon was ~~not victorious~~ ^{defeated}. The other aspect was the legal and administrative. That went its way hardly observed, and in it Napoleon won a ~~complete~~ victory. ~~In the political field the Pope~~

~~won a moral victory which availed him nothing until it was accompanied by a temporal victory which supplanted it. In the administrative field Napoleon won a victory which was both moral and temporal because it was sanctified by the mysterious power of law~~

~~to make~~ ^{complete} was for it ~~that victory to become sufficiently consecrated by time and acceptance.~~ ^{This was prevented by Napoleon's defeat in 1814. However, the changes made in the period 1803-1814, were}

not completely
undone
after 1814.

cretely and more historically, Napoleon's ecclesiastical policy does not appear nearly as radical as it does when viewed abstractly. This policy, which seems so revolutionary contrasted with that of the old regime in France or with the past ecclesiastical history of some parts of the Kingdom of Italy, such as the Legations, appears very moderate when compared with the past history of other portions of the Kingdom such as Lombardy. The explanation of this contrast can be summed up in two words----enlightened despotism. To France, to Bologna, or to Ferrara which had never known an enlightened despot before Napoleon, his policy was startling. To Milan, Pavia, Como, and Mantua which had known Joseph II, to Modena which had known Francis III and Ercole III, even to Padua or Novara which had known the policy of the Venetian Republic

^{of} or, the House of Savoy, Napoleon's practices were merely a continuation of those of the eighteenth century. In some of these districts Napoleon went further than their eighteenth century rulers cared to go. In some he went further in regard to some aspects of Church policy and not nearly as far in regard to others. In general, we can safely say that with the possible single exception of Church-finances Napoleon did not issue a decree which could not be matched by another which had been issued in the eighteenth century in some part of the Kingdom. Monasteries had been suppressed, seminaries closed, parishes united, priests salaries regulated, catechisms sponsored, Church-property taxes or confiscated, holidays or Church-ceremonies abolished everywhere in the territory of the Kingdom where the hand of an enlightened despot had touched. And such a hand had been absent only from the Legations. Indeed, if Napoleon's policy in regard to the regular clergy appears more radical than that of any enlightened despot, his policy in regard to seminaries was a good deal less radical than that of Joseph II. Even in regard to the former, admittedly the most advanced aspect of Napoleon's policy, the facts do not support the conclusion that Napoleon's actions were much ^{more} ~~greater~~ in ^{drastic} ~~degree~~ than those of the enlightened despots.

In Faenza in the Papal States thirteen monasteries and eight convents existing in 1612 were still in existence in 1796 and were all abolished by the French by 1811. In Mirandola, of seven houses of regular orders mentioned by Ceretti, five were suppressed by Francis III, one in 1798, and one in 1810. In the Venetian Republic, where there were 441 houses (including hospitals, orphanages etc.) in 1766, over 220 were ordered abolished between that date and 1778. In Feltre, of

thirteen houses existing in the eighteenth century, seven were suppressed in five years of the Kingdom of Italy. In Brescia, where there were twenty-four houses in 1760, two were transferred to Mantua by Pope Clement XIII, six each were abolished by the Venetian and Cisalpine Republics, and ten were ended by Napoleon, six of these in 1810. Finally in Milan itself, of forty-five monasteries suppressed, seventeen were so treated by the Austrians before 1796 and twenty-eight by the French after that date. In the same city, of forty-three convents abolished, twenty-four were by the Austrians and nineteen by the French.¹⁶⁰

From observations such as these it would appear that Napoleon's religious policy was to most parts of the Kingdom of Italy merely that of another enlightened despot and differed from his predecessors only in degree, a difference based on his possession of more force applied to a larger territory.

¹⁶⁰

These figures are obtained from Grandi: Faenza ai tempi della rivoluzione francese (Bologna, 1906) 24-25; Ceretti, II and III; Cecchetti, I, 218-37 and II, 147-79; Vecellio, Storia di Feltre, IV, 60-61, 373, 97; Sevesi: "I Vicari, e Ministri Provinciali della Provincia Bresciana dei Frati Minori della Regolare Osservanza" in Brixia Sacra (1914) V, 222; Milano e il suo territorio (1844) I, 195.

The existing evidence indicates that the administrators^{ion} of the Kingdom's ecclesiastical policy were motivated by eighteenth century ideas, especially by Jansenist principles. According to a manuscript at the University of Padua, Bovara was influenced by Gerson and the Gallican Declaration of 1682. See E. Rota, "Per la riforma degli studio ecclesiastici nell'Università Pavese al tempo di Giuseppe II", Bollettino della Società pavese di Storia patria, 1907, VII, 403-412; G.C. Medici, "Una pagina di politica ecclesiastica del Regno Italico", Archivio Storico lombardo, 1934, LXI, 176, n.1; C.A. Vianello, II

[continued on p. 276a]

(footnote 160 continued)

Settecento milanese (Milan, 1934) 84 and 92-93. Eugene's religious policy was guided by G. Poggi (1761-1842) and S.A. Ferioni (1740-1813), both of 18th century outlook. See Medici, 183 n.1 and E. Ruffin, La libertà religiosa (2 vol., Turin, 1901), I, 528-529.

From the extensive bibliography on Italian Jansenism we might mention A.C. Jemolo, Il giansenismo in Italia prima della rivoluzione (Bari, 1928); E. Codignola, Illuministi, giansenisti, e giacobini nell'Italia del settecento (Florence, 1947); E. Rota, "Il giansenismo in Lombardia e i prodromi del risorgimento italiano", Raccolta di scritti storici in onore del Giacinto Romano (Pavia, 1907), 363-626; E. Rota, "Pietro Tamburini giansenista bresciano e il suo testamento morale", Bollettino della società pavese di storia patria (1908) VIII, 82-110; E. Dammig, Il movimento giansenista a Roma nella seconda metà del secolo 18 (Vatican City, 1945); G. Cattani, "Il giansenismo e la legislazione ecclesiastico della Cisalpina", Nuova rivista storica (1931), XV, 105-123; and M. Vaussard, "Les jansenistes italiens et la constitution civile du clergé," Revue historique (1951), CCV, 243-259.

Chapter VII

Internal Administration

1. The Ministry of the Interior
2. Education
 - a. The Direction-General
 - b. Activity
 - c. Results
3. Waters and Highways
 - a. Administration
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 - f. Civil Liberties and Censorship
7. Jails and Prisons
8. *Conclusion*
~~Conclusion~~
- ~~9. Conclusion~~

Chapter VII

Internal Administration¹

The Ministry of the Interior was not finally organized until February 18, 1803, but as early as February 24, 1802 Villa had been entrusted with matters of internal administration, and a number of decrees had been issued mostly on matters of police but including the fundamental law of public education of September 4, 1802. The portfolio was held by three other men during the twelve years of its existence. On July 26, 1803 the functions were assumed by Daniele Felici, but Villa kept the title until his death (April 6, 1804). After this event, Felici held both title and functions administering them in a lax and inefficient fashion until January 16, 1806 when he was replaced by Arborio Gattinara di Breme. The latter was Minister of the Interior until October 10, 1809 when he was succeeded by Luigi Vaccari,²

¹ The sources of this ministry are separated into its various attributions in the Archivio di Stato and will be mentioned as we consider each. A very valuable general collection is Raccolta delle leggi, decreti, e circolari che si riferiscono alla attribuzione del Ministero del Interno del Regno d'Italia (5 volumes, Milan, 1808-09).

² On Villa see Pingaud: Les hommes d'état, 86-89. Felici (1769-1836) had been Minister of Finance in the First Cisalpine and delegate to Lyons where he became a member of the College of Possidenti and of the Legislative Council. Subsequently he was Marescalchi's assistant at Paris for about a year. His service as Minister of the Interior revealed his incapacity, but a substitute could be found only in 1806. After his removal he became a Councillor of State and in 1809 a Senator. See Pingaud: Les Hommes d'état, 65-69. Di Breme (1754-1828) had risen to high office in the service of the House of Savoy acting as chamberlain and ambassador. (con't. on next page)

who was undoubtedly the ablest of the four.

The attributions of the Ministry were fixed by an act of February 18, 1803. This gave it control over all public internal administration, the activity of all police, of departmental and other local councils, citizenship, all boundaries and political divisions, banks, agriculture, commerce, industry, public education, health and sanitation, medicine, pharmacy, mining, public woods and pastures, hunting and fishing, weights and measures, roads, bridges, harbors and waterways, public buildings, prisons, the National Guard, and all statistics of pensions, population, and commerce. This list of activities was changed somewhat in the course of time. The Censo, or administration of the land tax, was transferred to the Ministry of Finance on June 7, 1805, while the administration of public charities was gained from the Ministry of Religion on December 21, 1807.

The various administrative or governmental bodies and the Secretary of State were usually considered part of the Ministry of the Interior

2 (con't.) In 1805 he was made Councillor of State of the Kingdom of Italy and Commissioner of Supply. He attracted Eugene's attention in his attempt to investigate Massena's malfeasance in the supplies of the Army of Italy at the end of 1805 and was rewarded with a ministry. He started his task with gusto, but soon lost interest and began to complain that the portfolio took too much time from his numerous family. Eugene finally removed him. He was made a Senator and became President of that body in 1810. He was at the same time President of the Electoral College of Agogna. See Casini: Ritratti, 443. Vaccari (1766-1819) was Commissioner of the Executive Power in the Department of Panaro in both Cisalpine Republics. At Lyons he became a member of the College of Dotti, and of the Legislative Body. At the end of 1802 he was made Secretary of State and held the office until he became Minister of the Interior in 1809. See Casini: Ritratti, 388-91, 437-38.

from a financial point of view at least. A number of these bodies, however, became increasingly autonomous, and by 1811 all except the Electoral Colleges, the Secretary of State, and the local administration had been transferred to the Monte Napoleone for their financial needs and were autonomous for their other acts.

For a long time the internal organization of the Interior remained chaotic. The decree of 1803 divided it into five divisions each under a chief depending from the Minister. These were (1) public administration, (2) public works, (3) public instruction, (4) public regulation, and (5) general police. As time passed new offices and positions were added either ^{attached} to these or independent of them. By the time the Kingdom was formed the Ministry had over a hundred internal employees collecting a third of ³ a million lire a year in salary and almost two hundred ⁴ employees in dependent offices costing almost a million a year.

During the first few years of the Kingdom the Ministry was reorganized and simplified. On June 7, 1805 all matters relating to education were gathered together to form a Direction-general of Public Instruction. The same day all activities regarding highways, waterways, ports, and dykes were entrusted to a Direction-general of Waters and Highways.

3 The following table from Aldini 89 shows the constitution of the Ministry in 1805:

Office	Number of Employees	Cost per Year
Ministero	1	L. 25,000
Segretario centrale	4	17,500
Division I (Administration)	5	22,500
Division II (Works)	5	19,100
Division III (Regulation)	5	21,000
Division IV (Education)	4	17,500
Division V (Police)	19	106,600
Ragionateria generale	13	36,000
Contabilita di Revisione	3	8,000
Protocollo generale	5	13,600
Spedizione generale	11	21,900
Archivio generale	22	20,800
Ufficio dell'Economo	3	5,100
Servizio	24	23,347
Total	104	L. 324,947

Two years later all functions devoted to the maintenance of public order were organized as a Directory of General Police. Earlier in the same year the division of public administration was changed into a Directory of Communes, since most of its other activities had escaped from it. Matters concerned with health and sanitation ~~were also~~ remained ~~stable and~~ for a long time ~~remained~~ in a condition of semi-autonomy under a Magistrato Centrale di Sanità, but in 1811 they became part of

4 The following offices or posts were dependent from the Ministry:

<u>Office</u>	<u>Number of Employees</u>	<u>Cost per Year</u>
A. Ufficio Generale del Censo	44	L. 100,900
B. Ufficio Generale delle Tasse e Casse	8	23,000
C. Soprintendenza generale alle Fabbriche nazionali	39	68,597
D. Ufficio del Prefetto generale delle Biblioteche ed Archivi nazionali	25	52,500
E. Idraulici e Ingegneri nazionali	24	38,695
F. Ispettorìa generale di sanità e servizi pubblici		
1. Ispettorìa di sanità	4	11,000
2. Direzione della Vaccinazione	2	5,200
3. Delegazione alle Miniere	2	2,400
4. Meccanico del Governo	1	6,000
5. Delegato alla Casa di Correzione	1	3,500
6. Magistrato di Revisione	8	15,000
G. Istruzione Pubblica nazionale		
1. Commissione degli Studi	3	5,400
2. Direzione de Teatri	3	3,900
3. Scuole Nazionali in Brera	5	10,570
4. Compilazione del <u>Giornale Italiano</u>	4	8,200
5. Diversi		40,270
6. Biblioteca Nazionale in Brera	14	28,220
H. To the two universities and two Academies of the Fine Arts		500,000
Total	187	L. 890,352

the Ministry as an Ufficio Centrale di Sanità. Many other activities were gathered under an Office of Economic Administration. In its final form, therefore, the Ministry consisted of four sections for internal activity, four Directions-general, and two Offices.⁵

The expense of the Ministry of the Interior was second in size to that of the Ministry of War. Because of the wide range of its activities, it is difficult to determine the cost of the Ministry for any year because bills for that year continued to be presented and paid for four or five years afterwards. From the available figures it is evident that the expense of this Ministry more than doubled in four years rising from eight and a half million lire in 1805 to nineteen million in 1809. This drastic rise would have continued in subsequent years had it not been for the rigorous fashion in which it was cut in order to ^{release funds} ~~increase the appropriations~~ for the Ministry of War. In 1808 the Interior asked for almost twenty-four million and for over twenty million in 1809, 1812, and 1813, but each year received from two to five million below its requests. None the less, from the founding of the Kingdom to the end of 1811, over one hundred millions were spent by the Interior.⁶

⁵ See decrees of June 7, 1805, August 1, 1807, January 3, 1807, and Vaccari's report of December 31, 1809 in Box 42, #23.

⁶ The following table, in which all amounts have been changed into Italian lire, will give some idea of the cost of the administration of the Interior:

1804 and before	11,236,605	1809	19,000,000
1805	8,841,395	1810	17,714,000
1806	13,221,457	1811	16,602,300
1807	15,754,229	1812	17,694,000
1808	18,202,000	1813	18,000,000

The first three items are amounts paid to the beginning of 1808 and are in Aldini 98. The next two are in Aldini 99 and are respectively cost to 1809 and credit to September 19, 1808. The amounts for 1809 and 1813 are from the original budgets in B.L. Those for 1810 and 1811 are expenses to October 1, 1812 and are from Aldini 103 as is the figure for 1812 which is credit opened to same date.

We can consider the activities of the first Kingdom of Italy in the wide field which fell under the control of the Minister of the Interior only if we divide these into a number of parts. For our purposes we shall consider six such divisions: (1) education, (2) waters and highways, (3) public health, (4) police, public spirit, and civil liberty (5) jails and prisons, and (6) charity. This includes all matters of major importance within the scope of the Ministry except for the organs of central government, which we have considered in Chapter II, and the institutions of local government to be discussed in Chapter VIII.

Education

The half-century preceding the creation of the Kingdom of Italy was probably the most significant fifty years in the history of European education. It was during this period that Europe began to turn against the old methods of teaching the young and strike out upon different paths. In this half-century education began to be public, compulsory, secular, state-controlled, uniform, and universal. The old system of education had been none of these things but had been private, voluntary, sectarian, chaotic, rarely popular, and usually expensive. The victory of the new system over the old had been completed nowhere at the advent of Napoleon, least of all in France. There the theory of the new education had received some attention from the hands of men like Rousseau, La Chalotais, Rolland, Diderot, Condorcet, and others, but almost nothing of a practical sort had been achieved. In Italy, on the other hand, the contribution to the theory of the new methods had been as rich as in France, and the administrative achievement had been much greater. These practical reforms, which were applied more completely to Lombardy than any other part of the peninsula had come to Italy from Austria which had followed the example of Germany. In this

field of education, as in others we have mentioned, the actions of Napoleon were radically new in France, but in Italy were merely those of another enlightened despot such as Joseph II.⁷ It is to these actions that we shall now turn our attention.

The Direction-general of Public Instruction was not created until 1805, but the process of organization had begun much earlier. The fundamental law was the decree of September 4, 1802 which provided that public education be divided for administrative purposes into national, departmental, and communal and for pedagogical purposes into higher, middle, and lower. The national included the Universities, the National Institute, the Special Schools, and the Academies of Fine Arts. These were at the expense of the nation. The departmental included the licei, while the communal meant the ginnasi and elementary schools. It was also stated that each department could have a Society of Agriculture and Mechanic Arts.

This basic decree was followed by several others during the short life of the Republic. On November 13, 1802 it was ordered that secondary

⁷ In Italy pedagogical theory had received the attention of men like Antonielli, Bianchi, Carli, Filangieri, Genovesi, Gorani, Gozzi, Maffei, Parini, Soave, and Sorensi. Administrative reform was chiefly in Lombardy and Naples and to a lesser degree in Piedmont and Venice. See G. B. Gerini: Gli scrittori pedagogici italiani del secolo XVIII (Florence, 1901); Peroni: "La politica scolastica dei principi riformatori in Italia" in Nuova Rivista Storica (1923) XII, 265-300; Chinea: "La riforma scolastica Teresio-Giuseppina nello Stato di Milano e le prime scuole elementari Italiane" in Archivio Storico Lombardo (1934) XLI, 531-68 and (1937) n.s.II, 435-87; Peroni: La prime scuole elementari governative a Milano, 1773-96 (Pavia, 1906); Contributi alla storia dell'Universita di Pavia, (Pavia, 1925); Formiggin-Santamaria: L'istruzione pubblica nel ducato Estense (1772-1860) (Genoa, 1912). Roberti's interpretation of these matters is quite mistaken (Milano capitale napoleonica, III, 261-346). He ignores educational history before 1796 even when he gives footnote references to the works dealing with it and believes that educational reform in Italy began only in 1800 and under French influence (p.264), when, in the next breath (p.266) he tells us that an edict of February 1788 reserved all primary education "to the state in execution of the "metodo normale" of instruction established by the edict of 14 August 1786". Roberti seems to be quite ignorant of the work of F. Soave or even of the Piedmontese educational reforms going back to 1715.

education would consist of the licei and ginnasi but that special governmental permission would be necessary to have both in the same town. The same decree also fixed the subjects to be taught in each. A year later on November 24, 1803 it was declared that no secondary schools could exist in the two university towns.

These universities ^{were} ~~had~~ both ^{very old and were} ~~existed long before but were~~ administered in a different fashion⁸. A decree of October 31, 1803 established a uniform discipline for both. An effort to integrate the universities and the professions was made by a decree of September 18, 1804 which fixed the fundamental subjects which must be known by every engineer, lawyer, physician, pharmacist, or surveyor. The interesting thing about these provisions was that they were restricted exclusively to scientific and literary subjects even for the lawyers. There was not a social science mentioned.

On the basis of these regulations little was accomplished before the change of regime in 1805. Almost immediately after, on June 7, 1805, a Direction-general of Public Instruction was formed under the Minister of the Interior to handle all matters of education and learning. ⁹ The same day Pietro Moscati was entrusted with the new position, and all departmental administration was declared national. Moscati continued

⁸ All these decrees from Studi 1. Most are in B.L.

⁹ Moscati (1739-1824), son of the anatomist, had been professor at Pavia and director of the hospital at Milan. A member of the Executive Directory of the First Cisalpine and of the Legislative Council in the Second Cisalpine he was named to the Council of State at Lyons. He was appointed to the Senate (February 19, 1809) and received both Legion of Honor and Crown of Iron. See Casini: Ritratti, 411-12.

as Director-general until October 10, 1809 when he was replaced by the much younger Giovanni Scopoli who held the post until after the Restoration.

The creation of the Direction-general was imperative in 1805. At the time the Fourth Section of the Ministry of the Interior was concerned with Education but had only an uncoordinated collection of

IO Scopoli (1774-1854), also a physician and son of a professor at Pavia, became secretary of the Vice-prefecture at Verona in 1801 and later went to Zara as secretary-general under Dandolo. He was prefect of Basso-Po in 1807 and of Tagliamento in 1808. In this last year he received the Order of the Crown of Iron and became a Councillor of State in the Council of Auditors. The following year he was commissioner of public charity and served in various extraordinary posts during the war with Austria. Before this was finished, he was made Director-general of Public Instruction and Councillor of State. In 1810 he became a member of the College of Dotti, Director-general of the Press, and a Count of the Kingdom. See Gaiter: Elogio del Comm. Cav. G. Scopoli (Verona, 1856). As Director-general Scopoli was affected by German rather than French influences, going back to his birth at Chemnitz. In 1812 he made a tour of Germany and visited Pestalozzi in Switzerland. The 237 page report to Eugene which he presented on his return is in the Biblioteca Comunale of Verona. The second part of it was published per nozze Biasi-Azzolini as Dell'istruzione nelle belle lettere: I Ginnasi (Verona, 1879); the first part was issued per nozze Faginoli-Scolari as Dell'istruzione popolare (Verona, 1891); and the third part per nozze Carraroli-Albengo as Dell'istruzione nelle belle lettere: I Licei (Verona, 1891). ~~Scopoli's influence on the Italian educational system was considerable.~~ Most writers have emphasized the influence of French thought and experience in the efforts to reform education in the Napoleonic Kingdom of Italy. The German influence was really much more significant. As another example of this: teachers in the Kingdom were ordered (in October 1810) to read Soave: Compendio del Metodo delle scuole normali per uso delle scuole della Lombardia Austriaca, published in Milan in 1786. (Another edition is of 1792.) This Soave (1743-1806) was the chief spirit in the Austrian educational reforms in Lombardy in the eighteenth century and his inspiration was wholly German. It was chiefly based on the work of Felbiger (1724-1788) in the Hapsburg states. Felbiger's Allgemeine Schulordnung für die deutschen Normal-, Haupt-, und Trivialschulen in sämtlichen K. K. Erbländern (Vienna, 1774) was translated into Italian by Soave in a manuscript which is in Studio 246. Soave's Compendio was considered so important by the government that all teachers who could not pass a "rigoroso esame" on its contents in December 1810 were to be removed. See Formiggini-Santamaria: L'istruzione pubblico nel ducato estense (Genoa, 1912) p.50.

offices and posts. Moscati, after consulting with Paradisi, organized these into an office force of ten individuals under a Secretary-general¹¹ (Bossi). This office had cognizance of all matters involving learning or education and all institutions, including libraries, archives, theatres, museums, academies of fine arts, or scientific societies, concerned with such matters. By an order of Felici of June 30, 1805 all correspondence on these subjects was ordered to be sent to the new Director-general.¹²

On December 1, 1810 the Direction-general della Stampa e della Libreria which had been created by a decree of November 30 ^{was} ~~became~~ administratively joined to the Direction-general of Public Instruction by the fact that Scopoli ^{became} ~~was~~ Director of both. In time this union, personal at first, became practically legal. By the end of the regime, Scopoli had¹³ twelve assistants working for a total salary of 31,090 lire a year. In addition, as agents of control, he had six Inspectors-general. Three of these were created by Moscati in 1806. A decree of November 15, 1811 added three more from the faculties of the Universities. These latter made only special inspection trips and were paid 1,200 a year, while the regular Inspectors-general received 5,000.¹⁴

The expenses of education borne by the Kingdom increased steadily in spite of all efforts to prevent this. The history of these finances is complicated by two factors. The first was that many educational

¹¹ Documents in Studi 34.

¹² Studi 34.

¹³ Report of June 13, 1814 in Studi 6.

¹⁴ Decree in Studi 2.

institutions had incomes derived either from property or from inscriptions on the Monte Napoleone. The second was that the budget amounts granted to education each year were always much less than the sums demanded by the Director-general. This divergence was usually met by a series of ~~compromising steps~~ ^{compromises} made both by the Direction and by Eugene. The latter would open new credit to the former for certain accounts, and in return the former would trim its demands.¹⁵ The annual expense of education to the national treasury tripled from 1805 to 1813 rising from about six hundred thousand lire to over nineteen hundred thousand. The total for the ten years 1804 to 1813 inclusive¹⁶ amounted to almost fourteen million.

¹⁵ We can see how this worked in 1808. In the budget for that year Eugene granted 1,200,000 to Moscati. In February the Director pointed out that his budget of 1,516,352 could not be trimmed and asked for more. On February 29 Eugene refused this request. On October 18, 1808 Moscati demanded 349,661 more and had the leverage of the new annexation to aid him. Eugene asked for a full report. This was submitted on October 26 and showed that the expense of 1808 would be 1,586,589 reduced by an income of 36,929 from the Monte Napoleone to 1,549,661. Eugene granted 53,113 for the expenses of the Three Departments, but on November 5, added 160,000 to this. When it became evident that Moscati could cut expenses no more, the Viceroy opened for him a definitive credit of 1,400,126 for the year. See documents in Studi 8. Of this credit 1,391,508 was spent by May 30, 1811 (Studi 9).

¹⁶ In the following table all amounts are in Italian lire. That for 1803 is from Aldini 91, the next two are from Aldini 89, the rest from Studi 9 except that for 1807 which is from Studi 8. The first four and 1808 are totals spend on these accounts. The remaining seven are credits on the Treasury available for educational purposes. The Royal College for Girls and the Censorship were usually extra:

1803	690,126 lire	1809	1,490,197
1804(to May 1805)	807,466	1810	1,576,577
1805(May to Dec.)	489,063	1811	1,635,783
1806	1,137,347	1812	1,907,939
1807	1,319,985	1813	1,911,000
1808	1,391,508	1814 (two months)	375,000

The great increase in 1806 was caused by the annexation of Venetia and the organization of the Direction-general.

This figure does not represent the total of the incomes of educational institutions since such bodies frequently had other incomes derived from property or from the Monte Napoleone. These served to support part of the expense of education especially in the early years. These properties were finally almost completely sequestered by the government, all educational incomes from the domain were abolished, and only those from the Monte Napoleone were left.¹⁷

The educational organization, on which the money ~~was have mentioned~~ was spent, was established by a long series of laws and decrees. I have a list of over sixty such acts issued between June 1805 and July 1813. Before we examine the results achieved, we should glance for a moment at the history of the more important of these acts.

At the time of his nomination Moscati was charged to organize education in an administrative fashion. This was a ~~long~~ slow process because the task was too big. At first he attempted too much, and ~~in~~ a project of decree submitted within two months of his appointment had 209 articles. A letter to Eugene on August 14, 1805 explained that this project was based on long thought. He wrote "I have believed that it would be better to begin to do something than to do nothing at all and to remain trying to get a complete general system of public instruction

¹⁷ By decree of September 4, 1802 the government seized 1,803,205 lire of property ~~bearing~~ ^{yielding} 72,172 lire of income (Report of March 10, 1804 in Studi 3). During the first three years of the Kingdom various educational establishments received 212,809 lire from the Domain and 167,622 from the Monte Napoleone (Report of April 24, 1807 in Studi 3). Other incomes of this sort were by decree of July 7, 1805 (in Studi 504) to be applied to the new organization of licei. A decree of November 15, 1808 ordered all the incomes of licei to be seized by the Treasury. This action brought incomes of 227,627 lire to the State (Studi 8). Of the other two sources of income, that from the Domain ceased by decree of February 20, 1810 (in Studi 3). The inscribed debt for education on the Monte Napoleone arose to only seven and a quarter million lire yielding an income of about 117,000 lire. (Aldini 102)

while confusion and disorder grow day by day and difficulty accumulates on difficulty." He added, "It is indeed disagreeable to be forced to confess that after three years of effort, (if you ~~except~~^x the two universities of the Kingdom, and a small number of lycées in the chief places) it is not possible to know accurately even the number of secondary schools within the State and how many foundations (of which there are several directed to education.)". After enumerating ^a~~the~~ number of other facts of which the government was ignorant, he regretted that only one-fifteenth of the inhabitants could read and write and submitted¹⁸ his project which he claimed was based on the system in France.

This plan did not please the Legislative Council. After several new efforts Moscati submitted a ~~new~~ project of only 34 articles which was¹⁹ approved at the beginning of April 1806. It provided that the Director-general of Public Instruction be aided by three Inspectors-general who would watch the execution of all regulations on national education. In the districts and departments this task was entrusted to the Vice-prefects and Prefects. It was ordered that scuole elementari should exist in every commune of over a thousand inhabitants and ginnasi at least in all departmental capitals. A liceo should be in each department and a collegio in at least twelve of them. In addition, two schools of arts

18 In Studi 1.

¹⁹ This was apparently never published, and probably never became law, but it was the basic plan for the next ~~five~~¹² years. See the regulation of June 3, 1811 which applied the educational system of the Kingdom to Alto Adige.

and crafts, two military schools, and other special schools would be created. Finally two universities and two Academies of Fine Arts would complete the structure. Any gaps could be filled by private schools,
20
which would continue to exist.

Except for the last sentence this document outlines the efforts which the government made. These efforts can be examined under eight headings: (1) primary schools, (2) grammar schools, (3) resident intermediary schools or collegi, (4) preparatory schools or licei, (5) universities, (6) special schools, (7) encouragement of intellectual activities and special studies, and (8) the National Institute.

Primary schools were not taken under the supervision of the central government until the decree of February 15, 1812. This was because the government had at first intended to leave these institutions in the care of the communes. Article 38 of the law of September 4, 1802 had declared

20 Text in Aldini 63. In this and the following paragraphs some difficulty is experienced with the use of terms as these were in a state of flux for almost a decade. Scuole elementari (elementary schools) included scuole elementari inferiori (primary schools), which were frequently called scuole normali when under government supervision, and scuole elementari superiori (grammar schools) which were originally (1802) called scuole elementari or scuole secondarie but later were called ginnasi. Istruzione media was originally served by the liceo which was divided into two levels called ginnasio and liceo. Later (1807) the whole thing was called liceo and the word ginnasio became exclusively used for the secondary (grammar) school, although the courses were changed but little. The chief difficulty is caused by the lowering of the use of the word ginnasio from the level of istruzione media (as in a regulation of June 3, 1811). On this problem see Lizier: Le scuole di Novara ed il Liceo-Convitto (Novara, 1908) 102-05.

~~regulation of June 3, 1811. On this problem see Lizier: Le scuole di Novara ed il Liceo-Convitto (Novara, 1908) 102-05.~~

decree of November 13, 1802) to the level of istruzione elementare (as in regulation of June 3, 1811). On this problem see Lizier: Le scuole di Novara ed il Liceo-Convitto (Novara, 1908) 102-05.

that every town or village should have a school to teach reading, writing, and the rudiments of arithmetic. As late as 1810 the government was still urging the Prefects to enforce this article. By that time it had been conceded that a village too small to maintain a school of its own could join with a neighboring village to support such an institution. The government had taken to itself the right to nominate the masters of these schools on the recommendation of the
²¹
 commune.

In his report of June 17, 1807 on the acts of his office from its creation, Moscati declared that except for Venetia the Kingdom had primary schools for reading and writing in all communes of the first and second class and in part of those in the third class. This is not so impressive when we consider that the majority of communes were third
²²
 class.

A little later in the year a statistical examination of the subject showed the true situation. This can be seen from the following three
²³
 tables:

A. Number of Elementary Schools (1807)

	Primary	Grammar	Others	Total
Old Departments	1,147	311	377	1,835
Venetia	51	43	7	101

B. Distribution of Schools (1807)

	Number of Communes	Number with schools	Number without School
Old Departments	3,144	1,260	1,884
Venetia	1,954	53	1,901

²¹ Circular of June 30, 1808 in Studi 504; report on 24 departments in Studi 1136; and circular of April 4, 1810 as described in Formiggin-Santamaria; L'istruzione pubblica, 48-49.

²² Moscati's report is in Studi 34. Third class communes had less than 3000 inhabitants.

²³ Report in AFiv1710B (November 1807).

C. Expense of Elementary Schools (1807)

	<u>Schools</u>	<u>Teachers</u>	<u>Pupils</u>	<u>Cost</u>
Old Departments	1,835	2,000	39,061	L.515,083 ²⁴
Venetia	101	150	2,587	L.23,809 ²⁴

Although the figures for Venetia are admittedly not complete, it is evident that conditions were far from satisfactory in the seven new departments. Another report of an earlier date points out that Venice with at least 120,000 inhabitants had only 34 employees of all kinds in primary schools and 26 in grammar schools.²⁴ This situation was rapidly changed. By 1808 ~~in 20 departments~~ there were almost 2,500 schools^{in 20 departments.} Three and a half years later in August 1811 with a population of 6,482,367, there were schools as follows:

	<u>For Boys</u>	<u>For Girls</u>
Public Schools	5,016	220
Private Schools	1,991	282
	<u>7,007</u>	<u>502</u>

Even if we consider only the number of public schools for boys in 1811 the increase is from 1,198 in 1807 to 5,016 in 1811. As the population increased from 5,600,000 to 6,500,000 in the same period, the number of population per school decreased from 4,667 to 1,296.

The cost of these schools in 1811 was borne partly by public funds raised in the communes and partly from incomes from capital. These costs were as follows:

Cost of Primary Public Education (1811)

	<u>Boys</u>	<u>Girls</u>
From taxation in Communes	L.960,671	L.17,815
From incomes	L.149,226	L.10,331
	<u>L.1,109,897</u>	<u>L.28,146</u>

²⁴ Report of late 1806 in AFiv1710.

That is to say that the expenditure for primary schools for boys in 1811 was double the expenditure for all elementary schools in 1807. ²⁵

The document which finally organized all primary schools on a uniform pattern followed soon after. Curiously enough this important act was not issued as a decree but was sent as an Instruction to all the local public authorities. Dated February 15, 1812 it provided that elementary schools, divided into two levels with two years of study in each, were to teach reading, writing, arithmetic, catechism, and nothing else except by special permission of the Minister of the Interior. Pupils were to be between the ages of six and twelve years and vaccinated, while teachers were to be named by the Communal Council ²⁶ with the approval of the Minister.

25 Scopolli's report of August 1811 in Studi 598. This same report defines elementary schools as those which teach the elements of reading, writing, arithmetic, Italian, and Latin. They were either public or private with the former free to all but not compulsory. Eugene expressed himself as very pleased with this report and enjoined Scopolli that the work must be continued to give each department schools proportionate to its population. He rejected the Director-general's suggestion that the expense of these be put on the departments.

26 This Instruction (in Studi 598) goes into great detail in its regulations. Teachers could retire on pensions of half-pay after twenty years' service, two thirds pay after twenty-five years', and whole pay after thirty years'. They had to report on each pupil to the Prefect monthly. Promotion was only by formal examination before the Podestà or Syndic. The pupils had to come to school in decent fashion for "poverty does not prevent washing the face and hands." The boys and girls were strictly segregated and could not be in the same building if there was a connecting door or passage. Each school had a libro d'oro and a libro nero. The names in the former were read out beneath Napoleon's picture each month. All corporal punishment was forbidden, but pupils whose names were in the black-book for three months could be expelled.

~~Previously in October 1810 the government had ordered that teachers in the elementary schools read Seave: Compendio del metodo delle Scuole normali (Milan, 1786) and undergo a "rigorous esame" on its contents in December in each departmental capital. Those who failed were removed from their positions. See Formigginì-Santamaria: L'istruzione pubblica, 507~~

"rigorous examination"

On this basis primary schooling continued to expand, although reports on the subject are rare because of political conditions. The chief lack in the system was in regard to children who did not live in a commune large enough to support a school. Nothing was done to assist them until October 1813 when provision was made to pay country priests 25 lire a month to teach peasant children to read and write. The other great fault in the system was the failure to make primary education compulsory.

The secondary schools were ginnasi and collegi. The distinction between the two is that the latter ^{were} ~~was~~ residential. The ginnasi were, by the law of September 4, to be instituted and supported by the communes. We have seen that by the report of 1807 there were 311 in the fourteen old departments and 43 in the seven Venetian departments.

Information upon these institutions is difficult to find. There are no reports and few decrees. That is because they were fewer in number and less important than primary schools but like them, lost in the details of local administration. It was not until November 15, 1811 that Eugene organized them to obtain that uniformity so dear to the Napoleonic system. The decree issued on that day provided that all ginnasi ~~at the~~ ^{supported by} ~~expense of~~ communes must be standardized, with a maximum of six teachers or, if possible, five. They were to be organized as a four-year course with the following curriculum: The first two years: writing, arithmetic, Latin, Italian, and French grammar; The third year: arithmetic, Latin, and Italian literature; The fourth year: rhetoric, history, geography, and design.

The pupils were to be examined every three months in the presence of the whole school and of distinguished citizens named by the Podestà.

Any scholar who failed badly or ^{had poor} ~~lacked good~~ conduct could be asked to withdraw. The final examination, given on the first of July each year, had to be passed for admission to the entrance examination of the lycée. At the end of each year prizes were to be distributed to the best students in the presence of the whole municipal administration. ²⁷

The information on the collegi is not more plentiful than that on ginnasi. In his report of 1807 Moscati pointed out that there were many in the Kingdom, chiefly with resident students, and mostly administered by religious corporations. The detailed report for the same year announced that there were 64 in the 21 departments. They had 195 teachers and 2,322 pupils. Of these latter, 2040 paid the full tuition rate of 600 lire a year, while 57 paid half-rate, and 225 ^{paid nothing.} ~~went free~~. The total expense of running these institutions was 983,784 lire a year. Of this 15,060 was met by income from the Monte Napoleone and 211,186 from other foundations. Another report of 1809 gives the number of collegi ²⁸ in 24 departments as 60.

A list of these reveals that in most of them the pupils were between the ages of 7 and 12. The curricula were somewhat varied, but emphasized the humanities and the classics. At least two-thirds of the total number ²⁹ were conducted by the regular clergy, but a few were public.

On March 8, 1810 the government issued a regulation which unified these collegi. Their pupils had to be able to read and write and know the elements of arithmetic on ~~admittance~~ admittance. They were to be between the ages of seven and twelve years, and the Minister of the Interior was

²⁷ The original decree of November 15, 1811 is in Studi 2. See Istruzione per l'esecuzione del piano degli studi ginnasiali giusta le recenti modificazioni (Milan, 1811).

²⁸ Studi 1136.

²⁹ Report of June 17, 1807 in Studi 34.

empowered to ^{issue further regulations.} ~~regulate them further~~. This decree ^{was} ~~did not become~~ applied to ~~the~~ private institutions for they were destroyed during the same year. The majority vanished with the religious groups ^{which} ~~who~~ supported them, when these were abolished on April 25, 1810. Most of the rest ceased to exist by the decree of November 22, 1810, which prohibited all private schools except free parish schools unless special governmental permission had been obtained.

The next level of educational institutions was the ^{licei} ~~lycees~~. This was the most important part of the system and received more attention from the government ~~than~~ any other. The law of September 4, 1802 said that each department should support a liceo. On the basis of this law eleven were created during the next two years, according to Moscati's report of 1807, but a later report in the same year ^{gives} ~~has~~ only five for the whole Kingdom. ³⁰ Whatever may be the truth of the matter, they were not in a flourishing condition when on June 7, 1805 they were taken ^{over} with other departmental administration and put directly under the ^{central} government. An act of July 7, 1805 gave all educational incomes from foundations to these institutions; another of November 11, 1806 gave them the books of suppressed religious corporations; and a third of October 3, 1807 gave those which lacked buildings property from these same corporations. Such acts as these did not encourage their creation sufficiently, so during 1807 the government itself began a campaign to ^{establish} ~~institute~~ those which the Kingdom needed.

By a decree of March 14, 1807 Eugene ordered that eight licei be

created. Of these four were resident or convitto, and four ^{were} day-schools or senza vitto.
31

In a letter to Napoleon on March 17, Eugene explained his motives in this decree. He pointed out that, ~~since the law~~ ^{Since the} ~~one of the three Universities as~~ ^{one of the three Universities as} required ~~making~~ study in ~~them~~ a necessary qualification for the exercise of a profession, it was impossible to continue without schools to prepare for admission to the universities. These would be organized so that ~~board~~ ^{a fourth city south of} boarding licei would be at Venice, Novara, Verona, and ~~another below~~ ^{south of} the Po. The day schools would be at Milan, Bergamo, Mantua, and ~~near~~ ^{south of} the Po. The cost would be about 60,000 to organize each of the former and 20,000 to organize the latter.
32

A subsequent decree of July 9, 1807 organized two more licei. One at Ferrara was to be resident, and the other at Reggio to be a day-school. Shortly afterward, on July 25, Eugene by another decree ordered that five day licei be instituted in the new annexations. These were to be at Belluno, Capo d'Istria, Treviso, Udine, and Vicenza. The following year three more were created by the decree of June 28, 1808 for the Three Departments. Of these one at Urbino was convitto while the other two at Fermo and Macerata were day schools.
33

31 They were all to teach French, Latin, and Italian rhetoric, Logic, Ethics, Natural Science, and the elements of Civil Law and Design. The maintenance of the building was put as a charge on the commune, but the other expenses were to be met by the State. In each liceo convitto there was to be a provviditore in charge of administration and discipline and a censore in charge of accounts. The annual price of ~~board~~ ^{board} was to be 600 lire. The government reserved to itself the nomination of ninety boarding students. Of these it paid the fee for thirty and half the fee for thirty others. Each liceo senza vitto was administered by a regent who was picked from the teaching staff, lived in the school, and received a larger salary. See B.L. 1807, 145-48. picked

32 Aldini 63.

33 Studi 504. In several cases these licei were formed from already existing educational institutions. That at Ferrara, for example, was formed from the former university. See Visconti: L'Università di Ferrara nel periodo napoleonico ed durante la restaurazione (Ferrara, 1940).

licei

These³⁴ were regulated as regards their internal administration by a printed booklet of thirty-five pages which Mescati issued in March of 1807. Its provisions were chiefly concerned with the licei convitto, as the others were regulated for their simple problems by the regent who was directly responsible to the Prefect.

By the end of 1808 when the government had twenty-one licei, of which five were convitto, it became necessary to regulate their relationship with the rest of the educational system. At the same time the State wished to bring more directly under its control the five licei which had existed locally for several years. These were situated in Como, Brescia, Cremona, Modena, and Faenza.

A decree of November 15, 1808 accomplished both of these ends. It ordered that all licei ^{Senza} ~~non convitto~~ were to be organized like those created by the decree of March 14, 1807. All their incomes were taken by the Treasury, and they were standardized with the same courses, professors, internal discipline, and administration. To make it advisable for students to attend these licei, the decree ordered that no one could enter a university if he could not prove by examination before

³⁴ This Regolamento organico pe'licei (Milan, 1807) provided that licei convitto be ruled by an Administrative Committee of the Prefect, the Po-desta, and two citizens nominated by the former and accepted by the government. This committee served gratis and had as secretary the censore of the liceo. Its duties were chiefly those of a control on the officers of the institution who themselves formed an administrative council. This group consisted of the provveditore, the censore, and an economo. The first of these, as chief of the school, was responsible to the Committee for all its administration. The economo, who had posted a bond of 6,000 lire, handled all funds and made all payments on warrants of the Administrative Council. He presented his accounts to this council every Saturday morning at its regular meeting. These were unified every three months and presented to the Committee which questioned the economo closely.

The censore ruled over the discipline of the pupils by means of prefects. There was one of these latter for every twenty or twenty-five pupils over 14 years old and for every thirty or thirty-five under that age. These stayed with their charges constantly and ate and slept with them. The number of servants in these schools was also established by this meticulous government. There had to be two, plus one for every twenty pupils over 14, and one for every fifteen under that age.

three professors to have studied successfully in a liceo or other equivalent school. To make this point secure the entrance requirements ^{to universities} were made to fit the courses offered in the licei. These requirements were very stiff, and those who met them could enter the second year of the university. In this way the first year was abolished.

This decree, which also had sections concerned with other educational institutions, is interesting because the fashion in which it was issued illustrated the lack of cooperation between Eugene and Moscati. The former had issued the decree without consulting with the Director-general. The latter in the following week wrote several letters in which he criticized it drastically. Although Eugene answered these objections sharply, he did find it necessary to suspend the decree and issue another with slight changes ^{bearing} ³⁵ and the same date.

³⁵ Both original decrees signed are in Studi 2. Moscati's criticisms of the first are contained in his letters of November 19 to Stringelli and November 25 to Eugene in the same carton. His arguments were that (1) by seizing all incomes of licei the government took back some that it had itself granted to those schools; (2) that boys would go to private schools rather than licei to avoid military training; (3) that by suppressing the first year of the university four courses were abolished including the valuable ones of "Italian and Latin Eloquence" and "Greek Language and Literature"; (4) that the school year had already begun and would be disrupted by the decree. On November 27, Eugene wrote on the margin of Moscati's objections his views on these difficulties. He declared that he wanted absolute uniformity in all the lycées of the country and only refrained from insisting that lycée graduates alone could enter the universities because there were no such schools in a few important towns. He did not feel that private schools would draw students from the lycées because of the dislike of military training since the lycées were free and prepared directly for the universities. He really intended to suppress the first year of the university and would have suppressed the second also if it would not have thrown too many professors out of work. He did not mind abolishing the courses on Greek and on eloquence. He regretted the loss of the former but so few persons "take it that it is a luxury now----however useful it was in the old days." He believed that the special chair of Greek studies in Milan was luxury enough. As for the eloquence he retorted that he would rather spend the money on apparatus and laboratories, for "nous ne sommes pas riches...et ni Ciceron ni Bossuet n'avaient jamais eu de professeurs d'eloquence". As for the lateness of the decree he did not intend that it should take effect until the academic year of 1809-10.

This decree of November 15, 1808 which had been so unfortunate in its conception was no happier in its execution. On October 2, 1809 Moscati presented to Eugene a project with nominations ^{for} ~~of~~ the faculty and general organization of the schools as he believed the Viceroy intended them to be. The report was submitted to Eugene by the Minister of the Interior only in November, and on the 27th Eugene wrote on the margin that he would not accept it. He added, "In ordering the establishment of the same plan of teaching in all the lycées of the Kingdom, I had for arrière pensée the plan of creating a general competition between all the lycées each year, and I hoped from this a great increase in zeal and rivalry, not only between students but also between professors and even departments." ³⁶ ^{Because of} ~~By~~ this delay the decree was not fully enforced until after Moscati had been replaced by Scopoli.

During the academic year ~~of~~ 1809-10 the Kingdom had twenty-two lycées in activity. Six, which were convitto, had 724 resident students, while sixteen, which were day-schools, divided 17,759 pupils. The teachers of these schools published eighteen works of varying importance during ³⁷ the year.

Before the end of the regime, five more licei were founded. Decrees of October 25, 1810 and May 28, 1811 created ^{such} ~~these~~ institutions in Sondrio and Alto Adige. Decrees of January 29 and November 15, 1811 changed three collegi in Padua, Bologna, and Milan into licei convitto, ^{to each.} ~~adding~~ adding four or five professors, ^{named} These latter were only ~~nominated~~ on February 19, 1813. This gave a final total of nine resident licei and eighteen

³⁶ Report and note in Studi 504.

³⁷ Report on Licei, 1809-10 in Studi 665.

day licei for a population of about six and a half million. This is a spectacular increase from 1807 when about five and a half million³⁸ people had had only five licei.

Because the regulations regarding this type of school were in scattered edicts Eugene issued a general decree on November 15, 1811. This document marks the beginning of a decline in the history of these schools as they had expanded more rapidly than the need for them. By modifying the arrangement of courses the number of teachers was reduced, although this reduction took place at once only where there were vacancies.³⁹ The result of this act was to make the liceo-convitto a six-

38 Studi 666. This total of 27 licei does not include that in Istria.

39 This original decree of November 15, 1811 is in Studi 2. It provided that all the licei, which were identical in organization, should open on the first of November to examine applicants for admission. These examinations were held in the presence of the whole faculty and only graduates of ginnasi could take them. Courses, of which there were five, began on the fifteenth of November and continued for two years. They were:

- (a) History and Geography with the Elements of Fine Arts
- (b) Logic, Morals, and Civil Institutes
- (c) Algebra and Geometry
- (d) Natural Science
- (e) Design

The order of studies was the same for all students during the first year, but in the second year their work differed depending on whether they were preparing for law or science. In relation to the list of courses above each year's work was as follows:

- 1. First Year: a,b,c,e.
- 2. Second Year:
 - (a) science: a,d,e.
 - (b) law: a,d,b.

There were three lessons a day, each one and one-half hours long. At these questions and outside work were considered, as Eugene did not like the lecture method. Every three months each pupil was examined before the school and three citizens named by the Prefect. A final examination on the two years was made on July 15, and this had to be passed to take the examination for the University (as decreed on October 11, 1811). Since a certificate from the licei was necessary to take the university examination any person who prepared outside a liceo had to take the examination of July 15 in order to get the certificate. At the end of each year, the Prefect in the presence of all the officials of the department and
(con't. on next page)

year course, ~~with~~ the first four years being identical with the four-year course in the ginnasio. The liceo senza ~~abitto~~ offered a two-year course for the graduates of other ginnasi.

It took most of the first half of 1812 to carry out the provisions of this decree of November 15, 1811. In most cases eight teachers were reduced to five or six.⁴⁰ Although this concentration of chairs saved some expense, the financial burden continued too great. On October 24, 1812 Eugene presented a new proposal to concentrate other chairs in certain licei. He thought it would be a good opportunity to get rid of some teachers like Valeriani of Belluno, who had once been a priest and was now married. To the Viceroy "ce ne serait pas là, sans doute, un motif de lui ravir le moyens d'existence, mais c'est un motif plus que suffisant pour faire de lui toute autre chose qu'un professeur." Political conditions did not permit these concentrations to be made. During 1813 other ones were proposed and even the abolition of the liceo of Sondrio was advocated, but on November 7 Eugene, from Verona, ordered all of these to be postponed until his return to Milan. But he never saw his capital again.⁴¹

³⁹ (con't.) commune gave prizes to the best students. These were eligible to compete for the seven Grand Prizes which were given each year, on Napoleon's birthday, by the Minister of the Interior in the presence of the National Institute. The winners of these prizes studied without cost at the University. The books in licei, as in all other institutions of learning, were chosen by a committee of three members of the Institute. See general report of 1815 on licei in Studi 666.

⁴⁰ See Istruzione of June 2, 1813 and letter of Eugene to Vaccari, December 1, 1811, in Studi 504.

⁴¹ All these documents are in Studi 666. On this subject in general see De Vit: Il R. Ginnasio-Liceo di Lodi (Lodi, 1919); Marabelli: "Cenni sulle vicende dell'istruzione classica in Pavia e in particolare del R. Liceo-Ginnasio Ugo Foscolo" in Boll. Società Pavese di Storia Patria (1924) XXIV, 149-219; Crivellari: "Monografia del R. Liceo-Ginnasio di Como" in Periodico della Società Storica Comense (1909) XIX, 7-61; Ronconi: "Le origini del R. Liceo-Ginnasio di Verona" in Studi Maffeiiani (Turin, 1909).

Before we leave this part of our subject we should have a glance at the financial administration of the licei and see how their expenses increased.

In 1806 the licei cost 356,433 lire of Milan. Of this sum the Treasury paid only 166,828 as the rest was derived from property. This sum is equivalent to 128,124 lire of Italy.⁴²

In 1807 the five old licei in the country cost 114,153 lire. The cause of this decrease of 14,000 is not clear, but it was more than over-balanced by the cost of the new licei. The four convitti cost 240,700 for the year, while the nine senza vitti cost 169,310. This made a total cost of 524,163 for the year. Of this the Treasury paid 418,472, and the rest came from foundations. The salary of each teacher was usually about 1,600 lire, and ~~the number of these was~~ ^{there were} usually seven or eight for each school. In addition each liceo convitto had 6,000 for equipment, while the ⁴³ ~~and~~ other licei had each 1,000 less.

The increased expense toward the end of the regime came not only from an increase in the number of licei but also from the payments which the government made for scholarships as provided in the decree of March 14, 1807. Except for these, most licei ~~well established~~ ⁴⁴ were almost self-supporting. The burden on the Treasury, however, increased. In

42 Studi 8.

43 Report of 1807 in AFiv1710B.

44 This can be seen from a comparison of the expenses and income of the liceo convitto of Novara in the year November 1811 to November 1812 (from Studi 666.) :

A. Expense

1. Food for 122 pupils, 5 servants, 6 prefects, and 2 others	58,437
2. Heat and light	6,200
3. Furnishings, laundry etc.	1,477
4. Maintenance of furnishings	350
5. Salaries	11,046
6. Office Expenses	745
7. Chaplain	540
8. Diverse expenses	167
	<u>78,963</u>

NB

(Con't. on next page)

Total

1810 it amounted to 395,500 lire for six licei convitti and 355,280⁴⁵ lire for sixteen senza vittì.

The highest grade of education in the Kingdom was in the universities. Only three of those which had previously existed in the territory of the Kingdom of Italy were maintained, the rest being abolished, or, like that at Ferrara, transformed into licei. These three were at Pavia, Bologna, and Padua. Their plan of organization was issued by decree of September 4, 1802. It provided that each university should have three faculties-----Science, Law, and Medicine-----with a total of thirty professors. Each was administered by a regent who was named annually by the government. The details of this organization covering the courses, hours, and all regulations on the library, students, and faculty were fixed by Piani di Studi e di Disciplina per le Università Nazionali⁴⁶ which was printed after being approved by Melzi on October 31, 1803. These regulations were not carried out ~~to their complete~~ ^{completely}

44 (con't.)

B. Incomes

1. From pupils

54 @ full rate of 600	32,400
24 @ half rate of 300	7,200
2 @ three-quarter rate of 450	900

2. From government

for 40 full scholarships	24,000
for 24 half scholarships	7,200
for 2 quarter scholarships	300
Total	<u>72,000</u>
Deficit	6,963

45 Account of 1810 in Studi 9.

46 Copy in Aldini 89, also in Statuti e ordinamenti della Università di Pavia (1361-1859) (Pavia, 1925), 277-309. In general, see Simeoni: Storia di Università di Bologna (2 vol., Bologna, 1940), II, 139-178.

~~from~~ for several years. In 1807 the faculty of Law had not yet been organized, and the number of professors was only twenty-one in Bologna⁴⁷ and twenty-two in the others.

When the Kingdom was created a number of decrees were issued which affected higher education. On July 7, 1805 study in foreign universities was forbidden. The same day another edict allowed only those who had studied in the National Universities to practice in the professions. This was strictly enforced by fines, and violations ceased after 1808. A third prescribed military training twice a week in the University and⁴⁸ was kept in full vigor even after the military schools were organized.

The annexation of Venetia brought to the Kingdom a territory in which higher education had once flourished, but was then in a sad decline. Padua, which had 300 students in 1805, was conserved and by a decree of⁴⁹ July 25, 1806 organized like the others.

Little was done about higher education during 1807 and most of 1808. On July 17, 1807 the vacancies were filled in the faculties, and on January 8, 1808 it was ruled that no professor could have a substitute take his place without a valid excuse.

Near the end of 1808, on November 15, Eugene issued an edict which abolished the first year of the university by suppressing the chairs of design, history and diplomacy, numismatics, oriental languages, geometry and algebra, logic, Italian and Latin eloquence, Greek language and literature. It also fixed the entrance requirements for each faculty to be

⁴⁷ Studi 1136. The delay was caused by the suspension of organization until the various codes of law had been issued.

⁴⁸ Pingaud maintains the contrary in his article in *Revue d'Histoire Diplomatique* (1932) XLVI, 234. This is but one of many errors in this article as a report of 1810 in Studi 34 says this decree "is in full vigor".

⁴⁹ AFiv1710.

met by an examination by three professors picked by the regent. The chairs of the law faculty were renamed to become more nationalistic. For example, "Roman Civil Law" became "The Code Napoleon compared to Civil Law." Six such legal chairs were established at each university. Of the twenty-one professors who lost their positions by this decree five had still not received new places by the beginning of 1814 and were receiving pensions of 768 lire a year. Among these was Foscolo, who had been teaching Latin eloquence at Pavia.

⁵⁰
~~In~~ January 1809 the faculty of law was regulated more completely. On the eighteenth, ~~the~~ Professors ~~on the eighteenth~~ were named to the six new chairs as well as to the three legal chairs in Milan. On the twenty-fourth, the Chief-Justice issued a regulation which ordered that the law course should be of three years' duration as follows: First Year: Natural Law, and Public Internal Law. Second Year: Civil Law, and Penal Law and Procedure. Third Year: Commercial Law, and Civil Procedure.

Another decree of October 11, 1811 regulated diverse matters concerning the universities. It fixed the admission examinations for the week after November 4, and provided that the courses on anatomy, botany, civil and natural law be given in Latin. It specified three academic grades--Baccellaria, Licenza, and Dottorato--which had to be taken in order and in no less than three years. It described the costumes which the professors had to wear.

⁵⁰ Reports in Studi 666.

⁵¹ Studi 684.

⁵² Studi 685. Later in a letter to the Minister of the Interior (in Studi 2) Eugene emphasized the fashion in which he wanted the courses to be conducted. He did not want the professors merely to lecture, for the chairs should be occupied by "des hommes assez riches de leurs propres fonds pour n'etre pas obligés de ne donner à leurs élèves que ce qu'ils auront copié dans des livres." The teaching in medicine had to be in Latin and "if recommendation is not enough I'll issue a decree next year". He then went into a minute description of the diplomas, the clothing of the faculty, and the fees to be charged for a degree.

2
 The academic costumes are still used today.

In the course of 1811-12 Scopolì issued a number of regulations without the permission of either Vaccari or Eugene. One of these increased the duration of study for the doctorate to four years. Eugene⁵³ was angry and countermanded these on February 6, 1812.

During 1812 a commission of eight members of the Institute investigated the curriculum of the universities. Their report of August 29 indicated that they wished to reduce the number of chairs to twenty-three from twenty-five. Scopolì wanted to reduce them to eighteen. On February 17, 1813 Eugene ordered this report to be found and complained that he had never seen it. It was submitted on March 15 to the Secretary of State but nothing could be done because of political conditions.⁵⁴

In spite of all the regulations which tried to make the universities an indispensable part of the professional and intellectual life of the Kingdom, the number of students in them ~~did not increase. In fact~~ decreased. In 1808-9 the enrollment totalled 1,714; in 1809-10 it was 1,551; in 1813-14 it was 1,428. This decline in the last year was certainly due to the war which turned the youth of the country from books to guns. However, the decrease is steadiest in Bologna, while Padua had more in 1813 than in 1809, so it is possible that the decrease was caused by other factors.⁵⁵ ~~It is unfortunate that we do not have figures~~

~~for 1811-12 compare with 1808.~~

The expense of the universities, because of the severe reduction in staff which they underwent, did not increase in proportion to that of

⁵³ Studi 685.

⁵⁴ Studi 634. *At no time was there any effort to copy French models; see Simeoni: Storia della Università di Bologna, II, 154, 155.*

⁵⁵ The figures for 1808 are from a report in Studi 684; those for 1810 and 1813 are from Studi 685.

the other branches of education. The law of September 4, 1802 had appropriated a fund ^{yielding} of 400,000 ^{lire} a year from which the two universities were to be supported. This policy was continued until the annexation of Venetia. In 1805 only 341,211 of this was spent. This in Italian lire is 262,050 compared to 506,864 spent for the three universities in 1807. For 1810 the cost was 421,492 plus extras for a bonus.⁵⁶

Besides the regular grades of educational institutions which we have examined, the Kingdom of Italy supported a number of special schools several academies of fine arts, scientific societies, and the National Institute.

The law of September 4, 1802 appropriated a sum of 36,000 lire of Milan to be expended each year to found and maintain four special schools. These were to be a school of hydraulics in Basso-Po, one of sculpture at Carrara, a veterinary school at Modena, and a school of ^{metallurgy} ~~metallurgy~~ in Mella. The last was never founded, but the others were. A regulation for the Carrara school, approved by Melzi and printed on May 31, 1804, gave it three teachers and a budget of 8,100 lire. ~~The same thing was~~ ^{was given} ~~On October 19, 1804~~ ^{On October 19, 1804} the hydraulics school at Ferrara ~~giving it~~ ^{giving it} three instructors and expenses of 7,000. The school at Modena was organized with a two-year course and a budget of 6,800 on July 21. The sculpture school was lost when Carrara was ceded to Lucca in 1806, but the other two continued to function during the rest of the regime. The veterinary school was removed to Milan and was in full activity only by 1808. It had four professors, a pupil from each department at public expense,

⁵⁶ The 1805 figure is from Aldini 89; the 1807 is from AFiv1719B; the 1810 is from Aldini 102.

six pupils from the great cities, and four named by the Minister of War.⁵⁷

In 1803 there was created in the liceo in the Brera a chair of Greek language and literature. In January of 1804 the government added three more chairs to this. These were to teach politics, diplomacy, and history. The whole formed a faculty of six costing 10,570 lire of Milan. This continued on the same basis for several years. On February 5, 1808 fine arts were added to the subjects taught, but this arrangement did not last. A decree of November 15, 1808 abolished the three chairs of politics, history, and diplomacy and created three new ones as supplements to the legal studies of the Kingdom. These were a chair of public and commercial law in international relations, a chair of criminal and civil legislation in relation to public administration, and a chair of practical legal eloquence. Nominations to these chairs were made by a decree of January 18, 1809, the men being Salfi, Romagnosi, and Anelli respectively. In 1810 the whole school in Brera cost 17,500 lire. An edict of December 20, 1810 decreed the creation of a free school of design and composition for Milan, but there is no evidence that this was ever done. Another chair of chemistry applied to art was ordered on July 1, 1813 but this was certainly never created.⁵⁸

departmental In August of 1807 it was ordered that there be established in each capital ~~city~~ except Milan, Bologna, and Padua special schools with three chairs of clinical medicine, surgery, and obstetrics. In Venice, Verona,

⁵⁷ Documents in Aldini 89. The veterinary school can be traced back to 1772 according to Milano e il suo territorio (Milan, 1844), I, 221-22.

⁵⁸ The decrees are in B.L. The expenses are from Aldini 89. On the military school at Pavia, see Chapter V.

and Brescia were added chairs of pharmacy. Each professor received 300 lire a year and was usually an expert from a local hospital. The first of these schools was established only on August 26, 1808 but by 1810 they were functioning in twenty-one departments at a cost of 19,800 a year.⁵⁹

A decree of September 18, 1807 ordered that the number of educational institutions in Milan be increased by a musical conservatory. This was not created for several years but was ^{later} ~~then~~ in full activity. In 1814 it had 56 pupils of which 46 studied gratuitously and 10 paid. The students were divided almost equally between Italians and foreigners. This Conservatory, which cost the government 69,841 annually,⁶⁰ gave two recitals a year. At one of them the Minister of the Interior distributed prizes. ~~It is interesting to note that Rossini's first work was played here in 1808.~~

stet.

During most of the regime Eugene took a personal interest in the problem of education for girls. By a decree of September 18, 1808 he created a Royal School for Girls in Milan and on March 8, 1810 gave to each department a church or unused building to be used for a similar institution.⁶¹ On August 29, 1811 he ordered that the decree of April 25, 1810 abolishing religious orders be suspended in regard to orders teaching girls. ~~Any~~ Institutions of this nature were left to be administrated by the Bishop ^{following} a plan of education drawn up by the Minister of the Interior.

⁵⁹ Studi 1136; Studi 9.

⁶⁰ Studi 4.

⁶¹ Decree in Culto 2542.

Twelve such houses were conserved with 188 nuns, 63 novices, 288 pupils, and incomes of 77,757 lire. These remained for the rest of the regime⁶² and were regulated by a long order of Scopolì issued in August 1813. Finally, on February 8, 1812, the Viceroy ordered two new Royal Schools for girls at Verona and Bologna. These were to teach girls from eight to fifteen years of age at a fee of 800 lire a year, but the majority of pupils were on government scholarships. All these various schools for girls were subject to the Ministry of the Interior with a separate budget. These accounts show that the expense of creating these institutions was 123,095 to the end of 1813, while the yearly cost of maintenance rose from 3,817 in 1809 to 40,000 in 1813 and totalled 138,252 for⁶³ the whole period.

As part of the program for the study of fine arts, government-supported scholarships were given to promising artists to be used in study abroad. In 1807 fourteen individuals enjoyed these benefits at a total cost of 129,452. The following year the period of study was fixed at three years, but in 1812 was raised to four. This last decree, dated August 15, 1812 fixed the value of these scholarships at 7,000 each and provided that they be given to students named by the Academies of Fine Arts. Each of the three academies in turn named three students a year.

These Academies of Fine Arts had been confirmed by the law of September 4, 1802, which had appropriated a yearly sum of 100,000 lire to be divided among the two that then existed. At the beginning of September 1803 a regulation of these bodies was approved and printed by Melzi.

⁶² Various reports in Culto 2542.

⁶³ From accounts in Aldini 103. See Dejob: L'instruction publique en France et en Italie au XIX siècle (1894) 34-122-, 379-93.

Each consisted of thirty members called "academicians" and an indeterminate number of honorary members. The former met once a month at least and elected a new president for each session.⁶⁴ They took turns in teaching, maintaining ~~seventy-two~~ eight courses in activity from November to August. ^A ~~The~~ Secretary was paid 2,800 lire a year, while the others received from 3,500 to 1,500. The total was 32,000 lire to which the Treasury added 18,000 for other expenses and annual prizes.⁶⁵

This system of ~~the~~ academies was extended in 1806 when a third at Venice was added to those in Milan and Bologna. These institutions increased in importance until that at Milan had thirteen professors and 500 pupils, while Bologna ~~and Venice were smaller. The former~~ had twelve professors and 230 students, and ^{Venice} ~~the latter~~ had seven and 250 respectively.⁶⁶ In 1810 these academies cost almost 50,000 each.

Attached to the Academy in Milan was the Royal Gallery. This was much expanded during the regime. Pictures were brought from all parts of the Kingdom, and rooms constructed to house them. During the first year of the Kingdom four such halls were built, with another for medals, and two others for the art school. In 1810 the cost of the gallery was 66,299 lire.⁶⁷

⁶⁴ After the decree of November 27, 1806, Eugene named the President.

⁶⁵ Statuti e Piano...per le Accademie in Aldini 89. Also in F.O.1803, 266-301. The academy at Milan had been founded by Maria Teresa and opened on January 22, 1776.

⁶⁶ AFiv1710B and Studi 9.

⁶⁷ Di Breme to Eugene, December 1806 in AFiv1710B and Studi 9. On this whole subject see Cicognara's "Rapporto sulle Belle Arti in Italia durante il Regno Italico" in Archivio Storico Lombardo (1921) XLVIII, 211-33; Del Convito: "Le origine dell'Accademia di Belle Arti di Brera in Milano" in Archivio Storico Lombardo (1934) LX, 472-515.

Although there were fifteen libraries in the Kingdom, only five were at the expense of the State. ~~These~~ ^{three} These were in the universities, ~~and the others were in~~ ^{at} the Brera ⁱⁿ Milan and ^{at} Saint Mark's ⁱⁿ Venice. These were enriched by the books from the suppressed religious houses just as the academies were by their pictures. The one at Milan built up a fine collection of charters in this way. In 1807 these two cost 46,812 and in 1810 36,254. Four-fifths of this went to the Brera. 68

Somewhat similar to the academies, although of less importance, were the societies of agriculture and mechanic arts. These were authorized by the law of 1802, but only a few were created. In 1807 there were five, but in 1810 only four, at Novara, Bologna, Reggio, and Modena. These shared a government subsidy of 9,201 lire. 69 Similar subsidies were granted to various other institutions. Of these the most important was ~~sestieri~~ a deaf-mute school at Milan.

The final apex on the system of public instruction was the Royal Institute. This was organized as the Istituto Nazionale on August 17, 1802 with four officers and thirty pensioners. On January 15, 1804 Melzi 70 approved an organic regulation of fifteen sections.

68 AFiv1710B and Studi 9.

69 Studi 9. See Fano: La Società d'Arti meccaniche e quella d'Agricoltura nel dipartimento del Crostolo (Reggio Emilia, 1928) and Guadagnini: "La Società napoleonica e l'Accademia di Agricoltura di Bologna" in L. Bianchi, ed.: Vita bolognese (Bologna, 1940). A copy is in Aldini 89. On the National Institute see Bortolotti: "Materiali per la storia dell'Istituto Nazionale" in Memorie dall'Accademia di scienze letterarie ed arti di Modena (1915), series III, XII; Bortolotti: "L'Accademia e l'Istituto di Bologna nel settecento e nel periodico napoleonico" in L'Archiginnasio (1924) XIX, 81-88; Bortolotti: "L'Accademia delle scienze dell'Istituto di Bologna durante l'epoca napoleonica e la restaurazione pontificia" in Atti e Memorie della R. Deputazione di Storia Patria per le provincie di Romagna (1924) series IV, XXV, 113-91; and Raccolta di leggi e decreti concernenti l'Istituto Reale Italiano di Scienze, Lettere, ed Arti coll'elenco dei membri attuali del medesimo (Milan, 1812). The Memorie of the Istituto were published in six volumes in Bologna in 1806-1814. For the earlier period see Roberti: Milano capitale napoleonica III, 305-314; Natali: "Le Origini dell'Istituto Nazionale napoleonico, 1796-1802", Atti e Memorie della Deputazione di Storia Patria per le provincie di Romagna, n.s. II, 51-86 (1953); or Bortolotti, in Memoria intorno a L.F. Marsigli (Bologna, 1930).

The Institute had sixty members of ^{whom} ~~which~~ half received pensions of 1,500 Milanese lire and the rest were honorary. These were divided into three groups (1) physical science and mathematics, (2) moral science and politics, (3) literature and fine arts. Each of these groups was permitted to add to itself a number of corresponding members equal to half the number in the group. Half of these corresponding members could be foreigners. The distinction between honorary and pensioned members was only one of age since the pensions went to the thirty oldest.

These members met in two kinds of meetings. ~~The~~ Ordinary meetings ^{were} ~~was~~ twice a month during the academic year at a place picked by the assembly itself. The general meeting met on the first of each July in a place picked by the government. Its permanent seat was in Bologna.

All pensioned members were compelled to attend the general meetings where they had the right to vote. All other members could come if they wished. At these meetings papers were read and discussed, prizes were offered, ^{and} experiments planned. The papers were published in the Atti, and each pensioned member who failed to have a paper (thus published) every two years was reduced to the status of an honorary member. The members of the Institute were also expected to prepare books for public instruction, present a double list of nominations for vacancies on the faculties of ^{the} special schools, and be prepared to form commissions ~~of studies~~ of inspection for educational purposes.

The Institute had two permanent officials--a Secretary and a Vice-secretary, ~~these~~ ^{These} elected for three years from its own members. ~~The~~ ^{edited} officers ~~were awarded by salaries of 1,000 and 2,500 lire. They kept~~ the Atti, ~~in form~~ ^{called} had them printed, and ~~announced~~ the meeting each year. Vacancies ^{in the Institute} were filled by the government from a double list made by the assembly.

~~the first part~~ The Institute was not a success. Local feeling and lack of interest made it impossible to keep the meetings well-attended or active. ~~There was on the part of the government~~ ^{However,} ~~a reluctance~~ ^{was} to ~~yield~~ ^{the field to} ~~the local societies~~ ^{A few} by abandoning the idea of a National Institute. ^{Various} ~~A number of~~ compromises were broached, but none won favor until December of 1810 when the Consiglio di Stato drew up a projected decree which was sent to Napoleon on December 19 and promulgated on Christmas Day. It provided that the name of the body be changed to Royal Institute of Science, Arts, and Letters. It had sixty members with pensions of 1,200 a year and an indeterminate number of honorary members. It had a headquarters with a Secretary-general at Milan but four subsidiary sections existed at Venice, Bologna, Padua, and Verona. These sections were independent except for the fact that they corresponded through the Secretary-general and all met together in Milan every two years. At this meeting each presented articles to be published and a list of its acts at its monthly sessions. The salary of the Secretary-general was 6,000. His assistant and the secretary of each subsidiary section received 3,000 lire. By law the total expense of the whole Institute could not exceed 120,000 lire a year.

The new Institute was more successful than its predecessor. It had its first meeting at the end of 1811 with a fairly distinguished personnel. Among its members were the writers, Lamberti and Monti, the astronomer Oriani, the mathematician Cagnoli, the painter Appiani, the sculptor Canova, the physicist Volta, the geologist Breislack, and some politicians like Paradisi.

⁷¹ Eugene's letter in AFiv1711A; decree in B.L.

Besides the ~~various~~ institutions we have mentioned, the government tried to cultivate various intellectual or artistic activities. In 1805 it was ordered that a public catalog be printed of the works in the Royal Library. This was done in 1811. In the ^{same} ~~later~~ year a circular of April 20, 1811 asked ~~that~~ every library in the Kingdom to send to Milan a list of its books. ⁷² On April 21, 1808 the Director-general of Public Instruction was ordered to ^{find} ~~ascertain~~ if every commune had the classics available. As part of this movement a "Società Tipografica de' Classici Italiani" was formed to publish these works, and ~~the~~ beginning with the historians ~~and~~ published 250 volumes by the end of the regime, ⁷³ A decree of Eugene obliged every commune to subscribe to this effort.

Honors, pensions, and employment were showered on ~~the~~ artists or intellectuals who did not resist the regime. Canova was given various tasks and taken to Paris in 1810. Cagnoli was commissioned to construct the Marengo gate and the Arco della Pace. Lamberti was given 12,000 lire for an edition of Homer published at State expense and was given the decorations of the Crown of Iron and Legion of Honor. Oriani was given 15,000 and made a member of the Legion, the Order of the Crown of Iron, and the Senate. Monti was made poet of the State and advisor in literature. In 1806 he became historiographer and wrote a series of laudatory poems for noteworthy events in the Emperor's life. For these he received

⁷² Studi 3.

⁷³ A list of published volumes is in Bibliografia ed elenco ragionato (1814).

both decorations. Cicognara was given 6,000 lire a year to write a history of sculpture, and a similar sum went to Piantanida for a treatise on admiralty. Carburì, the chemist, received 6,000; Rasori, the doctor, 2,000; Volta, 3,000; Gozzi, the painter, 2,400; constant grants were given to Gioja. He, Custodi, the economist, and Romagnosi, the ^{jurist}~~legalist~~, were employed by the government in various capacities. 74. Most fortunate of all, perhaps, was Appiani, who, as Royal Painter, received both Orders and joined the Institute. He was constantly employed at 9,000 lire a year and in 1805 was given a gift of 30,000.

From all these facts and those which we have previously mentioned, it is evident that education and kindred ^{matters}~~topics~~ fared well at the hands of the first Kingdom of Italy. A rough estimate would indicate that public education increased about three-fold. Expenditure for this purpose increased from about 650,000 in 1805 to 1,900,000 in 1813. The number of primary and secondary schools increased from 1,936 in 1807 to 7,509 in 1811, almost four-fold. Even if we take into consideration the increase in population, the proportion remains at about three and one-half to one. The number of preparatory schools increased from five in 1806 to twenty-seven in 1814. In fact, almost all the figures which we possess illustrate a spectacular increase in educational facilities. This does not mean that figures which we do not have might not discount a substantial part of this increase. The only inkling of this which can be found is in the highest rank of the educational system. The

74 See Cantù: La corrispondenza, 76; Hazard: La Révolution française et les lettres Italiennes, 1789-1815 (1910) 328; and Pingaud: "Le premier Royaume d'Italie" in Revue d'Histoire Diplomatique (1932), XLVI, 292-309.

universities increased from two to three, but there is no evidence that the number of students in these increased in any such proportion as in the other ranks of the educational system.

This obvious improvement was ^{counteracted} ~~reduced~~ by two disadvantages--excessive uniformity and excessive regulation. The government's purpose ~~in~~ ^{to have} ~~regulate education~~ was ~~that~~ all education ~~must~~ take place in institutions under its control. This is the real reason behind the decree of 1810 which forbade private schools. To make this monopoly more complete, it forbade study outside the Kingdom, and it made study in the State-controlled system necessary to practice any profession or task requiring technical training or knowledge. At the end of 1810 a decree would have made it necessary for public employees in communes of the second class to have graduated from a liceo and those of first-class communes, or any higher position up to a minister, to have passed a course in a State University. We have seen how this ^{system} ~~process~~ of uniformity was extended gradually so that in the final result all schools were government controlled and taught the same things in the same way. The deleterious effect of such a system upon any real education should be evident. 75

Finally one of the ^{more} ~~most~~ subtle difficulties which the government faced is to be found in its ^{clearest} ~~most obvious~~ form in the system of public instruction. The innate contradiction between a ^{foreign} ~~nationalist~~ regime seeking to establish itself by encouraging nationalism is clearly seen there. Every effort was made to prevent any ideas or suggestions

75 Decree proposed, November 14, 1810 in Culto 14.

(continued)

NB. cont'd on p. 319a

(footnote 75 continued)

In spite of the great effort and relative success of the educational activities of the Kingdom, nationalistic Italian writers, even today, refuse to recognize this and make blatantly untrue statements to the contrary. One recent writer tells us that public instruction was in a critical condition in Lombardy-Venetia in 1814, from the neglect of the preceding governments; that it lacked any governing plan, was limited to a few subjects, and that teaching, left to communes or to private initiative, was diverse in method, program, and goals; that it was limited to major cities, with little done to combat illiteracy and a lack of school for girls, that secondary education was left to the departments' initiative and expense and had almost no students in 1814, and, finally, that students were admitted to the university without having completed their preceding studies. All of these falsehoods are refuted by overwhelming evidence, both manuscript and printed, such as I have quoted above. See N. Mangini: "La politica scolastica dell' Austria nel Veneto dal 1814 al 1848", Rassegna Storica del Risorgimento XLIV (1957), 769-783.

against the government from trickling into the students' minds. To combat this, ardent nationalism was preached. Public support of the Giornale Italiano, Paradisi's and Bernardoni's efforts to make an Italian dictionary are straws in this wind. But every effort to do this was in contradiction with the fact that many important decisions were made in Paris, that the Kingdom of Italy was constantly being sacrificed to French interests, that Eugene and Napoleon insisted upon using the French language and not Italian to rule the Kingdom of Italy. It is upon the rock of this contradiction--more than any other--that the Kingdom of Italy was wrecked.

76

3. Waters and Highways

The public administration of waters and highways was of peculiar importance to the Kingdom of Italy, for several reasons. Lombardy's geographic position at the point where the Alpine passes gave out onto the plain made it necessary to provide good roads to traverse the country to the east and to the south-east to Ancona. Venetia's position at the head of the Adriatic made it a focus for the trade which came from the Levant either by sea or across Bosnia and Illyria. The topography of the Kingdom was such that tremendous quantities of water crossed it from the mountains to the sea. In fact, for its surface area Lombardy carries more water to sea level than any other place in Europe.

76 The chief manuscript materials are in the four sections Aldini, Acque, Strade, and Acque e Strada. Much early material (1790-1807) is in Raccolta di Leggi, regolamenti, e discipline ad uso de' magistrati e del corpo degl'ingegneri d'acque e strade stampata d'ordine della Direzione generale delle acque e strade del Regno d'Italia (2 volumes, 1807). Roberti's account (in Milano capitale napoleonica, III, 140-161) ignores almost all of this material.

Sometimes ^{too much} ~~all~~ of this water tried to go at the same time and caused dangerous floods. This had been intensified by extreme deforestation. Finally the agricultural system of the plain was so organized that great amounts of this water were diverted for navigation or irrigation purposes. For these reasons it was not only necessary for the Kingdom to have an administration of waters and highways, but it was necessary to make it an important office.

For several years this was not done, and all during the Republic the ordinary expense and administration of waters and highways rested on the departments and individuals. During that period before 1805 most of the activity of the national government was devoted to two extraordinary works--flood control and the Simplon road.

The floods of 1801 had been disastrous. In 1802 five million lire⁷⁷ in national property was set aside to repair the damage. France gave Italy property worth 250,000 to repair the dykes of the Reno, and the Treasury gave 500,000 in cash. The government set up a commission resident in Modena to study the Reno and give suggestions ^{for} ~~about its course~~ improving its course. Later the same commission was given the task of studying the valley between the Po and the Adige. For this latter project it reported that by an expenditure of eight and a half million ^{lire} it could increase the value of 1,305,755 Milanese perches of land by thirty-six million lire. For the Reno it judged that three million lire could⁷⁸ protect 200 square miles of valuable land. Neither of these projects was undertaken under the Republic.

⁷⁷ Law of 4th Frimale, anno X.

⁷⁸ From Negri's report of May 3, 1805 in Aldini 61.

The government's efforts in regard to roads were more successful. The Simplon, which had been planned in 1800 and partly built by the French, was at the expense of both equally after 1803. By 1805 the Treasury had paid over two million and France had paid three times that.

For more than two years these works were planned or undertaken without any definite organization within the government or any clear understanding of where its duties ceased and those of the departments began.

During that time the latter point was regulated by a law of ^{December} ~~8 November~~, 30, 1800 ^{was reenacted} ~~and IX which had been put in force again~~ by a decree of March 6, 1803.

A year later two other laws modified this. The first, on highways, was issued on March 27, 1804, and the second, on waters, was issued on April 20. According to the former, the Treasury ^{was to pay} ~~only~~ for the Simplon and joint in the expense of departmental roads ^{only} when the cost of these amounted to ^{per scudo} over three denari on the land tax. There were tolls to aid payment, but the whole system was working only incompletely and badly by 1805.

The law of April 20, 1804 on waterways was longer. It provided that the expense and regulation of sea ports, lakes, rivers, and navigable streams would be within the sphere ^{of activity} ~~of the~~ ^{central} government. ~~activities~~ The cost of dykes would be divided so that the government would pay only for the expense beyond that necessary to ^{protect} ~~defend~~ the land. The other expense of waterworks was divided among the department, ^{private} societies, and individuals. To administer these regulations the government had two hydraulic engineers to inspect and supervise the waters of the nation. In each department was a Magistracy of Waters whose members were named by the General Council of the department. The number of these varied from five to nine in different departments but two were always local officials. The

Prefect presided over the meetings of these groups, and a hydraulic engineer was always present. The latter alone was paid by the department as the others served gratis. In each district or other local division where it was necessary, there was to be created a special delegation of the land-owners. This supervised the execution of all hydraulic works. ~~It was~~ subordinate to the Magistracy, ~~with which it corresponded~~. Each General Council was ordered to draw up a ~~code~~ ^{regulations} of waters within a year and impose penalties for violations of it. The Magistracy in consultation with the delegation was to fix the work to be done in each district and its expense. ⁷⁹

Only part of this program had been ^{carried out} ~~done~~ by May of 1805. The Magistracies existed in the departments, and within the Ministry of the Interior had been set up a section of "Idraulici e Ingegneri Nazionali e Campari di Navigli". This had twenty-four members who were consulted by the Minister on public works. The Idraulici corresponded with the departmental magistrati d'acque on the functions attributed to them by the law of 1804 and the Ingegneri visited the highways. The total expense ⁸⁰ for the salary of this group was 38,695 lire of Milan a year. It was dependent in a rather vague fashion from Division II of the Ministry which was under Negri and ~~had five employees with salaries totalling 10,100 lire~~ ~~and five employees with salaries totalling 10,100 lire~~ this division concerned itself with all public works and buildings.

With the creation of the Kingdom all departmental expenses and independent administration were assumed by the central government. This made it necessary to organize the administration of waters and roads in

⁷⁹ The law is in Acque 5.

⁸⁰ Ruolo del Interno in Aldini 89.

a more centralized fashion. For this purpose all the appropriate activities were concentrated on June 7, 1805 to form a Direction-general of Waters and Highways. The same day the new office was entrusted to Giovanni Paradisi.⁸¹ From a technical point of view he was guided by Negri, who became his Secretary-general. Besides these two the Direction-general was divided into three sections. The first was concerned with highways, the second with waters, and the third with accounts.⁸²

By 1813 the Direction-general had twenty-three employees collecting total salaries of 43,250 lire a year. The personnel included the Director, a secretary-general with five assistants, an accounting section of three, an archive section with an equal number, and ten clerks, porters, or assistants.

The organization set up in 1805 had no easy task ahead of it. It immediately set to work to draw up a complete organization of the Direction-general and a systematization of the matters which fell in its sphere of activity. A good deal of help was received from the Empire. The

81 Paradisi (1760-1826) had been a member of the Executive Directory of the Cisalpine. At Lyons he was made a Councillor of State, and on May 9, 1805, he became president of the section for war in the Council. He held his post from June 7, 1805 until February 19, 1809, when he was succeeded by Cassoni (1756-1849). The same year he was made a Senator and was president of that body from 1810 to 1813. He was made a count and received all the honors which the government possessed. He probably deserved them. He was a fairly good administrator, an excellent politician, and one of the strongest supporters of the regime. See Casini: Ritratti, 412-13; and Pingaud: Les Hommes d'Etat, 120-24.

82 There is an analysis of the Direction in Studi 1136.

original projects were largely drawn up by the French engineer, Prony. They were submitted on August 14, 1805 to Eugene who immediately sent them to the Consiglio di Stato. An additional project for a regulation of the administration was submitted to Eugene on November 19, 1805. These were all adopted by the Council with few changes and submitted to Napoleon. After being scrutinized by Cretet, they were signed by the Emperor on May 6 and May 20, 1806.

The decree of May 6 was sent to Eugene by Marescalchi two days later. It provided that the Director-general should be supplemented by a corps of 114 engineers, ^{headed by} ~~thirteen~~ six Inspectors-general, ~~who earned 7,000 lire of Milan a year, twenty-four Engineers-in-chief who earned 4,500, forty-eight engineers divided into two grades at 3,300 and 2,500 lire a year. Finally thirty-six apprentices received no pay but had an expense account of 300 lire.~~ All of these were named by the King. The Inspectors visited the ^{departments} ~~Kingdom~~ in turn, while those at Milan formed the ^{advisory} Council of the Direction-general. ~~They supervised and advised throughout the nation, while the Engineers-in-chief did the same in their section of the country.~~ There was at least one ^{Engineer-in-chief resident} ~~in each~~ ^{these officials} in each department. ~~They~~ All wore distinctive uniforms.

Within the departments the Prefect continued as the supervisor of the administration of all public works. He was advised by the Magistracy which continued to exist, and met in the presence of an Inspector-general. The control of all rivers or streams with dykes was paid for by the Treasury, which collected a ^{tax} ~~quota~~ from the proprietors concerned.

every three years

These quotas were fixed⁸⁴ by a commission consisting of the local Engineer-in-chief and two delegates named by the Magistracy. ~~Every three years this commission fixed the rate which each proprietor must pay.~~ All streams without dykes were in the care of the individuals^{owning their banks}, ~~unless~~ unless they were navigable in which case they were under the supervision and expense of the State. This was also true of streams which because of erosion or because of their service as boundaries were of concern to the government. Accordingly, the Engineers visited all streams each year and suggested repairs. The private individuals concerned could be constrained by the government to make these works. If these were innovations rather than maintenance, their cost was divided between the individuals and the State. If a number of individuals had common interests, they could form societies. These ~~societies were already existing~~ were to be enrolled on a public list. Such societies were under the Prefects' control and exercised their functions ~~only~~ according to a prescribed plan.

This extensive organization was put into effect almost at once. According to a letter which Paradisi wrote to Eugene on February 19, 1806, it really constituted a saving for the nation. The total cost of the new system was 294,000 lire for 114 men. The old system, which it replaced, had eight engineers for 42,900 lire paid by the central government and 158 for 243,000 paid by the departments. The saving was 2,000 lire, and the number of engineers was reduced by fifty-four.

⁸⁴ The decree is in Acque e Strade 1. See De Alberici: "Gli Ispettori generali d'acque e strade del Regno Italico" in Napoleone (1917) II, 108-12. These private societies, which ~~had~~ regulated the use of water in Lombardy for many centuries, were called

Consortii pel condotto delle acque. They provide another example of the way in which the administration of the Kingdom made use of earlier precedents.

The way in which these experts were to function was marked out by a series of six decrees issued on May 20, 1806. The first was concerned with highways. It classified roads as private, communal, or national depending upon who bore the expense of construction and maintenance. Both these topics were regulated in detail. The second decree of May 20, 1806 was concerned with dykes, whose custody was divided into extraordinary and ordinary. The latter took place at all times, but the former took place only during danger of floods. Each dyke was divided into lines and subdivided into parts. The line was under the supervision of an Engineer-in-chief, while each part was under an engineer. The part was itself divided into sections which were watched by custodians who lived in the vicinity. The custodian had to visit the whole length of his section at least once a week and report on its condition on a printed form. If necessary he called the Engineer-in-chief to the spot. These could call the Prefect, who in an emergency could compel every individual to provide labor, beasts, or supplies. The Engineer-in-chief had to visit the whole line at least twice a year and submit a report to the Direction-general with detailed suggestions for works of maintenance or improvement.

The third decree dealt with navigation. It pointed out that navigation was the ^{primary} ~~supreme~~ purpose of rivers and canals, and all other ^{uses} ~~actions~~

⁸⁵ Private roads were those entirely enclosed in the private property of one or more owners. National roads were those used by the postal service or running from one town to another. Communal roads were all others. These classes varied in size. The national roads were to be between 10 and 14 braccia of Milan wide with sidewalks of a maximum width of $2 \frac{1}{10}$ braccia. The communal roads had to be 8 braccia wide at least. Changed into meters these dimensions made the width of the former vary from 6 to 8.4 meters and the latter have a minimum of 4.8 meters. All roads had to be higher than the country through which they passed. The division of roads into these three classes had first been put into effect in Lombardy by Maria Teresa. See Vianello: Il Settecento Milanese (1934), 21.

must yield to this. Thus the construction and maintenance of mills and fishing weirs was supervised by the government. All navigation was free ^{and under} ~~and also supervised by the~~ ^{supervision.} government. Violations of ~~these~~ rules of navigation could be punished by seizure of the vessel concerned.

The fourth decree covered the derivation of water and provided that water could not be drawn from a stream or public canal without the consent of the government. This permission specified the time, the amount, and the mode of such action. This did not cover derivations possessed by law or legitimate custom. All petitions for permissions were published before being granted. After they were granted, they could be revoked by the Engineer-in-chief for violations of their provisions.

The fifth decree was issued to regulate the societies of individuals personally concerned with any local stream or water-body. It declared that all the lands which were benefited by an irrigation canal formed a whole called a comprensorio. The proprietors of lands in such a whole formed a society which was represented in law by a ^{board} ~~delegation~~ whose number was fixed by the Director-general. The members of the ^{board} ~~delegation~~ were elected by the proprietors of the comprensorio by a secret ballot. Sometimes, when the canal was too long, it could be divided into several parts each of which would have a society and a ^{board} ~~delegation~~. The voting took place in a meeting called by the Prefect and presided over by him or by his substitute. When less than one-third of the proprietors appeared, those present elected the members of the ^{board} ~~delegation~~ from a triple list of the largest owners. Every two years one member was elected.

The ^{board} ~~delegation~~ had a president who served for a single year, and each member in turn, beginning with the oldest, served in that office. It

also had a cashier and an accountant. It could assess taxes for water-works on the society, but every new work ^{had to be voted by} ~~required~~ a new ^{board} ~~delegation~~ ^{elected for the purpose,} and the innovation had to be approved by the Director-general. Bills were paid by the cashier, who was under bond and paid only on a mandate signed by the president, the accountant, and a delegate. Every year all the accounts were submitted to the departmental Magistracy of Waters which published them and sent a copy to the Director-general.

The last of the ^{six} ~~the~~ decrees provided that none of the acts of May 20⁸⁶ nor that of May 6 would apply to Venetia, which had just been annexed. In order to remedy this deficiency ~~in order to provide some sort of organization for the administration of waters and highways in Venetia,~~ a number of local inspectors of public works was created in that territory by a decree of May 31. These were merely stop-gaps, and a more definite organization was ^{by two decrees of} created ~~on~~ September 3. ~~On that day were issued three decrees of which two were con-~~ ^{decree} ~~cerned with Venetia.~~ The first ^{decree} organized a Central Magistracy of Waters at Venice. This consisted of seven men, ~~of which~~ two ~~were~~ from Adriatico and one from each of the other departments, ~~is~~ ~~was~~ presided over by the Prefect of Adriatico. ~~and the two members from that department were chosen by the government. The members from the other departments were chosen by their local Magistracies of Waters and Highways.~~ At the meetings of this group an Inspector-general was always present. Its particular task was to unify the acts of the departments of Venetia so that they formed a single comprehensive scheme of navigation.

The second decree of September 3 applied the act of May 6 to Venetia with some modifications. The corps of engineers was increased by ^{ninety-five persons including} two Inspectors-general, ^{and} eleven Engineers-in-chief. ~~It was provided that any members of the corps on duty in Venetia should correspond with the Direction-general by way of the Central Magistracy in Venice. All the provisions of the Code of 1797 which did not conflict with the new rules were maintained. The special inspectors created on May 31 were abolished. The Magistracy in Venetia, which was only a temporary device intervening between the departments and the Direction-general, was abolished on May 6, 1808.~~

^A third decree of September 3, 1806 organized the council of the Directory-general. The Engineers in Milan formed this council, ^{meeting} ~~which met~~ at least once a week, ^{to} ~~the council~~ examined the progress of works, made plans, and reckoned expenses. It asked the government for funds and issued regulations regarding public waters.

Several other regulations were issued during 1806. On June 12, 1806 a Central Magistracy of six members was set up at Bologna to regulate the project of turning the Reno ^{River} into the Po. On October 24, 1806 all the functions of the departmental Magistracies of Waters and Highways were given ^{to} ~~the~~ ⁸⁷ Consigli di Prefettura.

These numerous regulations did not finish the task of organization of the administration. At the beginning of 1807 Eugene ~~created~~ created a school of waters and highways. This institution, intimately connected with the corps of engineers, had four professors

and a master of design. One of the former was Director and had to be an Inspector-general. The other professors were Engineers of the corps.

~~There were two servants and a secretary, while one of the engineers~~

~~acted as financial administrator.~~ The course of study lasted two years
covered and ~~was divided into~~ four subjects----practical mathematics, hydrometrics, mechanics, and stereotomy. The students, graduates of the universities

of the Kingdom, had classes six hours a week from November to July. On finishing the course, ^{and the general examination} successfully, they received a diploma, and the best were admitted to the corps of engineers as apprentices. ⁸⁸

~~and the examination was given at the end of each year in the presence of the Director-general.~~

1807

Four months later, at the beginning of May, ^{for} the method by which ~~the~~ contracts ~~of~~ public works were awarded was established. After the work was approved by the Director-general, the local prefectural council issued an invitation for bids and sent invitations to the other Prefects at least fifteen days before the bids were due. The bids were registered in the Prefects office. The awarding of the contract was done at a public auction where bids could be changed.

The organization of the administration after this great flurry of activity remained the same during the remainder of 1807 and the first part of 1808. It was busy trying to bring the transportation system up to a level which met with the government's approval and initiating projects of flood control. The annexation of the Three Departments made it necessary to ~~again~~ increase the corps of engineers by twelve members,

88 The original decree of January 9, 1807 is in Acque e Strade 1.

~~Prina~~ after Inspector-general Canova had made a detailed examination of the territory and reported his opinion in a document ~~sent~~^{sent} ⁸⁹ by Paradisi to Eugene on August 27, 1808. The problem in the new annexation was chiefly one of roads, since the streams were too short and swift for navigation or even floods. A month before, on July 1, 1808, all the essential edicts or laws on waters and highways had been extended to this territory.

1808,

In a letter to Eugene at the end of April, ^A di Breme suggested that the expense of highway maintenance and dykes be put upon the communes or even the property-owners nearby. The Viceroy sent the suggestion to Prina, who did not receive it favorably. In return the Minister of Finance at the beginning of September proposed that the decree issued in France on September 19, 1807 on swamps be applied to Italy. His project was submitted to the Consiglio di Stato by Eugene, but bore no fruit for over two years. Then on November 20, 1810 Eugene issued an edict which empowered the government to compel private swamps to be drained whenever it was believed advisable.

There were very few decrees on matters of waters and roads during the rest of the regime. Only three or four are of any importance. One of August 23, 1810 fixed the maximum weights which could be drawn over any road during the summer and winter seasons. These provisions can be seen from the following table of maximum legal weights:

	<u>November to April</u>	<u>April to November</u>
On two wheels	2,200 kg.	2,700 kg.
On four wheels	3,300	4,000

⁸⁹ The report is in *Acque e Strade* 1.

It was provided that every vehicle had to carry a metal plate on it with its weight printed there. Violations were punished by fines⁹⁰ which went to the Treasury.

A more important regulation, issued on January 20, 1813 was concerned with navigation in the ports of the Kingdom. This subject had been ~~shifted from the Ministry of War to~~ ~~included among the attributions of~~ the Direction-general by a decree of October 19, 1805. ~~which had taken it from the Direction of Marine in the Ministry of War. A few paragraphs had mentioned it in the decree of May 20, 1806 on navigation.~~ ~~Finally~~ A decree of February 19, 1808 which was primarily concerned with marine sanitation had divided ships into two classes lungo corso and piccolo corso depending upon whether they sailed beyond a line from Otranto to Vallona or remained inside it. The former needed a license granted by the Ministry of War on application of the Chamber of Commerce of Venice. The latter needed passports which were issued by the Commissioner-general of the Navy on the request of the Chamber of Commerce. All vessels of over ten tons had to pay anchorage fees which varied according to weight, nationality,⁹¹ and class. These rates were subsequently modified by an act of December 10, 1811, and the whole subject of ports was codified by the decree of January 20, 1813. This divided the subject into two parts.

⁹⁰ Original decree is in Amministrazione Finanziaria Centrale 3628.

⁹¹ The decree is in Amministrazione Finanziaria Centrale 3618. See Maillot's avviso of March 15, 1810 in acque 294 on the method of measuring tonnage. Anchorage fees varied from 4 to 45 lire, while other fees were rarely over 5 or 6 lire.

All matters of navigation and regulation were subject to the Direction-general of Waters and Highways. All matters of defense and political police were under the supervision of the Minister of War. In the important ports were port-captains with a number of lieutenants. These had to be at least thirty years old with five years' experience in navigation, two of these in the Royal Navy. In the less important ports were clerks who had the same age limit and also needed five years' experience in seamanship. These latter were named by the Minister of the Interior. The others were named by the King.

All of these officials were to strive for the security and cleanliness of the harbor. They assigned anchorages and supervised pilots unless there was a special official for that purpose. They saw that all incoming vessels presented their papers and bills of health. The salaries of these officials were taken from the tonnage tax which we have⁹² mentioned.

With the organization which we have sketched, the Kingdom of Italy attempted a double task in regard to waters and highways. The first part was concerned with ordinary, the second with extraordinary, works.

The ordinary activity consisted chiefly of maintenance and minor improvements. The second consisted of large-scale innovations and public works. However, the Simplon road, which logically belongs in the second group, was always administered as part of the ordinary expenses. Moreover, the most expensive water-work improvements, at Venice and Ancona, were not administered by the Direction-general but by the

⁹² The decree is in Acque 294.

Ministry of War. Information on the government's activity in regard to the ordinary works of roads and waters is quite difficult to find. It is largely financial, and we shall consider it below ^{under} that topic. The Simplon, which had been begun in 1801, had been finished to Domodossola by 1806. By the summer of 1808 it had been continued to Milan. It was 63 kilometers long and 8.3 meters wide. The ascent was 1,300 meters on one slope and 1,700 on the other with twenty-four bridges. In several places it had been cut through solid rock for stretches of over 100 yards. The total cost to the Kingdom was 4,363,864 lire from 1803 to 1810 while the cost to France was considerably more as it had begun to work in 1801. It was estimated that the total cost to the Kingdom when all the details had been paid for would be 7,527,864.⁹³

One of the most ambitious projects of the regime was the plan to turn the Reno into the Po River and thus prevent the repetition of the floods which had made the history of that river so hectic. The wisdom of adding the waters of the Reno to the already erratic Po was questioned in its own day,⁹⁴ and appears dubious to us, but the work was ordered by a decree of June 25, 1805. This edict formed a commission resident at Modena to examine the project and suggest a practical method for putting it into execution. The report, which was presented in thirty-eight articles on August 28, 1805, proposed a canal 230 meters wide costing 7,429,257 Milanese lire. This project with several others was submitted to Napoleon on May 28, 1806 and immediately given by him to the French engineer Prony for an opinion. The expert's first report

⁹³ Figures from AFIV1711A. On the whole subject see Blanchard: Les routes des Alpes occidentales à l'époque napoléonienne (Grenoble, 1920); Imesch: Zur Geschichte des Simplonpasses (Brigue, 1904); Curti: La costruzione della strada del Sempione (Milan, 1917); and Barbey: La route du Simplon (Geneva, 1906).

⁹⁴ On December 4, 1807 the city of Ferrara petitioned that the project be abandoned as the floods of that month had caused a panic over the matter. Aldini 77.

was not in agreement with that of the Italians. In September of 1806 Stratico and Giusti of the Modena commission were called to Paris to iron out the difficulties.⁹⁵ The expense estimate was cut a little and it was believed that the work could be done in four years at a cost of 794,415 a year to the government, if the department paid a million and the private individuals most concerned paid three million.⁹⁶

Prony submitted a second report which viewed the project favorably, but early in February 1807 a new possible route--shorter and more economical--was found. Napoleon ordered Eugene to make a choice between the two plans. The latter responded by ordering a new investigation of the whole project.⁹⁷ In this way the years slipped by. On June 23, 1808⁹⁸ Paradisi reported that a contract for the work was under consideration. However, a report of the beginning of 1810 says that 25,960 had been spent during 1807 and that 1,694,412 had been spent by the end of 1809.⁹⁹ This left 4,650,402 necessary to complete it in three years. The government worked at a slower rate and the work was not finished by 1814 when the Austrians abandoned it. Pingaud states that a total of four and a half millions were spent on this effort, but the figure appears excessive.¹⁰⁰

⁹⁵ All documents in Aldini 76.

⁹⁶ Aldini to Napoleon, May 12, 1806 in Aldini 34.

⁹⁷ Paradisi's report of February 26, 1807 in Aldini 77.

⁹⁸ AFiv1711B.

⁹⁹ AFiv1711A.

¹⁰⁰ Revue d'Histoire Diplomatique, (1928) XLII, 147. ~~Jan-Mar. 1928~~. There is great variation as to how much was spent on this and other public works. The official estimate of the Ministry of the Interior made on October 3, 1812 says that up to that date only 1,459,763 had been spent on turning the Reno into the Po. He gives only 400,000 as the expenditure before 1810 compared to the 1,694,412 we have quoted above. The difference may represent the difference between the total cost of the project and the government's share. The report of 1812 is in Aldini 103. On this project see Bonati: Alcuni scritti inedite intorno alla immissione del Reno nel Po (Ferrara, 1857).

Another ambitious project sought to construct a navigation canal from Milan to Pavia. This experienced almost as many delays as the Reno project. It was decreed in 1805. Prony's report of May 19, 1806 declared that it would be 33,362 meters long, at least 10.7 meters wide and 1.2 meters deep. He was very dubious of the estimates of the Italian engineers who believed that the 55 meters difference in level between Pavia and Milan could be overcome by nine locks. He also attacked the Italian estimate that 150 ounces of water a second would be sufficient for its needs. Instead he estimated that 450 ounces would be necessary or 6 cubic meters a second. This would give a rate of flow of $1\frac{1}{2}$ meters per second which was entirely too fast.

On June 26 Paradisi sent back a long criticism by Professor Brunacci in conjunction with Giudici and Giussani of Prony's methods of reasoning.¹⁰¹ After a conference at Milan, the French engineer withdrew all his objections except his contention that there was not sufficient water available for the canal estimated. On this basis the project was put up to Napoleon to decide who was right. He ordered the canal constructed.¹⁰²

The estimated cost for the new canal was set at 6,200,338 lire of Milan. Napoleon gave 775,042 in 1806 but work began only the following year.¹⁰³ It was necessary to move the Carlesia canal before anything could be done, and for this it was necessary to make an agreement with its owners as it was private. This cost 103,826 lire. The canal was begun

¹⁰¹ Both documents in Aldini 76.

¹⁰² Aldini 77.

¹⁰³ Aldini's letter of May 12, 1806 in Aldini 34.

at the Pavia end and 71,538 spent during 1807. By the end of 1809 550,523 had been spent, and by the fall of 1812, this had run to 2,320,523.¹⁰⁴ Work was rushed, as the decree of June 20, 1805 had declared that it should be finished in eight years. In a letter to the Emperor on February 2, 1811 Eugene reported that the work was two-thirds done and would be finished in two years. Doubts were still widespread as to whether there was sufficient water at Milan to supply the new canal and those already there.¹⁰⁵ The question was not solved, for by 1814 there still remained about 7,500 meters to be constructed.

A third canal was begun to connect Reggio with the Po. The plans were made at the same time as the others and submitted to Napoleon on April 26, 1806. His approval was not given until the middle of 1808. By the end of 1809 there had been spent 123,000 lire and 275,000 more were needed to finish it by 1812.¹⁰⁶ This report was evidently exaggerated, for the Minister of the Interior on October 3, 1812 announced

that only 94,455 had been spent on the whole task to that date.¹⁰⁷ Much of the delay was due to the fact that no work was done in 1811 and only about 25,000 spent in the last half of 1813. The project was ~~estimated~~ not finished by 1814.¹⁰⁸

Even less successful was a projected canal to connect the Oglio with Brescia. The report, which had been demanded by a decree of June 18, 1805, was submitted to Napoleon on April 14, 1806 but over two years

¹⁰⁴ Aldini 103.

¹⁰⁵ AFiv1712.

¹⁰⁶ Afiv1710B.

¹⁰⁷ Aldini 103.

¹⁰⁸ Report of February 6, 1813 in Aldini 103.

later had not been approved. The cost of the canal was estimated at 2,603,657 lire of Milan but it would probably have to be extended on to Lake Iseo to obtain the necessary water. This would have driven the cost up to 4,469,795. The canal was planned to be 46,794 meters long and 7 meters wide and almost 2 million cubic meters of earth would have had to be removed to construct it.
109

On December 23, 1807 Prony expressed himself as favorably impressed with this project but recommended that it be subjected to a new examination. The new report was approved by the French engineers only in December 1808 and submitted again to Eugene by di Breme on February 9, 1809. The plans had been modified so that the canal was to be 44,259 meters long and from 9 to 12 meters wide. The cost was to be 2,930,000, but it was of little use without the extension to Lake Iseo, which would increase the length to 91,000 meters and the cost to 5,580,000 lire. The plan was left in the air in this fashion
110
for the rest of the Kingdom.

The government was more successful in finishing some of its less grandiose plans. One of these tried to make the Mont-Cenis route passable at all times by a bridge over the T^Sesin. In a letter of April 23, 1808 Eugene reported to the Emperor that it would cost two and a half times as much to build this bridge of stone as of wood but that the upkeep would only be one-ninth as large. In May it was ordered to be of stone at a cost of 1,800,000.
111
By 1814 the bridge was practically finished at a cost of slightly under two million lire.

109 Report in Aldini 76. See Magnagnti, A: "Napoleón à Mantoue" in Revue des Etudes Napoleonniennes (1930) XXX, 129-50.

110 Documents in Aldini 77.

111 Eugene's letter is in AFiv1711B.

Two new roads were planned. One from Strà to Mestre cost 600,667 by the end of 1812. The other from Pordenova to Osopo cost 234,267 in the same period. Both were surveyed in 1808 and begun shortly afterwards. The Osopo road was held up by the war in 1809 and was to be finished in 1812 at a total cost of 300,000. The Strà road was to be only fourteen miles long and to cost 876,000 lire, but the first mile cost 87,081 lire. They probably were both finished under the Kingdom,¹¹² but accurate information is lacking.

Another highway from Reggio to Spezia was less fortunate. Although decreed on July 13, 1805 and reported on May 19, 1806, it was never started. It was to have been finished in 1808 at a cost of about a¹¹³ million.

Similarly abortive was an effort to link Palmanova to the sea by a ship canal. This was surveyed in 1808 and estimated at a cost of about 3,000,000 lire. A section 2740 meters long was begun in August of the same year and about 40,000 was spent, but the whole scheme was¹¹⁴ abandoned in 1809.

A decree of June 8, 1805 had ordered that plans be submitted by November to make the Mincio navigable from ~~the~~ Lake ~~de~~ Garda to the Po. The desired report was submitted by the engineers in September 1806. They pointed out that the dredging operations were necessary only from the Lake to Mantua, a distance of 51 kilometers. It would have been impossible to do anything with the ^{Mincio} ~~river~~ above Mantua so the experts

¹¹² Figures from Aldini 103 and AFivl711B; the mile of Italy is about 1587 meters.

¹¹³ Aldini 76. It was to be 77.6 Italian miles long with 313,000 of the cost borne by Etruria.

¹¹⁴ AFivl711B and AFivl711A.

recommended a canal. The whole cost would have been 10,125,243 Milanese
lire. Eugene ordered that there was no urgency, so nothing was done. ¹¹⁵

Similar to the Palmanova canal was a road from Seravalle to Belluno. This was begun in 1808 and 37,000 lire spent. Work was interrupted by
the war of 1809 and never resumed. ¹¹⁶

A decree of April 12, 1809 ordered a bridge to be built over the Sesia within two years. It is the one extraordinary work of the Kingdom which was finished in the estimated time at the estimated cost. This latter amounted to 150,000 ~~lire~~ ^{lire.} ¹¹⁷

Somewhat akin to the work on the Mincio was the Chasseloup dyke begun in 1808 to go from Mantua to Casa Zaneth at a cost of over a million. Only a little over a third of this had been done by the end
of 1812. ¹¹⁸

In the same vicinity an effort was made to reclaim some of the marshes by planting them with trees. A contract was given to plant 60,000 at 51 centesimi each. This was finished by the end of April 1808, but the project was extended to plant trees along all the post-roads of the department of Mincio. By 1810 this was finished at a cost of 174,000 lire. This policy was not extended to the other departments. Instead a decree of May 25, 1811 ordered that property owners had to plant a double row of trees along the roads adjacent to their land. ¹¹⁹ *The results of this order are still visible in Lombardy.*

¹¹⁵ Marescalchi's report of February 2, 1807 in Aldini 77.

¹¹⁶ AFiv1711A and Aldini 103.

¹¹⁷ AFiv1711A and Aldini 103.

¹¹⁸ AFiv1711B and Aldini 103.

¹¹⁹ AFiv1711A, AFiv1711B, and Aldini 103.

During the ^{latter part} ~~second part~~ of the Kingdom a number of new projects for extraordinary public works were formed. Three of these were concerned with highways, and would have constructed roads from Schio to Vallara, from Ferrara to Padua, and across from sea to sea passing into Tuscany. Nothing was done about the last of these, but 71,813 was spent on the first in 1812 and 183,000 on the second by the end of September of the same year. Two other projects were concerned with waterworks. The first would have lowered the level of Lake Como, and the other would have straightened the course of the Brenta. Nothing was done about the former, but the latter cost 59,836 in 1812 to move ¹²⁰ 38,860 cubic meters of earth.

Before we leave the extraordinary works to examine the general finances of waters and highways, we should say a few words about the finances of these extraordinary works in particular. From the beginning to the end of 1812 Napoleon opened credits for these works to a total value of 7,980,247. By the first of October 1812, 6,945,975 of this had been spent leaving credit of a million for the last three months of the year. A major part of that was spent. This can be seen from the fact that in the last six months of 1812 when ten projects were being pushed, over a million was spent on two alone (the Pavia canal and the Reno diversion). It is also worth noting that of the eight millions of credit granted before 1813, over half, or 4,323,940, was granted in the two ¹²¹ years 1811 and 1812.

¹²⁰ All figures here from Aldini 103.

¹²¹ ^{These} figures, calculated from Aldini 103, ~~These figures~~ are noteworthy because they help to refute Tarle's contention that the amounts devoted to public works by Napoleon decreased from year to year. See conclusion to this section below.

The expenditures for all activity on waters and highways increased fairly consistently from year to year. Nevertheless, the amounts which the Director-general demanded increased even more rapidly. In 1808 he asked for 10,582,928 lire. The following year he asked for 11,665,680 and in 1813 he asked for 13,086,577.¹²²

The following table gives the expenses of the administration of waters and highways for several years. For the later years these are separated into ordinary and extraordinary expenses:¹²³

<u>Account</u>	<u>Ordinary (lire)</u>	<u>Extraordinary (lire)</u>	<u>Total (lire)</u>
1804 and before			1,096,346
1805			413,523
1806			6,172,288
1807			5,586,802
1809 and before	27,792,536	1,883,544	29,675,080
1810	6,820,000	1,771,763	8,591,763
1811	5,900,000	2,416,940	8,316,940
1812	5,900,000	1,908,000	7,808,000

A number of conclusions can be drawn from these figures, but, before I attempt that, I should like to contrast two statements from men who have ^{previously} examined the subject ~~before~~. In the Revue d'Histoire Diplomatique for January 1928 Pingaud, speaking of the roads, wrote "Après l'interruption de la guerre de 1809...on les reprit avec une ardeur nouvelle pendant les années 1810 et 1811 qui représentent la belle époque dans l'histoire des ^{travaux} ~~travaux~~ public italiens." On the other hand, Tarlé wrote, "D'année en année l'empereur se montrait plus hostile à toutes les dépenses destinées à l'amélioration du sol, à la construction des canaux, ou à l'hygiène publique..."¹²⁴

¹²² The first figure is from Negri's report of December 19, 1807 in AFiv1710B. The second is from Aldini 98; and the third from Aldini 103.

¹²³ The first four, from Aldini 98, are amounts spent to January 1, 1808 so the last for 1807 subsequently increased. The last four from Aldini 103 are credit opened to October 1, 1812 and are practically the same as amounts spent except for 1812 where both increased.

¹²⁴ Le Blocus continental et le Royaume d'Italie, p.15. *De Pingaud* quotation is in vol. XLII, p.142.

Although these two quotations are not in direct contradiction, the table which we have given above would seem to imply that Pingaud's statement is much truer than that of Tarlé. ^{In} The two years 1806 and 1807, for example, ~~spent~~ ^{was spent} 11,759,090 ⁱⁿ on waters and highways while ⁱⁿ the two years 1810 and 1811, ~~spent~~ ^{was spent} 16,908,703. ^A The decrease that occurred in ordinary expenses from 1810 to 1811 was not due to Napoleon's avarice or militarism as Tarlé implies but to the fact that the necessarily limited amount of repairs needed in the Kingdom had been covered rather adequately by the twenty-seven million spent in the years before 1810.

Tarlé's statement specifically mentions canals but we have already shown that two canal-projects, those of Pavia and Reno, used almost a million lire in the last six months of 1812. In the same period, that is to say, during the Russian campaign, 2,952 men were employed on ten public-¹²⁵ work projects at a total expense of 1,612,394 lire. We can, perhaps, picture the expenditure on this subject by saying that in the eight years from 1805 to 1813 the central government spent 53,295,437 lire. At the costs then prevailing this would have permitted the removal of 34,833,619 ¹²⁶ cubic meters of earth. We can make these figures more realistic by saying that such an expenditure would have permitted a trench two meters deep and five meters wide to be dug from Boston to New York every year for eight years.

From such calculations it is evident that public works of this nature were not neglected in the first Kingdom of Italy. However, if

¹²⁵ From Vaccari's report to Eugene of February 6, 1813 in Aldini 102.

¹²⁶ From various sources the cost is estimated at 1.53 lire per cubic meter. For example, in the last half of 1812, it cost 696,288 to move 454,651 cubic meters of earth on four different projects.

we contrast the works which were planned with those accomplished the picture is not so rosy. Of the really great works only two were nearly finished, and of the great ones decreed in June 1805, such as the immission of the Reno into the Po, the Milan-Pavia canal, the Brescia canal, and the Reggio-Spezia road, none was finished. The reason was that too much was ordered at once. This was done for political reasons. Quite evidently the decrees of June 1805 were issued to win popular support for a regime which began in an atmosphere of chilled emotion. Some of them were probably not seriously intended. Many of them were of doubtful wisdom. Probably the most valuable of those finished was the planting of trees along the roads of Lombardy. In the last analysis the achievement of the regime in regard to roads and waters is not to be found in the spectacular, extraordinary works, but in the useful and prosaic ordinary works----the building and maintenance of roads and dykes.

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4. Public Health

The administration of public health in the first Kingdom of Italy had four aspects. These were (1) vaccination, (2) marine ^{sanitation} ~~health~~, (3) continental ^{sanitation} ~~health~~, and (4) medical police or regulation of the medical services. For most of the period these had separate offices so we shall take them up in turn.

The government began to concern itself with vaccination in 1801 when it commissioned a certain Doctor Sacco to administer it in the most exposed places about Milan such as the orphanages. At the

127 Most of the decrees on this subject are in Raccolta delle leggi... dell'interno, V, pp.31-272. All secondary accounts are of little value, including that of Roberti (in Milano capitale napoleonica, III, 536-541), who ignores the materials in the Milan archives, and most of the regulations in this collection.

beginning of November 1802 two decrees were issued on the subject. One ordered that all doctors or surgeons with a public stipend must give vaccination gratis to anyone who wished it. The other forbade inoculation with human smallpox. By the end of 1802 only 10,019 lire of Milan had been spent by the government for this purpose since 1800. In 1803 the organization spread out a bit and hired a few itinerant doctors who were sent into several departments. That year a sum of 10,736 was spent. On May 9, 1804 a decree was issued which put the administration on a much more permanent basis. This established a Director-general of Vaccination in the Ministry of the Interior and gave him delegates in the departments with bases from which to work. During the course of 1804 a sum of 39,873 lire was spent for the administration of vaccination. In 1805 the same system continued. During that year it consisted of Doctor Sacco with an assistant in Milan and forty-four delegates scattered in nine departments. The cost for 1805 was 65,916. This gives a total expense for four years of 134,678 including 8,134¹²⁸ spent to print and distribute a booklet on the subject.

Until 1806 the government's activity had been restricted to only nine of the fourteen departments. On May 6, 1806 Eugene by a letter from Vaccari to di Breme ordered that vaccination should be organized in the other five departments. Sacco immediately left Milan and during the year vaccinated 104,862 individuals in these departments of Adige, Mincio, Basso Po, Panaro, and Crostolo. During 1806 in the fourteen

¹²⁸ All information based on Moscati's report of March 5, 1806 in Sanita 778 and the Ruolo del Interno of September 6, 1805 in Aldini 89.

old departments with a population of 3,801,062 a total of 229,122 individuals ^{were} ~~was~~ vaccinated. This ^{Proportion} ~~percentage~~ of 6 per 100 compared favorably to a birthrate of 4.5 per 100. The total cost of these ¹²⁹ treatments was 47,217 lire of Italy or about 21 centesimi each.

In 1807 the problem of bringing vaccination to the untouched Venetian departments presented itself. In a letter of May 26, 1807 Eugene complimented Doctor Sacco on his enthusiasm for his task and gave him the title of Médecin Consultant près la Magistrature Centrale de Santé carrying a stipend of 2,000 lire. He put all vaccination under the care of the Prefects with the central office in Milan to be used as a distributing agency for information and vaccine. A circular of July 4, 1807 ordered that there should be one vaccinator in each district subordinate to the Prefect.

However, in June Doctor Sacco asked to be allowed to vaccinate in Venetia and estimated the cost at 60,000 lire of Milan. In a decision of June 18 Eugene found this offer "exorbitant" and ordered the Prefects to do it. Di Breme on July 9 wrote to Eugene to say that Doctor Sacco was begging to be allowed to vaccinate Venetia for 30,000. Four days later Eugene announced that he could not change his decision of June 18. Sacco, however, was not to be put off and demanded an audience, which the Viceroy granted. Di Breme was so confident of the death-fighter's eloquence that in a letter of July 23, 1807 he wrote to Eugene that he had suspended the issuance of the circular of July 4 to the Prefects of Venetia because of Sacco's audience. His confidence was not misplaced, ^{for} ~~but~~ the same day the Viceroy wrote on the margin of ¹³⁰ the letter "approuvé pour les 30,000 livres".

129 Sacco's report is in AFiv1710B.

130 All documents are in Sanita 778.

Thus set loose, Sacco immediately went to Venetia and in six months had visited every important place. He sent back numerous reports of his progress. The last of these was dated January 15, 1808 and announced that he had vaccinated 114,584 individuals and had spent only 25,000. As the population was 1,814,421 and the number of births in 1806 was 72,577, he had a decided edge on the birth rate.

The results in the old departments were not nearly as good. With a population of 3,852,322 and 154,086 births in 1806 only 63,804 had been vaccinated during 1807 at a cost of 11,156. That is to say that during 1807 with 226,663 year-old children in the Kingdom only 178,388 individuals were vaccinated.
131

In 1808 Eugene's plan to give the duty of vaccination to local authorities was put into effect. A circular was issued to all the Prefects on March 9 ordering that the administration of vaccination be ^{placed} ~~put~~ upon the communes from the beginning of the year. This plan was not a success at first. Dr. Sacco was kept in Milan but dispatched at once into every locality where smallpox threatened. To guide the local vaccinators he wrote a little book which the government printed and distributed. It was called Istruzione sopra l'Innesto del Vajuolo Vaccino per uso delle Levatrici.

Nothing was done about the Three Departments in 1808, but in a letter of December 27, 1808 di Breme asked Eugene for permission to send Doctor Sacco there on a special mission. Apparently this was not done because of the expense, but the effort to vaccinate the Three Departments

131 Various reports are in Sanita 778.

in 1809 and the war with Austria kept the general average of the Kingdom down. During 1809 with 243,351 births, there were only 186,351 vaccinations. The system worked more effectively later, and in 1811 there were 365,876 vaccinations and 309,604 births. It was difficult to keep the number of vaccinations up, however, especially in wartime and the total number of vaccinations during the Kingdom was certainly less than the total number of births.

The history of the administration of marine ^{sanitation} ~~health~~ is not as simple as that of vaccination. Until 1805 it was administered by the Ministry of War; then for a year it was administered by the Ministry of the Interior independently of continental ^{sanitation} ~~health~~. After that it was subject to the central office in Milan, but continued to have separate institutions so we are justified in treating it separately from continental ^{sanitation} ~~health~~ and medical regulations.

Under the Republic the administration of marine ^{sanitation} ~~health~~ was entrusted to the Navy Department in the Ministry of War. It was regulated by a long Istruzione issued as a printed booklet on February 17, 1803. This provided that a Commission of ^{Sanitation} ~~Health~~ should be set up in each of the three departments with sea-coast at Forli, Ferrara, and Massa. Each of these bodies had the Prefect or Vice-Prefect as president, a secretary, two clerks, and various assistants. It had a Deputy of ^{Sanitation} ~~Health~~ in each sea-port, while in those visited by fishing boats there were guards subordinate to the Deputy. The Commission met once or twice a week, received health notices from foreign ports and saw that each Deputy investigated the state of health on each ^{ship} ~~boat~~ that entered the ports. The

guards were used to prevent communication between contaminated ships
 132
 and other ships or the shore.

With such a small coastline, marine ^{sanitation} ~~health~~ presented no difficulty which could not be met by methods such as these until 1806. Then the annexation of Venetia presented the government with a first-rate problem in marine ^{sanitation.} ~~health~~. Even before that the administration of this subject had been taken from the Ministry of War and given to the Interior by a decree of October 19, 1805. Immediately after the annexation of Venetia a temporary magistracy of health was set up in Venice. This enforced all the existing rules on the subject and tried to support itself from the sanitation taxes levied on entering ships. These taxes had been created by the Austrian government on April 12, 1800 and yielded about 120,000 lire of Milan a year. The coup de grace which the annexation gave to the languishing Venetian commerce made the receipts of these taxes from January to October 1806 only 32,681 while expenses were 52,681. This situation as well as the admittedly temporary nature of the Magistracy made it necessary for some organization to be created. This was done by a
 133
 decree of September 5, 1806.

The decree of September 1806 had two parts of which only the second was concerned with health. It set up a Central Magistracy of Health at Milan with a subordinate magistracy and council of marine ^{Sanitation} ~~health~~ at Venice. This council had three members plus the harbor-master of Venice and was represented by delegates in all the ports or other places where

132 There is a copy of the booklet in Amministrazione Finanziaria Centrale 3618.

133 All documents are in Amministrazione Finanziaria Centrale 3618.

they could be useful. There was also in the Ministry of the Interior
 a medical consultant on marine ~~health~~ ^{sanitation}.¹³⁴ On December 4 Eugene named as
 members of the council at Venice, Dente, Marco, and Zanetto.¹³⁵

For financial reasons this system did not work to the satisfaction
 of the government. As organized on June 9, 1807 the Magistrato at
 Venice had twenty-seven employees for a total salary cost of 56,871.¹³⁶
 In July Dente was called to Milan and after long consultations with di
 Breme, Moscati, and others he agreed to reduce the number and salaries
 of his subordinate employees. The saving, however, was less than eight
 thousand lire.¹³⁷

Dente did not return to Venice after the agreement of July 13, 1807
 but remained in Milan to consult with di Breme on the general budget of
 marine sanitation for 1808. When this had been prepared on August 20,
 it showed that in 1808, the first year for the complete functioning of
 the administration, the sum of 567,900 would be necessary for all marine
 health activity.¹³⁸

On his trip to Venice in December of 1807 Napoleon ordered on the
 7th that the expenses of marine health should be met from the various
 fees charged to incoming ships. We have already shown how scanty the
 income of these taxes had become. It was difficult to persuade His

¹³⁴ According to Giussani in Annuario del R. Archivio di Stato in Milano, (1915) p.176, the Magistrato was called an Ufficio and was an independent body until March 1809, but Article 42 of the decree of 1806 explicitly says that it is under the Ministry of the Interior.

¹³⁵ The decree of September 5 is in Sanita 63, and that of December 4 is in Sanita 4.

¹³⁶ Dente's report is in Sanita 5. The amount is odd because the men were paid in Venetia lire, and it was necessary to change to Italian lire at the prevailing rate of exchange.

¹³⁷ The minutes of the meetings are in Sanita 4.

¹³⁸ The report is in Sanita 5.

Majesty that anything was wrong with the commerce of Venice and even more difficult to persuade him that a substantial provision for marine health should be made in the budget. A new regulation thus became necessary. On January 16, 1808 Eugene wrote to di Breme and asked for a new decree on marine health as "His Majesty believes that we could do without sanitation guards on the coasts and make the fees of sanitation cover the expenses of marine health."¹³⁹

As a result of this request a new decree was drawn up and issued on February 19, 1808. It provided that the magistracy and council created in September 1806 be united into a "collegiate" magistracy. This consisted of the podestà, a vice-president, four other members and a secretary. This body was the superior of all the officials of marine health and administered all the laws on that subject. But its sphere of operations was reduced by an arbitrary division of the ports of the Kingdom into posti di pratica and posti di ripulsa. The former were under the administration of the magistracy, but the latter were under the care of the financial and customs police. The magistracy at Venice¹⁴⁰ had only four posti di pratica under its supervision since its power extended only to the department of Adriatico. In each of these ports was a delegate and at least two guards. In addition the Magistracy itself supervised the activity of the port of Venice and had twenty guards for the purpose.

In each of the other departments with shore line other posti di pratica could be named. In each was a delegate of sanitation, usually

¹³⁹ Sanità 5.

¹⁴⁰ Chioggia, Caorle, Lignano and Grado.

the harbor-master. All of these were subject to the departmental Commission of Health just as the delegates in Adriatico were subject to the Magistracy at Venice. However, the other departments merely enforced the policy laid down at Venice. The delegate in each port was to be paid by the local commune from the income of sanitation fees, licenses to navigate, passports of piccolo corso, anchorage and tonnage duties. All of these were at one-half the rate at Venice except the sanitation taxes which were fixed for each port by a table attached to the decree.

The purpose of this decree is fairly obvious. It was hoped that by reducing the number of employees, making these as much as possible ex-officio members who served freely, and putting the rest at the expense of the various port fees the central government would be relieved
141
of the expense of the whole administration.

This new system satisfied no one. The Minister of the Interior had to ask 240,000 for marine sanitation because of the inadequacy of the fees. Napoleon was very discontented at the whole budget of the Interior anyway and singled out several items including this one for his direct criticism. In a letter of March 8, 1808 to the Emperor, Eugene tried to

141 The original decree of February 19 is in Sanita 5. A detail to the administration of this decree was provided by an Istruzione (in Acque 294) issued on the same day. This provided that the shipping fees be collected in each port by a bonded clerk of the Municipalita who received 3% of the receipts for his work. There were also named "measurers" to measure ships for the tonnage tax. This latter official was paid one lire for vessels using passports and six lire for those needing licenses. A third decree of February 19, 1808 fixed the salaries of the officials of health in Adriatico. The cost for all employees both internal and external was 62,400 plus 19,000 for the cost of first establishment.

persuade him that it was impossible to support marine sanitation on the commerce of Venice for there was no such commerce. This, however,¹⁴² was a fact which the Emperor would never admit.

In a letter of March 30, 1808 the Magistracy of Venice also appealed against the financial aspects of the decree of February 19, 1808. It pointed out that under the Austrians the Magistracy had possessed twelve external and twenty-six internal employees for 55,497 lire. By the decision of July 13, 1807 the number had been cut to eight external and fourteen internal for 32,487. Finally the reorganization of February had kept the same number of employees (22), but reduced their total salary to 29,869. The Magistracy begged an additional grant of 3,914 lire for unforeseen external expenses. By a decision of April 4 Eugene¹⁴³ rejected this plea.

The government was no more willing to extend the system of marine sanitation to the Three Departments. On August 26, 1808 di Breme submitted to Eugene a new project of marine sanitation for the whole Kingdom including the new departments. Nothing was done about it. On September 12, 1809 the Minister again wrote to the Viceroy recommending that the law of February 19, 1808 be extended to the Three Departments. This was not done until March 1, 1810 when the whole system of health regulation of the Kingdom was applied to the new annexation by a decree¹⁴⁴ of the Viceroy.

¹⁴² Eugene's letter is in AFiv1711B.

¹⁴³ Sanita 5.

¹⁴⁴ All documents in Amministrazione Finanziaria Centrale 3618.

The administrations of continental health and medical regulation were not always confided to the same institutions, but we can examine them together. The situation was a chaotic one during most of the Republic, since sanitation was originally a matter of local administration. In a report of August 27, 1802 the Inspector-general of Health pointed out to Melzi the extent of this chaos. In Olona was his own office of Inspector-general. But there was also the Commissioner of Sanitation which the French had set up on October 29, 1796 to take the place of the old Magistrato della Sanità which had been suppressed in October 1786.¹⁴⁵ And finally in Pavia were two more institutions, the Ufficio Centrale Medico and the medical delegate of the department. In Alto Po was a delegation of sanitation. At Lodi was a commission and also a deputation. At Cremona was a commission. In Serio was both a commission and an Ufficio. In Mella was a commission. In Adda a delegation. In Crostolo a magistracy. In the other departments were commissions; but Agogna and Basso Po had delegations as well and Mincio and Basso Po had "medical faculties". With such a group of institutions issuing ununified¹⁴⁶ and conflicting regulations the problems of sanitation were not well met.

The early years of the Republic were passed in examining this situation and drawing up projects, but an acceptable organization of this subject was not achieved until November 13, 1804. By this new law a Central Magistracy of Health was created as an office of the Ministry of the Interior. With five members and a delegation in Bologna this

¹⁴⁵ See Visconti, La pubblica amministrazione nello stato milanese durante il predominio straniero, 279-304 or the article in Archivio Storico Lombardo, (1911) XVI, 264ff.

¹⁴⁶ The report is in Sanita 532.

body was empowered to make ~~the~~ the rules of health and could prosecute violations by courts-martial without appeal. It could even give the death penalty if the infringement of the regulations ^{had been} ~~was~~ preceded by a specific warning ^{from} ~~by~~ the government. The members of the Magistracy, were ¹⁴⁷ Moscati, Castiglioni, Luini, Rasori, and Paolucci.

The new Magistracy performed a number of acts under the Republic, but only one was of great importance. This was the creation of a sanitary cordon about Lucca on March 15, 1805 to prevent the spread of a yellow fever epidemic which had broken out in Leghorn. ¹⁴⁸ This step had been decided at a meeting of February 11, and, as a result, goods passing across the frontier were subject to forty days' quarantine and men to ¹⁴⁹ thirty days. All clothing, leather, etc. was completely excluded.

It took almost as long to create a code of health and medical regulation which the Magistracy could enforce as it had taken to form the Magistracy itself. By the middle of December 1805 the Legislative Council was considering such a regulation, but progress was slow. In the interim, several of the delegates, such as the one in Mella, issued provisional rules, but in a letter to Eugene on April 30, 1806 the Central Magistracy protested against such documents on the ground that it was not prudent for the departments to issue a particular ruling when a ¹⁵⁰ general one was being prepared by the central government. It was not,

¹⁴⁷ All documents in Sanita 2.

¹⁴⁸ A copy of the long regulation is in Amministrazione Finanziaria Centrale ~~3518~~.

¹⁴⁹ See Moscati's report in AFivl709A.

¹⁵⁰ All documents in Sanita 4.

however, until April 15, 1809 that it was prohibited to the departments
 to ^{publish} ~~publish~~ ^{regulations} ~~regulations~~ health, without the permission of the Minister of
 151
 the Interior.

The general regulation ^{passed through} ~~was formed~~ in many versions and underwent
 much discussion before it was finally adopted. In November and December
 it was discussed by the Council of State and finally sent to Eugene on
 January 5, 1806. After an examination which lasted four months, the
 Viceroy on May 14 sent it to the Minister of the Interior for criticism.
 On July 9 di Breme returned it with many changes, but in the interval
 Eugene had ordered it rewritten to cover the annexation of Venetia. This
 was done, but the decree was ready to be published only on September 5,
 152
 1806.

The decree had two parts respectively entitled Medical Regulation
 and Public Health. The first provided that a Direction of Medical Regu-
 lation under the Ministry of the Interior should be established in each
 of the three university towns. Each Direction had charge of a third of
 the Kingdom and consisted of all the faculty of medicine plus two prac-
 ticing physicians, a surgeon, and a pharmacist. The Chancellor of the
 university was the secretary of the Direction, and the departmental Com-
 missions of Sanitation were its subordinates. The Directions issued
 licenses to practice medicine, surgery, and pharmacy, while the Commissions
 issued those for obstetricians, leeches, and druggists. These licenses
 were expensive (35-150 lire) and issued on the basis of grades in the

151 Circular of April 15, 1809 in Sanita 3.

152 All documents in Sanita 4.

University and in public examinations.

The second part of the decree was concerned with ~~the establishment~~
~~of~~ ^{offices.} public health. It provided ~~that there should be~~ a Central Magistracy at Milan, a Commission of Health in the chief city of each department, and a deputation in each commune. The Central Magistracy, of five members named by the King and under the Control of the Ministry of the Interior, had jurisdiction on matters of sanitation over the whole Kingdom and corresponded with foreign nations. The departmental Commissions consisted of the Prefect, two members of the prefectural council, the president of the Tribunal of First Instance, a physician, a pharmacist, and a surgeon. They could correspond with the Magistracy at Milan, that at Venice, or with ^{each} ~~the~~ other. ~~Commissions~~
The Deputation in communes of the first or second class was the podestà with two savi. In third-class villages it consisted of a syndic and an anziano with the secretary of the Municipalità.

All violations of the health regulations were tried before the two Magistracies or the various departmental Commissions. There was no appeal except from the latter to the former, and such appeal never delayed or suspended the judgment. If the ^{offense} ~~case~~ was a violation of the criminal law, it was tried before the regular tribunals. In general, appeals from the Commissions were made to Venice for matters of marine ¹⁵³ health and to Milan for matters of continental health.

The complete execution of this decree was a slow process, in spite of the time-limits set in it. The subsequent history of the health administration of the Kingdom can be divided into two parts. The first

¹⁵³ The decree of September 5, 1806 is in Sanita 63.

part, which took the next three years, was concerned with carrying out the provisions of this decree. The second part, which took from 1810 to 1813, was concerned with an effort by the government to control completely all health activity including the number of doctors, the prices of drugs, and the expense of medical services.

By a decree of December 4, 1806 Eugene named to the Central Magistracy at Milan Moscati, Castiglioni, Bazetta, who was president of the Royal Legal Commission, Luini, who was a judge on the Tribunal of Appeal of Olona, and Mellerio. The same decree named the three technical members to each of the twenty-one departmental Commissions.¹⁵⁴

On December 12 the Minister of the Interior issued a circular to the Prefects ordering that the decree of December 4 should take effect on the first of January. A later decree of January 17, 1807 named the four professional members of the Directions and a letter of the Ministry of the Interior put these organizations into effect on February 6, 1807 at a total cost of 17,735 lire a year.¹⁵⁵

It was not until 1809 that the three Directions presented the lists of physicians, surgeons, and pharmacists demanded in the decree of September 1806.¹⁵⁶ With these as a basis, the government attempted to establish a fixed number of each for every department. For this purpose a circular was sent to all the Prefects in October 1810 to discover the number necessary for the population of each department. Apparently no decree was ever issued fixing these numbers by law.¹⁵⁷

¹⁵⁴ Sanita 4.

¹⁵⁵ Sanita 63.

¹⁵⁶ Sanita 629 and 532.

¹⁵⁷ Sanita 629 for circular of 1810.

After 1808 the expense of the departmental Commissions of Health was saved by abolishing these offices on December 24 and giving their duties to the employees of the Prefecture. The other costs of health were supported as much as possible by the various license fees of the decree of December 7, 1807.

The decree of September 1806 had ordered the local units to submit proposed regulations of medical services, but these were not sent in for a long time. After three years' delay on November 16, 1809 Vae-
 cari wrote to the Director-general of Public Instruction calling for these to be submitted by the three Directions of Medical Regulation. At the beginning of 1811 a special commission was formed of Rasori, Testa, Monteggia, Locatelli, and Brughatelli to examine ~~and discuss~~ the various projects and make a unified plan. Conferences were held in May and July, but no result of their labors has been found. ¹⁵⁸ It is very probable that no such organization was ever achieved, as the Magistracy on March 8, 1813 wrote to all the Prefects that the Director-general of Public Instruction had notified it of his circulars of October 24, 1810, and October 8, 1811, and September 5, 1812 on this subject. It wished to announce that all of these were purely tentative, for it had not yet received the information from all Prefects to make a final regulation. ¹⁵⁹

In spite of the regulations and restrictions put upon practicing physicians the government evidently had no intention of making this a free public service or even of competing with private doctors by

¹⁵⁸ Sanita 532. See the earlier regulation on drugs of May 27, 1808.

¹⁵⁹ Sanita 629.

publicly-supported ones. A decree of September 11, 1807 had permitted communes to provide public physicians for the poor. On March 14, 1811 a circular announced that on January 5 Eugene had decided that the free service of doctors or surgeons must be limited to the treatment of the poor only. It ordered that all medical contracts which provided free service for all who asked must ~~close and~~ not be renewed when they expired. Another circular of April 29, 1811 defined the "poor" as "those who find themselves in absolute lack of other means beyond those necessary to the sustenance of themselves and their families". For the purpose of the act the podesta and the syndic were ordered to make up lists of the poor and give a copy to the public physicians. In that way only those on these lists could be ~~freely treated~~ ^{treated gratis.} 160

The government made many other regulations on various aspects of health. The decree of September 1806 ordered that every commune had to have a cemetery. By law, ^{the} dead could be buried only in this cemetery, which was administered in its most minute details by subsequent acts of State. 161

160 Sanita 629. The whole subject of public medical treatment was discussed by Scopoli in a letter to Vaccari on March 1, 1813. He codified the provisions on the subject in thirty-nine articles. All public doctors or surgeons were divided into three classes, and their pay depended not only upon these classes but also upon what size ~~of~~ commune employed them. In general the pay was not large. In communes of over 7,000 inhabitants the maximum stipend of a first-class physician was 1,200 lire. A second or third-class doctor received 1,000 or 800 lire respectively. Surgeons were 25% less and leeches 60% less. In communes with from 7,000 to 5,000 souls the largest pay was 1,000 for a first-class doctor with others correspondingly less. In communes of 5,000 to 3,000 the peak pay was 800 while in these below 3,000 souls the largest pay was 700 paid to physicians. In each size of commune the pay of the other positions was reduced in about the same ratio down to a salary of 240 lire to a leech in the smallest village. The government recommended that the pay be made as low as possible beneath the maximum set above and that contracts be made for three year periods.

161 The two chief decrees of August 5, 1807 and February 16, 1808 are in Raccolta delle leggi dell'interno, V, 182-93. Details will be found under local government in Chapter VIII.

Various regulations were made on swamps and other ~~standing~~ standing water. The cultivation of rice, by a decree of February 3, 1809, was allowed only on already established paddies and these had to be outside a minimum distance from centers of habitation. This distance varied from eight kilometers for Milan to one-half kilometer for ~~the~~ little villages.
162

General information was collected on the thermal waters of the Kingdom, and their care was entrusted to the nearest commune. The baths at Monte Ortone were organized in 1806 for the use of the soldiers. The same year Eugene gave 21,000 lire to erect public baths at Bologna.
163

Bounties were offered for killing dogs with hydrophobia~~x~~ and ~~and~~ ^{every} effort made to control this and other diseases. In general, the only precautionary measure which was taken was segregation, and this was also the chief of the therapeutic measures. The chief diseases which occupied the government's attention were of the epidemic variety and included yellow fever, bubonic plague, small-pox, and cattle plague.
164

By a decree of January 13, 1811 it was ordered that secret remedies could be sold only after their formula had been approved by a committee of five appointed by the Minister of the Interior.

Unfortunately the expense of enforcing all these laws cannot be discovered. Until 1808 the expense is mixed with other charges in all the accounts, but it cost at least a quarter million lire a year. Until

162 Raccolta...dell'interno, V, 170-76.

163 AFiv1710B.

164 Regulations are in Raccolta, V, 74-177.

the end of 1804, a sum of 421,400 lire of Milan had been spent on the sanitary cordon for the epidemic at Leghorn. In 1805 a sum of 585,716 lire of Milan was spent for sanitation, charity, and encouragement of the arts together. In 1806 a sum of 465,163 was spent for health and charity. In 1807 these two items were divided and the expense of health to the central government was 210,692. In the same year the communes paid an additional sum of 223,101 lire of which 138,796 was for marine sanitation¹⁶⁵ ~~health~~.

At the end of 1807 the process of putting the expense of health and sanitation on its own charges began. For 1808 a sum of 240,000 was ~~requested~~ ^{sanitation} ~~requested~~ ^{sanitation} for marine ~~health~~ ^{sanitation}, and 250,000 for land ~~health~~ ^{sanitation}. From that time on the King refused to recognize any expenditures for this subject. The retrospective accounts of the Ministry of the Interior drawn up on October 3, 1812 have no expenditures on health for any past years. It is, however, doubtful that such an expensive activity as sanitation could have supported itself on its own fees, and probably small grants for health were concealed from His Majesty by being included in other headings. For example, the budget of charity for 1813 has a grant of about 1,300¹⁶⁶ lire to Doctor Sacco.

In general we could say that the administration of public health in the Kingdom was much less satisfactory than other public services and that this was almost entirely due to the government's reluctance to spend money. We should emphasize, however, that in regard to medical regulation the government's policy was far-reaching. In theory, at least, the government assumed to itself the right to fix the prices of medicine and drugs, to fix the qualifications of all medical or kindred professions, and even to fix the number of individuals who were in such activities.

¹⁶⁵ The figures for communes in 1807 are from a report of March 17, 1809 in Studi 1141. All other figures are from the accounts made in 1808 to be found in Aldini 98.

¹⁶⁶ Aldini 103.

Although most of the charitable institutions in the Kingdom of Italy were not directly administered by the government, they were so closely watched, and regulated within such narrow limits, that the result was practically the same as ^{direct} administration.

Charity was one of the earliest subjects to receive the attention of the government. On February 22, 1802 a Commissione di pubblica beneficenza was formed in the Consulta di Stato. This group could by its nature do little more than make recommendations; so, on June 23, 1802 all matters of charity were subjected to the Ministry of Religion. This continued until December 1807 when the administration of matters of charity was transferred to the Ministry of the Interior.

Until 1807 this matter was regulated by two acts of 1803. The first was a circular of Bovara issued on June 18, and the other was a law of August 3. ~~the~~ circular ~~of~~ Bovara's prohibited any municipal government from directly ^{administering} ~~administering~~ any establishment of religion or charity. This had the two-fold effect of leaving such establishments as they were, administered by pious or private groups with funds usually derived from foundations, and also of leaving them exposed to a uniform regulatory system made by the State itself. For a long time the first of these was
167
a more important result than the second.

The law of August 3, 1803 provided that all religious and charitable establishments of any sort had to render an annual account of their incomes and expenses. This account was submitted to the municipal government which passed it on to the Prefect with comments. The Prefect, in turn, submitted it to the Ministry of Religion.

For four years this system of liberty ~~was maintained~~ with financial surveillance continued. About the middle of 1807 there began to develop a new system. The first step was a decree of June 18, 1807 which provided that all hospitals, pious foundations, and public charities in the city of Venice be subjected to the administration of a single Congregation of Charity. This group consisted of the Prefect of Adriatico, the Patriarch of Venice, the President of the local Court of Appeal, the Podestà of the city, and ten other individuals named by His Majesty. All these members served without pay and were divided into three commissions ^{concerned with} ~~of~~ hospitals, orphanages, and other charities. Each commission ^{met} ~~was met~~ twice a week, and the whole Congregation once a week. Under the direction of the entire group, all the charities of Venice had a single treasury, administered by a cashier who had placed a bond with the Ministry of Religion. In February of each year the Congregation presented a budget of all charities for the coming year giving the expenses of each establishment. This was sent to the Ministry to be approved by His Majesty. Every three months an account was presented to be checked against the original budget. An account for the whole year was presented every October.

A subsequent decree of July 17, 1807 created a similar Congregation of Charity in Bologna. Neither of these groups was ^{yet} ~~in~~ activity when

another decree of September 5, 1807 created a general system for regulating charity in the whole Kingdom. This declared that the Minister of Religion was to be assisted by an administrative council for charity consisting of four Councillors of State. These served two-year terms and were called Inspectors-general. The Kingdom was divided into four sections with an Inspector-general in charge of all charity in each. The Inspectors visited their sections and could recommend any changes they believed necessary but could not issue orders. That was reserved to the Minister. Two of the Inspectors-general always remained in Milan to form the Minister's advisory council.

The same decree created Congregations of Charity in all the capital towns of departments like those already ^{ordered for} ~~in~~ Bologna and Venice. In each case they consisted of the Prefect, the Bishop or Archbishop, the President of the Court of Appeal or the Royal Procurator of the Court of Civil and Criminal Justice, the Podestà, and other individuals named by the government. The total number varied from nine to fifteen. All served without pay, were divided into three commissions, and had ~~the~~ the other provisions of those already established. At the office of the Congre-¹⁶⁸gation there had to be a member of each Commission on duty each day.

Two days later on September 7 a decree divided the Kingdom into the four sections which were to be the jurisdictions of the Inspectors-¹⁶⁹general. To these were named Verri, Carlotti, Erizzo, and Strigelli

168 Decree in Luoghi Pii 2.

169 Because of the extension of the Kingdom after the annexation of the Three Departments, it was necessary to change these sections. This was done by a decree of August 12, 1808 which formed the four sections of the following departments:

- I. Agogna, Aâda, Lario, Serio, Alto Po, Olona.
- II. Adriatico, Istria, Passeriano, Piave, Tagliamento, Brenta, Bachi-
glione.
- III. Reno, Basso-Po, Rubicone, Metauro, Musone, Tronto.
- IV. Mella, Adige, Mincio, Panaro, Crostolo.

on September 8. These served their two-year terms, and on September 24, 1809 Strigelli, Paraviccini, Scopoli, and Agucchi were named Inspectors-general. Two of these were called to other posts within a month and on November 11 Bernardi and Magnani were named to the places vacated by Strigelli and Scopoli. In the course of 1810 and 1811 the Inspectors were changed several times. By November 23, 1811 they were Sanfermo, Parraviccini, Bovara, and Bossi. These served for the rest of the regime as they were renominated on September 3, 1812.

There was some delay in getting the new Congregations into activity. In a decision of October 12 Eugene ordered all haste to be made as he wanted budgets presented by the beginning of the year. He also added a number of instructions which served to tie these Congregations closer to the Prefect. They were ordered to meet in the prefecture if possible. Otherwise, they were to meet in the Prefect's own house or at least in a nearby building. In spite of his recommendations of speed it was not until October 19 that Eugene named the ordinary members to the Congregations of Charity. That of Milan, although incomplete, had held its first meeting two days earlier.

¹⁷⁰ Original decrees are in Luoghi Pii 2. Another decree on this subject on September 9, 1807 empowered the Minister of Religion to fix the expenses of the Inspectors-general and allowed 3,000 a year to be paid for the secretarial and office expenses of each. All these expenses were paid from the general fund for charity assigned by the government each year. On September 29 Bovara issued instructions to the new officials fixing some details of their encumbency. They were to have no fixed offices and were allowed travelling expenses of 31.10 Milanese lire every day they were out of the capital.

¹⁷¹ All documents in Luoghi Pii 2. These Congregations of Charity were not completely new in Italy, as the enlightened despots had made similar reforms in the eighteenth century. For example, in 1776 in Reggio, Francesco III had ordered all the charities of the city to be consolidated into a single "congregazione generale delle opere pie." See A. Balletti: Storia di Reggio nell'Emilia (Reggio, 1925). Later, under the influence of Ludovico Ricci (who wrote La Riforma degli istituti pii), Ercole founded a commission, whose records have been examined by Balletti in L'abate G.F. Bonini e le riforme della beneficenza nel Secolo XVIII. (Reggio, 1886)

During the next two months great activity was evident as the Congregations organized and prepared their budgets. During that time the only edict issued on the subject was ^a ~~the~~ decree of November 5, 1807 ^{permitting} ~~all establishments of charity and education to~~ all establishments of charity and education to receive legacies and donations which were free and did not amount to over three hundred lire.

After this short period of two months a new series of innovations began with the decree of December 21. This transferred the administration of Charity from the Ministry of Religion to that of the Interior and extended the Congregations to all the communes of the Kingdom. In those of over 50,000 inhabitants there were ten members named by His Majesty, in others were four to six members named by the Podestà. In ¹⁷² the chief places the same ex-officio members were added.

This decree was so badly drawn and so full of omissions that during the next two months the air was full of circulars and instructions seeking to explain it. In fact all subsequent organic decrees in the regime were devoted to this same purpose. There was doubt for several weeks as to how the Congregations in villages would be named. A circular of February 1, 1808 gave this duty to the Syndic. Another of January 26 declared that such Congregations must exist wherever there were charitable institutions. A third three days earlier made the Prefect and Vice-Prefect the direct superiors of these Congregations. This puzzled some ~~who~~ who had believed that the Inspectors-general were their superiors, and many continued to submit all their reports to the Inspectors until

a circular of September 15, 1810 forbade the Congregations to correspond with the Inspectors. This made the latter a kind of mute observer. On January 11, 1808 a decree declared that the Vice-Prefects could be members of the Congregation. This puzzled even the Minister of the Interior who wrote to Méjan a week later asking an explanation. Eugene's secretary answered that the government's intention was that the Vice-Prefects could but did not need to be members of the Congregations. Another circular of February 7 ordered that the Prefect should be president of the Congregation in chief places and the Podestà in other towns. This again left the villages unaccounted for, but evidently the point was never legally settled.

The government on February 17, 1808 sought to solve all the difficulties ^{about} the Congregations by issuing a general instruction. The only new point in the document was the order that the treasury of the Congregation should be attached to the Monte di Pietà of the commune if there was one.

Several years later two other difficulties arose. In 1811 it was discovered that the decree of 1807 had ^{not fixed} ~~made no provision in regard to~~ the period which the members of the Congregations served. Vaccari, who made the discovery, drew up a decree which was signed by the Emperor on December 28. It ^{fixed} ~~made the members serve for~~ three-year terms, with one-third of ^{the members} ~~their number~~ being renewed every year. Another difficulty arose in 1813 when it was found that the Bishops, most of whom were unable or unwilling to grant the time to the government, customarily sent their Vicars-general in their places. By a decision of December 17, 1813 Vaccari forbade the Vicar to replace the Bishop except when
173
the see was vacant.

The final omission of the decree was the failure to determine which Congregations had to submit their budgets and accounts to the government. A circular fixed those with incomes of over 40,000 lire as worthy of this attention. A subsequent series of documents reduced this figure by stages to 10,000 which was established on January 27, 1809. At that time there were 111 communes whose Congregations¹⁷⁴ handled an income of over 10,000 lire.

The financial history of these institutions falls into two parts. The first is concerned with the sum provided for charitable purposes by the government. The second is concerned with the incomes from property, pious individuals, or other sources, which the Congregations of Charity and the institutions themselves had to administer.

In general the amount provided by the government for charitable¹⁷⁵ purposes was small. It usually amounted to less than 30,000 lire but was increased occasionally by extraordinary grants. The chief of these was a grant of 484,728 to the Congregation of Venice on January 12, 1807 and a grant of 600,000 for orphanages given by a decree of January 17, 1812. In all the total given by the government for charitable purposes

¹⁷⁴ Luoghi Pii 1.

¹⁷⁵ The amounts ordinarily spent can be seen from the following figures:

1807	16,776 lire
1808	38,376
1809	30,000
1810	28,000
1811	21,066
1812	20,000
1813	30,000

The first three figures are from Aldini 98 and are respectively an account, a budget, and a demand. The last four are from Aldini 103 and are respectively an account, two credits opened, and a demand.

was less than two million lire from the beginning of 1802 to the beginning of 1814. This total does not include the sums granted by communes to ~~the~~ Congregations of Charity. Such grants had been authorized by article 2 of the decree of December 21, 1807. This article merely said that communes should contribute to charity. This was interpreted by the Council of Inspectors-general on December 30 to mean that whenever ^a ~~the~~ Congregation had an annual deficit ~~the fact should be common-~~

~~known to the Director-general of Communes, who would seek to have the~~
~~town or village make it up.~~ ^{should} 176
 On December 21, 1809 Eugene ~~issued a decree to this effect.~~
~~issued a decree to this effect.~~

~~interpretation legal basis by issuing a decree that communes were respon-~~
~~sible for such deficits.~~
 In 1810 the first year in which this interpretation was legal, Congregations received only 214,475 lire from
 177
 communes.

The scanty contribution to charity by the government was off-set by the fact that most establishments of charity had incomes from foundations or property. Some of these incomes were represented by charges on the Domain or the Monte Napoleone. The income from the former was always small and was abolished by 1809. In 1806 it amounted to only
 178
 77,339 lire. The debt inscribed on the Monte Napoleone in favor of charity was usually about ten per cent of the total inscribed debt. On January 1, 1808, for example, the total debt was 242,129,315 lire. Of this 30,951,031 was owed to establishments of charity. As the average

176 Luoghi P11 6.

177 The decree is in Luoghi P11 87, and the report is in AFiv1712.

178 Conto del 1805-06, 228.

yield on the total public debt was always under $1\frac{1}{2}\%$, this sum brought to charitable purposes considerably less than half a million lire per year. In 1807 it brought about 400,000. In 1813 184 Congregations of Charity divided 356,710 lire from the Cassa di Garanzia. In the same year it was proposed that this charge be put on property held by the Cassa d'ammortizzazione in the same departments, but there is no evidence that this was ever done.

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From these various sources, and from private grants and incomes whose extent we cannot know, the Congregations of Charity administered their tasks. The fashion in which this was done was prescribed in detail by a decree of November 25, 1808. The 190 or more Congregations of Charity were divided into three groups. The first of these consisted of those in capitals of departments. These were administered very much like the budgets and accounts of first-class towns. The second group consisted of ^{others} ~~those~~ handling incomes of over 10,000 a year, ~~but not chief places~~. The third group consisted of the remaining Congregations, whose finances were approved by the Prefect.

The average Congregation of Charity was to be found in the second group which usually included about a half of all such bodies. On November 2, 1809, for example, when di Breme approved the budgets of the Congregations in this second group, there were 83 in 21 departments. Of these the largest incomes were possessed by Pavia with 618,175 lire, Lodi with 314,186, Faenza with 208,750, Imola with 123,482. The total income of all 83 was 4,746,828.

180

179 Aldini 36.

180 From di Breme's report in Luoghi Pii 2.

The charitable institutions which were supervised by Congregations of Charity can be divided into five types: foundling homes, orphanages, hospitals, poor-houses, and others. We should glance for a moment ^{at} ~~on~~ the administration of these in the whole Kingdom. It is a tragic picture.

The foundling homes were a serious problem in the country because of the large number of exposed children. In the beginning they were usually cared for by pious foundations, but during the Kingdom the problem of their care became so acute that the government was forced to take an increasingly great interest in them and finally reached a situation not far distant from direct administration. The driving force behind this development was the financial difficulties of the homes. In 1807¹⁸¹ there were thirty-eight such homes in the Kingdom. In May 1808 there were forty-five in the twenty-one departments with 15,586 children in them. As a remedy to the burden of their care the Minister of the Interior proposed in his report of August 1808 that all the children over seven years of age be brought together in a single place at the government's expense.¹⁸² This suggestion was not acted upon, and the expense of these institutions was met by diverting to them the revenue and even the capital of other establishments of public charity. By the end of 1810 this process could go no further. Eugene then tried to put them directly at the expense of the communes but, as he confessed to the Emperor, he could not possibly do so as the taxes in most communes were already too high. The Viceroy found a loop-hole when the Empire on January 19, 1811 issued an edict which gave four million a year from the

¹⁸¹ General report on public establishments in Studi 1136.

¹⁸² Report in Luoghi Pii 94.

public treasury for the care of foundlings. Eugene offered a similar decree to the Council of State. It was approved and issued as a decree of January 17, 1812.¹⁸³

This decree cleared the ground completely and attempted to outline a ~~complete~~ system for providing for these unfortunate children. They were divided into three groups--foundlings, abandoned children, and orphans. The distinction between the first two was that the parents of one were unknown, while those of the other were known but ^{had} disappeared. These two were placed in a luogho pio unless very young in which case they were entrusted to a wet-nurse. After a few years in the home, they were put with some good woman until they were six years of age. Then they were put in pensione with a farmer or artisan. The price of pension decreased from year to year, until the age of twelve. They were then given to the Minister of War. The weak, for whom this program was too strenuous, were kept in the foundling home. In both cases the institution paid all the costs, but the Treasury granted 600,000 a year for ~~the~~ nurses and pension. This was divided by the Minister of the Interior among the various homes according to the urgent need of each. The inadequacies of the grant had to be supplemented by the commune in which the institution was.

The Congregation of Charity supervised all this activity. It visited each child, even those on farms, at least twice a year. If the Minister of War could not use the child after the age of twelve, the

¹⁸³ Eugene's letter to Napoleon of September 25, 1811 in AFiv1712.

Congregation saw to it that he was taught a trade. In such a case the master was paid nothing, but he was guaranteed the child's service until it reached the age of twenty-five. As a final point the decree ordered the Minister of the Interior to draw up a detailed regulation on foundlings fixing the number of establishments which could receive them. The Minister of War was also ordered to prepare a method of dealing with those over the age of twelve.¹⁸⁴

This new organization for foundling homes did accomplish something for one problem--the financial one. But it did nothing in regard to ~~the~~ two other problems--the large number of exposed children and the terrific mortality among them.

In the period from 1790 to 1806 27,464 foundlings entered ~~the~~ institutions in the city of Milan alone. Statistics from thirty-three towns which afterwards were part of the Kingdom of Italy show that 50,732 boys and 40,552 girls entered the foundling homes during the same fifteen-year period. Of this number 25,105 boys and 32,922 girls died. These statistics are probably not entirely trustworthy as all modern figures show that infant mortality is higher among boys than girls. It is likely in any society that girls are more frequently exposed than boys, and this is doubly so in a country with the dowry custom. All of these facts indicate that in the Kingdom of Italy more girls should have been exposed and fewer should have died than boys. As both these facts are contradicted by the figures we have quoted, these figures are probably not accurate. This criticism applies, however, chiefly to the

¹⁸⁴ Neither of these regulations has been found. The decree of January 1812 is in Luoghi Pii 36.

statistics from the small towns. The figures from important cities like Milan and Venice illustrate almost exactly the proportion we could theoretically expect. Several of these proportions are shown in the following table which gives the foundlings, the deaths, and the population of several cities:

<u>City</u>	<u>Entered</u>		<u>Died</u>		<u>Population</u>
	<u>Boys</u>	<u>Girls</u>	<u>Boys</u>	<u>Girls</u>	
Milan	13,698	13,766	10,405	9,819	124,000
Pavia	1,415	1,546	961	1,018	20,000
Cremona	1,942	1,866	1,047	832	23,000
Bologna	2,585	2,578	2,470	2,064	60,000
Brescia	3,433	3,356	2,687	2,446	34,000
Padua	1,590	1,557	1,418	1,433	30,000
Venice	4,017	4,121	3,105	3,094	130,000
Verona	2,519	2,466	2,216	2,137	40,000
Vicenza	1,342	1,300	1,191	1,100	24,000
	<u>32,541</u>	<u>32,556</u>	<u>24,500</u>	<u>23,943</u>	<u>355,000</u>

These figures reveal a mortality of about 74%. They also reveal that the yearly rate for exposed children was 12.22 per 1,000 of population.~~per year~~. This last figure is almost incredibly large. If we make the impossible assumption that all these foundlings were exposed by the inhabitants of these cities, and compare this ratio with the official birth-rate for 1806 of 45.0 per thousand, we should have to confess that one child in four born in these cities was exposed. Such a statement, of course, is untrue for the simple reason that many foundlings who entered homes in the cities were born in the surrounding country. It does, however, serve to emphasize the large number of such unfortunate infants.¹⁸⁵

These figures are early for the Kingdom of Italy since they stop with 1806, but they are supported by figures given by Gioia for the city

¹⁸⁵ All these figures are calculated from the statistics in Luoghi Pii 94.

of Mantua. That town of 22,000 inhabitants received 3,184 foundlings from 1800 to 1812. Of these 2,582 died. The mortality was about 89%, much higher than in the rest of the Kingdom, but the rate of 12.05 per 1,000 inhabitants is practically the same as that which we have calculated above.¹⁸⁶

The cost of keeping these foundlings varied from 15 centesimi a day per child in some places like Como to 38 centesimi per child per day in places like Cremona. The average was probably not far from the figure for Milan which was 21.

The orphans fared a little better than the foundlings--at least their chances of dying were not stronger than their chances of living. The orphanages apparently were not organized along uniform lines by the government although toward the end of the regime there were strong indications that the government was considering uniting them as much as possible into a few large institutions so that those for boys could be used as military schools.¹⁸⁷

Although this step was not taken, the state kept a very close watch on the administration of these institutions by means of the Inspectors-general. A circular of September 5, 1809 fixed a uniform plan of education for all. Finally a step in the direction in which the government obviously wished to go was taken on March 11, 1807 when a Royal College of Military Orphans was created. This was ~~planned~~ to be organized on a military basis with 350 pupils at government expense. On August 5,

¹⁸⁶ Gioia, Statistica del dipartimento del Mincio (1838), 409.

¹⁸⁷ See Sanfermo's report of August 27, 1811 in Luoghi Pii 85.

1811 when the institution had been in ^{action} ~~activity~~ for several years it had 247 pupils and cost the government 95,730 lire a year.

In August of 1802 a circular was sent to the Prefects demanding full information on the orphanages of the Republic. ¹⁸⁸ The answers could not have been complete as they reveal the existence of only five in the Republic. Of these two were in Milan, two in Reggio, and one at Brescia. These five had incomes of 382,192 lire, but fixed charges of ¹⁸⁹ 255,337 did not leave sufficient to care for 879 orphans.

In spite of the obvious incompleteness of this report it was the only one which was available in 1805 when the Emperor made inquiries about the condition of orphanages in the new Kingdom. Accordingly a new circular was issued to the Prefects on June 15, 1805 for more accurate information. In September the report was complete and revealed that in eleven departments there were 77 orphanages with a total income of 1,509,215 lire of Milan and fixed charges of 687,701 lire. The 821,514 remaining was used to care for 971 boys and 2,329 girls. Most ¹⁹⁰ of these 3,300 children were between the ages of seven and twelve. The small number of boys was due to the fact that they left the institutions at an earlier age and were put to work with farmers or other self-supporting individuals. It is probable that in 1805 with a population of 3,800,000 the Kingdom had at least 8,000 orphans at public expense. This represents only 1.4 per 1,000.

In 1807 a report revealed that the number of orphanages had increased to 137. This was largely due to the extension of the frontiers. ¹⁹¹

¹⁸⁸ Luoghi P11 85.

¹⁸⁹ A detailed report is in Aldini 61.

¹⁹⁰ This report is in Aldini 61. All figures are lire of Milan equal to .768 lire of Italy.

¹⁹¹ Report in Studi 1136.

A more complete report of December 1811 stated that the number of these institutions was 153 with 4,821 children. Of these 106 with 3,708 girls were scattered in twenty-one departments; the other 47 with 1113 boys were in sixteen departments. This report does not cover the whole Kingdom as the Three Departments were not included. Nor is any comment made upon the fact that five departments did not report
192
any orphanages for boys. These figures are, nevertheless, sufficiently large to indicate either that the reports were becoming more accurate or that the number of orphanages in the Kingdom was increasing. This latter possibility is interesting as it was exactly contrary to the intentions of the government. In 1805 there were 77 orphanages for a population of 3,800,000. In 1807 there were 137 for 5,655,000. In 1811 there were 153 for 6,000,000. The population per institution was reduced from 49,350 in 1805 to 41,274 in 1807 and finally to 39,215 in 1811.

The third important group of charitable institutions were hospitals. These, like the others we have mentioned, were supported by private foundations and religious groups. In general little change was made in their administration except by the effect of the suppression of religious orders. They were all subjected to the supervision of the Inspectors-general and administered by the Congregations of Charity. A decree of September 21, 1810 regulated the administration of ^{hospitals with over 100} ~~the largest hospitals~~
^{beds} ^{them} and put ~~them~~ directly under the government. These hospitals were ~~each~~
~~these with over 100 beds. They were~~ each given a Medical Director who was named by the Minister of the Interior from two names submitted by

the Congregation of Charity. Usually it was the oldest doctor in the institution. His duties were more medical than administrative and included supervision of the service to the sick, of all food, medical treatment, and utensils. He ~~had an office in the hospital~~ ^{at} ~~and~~ served for a three-year term ~~with~~ a salary which varied from place to place. Each year he reported to the Inspector-general ¹⁹³ on the number of sick and dead during the year.

A report of September 1805 declared that the number of hospitals in the Kingdom was 82. These had incomes of 6,575,854 lire of Milan per year. Their fixed and administration expenses were 2,821,141 lire. ¹⁹⁴ The remaining 4,725,542 was divided among four groups as follows:

6,664 sick cost	3,339,114
529 insane cost	263,709
260 incurable cost	98,103
11,009 foundlings cost	1,024,616
<u>Total</u>	<u>4,725,542 lire</u>

Another report on the condition of hospitals was made at the end of 1808. Circulars of inquiry were issued to the Prefects on June 11, 1808 and from their answers it was ascertained that in 24 departments were 291 hospitals with 11,401 beds. These, at the time of the investigation, had only 7,361 sick under their care. The most poorly equipped of the departments was Adda which had only one hospital of 34 beds. Metauro, on the other hand, had 44 institutions with a capacity of 650. The best equipped department was Olona which had only five hospitals, but these had a capacity of 2,460 patients. The only other department able to accommodate over a thousand patients was Reno which had 1,055 ¹⁹⁵ beds divided among 24 institutions.

¹⁹³ The decree is in Luoghi Pii 87.

¹⁹⁴ This report of Bovara is in Aldini 61.

¹⁹⁵ Report is Luoghi Pii 87.

The Kingdom was apparently sufficiently well-equipped with hospitals for its needs. In general, except in time of epidemic, the people were healthy. It was, however, very dangerous to become sufficiently ill to go to a hospital as the mortality rate based on entrances was usually about 21%. In Mantua, which was the most ^{unhealthy} ~~unhealthy~~ place in the Kingdom, the mortality rate was 25.8% from 1800 to 1812. In that twelve-year span 8,002 patients entered of which 4,185 ^{were} men and 3,817 women. From that number 2,060 died of which 1,096 were men and 964 were women. The daily number of sick was 43 and the average cost of treatment was 1.31 lire per patient per day. ¹⁹⁶

The fourth group of charitable institutions included poor-houses. Of these the most interesting were the houses of voluntary labor. A law of April 25, 1804 had empowered the government to create these institutions to be administered by the same officials as the houses of forced labor and to be paid for from the police funds appropriated in August 1802. Little was done along this line. On October 13, 1806 Eugene ordered a house of voluntary labor to be established in the region between the Adda and the Ticino. In the middle of 1808 this project was still being discussed. On May 30, 1808 Eugene ordered the Minister of the Interior to draw up a project to ~~abolish~~ ^{abolish} begging and ~~house~~ ^{work house} vagabondage. He also asked for a plan to establish a ~~house of industry~~ ^{work house} for the poor in Adriatico.

As a result of this order two decrees of July 1 and August 20 prohibited all begging in the department of Olona. All invalid beggars were

ordered to enter the hospitals, while the sound were to go to the houses of voluntary labor. Any beggars found after the beginning of October were to be sent to the houses of forced labor. All foreign beggars were expelled from the country. As a result of this decree the government set up six houses of voluntary labor at Bologna, Milan, Cremona, Lodi, Crema, and Cassalmaggiore. These were in activity by the end of 1808. Monthly reports were made to the Minister of the Interior, and from these we can see the number of individuals in each on any day.¹⁹⁷ The use of these houses increased slowly but consistently during the rest of the Kingdom. The average daily number of persons was 1,801 in January 1810. For the last five months of the year, it was 1,952. For the first six months of 1811, it was 2,279 persons. On March 1, 1810 Eugene ordered this system extended to the department of Adriatico.¹⁹⁸

These houses of voluntary labor usually worked on the manufacture of textiles, although the type of activity varied. The only one which produced any great quantity of goods was that at Bologna which manufactured goods worth 37,994^{lire} in the single month of September 1808. In

¹⁹⁷ For example, on September 30, 1809 the following number of men and women were in these houses:

<u>City</u>	<u>Men</u>	<u>Women</u>	<u>Total</u>
Bologna	85	1,201	1,286
Milan	152	39	191
Cremona	30	25	55
Lodi	13	34	47
Casalmaggiore	4	5	9
Crema	30	25	55
	<u>314</u>	<u>1,329</u>	<u>1,643</u>

¹⁹⁸ All reports and decrees are in Luoghi Pii 74. These restrictions on begging and the houses of voluntary labor were no innovation in Lombardy. In fact the decrees of July and August 1808 were merely a reenactment of a decree of Joseph II of 1784. which prohibited mendicancy, ordered the sick beggars to the hospital at Abbiategrasso, the well to the houses of voluntary labor, and the recalcitrant to the prison at Pizzighettone. See Sacchi's note in *Annali Universali di Statistica* (1846) xxix, 278.

See note
278 below.

general the membership of these groups varied slightly from day to day and always from season to season. The latter change, however, was not very great because of the large proportion of women and because of the severe regulations on vagabonds. In July 1810 the number of members averaged 1,663 a day while the average for the preceding January was 1,801. The very great proportion of women was due to the fact that the government did all it could to force the men into the army.

Besides the ~~the~~ charitable institutions which I have mentioned, there were many other minor establishments. Among these were homes for the aged or crippled. There were twelve of these in the Kingdom in September 1805. ~~They had~~ ^{With} incomes totalling 463,134 and fixed charges of 102,358, ~~with the sum~~ they supported 611 men and 488 women. Usually they were administered by private individuals or small committees. By 1809 the number of these establishments was 31 in twenty-four departments, but otherwise they had been changed little.

At this same date in 1809 there were in the Kingdom sixteen establishments of various sorts to aid ~~public women~~ ^{prostitutes.} Usually these were small hospitals or rest houses. The government's policy did little to aid ~~the~~ these people. Under Eugene's influence the tendency was to view them as criminals. By a report of May 19, 1807 the Minister of the Interior in conjunction with the Director-General of Police asked for funds to establish such a hospital in Crostolo. In a decision of May 27 the Viceroy refused the grant and gave his solution of the problem as follows:

"Le mal serait moins grand à Reggio qu'il ne paraît l'être par ce rapport si la police des filles publiques y était bien faite, c'est à dire, si les filles étaient souvent visitées et celles qui seraient trouvées malades récluses pendant assez longtemps,

non seulement pour être soignées et guéries, mais pour être ensuite punies pendant un temps déterminé par un travail forcé. Il ne peut être difficile de trouver à Reggio une chambre dans laquelle les filles qui, auraient été prises deux fois seraient enfermées au sortir de l'hôpital et obligées de travailler. Cette chambre serait une prison comme une autre et la dépense en serait prise sur la dépense générale des prisons." 199

A final form of charitable institution was the Monte di Pietà. In September 1805 there were 72 of these in eleven departments. These had incomes of 124,466 lire with fixed or administration charges of 88,611. This allowed 35,855 lire to be used for charitable purposes. In 1809 the number of these institutions in twenty-four departments was 168. 200 Usually their funds were used for some type of dole to the poor.

All of these various institutions which we have mentioned were subjected to the local Congregations of Charity. In the last analysis this system of unified administration was the chief contribution of the Kingdom to the subject of public charity. Beyond that it had little to be proud of. By destroying the religious orders and in general by its policies against corporations, it cut the ground out from under the old system of charitable administration. Having done that, it was unwilling, because of the expense, to go the rest of the way and make public charity State-charity. Moreover, the control which it did extend over institutions of charity was a political control and not one which did much to improve the methods by which charity was administered. The mortality rate in foundling homes and hospitals, the huge number of exposed children, the use of orphans or poor men for military purposes, ^{and} the complete absence of any effort to cope with the causes of social misfortune makes its failure to more adequately ~~cope~~ ^{cope} with the results of such misfortune doubly ^{reprehensible} ~~condemning~~.

199 Luoghi P11 74.

200 Figures from Studi 1136 and Aldini 61.

6. Police, Public Spirit, and Civil Liberty

In order to examine how public order was maintained in the Kingdom of Italy we shall divide the question into three parts. The first, dealing with the general subject of police, will discuss the administration of police, its instruments and finance, and the regulations with which it sought to conserve internal public tranquillity. Our second part is concerned with public opinion and the violations of that tranquillity. The third section deals with civil liberty and censorship.

Police

In spite of the importance of the subject, the government for a long time did not create any centralized police. From the beginning, the Ministry of the Interior had a fifth division under Abamonti concerned with political police. By the middle of 1805 this division had nineteen employees earning a salary of 106,600 Milanese lire a year. This office was chiefly concerned with matters of passports, foreign spies, licenses to carry arms, and large-scale assaults on public order. For coping with this last, it had the national guard and the gendarmerie. One of these had to be used through local officials and the other through the Ministry of War. It was, therefore, an office without instruments of its own and chiefly concerned with routine matters.

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Roberti's scattered pages on this subject (Milano capitale napoleonica II, 175-179; III, 395-397) contain little of significance, and he seems to believe (II, 176, n.4) that all the police records in the archives at Milan were destroyed in 1814. This is a mistake, as a very large amount were there, in the section Polizia, when I examined them in 1938.

202

From the Ruolo del Interno in Aldini 89.

The chief activity of police in the early days of the Republic was accomplished by the local communal officials. This situation was modified on March 1, 1802 when Melzi issued a decree which created a Prefecture of Police for Olona. The office was entrusted to Alberto Canziani with Magnocavallo as an assistant. The Prefect of Police had as his representatives an Officer in each town and an Anziano in each parish. He also made use of the financial police who were stationed
203
at the gates of walled towns.

The police in the other departments was left as a local matter until December 17, 1803. Then a decree declared that the Prefects were in charge of all police in their departments. They exercised this charge by means of the Vice-Prefects and special Delegations of Police. These Delegations consisted of a Delegate at 3,500 lire a year with a secretary, an assistant, and a porter. The total salary of an ordinary Delegation was 7,600 lire of Milan a year plus 700 for the expenses of the office and 300 for lodgings. These Delegations were given a district in which they were the superior of all other local police officials.

They exercised this power directly in their commune of residence and indirectly in other communes. In those communes which did not fall within a Delegation's district, the Municipalita exercised police power as the direct agent of the departmental Prefect. The Delegates and secretary were named by the government, the other officials by the Prefect.
204

This rather complicated and certainly ununified system of police administration lasted with few changes until August 1805. In 1802 the

203 Polizia 17.

204 The decree is in Polizia 1.

Minister of the Interior ordered that the expense of the employees of police fall on the departments. At that time the Prefect of Police at Milan had a salary of 5,000 lire a year, and the cost of the whole administration was 109,840. The following year, with Luini as Prefect of Police, the total cost to Olona was 144,162 lire of Milan. ²⁰⁵

The Prefect of Police at Milan did not cease ^{to exist} in 1805 as Pingaud believed, but continued for the rest of the regime. However, on August 1, 1805 there was created above it a Direction-general of Police which ²⁰⁶ was the superior of all other police authorities in the Kingdom. This Direction-general was simply the concentration in a single office of the various police functions which the Minister of the Interior had previously exercised through the fifth division, the Prefect at Milan, or the Prefects of departments. The relationship of all these various organs and the later-created Commissioner-general of Police at Venice was long a puzzle to the government. As late as February 6, 1810 the Minister of the Interior had to write to Eugene to ask if the Prefect at Milan and the Commissioner at Venice were employees of the State or ²⁰⁷ of the cities. This doubt lasted longer in regard to finance than

205 Accounts in Polizia 18.

206 The Direction-general of Police was a division of the Ministry of the Interior. Besides the Director it had a Secretary-general, the usual clerical sections and three business sections concerned with reserved affairs, ordinary correspondence, and statistical registers. The last of these also handled all police licenses, identity cards, and passports.

207 Letter in Polizia 18.

in other matters and except for the former was settled by the end of
 208
 1806.

The first Director-general of Police was Diego Guicciardi, who
 was not loyal to the Kingdom of Italy, but was kept at this post until
 209
 February 19, 1809. He was succeeded by Francesco Mosca, who was the
 best Director-general of Police, but died on December 15, 1811 after
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 less than three years' service. Two days later he was provisionally
 succeeded by Luini. ^{The latter} ~~This man~~ had been Prefect of Police at Milan for
 years and later had become president of the Court of Civil and Criminal
 Justice. His appointment was a grave mistake as he was as unfaithful as

208 At that time (according to the Ruolo in Polizia 18) the Prefecture
 of Police at Milan was headed by Luini at a salary of 7,000 lire a year.
 His Secretary-general, Bossi, earned 4,300 a year and had four assist-
 ants. The Prefecture was further divided into three sections with a
protocollo, a spedizione, and an archivio. In addition to these it had an
 office of Notificazioni de' Forestieri. The total number employed was 44
 and the total salary expense 80,250 lire of Milan. There were dependent
 from the Prefecture two other offices. The first of these, concerned with
 making a census of the population, had five members and paid salaries of
 4,214 lire a year. The second of these, concerned with the regulation of
 the police at the gates of cities, had twenty-one members and cost 24,112
 lire of Milan a year.

209 Guicciardi (1756-1837) was a member of the Legislative Body of the
 First Cisalpine. In April 1798 he became Minister of Police and three
 months later Minister of the Interior. At Lyons he was a member of the
 Council of Thirty and was appointed Secretary of State. He became a mem-
 ber of the Consulta di Stato in May 1802 and remained at that rank until
 May 1805 when he became a member of the Consiglio di Stato. In August
 he was made Director-general of Police and held the post until February
 1809 when he entered the Senate. After 1814 he remained in high esteem
 with the Austrian government and served it faithfully for many years. He
 was one of the chief actors in the events of April 1814 at Milan and was
 one of the few in the city who knew exactly what he wanted, and lived to
 see it achieved. See Pingaud: Les hommes d'Etat, 77-82 and Casini:
Ritratti, 422-23.

210 Mosca (1756-1811) was an early supporter of Napoleon. He had been
 Prefect at Brescia and Bologna before he became Director-General. See
 Casini: Ritratti, 448-49.

Guicciardi but much more stupid. He was an important member of the Masonic Lodge of Milan which was outlawed toward the end of the regime because of its plotting. He, however, continued to negotiate by subterranean channels with the conspirators in Naples. The government knew of this, because Melzi in a letter to Eugene on January 22, 1814 told²¹¹ the Viceroy about it. He was left at his post and played an important role in permitting the revolt of April 20, 1814.

The Direction-general of Police was organized by Guiccardi immediately after his appointment by a regulation of September 27, 1806.²¹² For several years it included as a dependent office the Ufficio Centrale della Liberta della Stampa, but after 1810 this was formed into a Direction-general and associated with the Direction-general of Public Instruction. By 1812 when the Direction-general of Police had achieved its definitive form, it had twenty-eight employees and a salary account totalling 63,500 lire a year.²¹³ These do not include either of the semi-independent offices--the Prefect of Police in Milan or the Commissioner of Police at Venice.

We have already examined the first of these. The other arose from the difficulty of organizing police administration in Venetia before it was annexed in 1806. The whole history of this effort is interesting since it shows the glaring inefficiency which was created in the Napoleonic system by its fear of a centralized police.

In September 1805 Napoleon sent to Italy a certain Lagarde to inspect the police administration of the Kingdom. This man had been head

²¹¹ Melzi d'Eril: Memorie-Documenti, II, 415-17.

²¹² Polizia 18.

²¹³ Ruolo of May 2, 1812 in Polizia 19.

of the office of the gendarmerie in France for three years and then for twenty months director of the press division in the Ministry of Police. He was personally insufferable, noisy, egotistical, ill-bred, full of insubordination, suspicions, and insults. Eugene believed that he had been sent to organize the police of the Kingdom, and Lagarde soon shared in that belief. Really he was sent to spy on the administration of police. One of the curious points about the situation was that Eugene had specific orders from Napoleon not to confer with Lagarde. Since the latter scorned to deal with subordinates, he wrote to Eugene on September 27 to ask if he could work directly with him. The Viceroy, who evidently could not understand the situation, wrote to the Emperor asking if he could not work with Lagarde using his secretary, Méjan, as an intermediary. He obviously did not know that Lagarde hated Méjan and in his letters to Napoleon regularly accused him of being unfaithful. ²¹⁴

Without achieving any modifications in the police system, Lagarde in January 1806 was made Director-general of Police for all Venetia. He exercised this position from Venice by means of delegates in the provinces. After the annexation of the territory in May, Lagarde refused to submit to the Director-general in Milan. Lagarde insisted that the administration in Venetia should be left independent or that the office in Venice be made the superior of that in Milan. In spite of all his cutting remarks about Guicciardi, Napoleon refused to accept the latter's resignation and ordered in a letter of May 11, 1806, that Lagarde ~~should~~ be subordinate to Guicciardi. A decree of May 14, 1806 made the Frenchman

²¹⁴ Eugene to Napoleon, October 1, 1805 in AFiv1709B; Eugene to Felici, September 16, 1805. See Lagarde's report of February 24, 1807 in AFiv1710B. *His judgement on Méjan was correct, for we now know that this man, who was Eugene's confidential secretary, was also a spy in the pay of Russia.* *St. (unclear)*

Commissioner-general of police for the department of Adriatico. The other departments were policed by civil magistrates. Lagarde, however, was poor at cooperation and constantly exceeded his powers and issued arbitrary orders. For example, in August 1806 on the pretext that it was difficult to watch the many wine-shops, the Commissioner-general ordered the majority to be permanently closed. Eugene countermanded this order as contrary to article 119 of the constitution. ²¹⁵

As finally achieved in this fashion the administration of police in the Kingdom consisted of a Direction-general at Milan with two partly independent wings--a Prefecture at Milan and a Commissioner at Venice. For the execution of its regulations this administration had a number of instruments. These included the Prefects, the frontier inspectors, the commissioners of police, the satellizio, the national guard, the gendarmerie, and the rural guard. Some of these we have considered in other places so here we need ~~only~~ mention only the frontier inspectors, ²¹⁶ the commissioners, the satellizio, and the rural guard.

²¹⁵ The article forbade prohibitions on internal commerce. See Eugene to Aldini, August 29, 1806 in Aldini 34. There is a great deal of correspondence on Lagarde in AFiv1710. A year later Eugene discharged Lagarde and explained why in a curious letter to Napoleon. He declared that Lagarde was living openly with a French woman and had refused to give her up in spite of several warnings and two orders. A month later when Bessieres complained of the treatment given Lagarde, Eugene explained that he too was in a "disgusting intimacy" with the same woman. See Eugene to Napoleon August 21, and September 15, 1807 in AFiv1710B.

²¹⁶ The Prefects and national guard are ^{discussed} in Chapter VIII, and the gendarmerie ~~is~~ in Chapter V.

The frontier inspectors had been created in 1802 to supervise enforcement of the passport regulations in certain border towns. On October 5, 1810 when there were only ten such inspectors, Eugene ordered that these be moved about to other cities as they were not necessary on the borders of the Empire. At the same time he ordered Mosca to draw up a regulation of the activities of these officials. This was presented by Mosca to Vaccari at the end of 1810 and sent to Eugene at the end of January 1811. It was issued only on June 11, 1811 and provided that the ten frontier inspectors be named by the King and administer their duties under the Prefect. The expense of this little group was never large and always less than 20,000 a year. ^{217.}

The Commissioners of Police were a similar group of guards who were posted at the gates of walled cities. They cost about 100,000 lire a year and were abolished at the end of June 1808. The 104 vacant posts ²¹⁸ were taken over immediately by the financial guards. About the same time a new type of Commissioner of Police was made necessary by the inauguration of the new judicial system. By a decree of January 21, 1808 six of these were named to the greatest cities in the Kingdom. They served for yearly terms and were increased in number to seven after the annexation of the Three Departments. ²¹⁹ Subsequently on May 2, 1808 were created sixty-one commissioners of police for forty-nine cities. Venetia had six, Milan four, while the other four cities to which commissioners had been named in January had two each. The commissioners named earlier

²¹⁷ Polizia 1 and Polizia 54.

²¹⁸ Guicciardi to di Breme, June 30, 1808 in Polizia 18.

²¹⁹ Annual original decrees are in Polizia 18 and 19. The cities were Verona, Venice, Padua, Brescia, Milan, Bologna, Ancona.

had special duties in connection with the judicial power and acted as its police agents as had been provided in article 41 of the organic law of procedure of June 13, 1806. The duties of the other commissioners were more general and were outlined in an avviso of October 4, 1807. They were to prevent all crimes and offences; to public morals, watch all foreigners and suspected persons, and ^{be} particularly alert among large public gatherings. They also enforced the decree of November 21, 1806 against carrying arms, visited hotels, kept a list of all prostitutes, and prevented the sale of obscene literature. In all these they made use of the department police for enforcement. They also enforced all municipal regulations on buildings, sanitation, streets, and the like, acting in this case through the Syndic or Podestà.²²⁰

The satellizio were the old departmental police, which had been greatly changed as regards numbers and finances after they came under control of the central government by the abolition of the departmental administration. They were given to the communes or suppressed during the first few years of the Kingdom. As a result their cost dropped from 501,649 Milanese lire in 1805 to less than 100,000 Italian lire in 1809.²²¹

²²⁰ The decree of May 1808 is in Polizia 18. The avviso is in Polizia 1. The former provided that the commissioners' salaries vary from 3,000 lire a year at Venice to 600 in a smaller town. The total was usually less than 80,000 a year and was paid by the town.

²²¹ Accounts are in Aldini 98.

The rural guard was ordered created by a decree of September 13, 1811. It was to consist of men at least 25 years old who were appointed by the Communal Council on the recommendation of the Podestà or Syndic. Their salary was fixed by the Prefect and paid by the commune. They were to protect crops and rural property and could either arrest or inform against culprits. Every property owner had the right to have a guard of this sort on his property. There is no evidence that any commune felt sufficiently rich to put into execution this fine plan to provide the wealthy with watchmen at public expense.

The finances of the administration of police are not easy to disentangle, not only because the evidence is far from plentiful, but because years were spent in disputes between the central and local governments as to how these expenses should be shared. In most of these arguments the local governments were defeated, with the result that the cost of police to the central government was only a quarter in 1812 of what it had been in 1806. In the latter year the expense of the whole police system to the Treasury was 981,723 lire of Italy while six years later the cost was only 270,000.²²² We have already given some indication of how this reduction was achieved. The cost of frontier guards remained stable at about twenty thousand lire a year but the expense of the Commissions of Police, which had been charged to the Treasury by a decision of November 24, 1804 ceased in 1808, because the old ones were abolished

²²² The cost for 1812 is from an account in Polizia 42; that for 1806, according to a report of January 13, 1807 in Polizia 18 was as follows:

Frontier Inspection	19,450	
Commissions of Police	122,369	
Prefecture at Milan and		
Commission at Venice	168,800	
Satellizio	476,666	
General and Secret Police	491,000	
Total	1,278,285	lire of Milan
		or
		981,723 lire of Italy

and the new ones were charged to the communes. Their total cost from 1805 to 1808 was 227,089 lire.²²³ The expense of the Prefecture at Milan and the Commission-general at Venice were put on their respective communes by a decree of December 29, 1807. The satellizio was charged to local expenses so that by 1812 only the frontier guards and the general ~~and secret~~ police were still being paid by the Treasury.²²⁴

With the administration which we have described and the expenditures we have mentioned, the government sought to preserve peace and order. The rules by which it attempted to do this were very numerous. The most fundamental was the Code of Penal Law translated from the French code and decreed on November 12, 1810. Beyond this there were a number of other rules which are of special interest. One of the oldest and most used of these was the law of ~~16 Theridore Anno V~~^{August 4, 1797} which condemned to death all conspirators or plotters ~~seeking~~^{seeking} to disturb the State with civil war, ~~to~~^{to} arm the citizens against each other or against the government, or ~~to~~^{to} to enroll soldiers or gather arms.²²⁵ This law was supplemented by a law

²²³ Decision of 1804 in Polizia 54. Total cost in Aldini 103.

²²⁴ The decree of December 1807 gave rise to a three year controversy which was settled only in 1811 by a decision of the Consiglio di Stato (issued as a decree January 22, 1811). In 1807 the Prefecture of Police had cost the government 95,000 and the city 58,107. When it was put entirely on the city, the expense was cut a little and on January 10, 1808 Eugene approved an itemized budget for 127,518 lire. Unfortunately a number of items such as the Census office, which Milan had paid in the past were omitted from this budget. A hot dispute arose between Durini, the Prefect of Olona, and the Director-of Communes on one side and di Breme and Guicciardi on the other. The former group insisted that the omitted items should be paid from the 127,518 lire total. The latter which claimed that these items were extra since they were not in the budget as decreed eventually won out. All documents are in Polizia 42.

²²⁵ A copy of the law is in Polizia 458.

of August 20 and a decree of October 18, 1802 which put restrictions on vagabonds and beggars. A decree of June 4, 1808 revived a law of ^{October 2, 1798} ~~10 Vendémiaire anno VI~~ which condemned vagabonds and lazy persons to one year in jail. This was extended to Venetia and the other parts of the Kingdom to which it had never applied.²²⁶ A final decree of March 11, 1810 summed up the regulations on crimes against public authority.

Restrictions on personal movement within the Kingdom were begun by a regulation of March 27, 1802. This made it impossible, even for citizens, to travel within the country without a card of security from the Prefect. To leave or enter the country a passport from the Minister of the Interior was required.²²⁷

Toward the end of the regime the regulations in regard to foreigners entering the Kingdom or citizens travelling within it, were ^{applied} much more intensively. ~~intensely~~ In 1811 the Minister of the Interior was ordered to codify these regulations. His decree was published on June 11 and provided that all foreigners entering the Kingdom needed a passport with the visé of a representative of Italy or France to a friendly power. Whenever a foreigner entered the country he had to declare some city as his destination. His passport was taken away, and he was given a card allowing him to go to that city. This card specified the route and was issued by the Prefect, Vice-Prefect, or the Frontier Inspector. If he stopped over on his route he had to report to the local police within twenty-four hours. If he extended his stop-over to three or more days, he had to surrender his carta di passo and get instead a carta di sicurezza. He could continue on his journey only by surrendering the

²²⁶ Guicciardi to Eugene, March 22, 1808 and decree of June 4 in Polizia.

²²⁷ Polizia 18.

latter to get back the former. Residence within the Kingdom was possible only with the permission of the Minister of the Interior. Citizens leaving the country needed a passport issued by the Prefect. This was granted only if the individual received a favorable report from his Municipalita²²⁸ or was guaranteed by two worthy citizens of the same department.

A determined effort was made to disarm the citizens. A decree of November 21, 1806 made a government permit necessary to carry firearms. This was rigorously enforced and quantities of guns were seized by the police. A later decree of August 4, 1810 made it a crime punishable with three months in prison to make, import, or sell any kind of knife except the ordinary, round-ended table knife. In order that there should be no doubt about the type, the decree itself had a picture of the innocuous kind of cutlery to be allowed.

A decree of October 26, 1810 made it necessary for all domestic servants to have identity cards which gave the period and condition of their employment. ^{These cards were} ~~It was~~ signed on ^{obtaining} ~~obtaining~~ or leaving a position, and no one could obtain a new place without an approving signature from the old one. Those out of service without any income for a month had to leave Milan at once. This decree was merely an extension of the government's campaign against all persons who could not be tied down to some form of property or permanent craft.

²²⁸ This same decree of 1811 (in Polizia 1) ordered the financial guards at the gates of walled towns to report on all strangers who entered or left the town. Any who refused information was arrested. By the end of 1811 a complete list of every individual in each commune with all possible information about him was to be made. This had been originally ordered by a decree of June 29, 1809.

After the new judicial system had been installed, an effort was made to establish some control over individuals who had completed their sentences. The Chief-Judge submitted a projected decree on October 14, 1808. It was discussed by the Legislative Council in December, but nothing was done. In December 1810 the Director-general of Police prepared a project which was sent by Vaccari to Eugene on February 1811. Examined by the Council of State in March and published on August 28, 1811, it provided that all convicts on leaving ~~the~~ prison had to go at once to their Prefect to register. They were given a card of identity ^{229a} and always watched thereafter.

Public Spirit

The organization ~~which~~ we have described ~~by means of the above reg-~~
~~ulations and extraordinary ones issued from time to time had great~~ ^{had some} diffi-
 culty preserving public order and keeping the peace. ~~The~~ ^{Sometimes} Violations of
 that peace were usually criminal, but ~~frequently~~ were political. Agita-
 tions against taxation, conscription, and the government's religious
 policy were almost constant. These were increased by agitations insti-
 gated by foreign enemies or even by individual criminals who sought to
 fish in troubled waters. The arrest of such agitators was not easy.

Since the peasants distrusted the police too much to betray ~~the~~ fugitives,
^{these} ~~who~~ found secure hiding places in the mountains, ^{and} little could be done.

Public opinion was cold at the time of the coronation but open op-
^{229b} position to the regime did not develop. On May 30 His Majesty issued a

229a Projects and correspondence in Polizia 1. Decree in Polizia 18.

229b That the Italians were not enthusiastic about the creation of the Kingdom in 1805 can be seen in a number of documents in AF^{1v} 1709A. The most revealing are letters of Marescalchi of April 13 and April 28, 1805 and a report of the Council of State dated April 15, 1805.

decreed ^{setting} ~~which put~~ at liberty all those arrested or condemned for crimes against public order. On September 26, 1805 the special political tribunals were reestablished, but there was not a great deal of ^{crime or} agitation against ~~either the criminal law or~~ the political situation. Even the war with Austria did not cause any unusual activity, but afterwards the annexation of Venetia roused a good deal of discontent. Much of this was due to the usual Italian provincialism--the Milanese fearing they would be lost in a larger state and the Venetians hating to be ruled from Milan. Two other disturbing factors which developed from this source were the discontent which arose over the extension of the government's religious system to the new territory and the numerous clashes which arose between the French and Italian administrators who were working on the problem of organizing the new annexation. ^{229c}

On September 19, 1806 a new amnesty was granted to all citizens of the Kingdom who had taken up arms against their country or had taken service with an enemy power since the Treaty of Campo Formio. Two days later the decree confiscating private arms was issued, and although some important confiscations of arms were made, these had resulted from the war and really signified very little about public spirit. Even the Passerini case revealed rather the minds of a few foolish men than any deeply-held public opinion. On June 24, 1807 Eugene wrote to Napoleon that public spirit was much improved since the executions. He also took the occasion to report that three priests who through ignorance had prayed for Francis II instead of for Napoleon had been sent to the seminary. In the four months before the Viceroy's letter only eight

229c There can be little doubt that discontent over the annexation was widespread both in Milan and in Venice. This is supported by the following reports or letters: Napoleon to Eugene, April 14, 1806; Eugene to Napoleon, April 17, 1807 in AF IV 1684; Lagarde to Savary, June 19, 1806 in same carton; Eugene to Napoleon, July 23, 1806 in AF IV 1710; Lagarde to Eugene, September 1806 in same carton.

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"distributors of false reports" had been imprisoned.

This happy condition soon began to change. In the course of 1807 numerous spy scares ~~were discovered~~ ^{occurred,} ²³¹ and the developing commercial stagnation gave agitators a basis on which to build. With prices falling rapidly, there was a flurry of bankruptcies in the fall of 1807. The increasing intensity of the controversy with the Pope added to these troubles. Brigandage in the countryside was also increasing. ²³²

In contrast ^{with} ~~to~~ these disturbing elements there were ~~also~~ ^{observed.} a few good signs to be ~~found~~. Conscription began to function a little better in 1807. At the end of the year Napoleon's visit to the Kingdom had a beneficial effect. On January 8, 1808 the special political tribunals were suppressed, and, although somewhat similar bodies were created by decrees of March 21 and April 2, there was no great ^{trouble} ~~trouble~~ except in regard to conscription. ²³³

This ^{quiet} ~~peace~~ continued until the outbreak of war with Austria in the spring of 1809. In January a conspiracy was apparently discovered in Friuli and twenty persons were arrested. After an investigation no conspiracy could be found, but the two ring-leaders were executed for agitating public sentiment. ²³⁴

²³⁰ Eugene to Napoleon, June 24, 1807 in AFiv1710B. On the Passerini plot which led to the execution of two Italians see the documents in AFiv1710B and Cusani Confalonieri: "La congiura de' Parroci di Vall' Intelvi" in Nuova Antologia (1927), 409-27.

²³¹ See Eugene to Napoleon, March 12 and July 24, 1807 in AFiv1710B.

²³² In August Eugene sent his aide-de-camp Captain Bataille to Paris with the financial account of 1807 and the budget of 1808. When he fell asleep, his carriage was robbed, and he lost both documents. See Eugene to Napoleon, September 3, 1807 in Ducasse.

²³³ See Eugene's letter to Napoleon on public spirit of January 29, 1808 in AFiv1711B.

²³⁴ Eugene to Napoleon, January 29, 1809 in AFiv1711B.

Friuli

From April of 1809 until the fall of the Kingdom the problem of public order was a serious one. The combination of a new tax and a foreign invasion gave rise to grave disturbances of public order. In some sections this reached the point of open revolt with armed bands of two or three hundred men roaming the countryside. ²³⁵ To cope with these events a number of edicts were issued. On May 11, 1809 the ~~Grand~~ ^{Chief} Judge proposed that the Court of Civil and Criminal Justice in each department be turned into a special tribunal. By a decree of July 11 Eugene did this in six particularly disturbed departments. He had already created special courts-martial by a decree of May 18, 1809. These latter were to try all individuals found in armed bands and sentence them within twenty-four hours of their arrest. The courts created in July tried all other cases against the security of the State. Since ordinary courts could not handle cases involving the security of the State, prisoners in departments without special courts were ~~moved to those~~ ^{tried in the} nearest ~~them~~ ^{department which did have one.} ²³⁶

Later, on July 25, 1809, di Breme, after a conference with the Director-general of Police and the Ministers of Finance and War, advised

²³⁵ The most valuable manuscript materials on this affair that I have found are di Breme's report of July 17, 1809 in Box 42, #22, Villa's report of July 25, 1809, Aldini's of July 16, and Marescalchi's of September 21, 1809, all three in AFiv1711B. The printed accounts of these disturbances are very numerous and include Bullo: Dei movimenti insurrezionali del Veneto sotto il dominio Napoleonico (Venice, 1899); also in Nuove Archivio Veneto for 1898-99); Cassi: "L'Alta Lombardia durante l'insurrezione tirolese nel 1809" in Rassegna Storia Risorgimento (1931) XVIII, 289-328; Natali: "L'insorgenza del 1809 nel Dipartimento del Reno" in Atti e Memorie della Deputazione di Storia patria per l'Emilia e Romagna (1936-37) II, 44-109; Tolomei: "L'insurrezione del nono" in La Venezia Tridentina nel Regno Italico (Rome, 1919) 47-77 (also in Archivio per l'Alto Adige for 1909).

Adige

²³⁶ Instructions of July 21, 1809 of Chief-Judge, decrees and other documents in Polizia 458.

that three precautionary steps be taken. These were to ^{renew} ~~order the renewal of~~ all cards of security, to reestablish the commissioners of police at the gates of cities, and to forbid all carrying of arms. Eugene refused all of these as he found the last already in effect, the second useless, and the first too burdensome to people who could not afford to pay the fee. However, as the troubles continued, the Viceroy on August 29 ordered that ~~the~~ cards of security be renewed in all the communes where revolts had occurred. ~~He ordered that~~ ^{were to} the new cards be given free to the poor and the tax paid by the commune. He still refused di Breme's suggestion that ~~the~~ restrictions on arms be made more stringent by revoking all the hunting licenses which had already been issued.

Throughout this period Eugene never lost his head. He constantly insisted that the leaders be rigorously prosecuted, but that the small-
 237 fry be left alone. On October 31, 1809 he issued a violent criticism against some of the special courts for their leniency toward these leaders. He cited a number of cases where these ^{had been} ~~were~~ freed by the courts. He declared that some of these tribunals were corrupt, and threatened to ^d send the accused before the military courts if he could not get convictions otherwise. On March 10 he accused these courts of having been

237 As he wrote in a decision of July 31, 1809 in Polizia 458, "La Direction veillera d'ailleurs à ce que les individus arrêtés soient traités avec autant de justice que de severité. C'est à dire que les hommes qui peuvent n'avoir été qu'égarés, ne soient nulle part sacrifiés à la place des veritables chefs et moteurs des attroupe-ments. Ce sont surtout les chefs qui doivent être atteint et frappés les premiers...les plus ignorants et les plus pauvres ne soient jugés qu'après les plus coupables."

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bribed.

At the same time Caffarelli submitted a long report on the disturbances. He claimed that the chief leaders were deserters and refractory conscripts. He did not condemn these as completely evil for he pointed out that the administration of conscription was so poor that many individuals apparently did not know that they were conscripts. He believed that, except for Reno and Panaro, most of the troubles were over. In the former, however, many Syndics had fled their villages and did not dare return. In the latter department seventy brigands were still at large aided by peasants.

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Caffarelli's belief that the troubles were over was premature. They continued and grew in intensity during the winter, although they became much more criminal and less political. It was necessary to order troops into several departments. General Grenier was sent into Reno and, after several sharp engagements, was able to announce on April 3, 1810 that seventeen of the worse offenders had been killed or wounded. On the 18th

238 All documents in Polizia 459. An interesting point about the handling of these prisoners was Eugene's constant refusal to offer a pardon to the less important ones. He was quite willing to quietly free them, but he did not want a public pardon. As he wrote in a decision of October 21, 1809, "Mon intention n'étant pas de publier un decret d'amnestie afin de ne pas consacrer par un acte public le souvenir du crime de quelques individus." On March 3, 1810 he again refused to pardon since a decree was a public act which always remained to accuse the persons and the departments concerned. Of 2,675 persons who were arrested, 150 were condemned to death, 125 to public labor, 513 were declared innocent, 259 were put in prison without trial on an administrative order, and 303 were still on trial on November 12, 1809. This left 1,325, mostly peasants, who were released without trial as quietly as possible after five months in jail. See Eugene to Napoleon, November 12, 1809 in AFiv1711B.

239 This and the following paragraphs are based on documents in Polizia 459.

it was announced that Reno was completely pacified and 200 men jailed. Much of this success had been achieved by driving the bandits into other departments, and on April 25 it was necessary to send the troops into Crostolo and Panaro.

While this was going on, the Three Departments, which had been the scene of disturbances at the end of 1809, were also pacified. Eighty brigands were arrested and by a decision of February 6, 1810 sent to the island of Elba to be ^{enrolled in} ~~enrolled in~~ the military force there.

All these events did not pacify public opinion. The alarm was intensified by the rumors that Illyria was to be ^{detached} ~~separated~~ from the Kingdom. These rumors were extended until they claimed that the whole Kingdom would be dismembered and Lombardy annexed to France. The basis for this fear was found in the fact that a boundary commission was in session at Paris. As Eugene wrote to Napoleon on February 28, 1810, "the country is extremely agitated... All business is suspended from fear. Some individuals want to sell their properties, but others refuse to buy."²⁴⁰

On April 9, 1810 Napoleon, on the occasion of his marriage, issued a general amnesty freeing all those detained or condemned for crimes against the State. This was completely ill-timed and meant that in Reno at least many offenders had to be rearrested. By a decree of April 21, 1810 Eugene ordered that all individuals arrested after the publication of the amnesty would be tried by military courts within twenty-four hours. One such court was created for each department. A report of July 24, 1810 on the results of this action in Reno says that 121 brigands were arrested and 108 tried. Of those 48 were condemned to death, 14 to life-imprisonment and 49 to terms in prison.²⁴¹

²⁴⁰ AF1v1711A.

²⁴¹ All documents in Polizia 459.

By severe measures like these the prevalent disturbances were eradicated in the course of 1810 after a year and a half of activity. Although violence thus declined, public spirit did not ^{improve} ~~take a better~~ ~~shape~~ because of the economic troubles for which the government was considered responsible. ~~was~~ Bankruptcies and price changes injured all citizens from the highest to the lowest. This continued well into 1811. Toward the end of that year there was some relaxation in general discontent, but this was only momentary. The beginning of the new war was accompanied by a new outburst of crime. From the beginning of March to the middle of May 1812 there were 250 armed highway robberies and 100 violent entrances of homes with robbery and murder. According to Melzi there was not a road in the Kingdom which could be safely travelled at night.²⁴² By the end of 1812 public opinion was uniformly bad because of the reports from Russia. At the end of the year a plot was discovered²⁴³ at Rimini and eighteen persons arrested.

In 1813 conditions grew steadily worse. Economic activity was ^{on the} ~~in~~ ebb, and the ~~new~~ conscription necessary to replace the lost troops went unexecuted and ^{was} ~~resented~~. In April there were riots in Bassano. When the leader fled, his house was searched, and evidence of a widespread plot was ~~uncovered~~. Lists of conspirators, ^{may} ~~many~~ those arrested in 1809, were found. The following month there were troubles in Alto Adige so serious that the Director-general of Police had to go there. He found that the

²⁴² Melzi to Eugene, May 15, 1812 in Memorie-Documenti, II, 329-30.

²⁴³ Melzi to Napoleon, December 27, 1812 in AFiv1712. See Capello: "L'anima d'Italia dopo la campagna di Russia" in Nuova Antologia (1913) CCIL, 642-58; and Romano: "Echi Pavese della campagna di Russia" in Boll. Società Pavese di Storia Patria (1912) XII, 370-85 and (1913) XIII, 379-84.

laws of the Kingdom were generally injurious to the people there as they lived on the products of the forest, had ^{common} ~~common~~ pasturage, 244 and free planting of tobacco, all forbidden by the government at Milan.

At the end of October 1813 the Viceroy sent Napoleon a long report on public opinion. He found it very poor, marked rather by a terrible apathy than by any real ^{to} ~~version~~ ²⁴⁵ for the government. In a subsequent letter of November 9, 1813 he painted a much blacker picture of the situation. After relating the terror of most of his retinue and the complete

244 Melzi to Napoleon, April 19, and May 18, 1813 in AFiv1712.

245 He wrote, in part, "Je ne dois point de dissimuler à Votre Majesté: Il n'y a point encore d'esprit vraiment national en Italie. Le dévouement de vos peuples est sans chaleur et sans élan, leur obéissance est toute passive. Ils sont encore étrangers à ce genre d'émotion qu'excite ailleurs le nom de la Patrie..... Néanmoins, je dois rendre aux Italiens cette justice qu'en général ils n'ont point donné accès aux insinuations des émissaires que dans les derniers temps l'Autriche a jetés parmi nous. Ce n'est point la domination autrichienne qu'ils regrettent; ce n'est point non plus le gouvernement de Votre Majesté qu'il repoussent, mais c'est une sorte d'insouciance, d'apathie, d'abandon irréfléchi de tout intérêt public, dans lesquelles ils sont tombés. Chacun se renferme donc dans un égoïsme dont il ne veut pas apercevoir le danger. Ceux qui, placés à la tête de la société par la fortune et les emplois sont appelés à donner l'exemple, n'en donnent aucun. Qu'en résulte-t-il? C'est que les nouvelles levées sont jusqu'à présent sans résultat; on les élude par des émigrations locales, dans le honteux espoir d'être mis à l'abri des recherches par l'invasion successive du territoire. Dans l'armée la désertion se fait par bandes; elle a lieu jusqu'à dans la garde royale; elle a entre la garde d'honneur même! D'un autre côté, les contribuables dans tous les départements menacés, cherchent à se soustraire au paiement de l'impôt... Vainement j'ai cherché à combattre cette indifférence par les proclamations, par les articles des journaux, par la publication de toutes les bonnes nouvelles, par la direction des correspondances particulières; tous les cœurs, sont restés froids, comme s'ils se fussent fermés même à l'espérance". (AFiv1712)

failure of many members of the government, he ended,

"Votre Majesté connaît bien l'Italie; elle concevra facilement les conséquences de l'esprit mauvais ou faible des premiers fonctionnaires. Enfin aujourd'hui je suis plus occupé de ce qui peut arriver sur mes derrières par suite de l'opinion que de l'ennemi même....J'ai ordonné une nouvelle levée en Italie. Mais elle a servi de prétexte à plusieurs insurrections, et la levée est nulle. Je le dis avec regret mais je le dis avec vérité. Votre Majesté a fait beaucoup d'ingrats en Italie. Le fonds du peuple est bon, même attache, il servirait mieux, je le crains, s'il était mieux dirigé par la classe des riches qui exerce une grande influence et qui a trop d'apathie et trop d'égoïsme pour avoir un esprit public..." 246

This spirit among the upper classes of the Kingdom was more dangerous than the insurrections against conscription, more dangerous even than the Austrian advance. It gradually developed into a tangle of subterranean plotting in Milan. The center of this movement was evidently the Grand Masonic Lodge. In November 1812 this was still working to support the government, but by September 1813 it had been involved in several minor disorders so that Eugene, who was Grand Master, dissolved it. Part of the group, including Luini and Custodi, kept their connections and began negotiations with similar groups in other cities. Dolce, secretary at the Court of Appeals at Brescia, wrote that the Masons loved Italy and Napoleonic institutions but hated the Emperor's despotism and pride and work^{ed} for his downfall. Salfi and Romagnosi, professors in the special school at Milan, were heads of another secret society working

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for a free Italy.

In the last analysis, it was a public spirit such as this which made the Kingdom of Italy cease to exist, because it was a spirit such as this which made the revolution of 1814. It was not the complaints of peasants over conscription or villagers over taxation which made the regime fall. It was not even the plotting of criminals, traitors, or pious Catholics. It was rather that in political ideals and public morale the inhabitants of the Kingdom had developed at such varying rates that a wide divergence had developed between them. While some were not yet psychologically prepared for independence (and still fewer for unity), others wanted it at once, and these latter, not from any iniquity, but by blindness to the full situation, tried to achieve their goal immediately and completely. In this way they accentuated the divergence we have mentioned, disunified the Italians, and allowed their hopes to fall victims to the political "realists."

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On this subject see Glissenti: Da una rivolta a Verolanuova contro il governo napoleonico nel 1813 (Brescia, 1886); Cassi: "La missione del senatore Dandolo nelle Marche" in Rassegna Storica del Risorgimento (1936) XXIII, 719-34; Luzzato: "La missione di Vincenzo Dandolo nei dipartimenti marchigiani del Regno Italico" in Le Marche nel Risorgimento (1933). On Masonry in the Kingdom see Bersano: "Adelfi, federati, et carbonari" in Atti della R. Accademia delle Scienze di Torino (1910), IXLV, 409-430; Luzio: "La massoneria sotto il Regno Italico" in Archivio Storico Lombardo (1917), XLIV, 241-352; Luzio: La massoneria e il risorgimento italiano (2 vol. Bologna, 1925); Marcolongo: "La massoneria nel secolo XVIII" in Studi Storici (1910) XIX, 407-77; Ottolini: La Carboneria dalle origini ai primi tentativi insurrezionali (1797-1817) (Modena, 1936); Romano: "Massoni in Pavia al tempo del regno italico" in Boll. Società Pavese di Storia Patria (1917) XVII, 127-28; Spadoni: "Le società segrete nella rivoluzione milanese dell'aprile 1814" in Nuova Antologia (1929) CCCXLIII, 197-211.

Civil Liberties

It must seem fairly obvious from all that we have said that the Kingdom of Italy was a dictatorship in which civil liberty was entirely lacking. We cannot, however, accept a thing as true merely because it is fairly evident. The cold assembly of fact sometimes had a disconcerting way of upsetting the assumption of fair evidence. Not, let us hasten to add, that our examination of the facts in regard to civil liberty is going to contradict our assumption that liberties of this kind were rare in the Kingdom of Italy. The Kingdom was admittedly badly dealt with in regard to civil liberty, but many curious facts can arise from an examination of the situation. Not the least curious is that much of the time the defender of civil liberty in the Kingdom was Eugene, the agent of the dictator, and the enemies of these liberties were the Italians themselves, who were the ones to be oppressed.

By civil liberties we do not mean either liberty or nationalism but those little fragments of liberty and justice which include no ~~in~~ ^{punishment} ~~prisonment~~ without trial, religious freedom, and freedom to speak, to print, and to assemble.

The administration of justice in the Kingdom of Italy was frequently arbitrary and corrupt. The government on occasion violated the law of arrest or trial with the most complete nonchalance. On the other hand, it sometimes showed the gravest concern for the maintenance of established forms. This inconsistency apparently ^{was} ~~is~~ rooted in a strange trait in Eugene's own character. In the course of his career he sent hundreds of individuals to prison or even death without any trial, but on the other hand he frequently was a stickler for the judicial forms. Apparently this shift of view was not connected with the urgency of the case,

for in 1809, when speedy trial and suppression of turbulence was most necessary, Eugene was most insistent on a fair trial. In general we can draw two conclusions. The first, ^{and more important,} is that Eugene would not tolerate violation of legal forms by his subordinates. If such were to be made Eugene was determined to make them himself. The second is that when Eugene insisted on a fair trial, it was usually because he believed it entailed some ^{immediate} political advantage. He does not give evidence that he ever regarded a fair trial as a good thing in itself.

These conclusions can be illustrated by a number of episodes. In September of 1805 a certain Reiser was arrested as a spy. After a thorough investigation, Guicciardi reported to Eugene that sufficient proofs for conviction had not been found and that Reiser should be freed, "as a single individual could not endanger the State". Instead, Eugene decided that during eighteen months' residence a man of his zeal must have discovered something, so he ordered that Reiser be held until the peace. ²⁴⁸

A similar episode occurred in 1807 when another suspected spy was arrested. In his report to Napoleon, the Viceroy wrote, "I have no proof ²⁴⁹ against Tacco, so I put him in prison for six months."

Another example, more fateful in its results, occurred in 1809. A monk, landing at Sinigaglia from Venice, was searched and found to possess ²⁵⁰ incriminating papers. He was immediately shot by Eugene's order.

²⁴⁸ Eugene to Napoleon, October 2, 1805 in AFiv1709B.

²⁴⁹ Eugene to Napoleon, July 24, 1807 in AFiv1710B.

²⁵⁰ Eugene to Napoleon, June 29, 1809 in AEiv1711B.

But in this same year of 1809 Eugene issued several strong defenses of legality in judicial actions. On January 29, 1809 he issued an order to the Commission of Individual Liberty within the Senate to take cognizance of all arrests made for political reasons if the persons arrested were not sent to trial within ten days. From the evidence this Commission did very little.²⁵¹

Again on August 17, 1809 he wrote a decision to the Chief-Judge. He said in part, "Le Ministre doit veiller sans doute à ce que tous les coupables indistinctement soient mis sous la main de la loi, mais il doit veiller avec le même soin à ce que la dignité de l'autorité judiciaire ne soit par compromise dans l'esprit des justiciables par des mesures inconsidérées et qui seraient contraires aux formes établies...

Je me borne donc à dire au Ministre que les circonstances n'excuseraient pas la violation des formes, et je lui recommande en conséquence de faire marcher de front le respect des formes et la poursuite des coupables."²⁵²

On July 31, 1809 the Viceroy wrote to the Director-general of Police, "La Direction veillera d'ailleurs à ce que les individus arrêtés soient traités avec autant de justice que de severité."

Yet during this same summer of 1809, out of 2,675 individuals arrested,²⁵³ 259 were put in prison without trial on an administrative order.

These inconsistencies were hardly due to changing circumstances. We have, for example, Eugene's own narration of how he violated all the

²⁵¹ Polizia 458.

²⁵² On a report of July 19, 1809 in Polizia 458.

²⁵³ Eugene to Napoleon, November 12, 1809 in AFiv1711B.

legal forms during the same summer in which he wrote his powerful defense of these forms to the Chief-Judge. A certain Zenobio, a Venetian, had been agitating against Napoleon. On August 14, 1809 the Viceroy ordered that all his property be sequestered. Zenobio wrote another pamphlet in April 1810, so Eugene ordered that all his goods be sold to the profit of the treasury. As he wrote himself, "Cette décision n'était peut-être trop régulière. Elle excédait les termes des decrets précités. Elle n'aurait du peut-être être prononcés que par un Tribunal; mais enfin je cédaïs de premier moment à l'indignation que m'inspirait la conduite de cet homme."²⁵⁴

This action evidently did not make Zenobio more faithful, for on November 3, 1810 he published a long letter in the London Morning Chronicle advocating war against Napoleon.

Although Eugene yielded himself to "indignation", he did not permit any slips among his subordinates. On September 23, 1809 he wrote to the Minister of the Interior that he had received many accusations against the arbitrary conduct and abuse of power of the local Commissioners of Police. Specifically he accused Bertazzoli at Lugo of having imprisoned a woman for a month without making charges against her. He also accused the Prefect of shielding Bertazzoli. As a result of this, the commissioners of police were investigated and five removed from their places.²⁵⁵

From these cases we can say that arbitrary imprisonment was rare except when ordered by Eugene, but that he was extraordinarily liberal with himself in issuing such orders.

As regards religious freedom, we have made clear in Chapter VI that no one was persecuted for his religious beliefs, but ~~the~~ Catholics were

²⁵⁴ Eugene to Napoleon, January 18, 1811 in AF1v1712.

²⁵⁵ Polizia 18.

certainly persecuted when the government believed that their religious beliefs could have political implications. This was, however, not rooted in religious ~~intolerance~~ ^{intolerance} but in political ~~intolerance~~ ^{intolerance}.

Freedom of speech and assembly were never guaranteed in the Kingdom. Many of the persons imprisoned or fined for political crimes were ~~treated~~ ^{punished for} ~~in this fashion because of~~ what they said rather than what they did. These restrictions upon free speech were usually justified as restrictions against "alarmists" and spreaders of "false reports." Usually they were punished by fines, although sometimes by short imprisonments. In many cases these punishments were imposed without trial.

Freedom of assembly was restricted by article 291 of the Code of Penal Law, which said that no association of over twenty persons could meet periodically without the authority of the government. This article was strictly enforced and such authority was reluctantly given. ~~In addition~~ Occasional meetings were closely watched and ~~not~~ ^{only} allowed if of ^{small} size.

~~The~~ Restrictions upon freedom of the press were administered by a separate institution and had a long history. We must now glance at that subject.

During the first year of the Republic, censorship, although quite strict, was not completely organized. It was applied by a Revisione delle Stampe Estere e Nazionali which was a ~~Magistracy~~ ^{"Magistracy"} of three individuals in Milan with a delegate (also called a Revisor) in Bologna. In the other communes the law was enforced by censors recommended by the Prefects.

256 Unless otherwise mentioned all documents or decrees on censorship are in Studi 102.

The activity of this group was organized by a decree of January 21, 1803. This provided that every author was responsible for his works and should see that they did not offend religion, religious liberty, or public morals,^{and} were not against public order, the government, or a friendly power. All works had to be published under the author's real name with the publisher's real name. Every person who owned a printing-press had to register it within five days ^{under threat of confiscation.} ~~on these~~ Theatrical productions, all placards, and periodicals as well as imported books were subjected to the Revision.
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This system functioned to the government's satisfaction until Eugene came to power. On June 18, 1805 he wrote to the Minister of the Interior that he did not want the censorship of the press applied to manuscripts as well as books for "ce mode de censure est évidemment contraire aux principes sur lesquels reposent les constitutions du Royaume. En France, la liberté de la pensée et même la liberté de la presse sont demeurées pleines et entières; je désire qu'il en soit de même en Italie. Il ne suit pas de là que, dans mon opinion, un écrivain, libre sans doute d'écrire chez lui ce qu'il veut, soit également libre de publier ce qu'il veut. J'entends seulement qu'en matière d'écrits, comme en toute autre matière, l'action de la police ne se fasse sentir que lorsque la chose publique est essentiellement intéressée à cette action." From this point of view Eugene ordered that since it was not the writing, or even printing, of a book which was a crime but its dissemination abroad, whoever wanted to publish a book or document had to

257 On dramatic censorship see Menghini: "La censura teatrale al tempo del Regno Italico" in Revue Napoléonienne (Rome) (1902) II, 184-99 and (1903) IV, 196-209; Bustico: "La censura teatrale a Novara durante il periodo Napoleonico" in Rassegna Storica del Risorgimento (1920) VII, 677-97; Manzi: "Foscolo, la censura teatrale e il governo italico" in Rivista d'Italia (1912) XV, 565-656, 764-822.

submit a copy to the police who would give it to a reader named by the Minister of the Interior. This reader had to decide on its suitability within four hours for a paper and eight days for a book. ²⁵⁸

Eugene evidently considered this letter ~~as an order~~ ^{an order} to abolish the censorship, for he expressed himself as completely astonished when in February 1806 the Minister nominated two men to the Revision. Inquiry convinced him that his order had not been obeyed. He was especially surprised to discover on March 28 that Scotti, a publisher at Milan, had been jailed in the Chateau of Fenestrelle for eight months. He did not find ^{it} ~~it nearly so~~ strange that there was locked in the same place a certain Elli who had been sent there by himself for corresponding with Venice in August 1805. ²⁵⁹

At the beginning of March 1806 Eugene ordered that the censorship be abolished, since the press was free, and that governmental activity be restricted to prosecuting violations of this freedom. ²⁶⁰ In accordance with these orders the Magistracy of Revision was abolished by a circular of June 20, 1806. But without Eugene's knowledge the members of the

²⁵⁸ Letter in AFiv1709B. This change had been ordered by Napoleon in letters to Eugene of June 12 and 14, 1805 (in Correspondance, X, 512-3 and Ducasse, I, 145). But it was a change in name only, for the latter says "Je désire que vous supprimiez entièrement la censure des livres. Ce pays a déjà l'esprit assez étroit sans l'étrécir davantage. Bien entendu que la publication de tout ouvrage qui serait contraire au gouvernement serait arrêtée. Il faut exiger seulement que lorsque les libraires aient à mettre en vent un ouvrage, ils en envoient sept jours avant un exemplaire à la police."

²⁵⁹ All documents in AFiv1684.

²⁶⁰ Eugene's letter to the Minister of the Interior was as follows (in Studi 102): "Je ne pense pas que la Magistrature de Revision doive subsister plus longtemps: le titre de Magistrature suppose des droits et des moyens d'exécution que la Magistrature actuelle n'a ni peut avoir. Je ne pense pas d'avantage que les mots censure de livres puissent ni doivent être employés. La Presse est libre comme toutes les autres actions privées c'est à dire que l'action de l'autorité publique sur la presse ne commence que lorsqu'il y a délit ou commencement de délit. Alors l'autorité agit sur les délits de la Presse comme elle agit sur tous les autres délits. L'autorité ne censure jamais les livres; s'il y avait censure, il n'y (con't. on next page)

Magistracy were added to the Ministry of the Interior with the title assessori per gli oggetti di Stampa. The censors in the departments were simply joined to the Prefect's office.

To replace the Magistracy Eugene planned to create an Ufficio della Libertà delle Stampa. According to Napoleon, this "n'est pas autre chose qu'une censure". Not sharing this view, the Viceroy decreed the new office on July 17, 1806. This act prohibited all censorship of the press, abolished the Magistracy and made all authors and printers responsible for what they published. Within the Ministry of the Interior was established the Ufficio of three members named by the government and empowered to repress offenses which could arise from freedom of the press. In order to make this control effective the author or publisher had to send four copies of each work to the Ministry of the Interior.

It is evident that neither the Minister nor the Director-general of Police had any idea what Eugene meant by this decree or by his preceding letters. They agreed with Napoleon that it was only a censorship with another name, but if the Viceroy did not want it called a censorship they were willing to cooperate. However, as they had no idea how Eugene wanted the new system to work, they contented themselves with acting in the same old way by means of the Revisors which they kept.

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This double system gave rise to a controversy at the end of 1807.

260 (cont.) aurait pas Liberté de la Presse. En matière d'ouvrages imprimés, comme en toute autre chose, l'autorité surveille d'abord; elle récompense en suite ou elle punit".

261 Before that controversy arose, however, Eugene issued on May 6, 1807 another decree (in Polizia 458) much more to Guicciardi's taste. It provided that any author, printer, or distributor of books against the government, or tending to alarm the citizens, or disturb the public order would be arrested and judged by the special tribunals as in the law ~~of Thermidor anno 7~~ of August 5, 1797.

On October 5, 1807 the Director-general of Police wrote to Eugene that the Révisor in Reno had informed the Prefect that an insulting and alarming manuscript was circulating in Imola. On the margin of this document Eugene wrote that he was surprised to find Revisors still in existence. He ordered the Director-general of Police to confer with the Minister of the Interior regarding their abolition, writing, "Le Directeur ne perdra pas de vue que la Censure n'existe plus; -- que la police des écrits est une police de surveillance et de précaution tout comme une autre; et que le Gouvernement n'a voulu confier à personne de droit d'assurer l'impunité à l'auteur ou à l'imprimeur d'un ouvrage dangereux."

On October 29 Guicciardi wrote again to Eugene that he had conferred with the Minister, and that he wished to point out that the Révisors in the departments were named by the Minister of the Interior without any participation by him. They were only consultative and their signature was totally without authority unless countersigned by the Prefect or Vice-Prefect. Nor did the Director see how Eugene's intention that "everyone could print whatever he wanted is not literally opposed to...the decree of July 17, 1806."

On the margin of this letter Eugene tried again to explain his ideas. He established two axioms: " (1) Everyone can print whatever he wants;--that is the principle. (2) Everyone is responsible for what he publishes;--that is the consequence." According to his interpretation the Office of the Liberty of the Press could advise authors on works before publication if asked, and it reported to the Minister works deserving reward or punishment after publication. But the Office was ~~compulsory~~ ^{compulsory} ~~operative~~ for no one. It was not an ^{executive} authority, did not have, and could

surveillance

not have, delegates anywhere. In the departments ~~the press~~ of publication was done by the Prefects and Vice-Prefects. In his last paragraph Eugene ended, "I hope that this time I shall have been understood and that I shall not be obliged again to return to a question that I have already decided five or six times and that the decree of July 17 had completely decided."²⁶²

Although it was quite impossible for Guicciardi to see the distinction which Eugene was endeavoring to draw, the Revisors and delegates were suppressed on November 21, 1807. This left only the Office at Milan. This latter had Vecchi, Morati, and Nardini as members and cost²⁶³ about 17,000 lire a year.

For several years an effort was made to apply censorship as the Viceroy envisioned it. It was, however, too much of a burden on local police and especially the Prefects. It also was quite contrary to the whole trend of the government's development; for no matter how harshly objectionable writings were punished, the damage was always done before steps could be taken. The government came more and more to see the advantages of an outright censorship, and the troubles of 1809 and 1810 clinched this opinion.

On November 30, 1810 the decree of July 1806 was annulled and a Direction-general of ^{Printers} ~~Presses~~ and Booksellers created. The number of printing presses in each department was fixed by the government and an indemnity granted to those suppressed. Each press had to be licensed, and its possessor had to ^{take} ~~give~~ an oath of allegiance. In the Prefecture

²⁶² All documents in Studi 102.

²⁶³ Accounts in Aldini 103.

was kept a register for each press and in this was listed every work printed. Before these works could be published two copies had to be submitted to the Director-general and the police. If ~~the~~ publication was forbidden, the manuscript had to be surrendered to the Director within twenty-four hours.

Booksellers were also licensed under oath and could not import foreign works without paying a tax of at least 50% ad valorem. Copyrights good for twenty years were issued by the government, ^{after the} ~~the~~ publisher ~~gave~~ ^{gave} the government five copies of ~~every~~ ^{each} work printed.

The Direction-general had Scopoli as chief, assisted by three Censori and numerous inspectors. These latter were immediately given an Instruction of twenty-one articles and sent into the departments to enforce it. ²⁶⁴ This organization remained the fundamental instrument of censorship in the nation and proved very effective. It was modified slightly later but never in the direction of any relaxation.

On November 27, 1811 a decree forbade all ^{private} journals to carry political notices. ^{For this purpose} ~~One~~ ^{one} was allowed ~~for this purpose~~ in each department to be issued

²⁶⁴ This Instruction (in Studi 102) ordered the inspectors to visit all printing presses unannounced and check on all the works being printed and on all the employees. Especially they were to scrutinize all almanacs and calendars, see that no sinister political events were foretold, and that the feast of Saint Napoleon was included and that of Saint Gregory VII excluded. They were also to "inserire fatti gloriosi relativi al Sovrano ed alle nostre armate, massime di morali, azioni di valore, esempi di umanità et di virtù e simili". In orations or miraculous stories they were to delete all that which could increase superstition. They were also to watch all book sales and importations. Every book imported had to be recorded and receive a visa on the end page of each volume. A tax of 50% was put on all works in Italian or Latin and one centissimo a sheet on most others.

under the direct supervision of the Prefect and bear the name of the department. No new periodicals could be ^{established} ~~founded~~ except by royal permission, and literary or scientific papers had to issue only articles dealing with their fields.

On April 11, 1812 a long decree fixed the number of presses in the country and regulated them severely. There were permitted 137 in 74 communes. These paid 36 lire each for a license and thus contributed to the support of the Direction-general. A decree of August 29, 1813 extended this same system of licenses to all booksellers.

By means of this system an air-tight censorship was clamped on the presses of the whole country. Essentially all publishers and booksellers were subjected to government control, remaining independent only financially.

With the organization which we have described the police of the Kingdom was administered. In conclusion we can say that it was badly administered. The system was too chaotic and ununified. The government, here as elsewhere, was too stingy to spend the money ^{necessary for} ~~to maintain~~ an

265 See Soriga: "Il giornalismo dipartimentale degli ultimi anni del Regno Italico" in Rassegna Nazionale (1918) XV, 146-54.

266 On this whole subject see Dresler: Geschichte der Italienischen Presse (3 volumes, Munich, 1931-33) I, 120-127; Fattorello: Il Giornalismo italiano dalle origini agli anni 1848-1849 (Udine, 1937) 129-67; Cazzamini-Mussi: Il Giornalismo a Milano dalle origini alla prima guerra di indipendenza (1934) 165-225; Campori: "Delle condizioni della stampa nelle repubbliche e nel primo Regno d'Italia" in Atti e Memorie della Accademia di Scienze, Lettere, e Arti (Modena, 1877) XVII, 141-58. Lizier: "Note intorno alla polizia delle stampe in Novara durante il predominio francese (1800-14)" in Boll. Storico per la provincia di Novara (1907) I, 283-90; Hazard: La Révolution française et les lettres Italiennes (1910); Roberti: Milano capitale napoleonica, I, 372-386.

efficient centralized police with the result that, by putting the expense upon communes, the State itself lost control of police and obtained a poor grade of officers. Crime outside the big cities was rampant for most of the regime, and was intensified by the activity^{of} conscription-evaders and deserters. At the same time the government's policies, by antagonizing public opinion, not only created political violence but made it impossible to unite the people against criminal violence. The final result was that for the last four or five years of its life, the government's police force was concerned with a political struggle in which it sought to preserve its existence without any regard for civil liberties or justice.

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7. Jails and Prisons ^{against}

Individuals who had offended the laws of the Kingdom were detained in three types of institutions. These were known as carceri, case di forza, and case di lavoro forzato. The first of these were usually local jails partly supported by the central government, while the others were directly administered by it. During the Republic and the first years of the Kingdom, this administration was done by Division II of the Ministry of the Interior, which had inspectors who visited these institutions. They were given detailed instructions on their duties on September 3, 1807, and on February 2, 1808 were organized into an Ufficio delle carceri in the division of public charity. The chief of this office was called Inspector of Prisons and received 8,000 lire of Milan a year.

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267 Most regulations are in Raccolta...del Interno, II, 1-72.

268 The Instruction is in Raccolta...del Interno, II, 37-41.

Since jails were local institutions, great variety was to be found in their administration until the Code of Criminal Procedure established a norm²⁶⁹. The jails were in very poor condition, and a report of 1807 declared that those in eleven cities had to be completely rebuilt at a cost of 305,000 lire of Milan. By the end of 1807 extensive work had been done and 1,542 jails were to be found in twenty departments. These had a capacity of 10,413 and held at the time 4,815 persons. The cost per person per day varied from 12 centesimi in Como²⁷⁰ to 67 in Mantua.

The central government also required prisons, and this need grew as its activity extended more and more into fields formerly ~~controlled~~^{controlled} by local governments. A law of February 25, 1804 empowered the State to establish such institutions, and by the end of the Republic a few had been constructed, chiefly one at Milan. The total capacity of these was 3,161 persons, but in May 1805 there were only 1,462 prisoners, so this capacity was not strained. For minor delinquents the government appropriated two million lire of national property in August 1802 to establish houses of forced and voluntary labor, but little was done²⁷¹ about this under the Republic.

During the Kingdom there was a great ~~extension~~^{increase} in the capacity of prisons. A decree of July 25 ordered that there should be four in Milan,

²⁶⁹ On custody see Bk.I, pt. II, title VI; on fugitives see Bk.III, title V.

²⁷⁰ Aldini 97. During 1807 twenty-four jails were built by the government at a cost of 1,112,457 lire.

²⁷¹ Report^{of May 1805} on the Ministry^{of the Interior} of ~~May 1805~~ in Aldini 61.

Venice, Padua, and Bologna for forced labor. There were already prisons in Milan and Bologna. The former with a capacity of 300 was left at it was. The latter with a capacity of 300 was extended to 800 by September 1807. There existed in Mantua and Modena old penitentiaries which were also renovated to hold 800 prisoners each. A decision of May 14, 1806 ordered the jail at Pallanza to be turned into a prison. This was done in 1808 with a capacity of 150. The two new prisons at Venice and Padua were begun at the beginning of 1807, The former ^{being} ~~was~~ finished in September and the latter the following April. Each of these had a capacity of 800 men. Thus by the end of 1808 the government had seven prisons with a total capacity of 5,550. This was sufficient to its needs, as it frequently kept prisoners in local jails and always detained arrested persons in these ~~prisons~~ during their trials. ²⁷²

The decree of July 1806 had ordered that the inmates of prisons be put to labor. Those at Mantua and Modena were made to work on the roads and make cordage or hemp rope. The prison at Milan and most of the others were made to work on manufacturing textiles. ~~that at Milan~~ By the end of ²⁷³ 1807, ^{that at Milan} was making 16,000 Milanese yards of cloth a year for the army.

On February 2, 1808 these prisons were organized in a more consistent fashion. ^{It was} ~~They were~~ arranged so that all prisoners with sentences of over two years were sent to the penitentiaries at Mantua and Modena. Those with less than two years were sent to the five others. Each of these had a director named by the King and other officials named by the Prefect on

²⁷² Various documents in Aldini 97.

²⁷³ Report of October 1, 1807 in Aldini 97. The Milanese yard (braccia) was .6 meters.

the director's recommendation. Each of the five had a force of guards under a captain ~~and~~ divided into six squads each under a lieutenant. ~~At these prisons~~ ^{in these prisons} The income from the work done [^] was divided into three parts. One third went for the ordinary expenses of each prisoner, another went to the prison, and the third was set aside for the prisoner on his release. ²⁷⁴

The third type of institutions of this kind were the houses of forced labor. These were not nearly as important as the houses of voluntary labor which we have already described. ²⁷⁵ ^{Both} ~~they~~ were ~~used~~ used in the government's drive against beggars, wanderers, or lazy persons. In its suspicion of individuals who were not attached to property or to some fixed economic position which could be regarded as property, the Kingdom of Italy was almost like the early middle ages. As a result of this suspicion it ^{adopted} ~~had~~ a definite policy ^{of oppression toward} ~~to oppress~~ all such individuals. In general, this policy was not successful. The government feared vagabonds for political reasons and, by decrees such as that of August 1808, forbade them to remain in Olona where they were believed to be a threat to the tranquillity of Milan. But in Milan they could have been watched and controlled. The result of the decree was to force many of these people into the mountains and country where they could be neither watched nor controlled. To mitigate this difficulty as much as possible the

²⁷⁴ Decree of April 9, 1808 in Raccolta, II, 50-51.

²⁷⁵ In the section on public charity above.

government ordered ^{such} ~~these~~ individuals to be sent into houses of forced labor or voluntary labor. Since most were willing to go to the latter, the former ~~which were usually associated with the regular prisons~~ were not very important. In September of 1808 that at Bologna received ²⁷⁶ twenty-six persons and in January 1810 received only nineteen.

The expense of jails and prisons to the central government was ²⁷⁷ always considerable and amounted to about two million lire a year.

276 Documents in Luoghi Pii 74.

277 This expense can be divided into three parts: (1) maintenance of prisons, (2) construction of prisons, and (3) detaining arrested in jails. The following table gives the amounts of these three items for various accounts:

Prisons

<u>Year</u>	<u>Maintenance</u>	<u>Construction</u>	<u>Jails</u>
1804			
and before	1,932,516	157,578	---
1805	582,418	-----	---
1806	766,104	-----	1,147,351
1807	572,710	173,060	1,154,050
1809	889,261	70,000	1,270,000
1809			
and before	3,666,175	476,103	4,878,476
1810	666,939	47,984	1,444,739
1811	880,000	68,624	1,600,000
1812	940,000	80,000	2,300,000

The figures for 1809 and 1812 are budgets. The others are accounts. They are from the following sources: 1807, Aldini 97; last four, Aldini 103; others, Aldini 98.

Such an expense was a perceptible item in the budgets but was made necessary by the conditions of public order which we have described in the preceding section.

8. Conclusion

Besides the important functions which we have mentioned in this chapter the Ministry of the Interior had charge of a large group of less important activities which we have not space to examine in detail. These covered a diverse group of subjects including statistics, weights and measures, hunting and mining, commerce and industry, buildings and factories. Beyond these the Ministry was concerned with matters involving citizenship and foreign residents, archives, civil registration and civil pensions. Most of these activities were in charge of ~~Division~~ ^{III} ~~XXXX~~ of the Ministry and were handled in a fashion which illustrated the modern methods and motives of the Government. Here, as in the other business of this Ministry, could be discerned the chief handicap with which constructive actions of this kind had to cope under Napoleon. This handicap was the almost constant financial straits engendered by

278 It should perhaps be pointed out here that the Kingdom's activities described here were but a continuation of those of the Austrians in Lombardy in the eighteenth century. According to Sacchi (in Annali Universali di Statistica, 1848, XCIX, 248-9) Joseph II in 1784 prohibited mendicancy and ordered the sick to go to the pia casa of Abbiategrasso, the well to houses of voluntary labor, and the refractory vagabonds to the house of forced labor at Pizzighettone. Earlier (1766) Maria Teresa had opened in Milan the first cell-prison in Europe. See Vianello: Il Settecento Milanese (1934), 44.

Napoleon's concern with military matters and the fact that the needs of the Ministry of War were constantly taking funds from the other Ministries and especially from that of the Interior. However, in spite of Tarlé's statement, this handicap was not greater in the last few years of the regime than it was in the first few. In the encouragement of economic activity, for example, the government' spent only 639,864 lire from February 1802 through December 1809. For this same purpose it spent 279 768,366 lire in the shorter period from January 1810 to October 1812.

Although Tarlé may be wrong in his specific statement, he is correct in his implication that the constructive activities of the Ministry of the Interior suffered from lack of funds. This is true, but, none the less, this Ministry maintained and administered ^{many of} ~~all~~ the reforms which enlightened despotism had made in northern Italy and added new reforms of its own. Most of these were but extensions of those of the eighteenth century. All were marked by the gathering together under the government's control and at the government's expense of a group of activities which had previously been administered by private or autonomous groups. This process was but one of the ~~last~~ stages in the development of the modern sovereign state.

²⁷⁹ The accounts are in Aldini 103.

Chapter VIII

Local Government

1. General Considerations
2. Departments and Districts
3. Communes

Chapter VIII
1
Local Government

For administrative purposes the Kingdom was divided into a number of different kinds of units. Like France, it was divided into departments, of which there were twenty-four. Each department was divided into districts and these in turn into cantons, towns, and villages. In addition, the Kingdom was divided for military purposes into six military divisions and four artillery divisions, and for religious purposes into about sixty dioceses. In this chapter we are concerned only with the purely political divisions.

The government at all times took an active interest in the administration of these divisions, but for several years ~~there was not~~ created ^{no} ~~any~~ organs by which this interest could direct or supervise local activity. Originally all functions of this sort were confided to Division II of the Ministry of the Interior. This was called Tutela Amministrazione and was divided into (1) Amministrazione pubblica, (2) Contabilità, and (3) Fabbriche Civili e Carceri. This division ^{was in charge of} ~~and~~ Broglia with four assistants ^{and} cost 22,500 lire a year at the beginning of the Kingship. ^{It} administered in a routine fashion the ^{diverse} ~~conglomerate~~ and hazy functions assigned to it. In ^a ~~his~~ report of December 1806 di Breme called Broglia an obstinate old man who had been employed thirty-three years and was convinced that the old order of things could not be improved.²

¹ Decrees and other regulations on communes will be found in Bono: Codice del podesta e sindaci del regno d'Italia (Milan, 1811) or in B.L. for those after 1810.

². AF1v1710B.

Events, however, soon altered the relations of the central government to the local divisions. The first of these was the decree of June 8, 1805 which ^{ended the autonomy of} ~~suppressed all the separate~~ departmental administration by the first of July. ³ ~~By~~ ^{became} This act ~~made~~ all departmental activity ^A national activity and thus subject ~~to~~ to the respective Ministries. This left to the Ministry of the Interior a much clearer and more concentrated field of activity with the Prefectural organization as its direct agent. The second great change was the decree of August 4, 1807 which created within the Ministry of the Interior a Direction of Communes with Benedict Bono as Director. This reform had been ~~recommended~~ ^{recommended} by a committee of the Consiglio di Stato appointed on January 3, 1807. The office was provisionally suppressed by Eugene on December 14, 1811 because of Bono's death, ⁴ and its attributions were reunited to the Ministry, but the organization remained practically the same. ⁴ The activity of this Direction was chiefly one of financial ~~control~~ ^{supervision}.

The local divisions, which the government controlled thus, were organized by a number of important laws and decrees. The earliest was the law on the Organization of the Administrative Authority issued on July 24, 1802. This consisted of 178 articles divided into ten titles. Of these titles the first five were concerned with departmental administration, the sixth and seventh with municipal administration, the eighth and ninth with districts, and the tenth with general provisions.

This act was supplemented on October 20 of the same year by a decree which organized the councils of third-class communes.

³ Eugene's letter to Napoleon, June 20, 1805 in AFiv1709B.

⁴ Ministry of Interior to Ministry of Religion, December 18, 1811 in Culto 15.

On June 8, 1805 ^{the} decree on public administration greatly modified this system. It had five sections dealing respectively with general provisions, departments, districts, cantons, and communes. This decree was changed by a number of subsequent acts. On June 5, 1807 many executive functions previously dispersed were concentrated into the hands of the Podestà and Syndics. Finally in 1811 Bono codified all the existing regulations on communes and published his work. This code can be considered the definitive form of communal administration. It did not, however, touch the higher divisions of local government and decrees continued to be issued on that subject. The chief ones were that of February 27, 1810 on General Councils, that of September 13, 1811 on the Rural Guard, and that of September 12, 1810 ^{revising} ~~which changed~~ one of March 16, 1807 on departmental electoral colleges.

In general, all administration of local political divisions was divided into two parts. ~~One~~ One, concerned with the formation of policy, was in theory to be dispersed by being entrusted to deliberative bodies. The other, concerned with the execution of policy, was to be concentrated by being entrusted to a single individual. In the course of time, as the government abandoned ^{its} its revolutionary heritage and took on more and more the character of a dictatorship, policy-making was assumed by the central government, and the deliberative bodies either were abolished or became concerned with less important matters. The executive side of the administration, on the other hand, tended to become more concentrated more extensive ^{in scope,} and more under the control of the central government.

⁵ The Rural Guard is discussed in Chapter VII under Police. The Electoral Colleges are discussed in Chapter II.

The following table will show the political divisions with the original deliberative and executive organ of each:

<u>Division</u>	<u>Deliberative</u>	<u>Executive</u>
Department	General Council	Prefettura
District	District Council	Cancelliere
Commune	Communal Council	Municipalita

*Can. p. 435 p. 101
Prefettura
Cancelliere
Municipalita*

The executive side of the departmental administration, ~~the~~ ~~the~~ the prefettura, consisted not merely of the Prefect but of his more purely administrative arm, the Secretariate-general, and his advisory branch, the Prefectural Council which must not be confused with the departmental General Council.

The Prefect was the direct representative of the Central government in the departments. In many ways his power was the most extensive in the Kingdom, with the single exception of the Viceroy. As direct organ of the government he distributed all official documents to the communes and published all those of public concern. He supervised all police and had ~~a~~ ^{the} power necessary to preserve public order. He also had a plenitude of political power in that he had the right to intervene, without vote, in the sessions of any political body in his department. If necessary, he could suspend the deliberation of any such body. He was assisted by two lieutenants who were natives of the department and who voted in the Prefect's council on questions of policy. One of these individuals was in charge of all administrative regulation, and the other with all legal or police activity. When the Prefect disagreed with these lieutenants on administrative questions, the matter was put up to the Consiglio Legislativo. He could, however, always go directly to the Ministers for aid. He had to be at least thirty years old,

could not leave the department without the permission of the Minister of the Interior, and was never a native of the department he administered. This last qualification made it difficult to obtain capable men as most citizens were extremely reluctant to leave their own towns. For this purpose it was necessary to offer fairly substantial salaries. This matter was regulated by a decree of November 5, 1803 which fixed the stipend of Prefects in communes which were seats of electoral colleges at 20,000 lire and in other places at 15,000 plus lodging. In addition a quarter of the annual salary was given for the expense of first establishment.⁶

Each year the Prefect had to make a tour of his department and report to the Interior on industry, public spirit, education, and other matters.⁷ Likewise each year the Prefect reported on the needs of the department and ^{requested} ~~requested~~ money for the next year. This was granted to him in bi-monthly allotments to pay for maintenance of roads and other current expenses.⁸ In general, it was never possible to make a complete list of the duties of a Prefect as they were continually increased. As a result, the government usually claimed that the Prefect possessed all departmental administration except that granted to councils by the decree of June 8, 1805.

The internal organization of the Prefect's office was fixed by decrees of May 9, 1802, June 11, and September 30, 1806.⁹ Each such office

⁶ Aldini 91.

⁷ Decree of February 16, 1807 and circular of April 12, 1807.

⁸ By a decree of September 27, 1807, the Prefect had to report bi-monthly to the Ministry on the use of this money.

⁹ Raccolta...dell'Interno, I, p.119-176.

had a protocollo, a spedizione, a contabilità, and an archive. The whole office was in charge of a Secretary-general, who replaced either lieutenant in his absence, and received either 6,000 or 4,500 lire a year depending ^{upon the} ~~with which~~ class of Prefect ^{with which} he was associated. The decree of 1805 modified the prefecture by suppressing the two lieutenants, modifying the constitution and powers of the Prefect's council, and considerably increasing his powers. This latter result was achieved by reducing those of other institutions in the department, not ^{by} increasing his powers in relation to the central government. On the contrary, as the independent departmental administration was destroyed, the Prefect became more than ever reduced to the level of an instrument of the central authority.

The Prefect had, as local assistants, Vice-Prefects in each district. These were merely extended arms of the Prefect. The number in each department varied from none in Adda to four in Agogna and Tagliamento. The Vice-Prefect received 6,000 a year plus lodging while his secretary received 3,000 with 500 extra for expenses. On March 27, 1804 all the Vice-Prefects except those at Massa in Crostolo and Sondrio in Lario were suppressed. It was, however, impossible to dispense with them, and they were soon reestablished. The reasons for this can be found expressed in the minutes of the session of the Legislative Council of March 17, 1808, when the importance of these institutions was emphasized. It was pointed out that they were the chief agencies of conscription and spent much of their time ^{on} ~~with~~ this and the medical examination of ^{conscripts.} ~~the enrolled.~~ 10

All of these individuals were named to their positions by the King. They could be removed as easily, although the Prefects were usually removed by being decreed "called to other functions". This, ¹¹ for example, happened to the Prefect of Adda in April 1812.

In its administration the Prefect's office was aided by a Consiglio di Prefettura. According to the law of 1802 this was made up of six citizens in Olona and Reno and five in the other departments. These were named by the government from a double list submitted by the General Council. They served for a three-year term with one-third being renewed each year. The decree of June 8, 1805 reduced the number of members in the Council to three in the small departments and four in the others. The group was presided over by the Prefect and yielded to him when there was a disagreement. It ^{advised} ~~pronounced~~ on disputes over the land-tax and on those with public-works contractors. It heard the appeals of individuals against such works and assessed damages for these. In spite of the semi-judicial nature of much of these duties, a decree of August 9, 1811 made it impossible for any lawyer to be a member of ¹² the Prefect's Council.

The deliberative body in the department was the General Council.

As constituted by the law of 1802 this consisted of eight citizens from each city of over 50,000 inhabitants, six from each other city of over 20,000, four from the remaining first-class communes, and two from each district. Of these, half had to be ^{eligible} ~~worthy~~ of being Possidenti,

11 AF1v1712.

12 AF1v1712.

while the rest had to be eligible to the other electoral colleges. This membership was renewed by a fifth every year after lots had de-
¹³termined who should withdraw during the first four years. The Council deliberated by secret vote under the presidency of the Prefect or a Lieutenant, but these had no vote. It assembled twice a year, in April and October, and could be convoked more frequently by the Prefect. In the autumn session, it established the budget of taxes and expenses for the coming year, and it appointed two of its members as reviewers of the accounts of the departmental administration. In the spring session the accounts of the preceding year were examined, and the reports of the reviewers received. Once approved, these accounts were sent to Milan. If the Council refused to authorize a necessary expense, the Ministry concerned could authorize it by decree. This could be revoked only by the central government.

By the decree of June 8, 1805 this General Council was profoundly modified. Its membership was to be forty in Agogna, Alto Po, Mella, Olona, and Reno, and thirty in the others. It assembled once a year on a summons of the government and in extraordinary session whenever the Prefect called. The session was to last two weeks under a president and secretary elected from the body by its members. Its duties were reduced so that it was not much more than a sounding board for the department's desires and needs. This change was an important one since it ^{showed} ~~marked the fact~~ that all essential powers were taken from these de-
liberative bodies and attributed either to the ^{central} government ~~in the form~~

13 The original General Councils were named by the government.

~~of the Ministry of the Interior or the Council of State~~ or to the Prefect.

The section in the decree of 1805 dealing with General Councils was so curt that no mention was made of how its membership was to be chosen. This lack was not even discovered by the government until the end of 1808, when the Minister of the Interior asked Eugene what should be done. The Viceroy's report to Napoleon on the problem has one sentence which strikes directly to the core of the change. After pointing out that the law of 1802 did provide that the members of the General Councils be elected he continued, "Mais cette loi du 24 juillet avait faite dans une temps et pour un temps où la constitution de l'État était Republicaine et où l'administration départementale avait des attributions qu'elles n'ont plus."¹⁴ To remedy the omission Eugene submitted a projected decree, which was not signed by the Emperor until February 27, 1810. It was provided that these Councils be renewed by one-fifth every year. For this renewal the Council was to be convoked by the Prefect on the first of September. It drew up a list of members who would finish their terms on the first of January, and this was sent by the Prefect to the departmental electoral college. The decree itself did not state that the electoral college should fill the vacancies, but a subsequent decree of September 12, 1810 listed this activity among the three duties of the colleges.

The law of July 24, 1802 created in ^{each} ~~the~~ district ^a ~~the~~ cancelliere, who was parallel to the Prefect in the department. Appointed by the government,

¹⁴ Eugene to Napoleon, November 29, 1808 in Aldini 35. The errors are in the original.

he was its direct agent in the district. Besides obvious duties such as distributing documents from the Prefect, he kept the land-tax books and the civic register. He acted as secretary to communes of the third-class and convoked the district council. The cancelliere was a completely unnecessary organ and was replaced by the Vice-Prefect after 1805.

The deliberative body in the district was the Consiglio distrettuale. According to the law of 1802, it consisted of a deputy from the local administration of each commune. It met in the chief town of the district on the summons of the cancelliere and deliberated with secret voting on matters of concern to the majority of towns in the district. It also named its representatives to the General Council and aided in naming to various communal posts.

By the decree of 1805 the district council was given a fixed membership of eleven. It voiced the needs of the district as the General Council did those of the department, but in addition it drew up the local tax rates, except the land-tax which had been in the care of the cancelliere. This activity and the possession of the tax books of the communes were given to a new official the cancelliere del censo who was established in each canton.

The change made by the decree of 1805 in the administration of the districts was really much more fundamental than appears at first glance. Under the Republic it had been an important administrative division. Under the Kingdom it was merged completely into the administration of the department. This latter, which had been autonomous, had become merely a branch of the central government. The net result was that all local government above the level of communes was destroyed by 1805. The fact

that General and District Councils still existed does not subtract a particle from the truth of this statement. They were ~~voices crying~~ *sheep wandering* in the wilderness, and that is all that the government intended them to be. The only vestige of local government in the intermediate stages of administration were the departmental electoral colleges which still continued to have some real duties. We can, therefore, say that all local government under the Kingdom was communal-government. Before we turn to that subject we should say a few words about departmental finance.

Before the independent departmental administration was abolished, the department had a complete financial system of its own with its own taxes and expenses. The largest part of its income was derived from the land tax. For example, the land tax rate in 1805 was officially 40 denari per scudo. It was really 61 denari as the contributors had to pay an additional 21 denari of which 14 were for the departmental treasuries. By means such as these the departments had an income of 15 10,833,872 lire of Milan in 1805, with expenses of only 10,499,232.

After the departmental administration was absorbed by the central government, its financial history had only two aspects. The first included the payment of departmental officials such as Prefects. The second was concerned with extraordinary expenses. The first was paid

15 This can be seen from the following account (in Aldini 91):

To 1804	25,862	
Fixed Charges	10,365	
Salaries	796,596	
Health	119,165	
Education	169,965	
Highways	2,697,724	
Waterworks	688,563	
Pensions	27,143	
Charity	112,000	
Police	76,873	
Justice	5,026,142	
Diverse	181,919	
Extraordinary	519,782	
		Total 10,499,232

16

by the Ministry of the Interior from the public treasury. The second was paid partly by the treasury and partly by putting a special tax upon the inhabitants of an individual department or even an individual district. This latter occurred when some special sum was required for a work of largely local interest. It was usually raised by direct taxation.
17

The Administration of Communes was the most complicated and the latest achieved of all the divisions of local government. By the law of July 24, 1802, all communes fell into three classes: those over 10,000 population, those between 3,000 and 10,000, and those below 3,000. In

16 The ordinary expenses of departments can be listed for various years as in the following table:

1805	1,147,893	1810	1,941,727
1806	1,306,035	1811	1,937,000
1807	1,449,298	1812	1,900,000
1808	1,648,163	1813	1,970,000
1809 and before	9,154,511		

All figures have been changed into lire of Italy. Those for 1808 and 1813 are budget demands; 1812 is a budget; the rest are amounts paid. The first three are from Aldini 98; the last five from Aldini 103; the other from AFivl710B.

17 The extraordinary departmental expenses were much more moderate and amounted for the whole history of the Kingdom to less than a single year for the ordinary expenses. However, by a decree of April 13, 1808 debts which the departments had owed at the time that their administration was abolished were paid by the government to the amount of 459,464 lire of Milan. The following table gives the extraordinary departmental expenses for various accounts:

1806	22,935	1810	12,094
1807	24,933	1811	19,254
1809 and	563,986	1812	20,000
before		1813	26,000

All are in Italian lire. The same sources apply as for corresponding years in the preceding note. All are expenditures except 1812, which is credit opened, and 1813 which is amount demanded.

all executive power fell to a group called a Municipalit  while deliberative activity went to the Consiglio Comunale.

The size and functions of these varied ^{among} ~~between~~ the three classes, with the first two tending to be treated in a similar fashion and the smaller ones differently. For example, the Municipalit  of the first two classes consisted respectively of seven to nine or five to seven members, while those of third-class communes consisted of only three of which two had to be possidenti. In any case all were chosen by majority vote of the Communal Council from its own membership, served without pay, and had to be free from current law-suits, inscribed in the civil register, and eligible to the electoral colleges.

The Municipalit , thus formed, exercised all administrative activity of their commune. Each year they submitted to the Communal Council the accounts of the past year and the budget of the year to come. They presented a double list of nominations for membership to the General Council, and one of their members assisted at the definitive selection. They proposed to the Communal Council all acts which concerned the commune and executed all decisions of this council with the approval of the Prefect or of the government. No payments could be made from the treasury of the Communal Receiver except on a mandate signed by two of the Municipalit  and endorsed by the District Chancellor. For disobedience to the law or maladministration the Prefect was empowered to suspend or temporarily replace the body. It could appeal to him for aid in any emergency. Every month copies of all acts had to be sent to Prefects, although in villages (third-class communes) this was done by the District Chancellor. This distinction was necessary because only the communes of the first two classes had secretariates which they chose themselves.

The District Chancellor acted as secretary of villages and kept a register of all their acts.

The same law of 1802 set up in each commune a Communal Council with deliberative functions. For the first two classes it consisted of 40 and 30 heads of families respectively. Half had to be possidenti while the other half had to be established in commerce or industry or practicing some art, science, or trade. Vacant places were filled by the General Council of the department from a triple list presented by the Communal Council itself, but members finishing a term were not again eligible until two years had elapsed.

In third-class communes the Communal Council consisted of all heads of families on civil register and over 35 years of age who paid the personal tax and had a farm or business.

The sessions of the Communal Councils of the first two classes were held in the presence of some member of the Prefecture or Vice-Prefecture and with the assistance of the respective Municipalit . In those of villages there was present, besides the Municipalit , the District Chancellor who registered their acts. The sessions, which were always public, were convoked fifteen days in advance by the Municipalit  in the first two classes and by the District Chancellor in villages. Usually they met twice a year but could be called in extra sessions by the Prefect, Vice-Prefect or Chancellor. The first meeting (January-February) was devoted to the examination of the accounts of the Municipalit  for the previous year. The second (September-October) drew up lists of candidates for the General Council from first-class communes. A similar list was drawn up for the District Council, and the budget

plans and the tax rate for the approaching year were fixed. Finally the rèvisori di conti were named. In drawing up the budget it was necessary to divide expenses equally between the personal tax and the real property tax, but since it was forbidden to raise the former over $3\frac{1}{2}$ lire a head, the extra had to be found in the real property tax whenever expenses rose over 7 lire per head.

A decree of October 20, 1802 added details upon the organization of Communal Councils of villages, but the great change in all communal organization came with the decree of June 1805. Except for the third-class villages the changes were mostly in regard to the Municipalità and its duties. The same three-fold separation of communes into two classes of towns and one of villages was continued. The Council of the villages was modified so that it no longer consisted of all heads of families but was made up of fifteen men of whom twelve were possidenti. These were all named by the Prefect. All the Councils continued to meet twice a year. Those of villages met with the Registrar of the Land Tax (Cancelliere del Censo), while those of towns met with the Prefect.

The Municipalità was entirely reorganized and was different for each class of commune as follows:

First-class towns	<u>Podestà</u> and six <u>savi</u>
Second-class towns	<u>Podestà</u> and four <u>savi</u>
Villages	Syndic and two <u>anziani</u>

The Podestà served a term of three years being appointed by the King from a triple list presented by the Communal Council. The Savi were elected by the Council either from the hundred ^{richest} ~~most prominent~~ men in towns of the first-class or from the fifty ^{richest} ~~most prominent~~ in those of the second-class. The Syndic, named by the Prefect, served for only a year. The Anziani were selected by the Council from the twenty-

five ^{richest} ~~most rich and powerful~~ in the village. The Anziani were renewed entirely each year, and the Savi were renewed by thirds each year. All served without pay.

The members of all Communal Councils were, as we have said, made appointive, either by the King in towns or by the Prefect in villages. The method of renewing these was slightly modified by a decree of December 4, 1806 so that those of towns were changed by a fifth each year and those of villages by a fourth. The outgoing members were not re-eligible until after the passage of two years, unless there was a lack of qualified men.

The decree of June 1805 had made Podestà and Savi, Syndic and Anziani equally members of the Municipalità. No distinction of functions between these was made until two years later. Then a decree of June 5, 1807 concentrated in the Podestà or Syndic all the functions which the decree of 1805 had attributed to the whole Municipalità. The Savi and Anziani found themselves restricted to consultative roles. They performed this task only when questions were submitted to them by the Podestà or Syndic. The power of these latter was further increased by an Instruction of August 20, 1806 which provided that when they participated in the sessions of the Communal Council as part of the Municipalità,¹⁸ they should have a double vote. Another decree of December 21, 1807 gave the Podestà and Syndic the power to name the members of the local Congregation of Charity in communes of under 50,000 inhabitants. Another of November 25, 1807 made them President of such Congregations

¹⁸ Bono: Codice dei podesta, 10.

in communes where no Prefect or Vice-Prefect was in residence. A decision of the Minister of Justice, made on February 28, 1810, declared that as agents of the government they were exempt from all liability before the law for matters involving their official duty. The Code of Criminal Law made it impossible to call them as witnesses outside their communes (article 631). The Second Constitutional Statute (article 22) and a Ministerial circular of March 14, 1808 made them subject to an oath of fealty before the Prefect, Vice-Prefect, or local Justice of the Peace. They were given a distinctive uniform of silver and green to be provided by the officials themselves.¹⁹ The Podestà of twenty-two great cities like Milan, Venice, Novara could, after ten years of service, take the title of Baron. This was hereditary if endowed with an income of 15,000 lire.²⁰

In addition to ^a ~~the~~ Secretary permitted to towns as ^a permanent functionary by the decree of June 1805, ~~abolition of~~ the Council of State, on July 9, 1807, authorized a full office staff including accountants, servants, clerks, engineers, and recorders for first-class cities; and for second-class if need arose. On the same day and again on November 25, 1808 the Council of State fixed a maximum sum for each city or town for its office expenditures. This sum varied from 60,000 lire for Venice and Milan to 5,000 for nineteen different communes including Ascoli, Imola, Monza, Fano, Bassano, and Roveredo. Even the ^{matters} ~~matters~~ upon which these sums could be spent were fixed in detail by the Council of State in July 1807 and the Direction General of Communes in August 1810.²¹

¹⁹ Decree of January 18, 1808, Ministerial decisions of September 19, 1808 and May 9, 1808.

²⁰ Seventh Constitutional Statute, articles 9 and 11.

²¹ Bono, 17. The total of such office expenses for the fifty-four first-class cities which existed in 1810 was 742,000 lire. (Aldini 99.)

The financial activity of ~~the~~ Communal administrations under the Kingdom was rigorously supervised. The accounts and budgets of first-class communes were submitted by the Prefect to the Minister of the Interior and by him to the Council of State for approval. The expenses of communes of the second and third classes were submitted to the Councils of the Prefecture. In no cases were expenditures permitted in the accounts which had not been provided in the budgets. Expenditures could be made by towns only on a warrant of the Municipalità countersigned by the Podestà, two savi, and the Secretary. In ~~the~~ villages the mandate of the Syndic had to be signed by an Anziano and the Secretary.

The government's control over the finances of communes was not easily exercised. Its instrument was the annual review of the budgets and accounts. The difficulties attendant upon this can be seen from a Memoria sull'Amministrazione dei Comuni in the National Archives in Paris.²² The law of 1802 had given this task of review to the Prefects, but it was soon realized that this was not satisfactory, not only because of the great burden it put on an official already over-taxed with work but because of the lack of uniformity which resulted. This lack of uniformity was to be found not alone in the forms of the budgets but even in what was regarded as legitimate. The decree of 1805, therefore, attributed the control of the budgets of first-class towns to the central government. The task proved to be far from simple. By a decree of Eugene of October 13, 1805 the old system was provisionally maintained for the remainder of the year. In his circulars of January 8 and 20 of 1806

the Minister of the Interior wrote to the Prefects and sought to organize the new system. The results were not encouraging, and on February 16 he wrote again urging the Prefects to hurry. By a circular of April 30 he extended the new system to Venetia. By June nothing had yet been accomplished so on the 2nd the Minister wrote again to the Prefects in a letter which said, "Because of many incidents it has come about that this year the revision of the budgets of incomes and expenses of first-class communes has been delayed too much...Wishing to ~~absolutely~~ prevent a similar delay in future years, I warn you that these budgets should be presented for 1807 not later than the end of next October."²³

An example of the way in which these budgets were handled can be seen in that of Brescia for 1806. It was received at the Ministry of the Interior on January 14 and three days later was sent back to the Prefect to be changed as it did not meet with the government's approval. The modifications were made and it was returned to the Prefect on March 11 and to Milan on March 17. It was definitively approved on June 8 and sent back to the Prefect the same day. The budget of Rimini took longer. It was first submitted on April 24, returned for corrections on May 2 and came back only on August 29. After being approved on October 1,²³ it was sent to the department two days later.

These budgets of 1806 were not only late but lacking in uniformity. On September 15, 1806 the Interior sent a circular to the Prefects giving in detail the method of treating these budgets. On the debit side were

to be seventeen items including Debts carried over, Highways, Waterways, Interest, Public Charity, National Guard, Public Lighting, Office Expenses, Pensions, Communal Police, Public Instruction, and Diverse both ordinary and extraordinary. The credit side had three items: The regular income, either the personal tax in open communes or the sales-taxes in walled ones and the tax on incomes from real property.

The regular income was made up of various items such as $\frac{1}{4}$ of the tax on liberal professions, arts, and commerce, and the taxes and fines coming from the National Guard, Police, Health, Highways, etc.. The quarter of the tax on the Liberal Professions, Arts, and Commerce had been granted by the decree of December 23, 1807, and was based on rolls drawn up for the Municipalità by a special committee named by the Podestà or Syndic.

The personal tax provided 2.60 lire for the commune, and 3.20 lire for the treasury from every eligible inhabitant.²⁴ The rolls for this tax were drawn up by the Podestà or ^{Syndic} ~~Podestà~~ at the commune's expense according to detailed Instruzioni of January 30, 1803, the decree of June 29, 1809, and the law of July 24, 1802. When the roll had been made, it was exposed for three consecutive days on the public square for corrections and then was presented to the Consiglio Comunale for acceptance at its next meeting.

The consumption-tax in walled communes (Dazi di consumo nei luoghi murati) was an import or sales-tax on goods entering such places. It usually took the place of the personal tax and was regulated by the Communal Council and approved by the Minist^{ries} of Finance and the Interior

²⁴ By decree of December 23, 1807 and Law, March 29, 1811.

as provided in the law of July 24, 1802 and the Instruction of August 18, 1810.²⁵

The tax on incomes from real property was an addition on the rate of the national land-tax, but it was regulated between narrow limits. On March 11, 1809 it was fixed with a maximum of three centesimi per scudo, and on January 27, 1811 this was raised to four centesimi. The fixing of such a limit came about from di Breme's curiosity. As he says in a report of December 1807,²⁶ he was struck by the fact that the accounts of the thirty-four first-class communes were examined by everyone from Eugene down while the 5,680 other communes were examined only by the Prefect. He, therefore, ordered that reports on these be sent to him and discovered that the village of S. Salvatore was paying a rate of 178 denari per scudo for village expenses plus the personal tax.

Each commune had its tax register of land owners. Except for its periodic renewals, this land register was regulated like the Personal Tax Rolls. In addition each commune by the decree of April 13, 1807 had to have a topographic map made of its territory, but it was subject to only 1/10 the expense of making this map, the rest being at the expense of the State.

All these incomes of communes were collected under the supervision of a Communal Receiver (Ricevitore pubblico). This official we have already examined as an agent of Finance. He really was an employee of

²⁵ Many detailed regulations on this tax, and its administration were provided by the circulars of the Direction of Communes of February 14, 1811, of August 20, 1808, of August 24, 1808, and Eugene's decision of March 6, 1807. The net result is summarized in Bono, p.271-3.

²⁶ In AFiv1710B.

the commune as his contract was made with it, and he was responsible to it. At the end of each year he presented his accounts to the Municipalita and its Revisori of Accounts. Afterwards it was examined by the Communal Council in conjunction with the reports of the other two, and either accepted, or refused. Likewise within sixty days of the expiration of his three-year contract, the Receiver had to undergo the same scrutiny in regard to the accounts of his whole term.

Before we examine the amounts of the incomes and expenses of communes, we should mention a few of the communal agencies upon which money was spent.

The two lowest classes of highways were in the care of communes, and the Municipalita was compelled by the law of March 27, 1804 to keep an inventory of these. The roads on the inventory could not be changed except after the deliberation of the Communal Council and the approval of the Prefect. All construction or repair of roads was by auctioned contracts, and was executed by the Municipalita after being ordered by the Communal Council.

In religion the ordinary ~~expenses~~ ^{costs} of ceremonies were at the ~~cost~~ ^{expense} of the commune, but were rigorously restricted by the government. The same applied to education whose expense, especially in the lower grades, was entirely borne by the commune but regulated in minute detail by the government. Usually the expenses of such schools were paid by incomes from some endowment or property and not from taxes. In some cases this fund was in the Monte Napoleone.

There was also in each commune a Deputation of Public Health. This was set up by a decree of March 1, 1810 and, in conjunction with the departmental Health Commission, ~~these Deputations~~ executed all the

provisions for public health and sanitation made by the government.

This included hiring

~~also hired~~ a public surgeon and doctor on a three-year contract.

The care of small-pox and the expense of vaccination were placed on communes by a circular of the Ministry of the Interior of March 9, 1808.

Each year the Municipalita had to make a report on its efforts in this matter to the Prefect, who joined these into a single report to the Minister of the Interior. Free vaccination, like free medical treatment,
27
was provided for the poor.

The Communes were obliged by the decree of September 5, 1806 to provide public cemeteries, and burial of corpses was forbidden anywhere else. These grounds had to be at least 200 meters outside the circle of residences under conditions which were minutely regulated by a decree of March 1, 1810 and an Instruzione of the Central Magistracy of Sanitation on August 5, 1807. The detail of these regulations can be gathered from the fact that the latter Instruction ordered that the burial-ground must be rectangular *surrounded by* ~~with~~ a wall at least two meters four palms wide with a gate of iron or wood. A decree of January 3, 1811 extended this detailed regulation to all the process of interment. It was provided that a grave be one meter eight palms deep, one-half palm from its neighbors, that monument stones be not over a meter high and two-thirds meter wide. Finally, the Prefect, on consultation with the Podestà or the Syndic, fixed the cost of a funeral for each ~~Commune~~ *Commune*.

By a series of decrees issued from 1808 to 1810 the Government created Commissioners of Police resident in various cities. ~~There were~~
had received such agents
Sixty-four ~~of these~~ communes by the end of 1810, ~~mostly first-class~~. Those

~~city~~ in which there were no such officers had their Podestà or Syndic entrusted with any duties which the law granted to Commissioners, ^{elsewhere.}
 In general these duties were based on the organic decree of June 13, 1806, article 42 of the Organic Decree of Civil and Criminal Justice, and article 33 of the Code of Criminal Procedure. The pay and expenses of these new agents were fixed by the government individually, but the money was not drawn from any general funds. Instead it was provided by a group of new taxes which were regulated by the Direction of Communes on August 18, 1810. This is the only case where income was earmarked for any special purpose in the administration of Communes. These new taxes were placed upon businesses and varied in communes of different classes.

In a few cases there were created in specific communes other administrative organs because of individual circumstances. Of ~~this number~~ ^{these} the most important were the Commissions of Public Ornament created by ^a ~~an~~ decree of January 9, 1807 for Milan and Venice. These had five members drawn from the artistic academies and professions and were to regulate the esthetic aspect of building construction.

The Austrians had introduced street illumination at night into Italy, but in 1807 the Council of State, in an effort to reduce the expenses of communes, decided that only those with over 30,000 inhabitants could continue to be illuminated. Mantua alone complained. As its ordinary expenses were ten denari a scudo and lighting would have raised this to twenty-two denari a scudo, Eugene refused to yield. Since the regulation was only a financial one, lighting was permitted in small

communes if it could be covered by a tax of three denari per scudo,
 28
 and the whole tax was not over twelve denari.

The National Guard was a distinctly communal body. It was created by the law of September 17, 1802 and consisted of all between the ages of 18 and 50. These were enrolled with the Municipalità, and the roll was corrected every November. This Guard was of little importance. After the decree of October 14, 1807 and Eugene's ordinance of September 18, 1810, it could not be ~~called into service~~ except by a ~~decree~~ ^{called into service} ~~stating what numbers were called from specified~~ ^{stating what numbers were called from specified} of the government ~~which stated in which~~ ^{communes. and to what numbers it} ~~was called~~. In each commune was a staff consisting of a Commandant and one adjutant for each 1,000 men. ~~These~~ ^{comissioned} These were named by the government, but the other ^{comissioned} officers were named by the Prefect, and ~~the~~ non-commissione officers were named by the Commandant. The National Guard was armed as infantry of the line and had a green and white uniform, but ~~they~~ ^{it} could not wear ~~these~~ ^{this} except on actual service. ~~Such~~ ^{Such} service was exclusively ~~for the~~ ^{for the} ~~devoted to~~ the maintenance of local internal order. In general ~~the~~ ^{the} ~~role of the~~ National Guard tended to become less important. ~~the~~ ^{Eugene's} order ~~of Eugene~~ of September 18, 1810 provided that they ~~could~~ ^{must} not be used even for honorary services if troops of the line were available.

Because of the change in the number of communes within the Kingdom, it is difficult to make any comparison between communal expenses from one year to another. It is useless to compare the expenses from year to year for any commune or groups of communes because the results would

28 Decree of April 8, 1807. See Eugene's letter to Napoleon on September 24, 1807 in AFIV1710B. There were six cities with at least 30,000 population ranging from Milan and Venice down through Bologna and Verona down to Brescia and Padua, which barely qualified

be too detailed and inconclusive. We shall, therefore, content ourselves with saying that the expense of local government was substantial. In 1811, for example, the expense of first-class towns alone was 22,313,01ⁱⁿ or about 15% of the expense of the central government in the same year. At the time there were 54 first-class towns, an increase of twenty since 1806.²⁹

In conclusion we might ask ourselves what was the role of local government in the first Kingdom of Italy. The answer is that there was no local government at that time, only local administration. This answer needs a defense.

We have showed that in theory local government was divided into deliberative and executive parts. This distinction was almost wiped out in 1805, and, in the following years, it was abandoned in fact even more than in law. In the upper ranks of local government--the district and department--the government took to itself all making of policy. It also obtained complete control over the execution of this policy by putting it into the hands of individuals that it had itself appointed and whom it could remove at a moment's notice. In order ^{that} ~~to make it more possible~~ ^{might} these agents ~~perform~~ ^{might} perform their tasks without the slightest ^{sympathy} ~~hint of~~ ^{with} local opposition, the Prefect was always a stranger and had complete control over his Vice-Prefects. The local lieutenants who had assisted him in the Republic were suppressed in the Kingdom, and their power to thwart the Prefect's will, even temporarily by an appeal to the government, was not given to the Prefect's Council. Instead, the Council had

²⁹ See report of February 13, 1811 in AFiv1712.

to yield to the Prefect when there was a difference of opinion. As for the deliberative bodies, all their powers were taken away, and ~~and~~ their ^{desire} ~~right~~ to voice the needs of their territory was weakened by infrequent sessions, discouraging lack of public spirit and political morale, and the government's ability to control their membership.

In the communes there was a little more governmental freedom than in the departments. But it was the freedom of a small ~~range~~ ^{range}. The communes were not direct agents of the central government, but their field of action was hampered within very narrow limits and, within that field, was constantly under the watchful eye of those who were direct agents. ^{Moreover,} ~~and~~ in that field of freedom the government at any moment could intervene to modify or prevent ~~the~~ actions of the communes.

This picture we have painted of the complete subjection of local government to the central authority is the legal picture. The factual picture was not far different except that the government did not hesitate to violate the law if it wished to do so. ^{This means that} ~~that is~~ its power in the field of local government was not only absolute, it was arbitrary. Two examples of ^{such} ~~the~~ governmental illegality will suffice. The law said that podestàs were named by the government from a list of three names submitted by the Communal Council. In 1811 when this was being done for the second time, Eugene did not like any of the names submitted by Tre-
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viso so he ordered the incumbent to continue for another term.

A similar example of illegality occurred in 1806 in regard to Communal Councils. On August 27 di Breme wrote to Eugene that there were

delays in local administration because of the difficulty of getting a sufficiently large part of the membership of Communal Councils together. This was especially true in the country during the harvest season. This little difficulty was solved in a typical fashion. On September 25 Aldini, on behalf of His Majesty, ordered that the duties of these communes be given to the Prefect's Council, and the members who were absent without a good excuse be fined.³¹

Episodes such as these reveal an attitude toward law which can hardly be commended. In the larger aspect of the subject they were possible because the Kingdom of Italy had too much central government and not enough local government. *And behind this was the fact that there was not sufficient interest in local government, so that the central power, supported by foreign arms and the more progressive minority of the ~~natives~~ Italians themselves, was able to force the regime it wanted upon the passive or confused majority.*

³¹ Letters in Aldini 61.

Chapter IX
Foreign Affairs

1. The Ministry
2. Agents abroad
3. Finances
4. Activities
5. The Order of the Crown of Iron

Chapter IX

Ministry of Foreign Affairs

It is a rare country in which the Ministry of Foreign Affairs is not of primary importance. In the first Kingdom of Italy it was not even of secondary importance. In fact, without possibility of dispute, it was the least important portfolio in the government. It was casually created and only passably administered. The most that can be said of it is that it always kept a fairly imposing façade.

The reason for this lack of importance is not far to seek. In foreign affairs more than any other matter the domination of Napoleon was complete. In other matters the majority of decisions were made at Milan, and only the most important in Paris. In foreign affairs all decisions were made in Paris. Not only were they made in Paris, but they were made elsewhere than in Marescalchi's office. In fact Marescalchi's official correspondence ^{was} ~~the~~ almost exclusively concerned with extraditions, a few treaties, and the Order of the Crown of Iron.

After the Congress at Lyons, Napoleon took to Paris to act as Foreign Minister of Italy Ferdinando Marescalchi. This man, like Aldini, was from Bologna, ^{where he} ~~and~~ had been born in 1764. He rose to a position of some prominence in his own city as a member of the Senate from 1780 to 1796. His pro-Napoleonic policy in the next six years and his admitted skill as a politician brought him into favor. He served at his post of Foreign Minister from 1802 to the fall of the regime in 1814 and died two years later at Modena. ^{1a}

^{1a} T. Muzzi: Vita di Ferdinando Marescalchi, Patrizio Bolognese
(Milan, 1933)

In March of 1802 Napoleon called to Paris to assist Marescalchi two members of the Legislative Council and a secretary. Felici remained in France only a year, but Lambertenghi stayed there until April 1805. The latter's salary was 24,000 lire a year, while Butti, the secretary who came and left with him, received half as much.^{1b}

As originally formed, the Ministry of Foreign Affairs was divided into two sections. One at Paris was under the Minister himself, the other at Milan was under a chief named Canzoli. When the latter died during the Republic, he was not replaced and the office was left in charge of a subordinate, Carlo Borghi. The office then had eleven employees and five servants at a salary cost of 54,190 lire a year. The office at Paris was under a chief, Jacob, who had eight assistants and four servants for a total salary of 43,800. This situation continued for the duration of the Republic.²

The only event of any importance in the life of the Ministry occurred in June 1805. Then Borghi was promoted to be director of the division of Milan as the subordinate of Carlo Testi for whom the new post of Holder of the Portfolio of Foreign Affairs was created.

The organization of the Ministry varied very little during its existence. At the end of 1809, when it can be regarded as fully constituted, it had at Paris Marescalchi with nine assistants and four servants. At Milan were Testi with twelve assistants, five servants and five messengers.³

^{1b} Marescalchi to Napoleon, May 3, 1805 in AFiv1709A.

² Report of Melzi, June 1805, in AFiv1709B.

³ Box 43, #58.

Besides the two divisions the Ministry had agents abroad. A decree of ^{July 26, 1802} ~~Thermidor~~ ~~anne~~ X had created a ~~new~~ diplomatic service of fourteen members. There were to have been ministers at Vienna, Rome, and Naples, chargés d'affaires at Parma_x and Lucca, envoys at Florence, Genoa, Berne, Lyons, and Munich, and commissioners at Mar-seilles, Venice, Turin, and Ancona. In other places the French repre-sentative was to have been the Italian agent as well. This decree was ~~not~~ ^{never} executed. In a letter to Napoleon in May 1805 Marescalchi said that the diplomatic force was still provisional and exactly as it had been before 1802. There were then only four agents abroad.

These agents included Tassoni at Florence, Venturi in Switzerland, Scarabelli at Parma, and Cometti at Genoa. In addition, Medici was secretary of the legation at Parma. In July 1807 Alberti was named chargé d'affaires at Rome to solicit papal bulls and briefs. Tassoni was transferred to Naples by a decree of September 10, 1808. This left Tuscany without any diplomatic agent since the French consul at Leghorn, who had formerly handled Italian affairs in that city, was also gone. On February 2, 1809 Marescalchi asked to have Tambroni as agent in Leghorn, and his request was granted at once.

After the Imperial annexation of Rome, Alberti's position there was viewed as unnecessary, and he abandoned his post, although Eugene ordered that he keep his salary. This arrangement did not work satisfactorily because of the commercial relations by way of Rome from Civita-vecchia. On January 31, 1811 Eugene wrote to the Emperor suggesting that a consulate be established at Civita-vecchia. This was done by a

4 AF1v1709A.

6 AFiv1711B.

5 Culto 14.

7 AFiv1711B.

decree of February 5. On March 7 Marescalchi nominated Tambroni to⁸ the new place and Alberti to the vacancy thus created at Leghorn.

The arrangements established in this way continued for two years. Then Scarabelli at Parma died, and his post was suppressed as unnecessary. On September 3 Marescalchi proposed to create consulates at Trieste and Fiume and nominated Borghi and Medici for the places. A week later the Emperor named the latter.

During this same year of 1811 Tassoni ran into difficulties. He appointed a subordinate agent at Otranto because of the traffic leaving there for Corfu. This agent was reported to Napoleon as having sold grain intended for the troops on the island. An investigation revealed that the agent had authorized the sale of 15,000 francs worth to pay the expenses of transportation, but that the ship's captain had sold 10,000 francs worth⁹ ^{additional} for his own profit. The captain was jailed, and the agent removed. The following March Napoleon ordered Tassoni removed, accusing him of failure to report events at Naples exactly. The consul was discharged, but he was defended in letters to the Emperor from Eugene on April 29 and ^{from} Marescalchi on April 15. The truth was that Tassoni had sent detailed reports to Testi but only vague accounts to Marescalchi, for he believed that the letters to the latter were examined by the Neapolitan police. In spite of these explanations the Emperor was slow to relent. On March 5, 1813 the Foreign Minister again wrote to Napoleon for clemency for "unhappy Tassoni and his desolate family." This time the appeal was granted, and Marescalchi nominated Tassoni chargé d'affaires with the King of Bavaria. This did not please His

⁸ AFivl712.

⁹ Eugene to Napoleon, June 1, 1811, AFivl712.

Majesty, who took advantage of the death of Venturi to send Tassoni to ~~his place in~~ Switzerland.

It is evident from this narration that the Kingdom of Italy was allowed to have diplomatic agents only with Napoleon's vassal states in Italy, ^{except for} ~~the only partial exception to this rule is~~ the agent in Switzerland, ^a ~~post~~ ^{which} had existed since before 1802. The duties of these agents were not of great importance. They were consuls such as all nations have. Besides their tasks as commercial representatives of the Kingdom, they issued visés on passports for admission into the Kingdom, and acted as political observers at their stations. All of these duties decreased in importance except possibly the last, for both foreign trade and the number of foreign travellers decreased greatly during the nine years of the Kingdom.

The Ministry of Foreign Affairs was well treated by Napoleon in a financial way, although Marescalchi sometimes complained. In 1804 he was granted 1,500,000 lire of Milan and believed that he would have the same for 1805. In July Napoleon suddenly informed him that his budget for 1805 would total only a million. By the end of October he had not only spent the million but also 238,397 lire left over from 1804. He demanded 160,000 for the remaining two months, but was granted only 128,895. However, some expenses were carried over to 1806 for which he was granted 2,000,000 lire of Milan. The account of 1804 was reduced and the whole period up to the beginning of 1807 was put in a single account. By the beginning of 1808 this account had been closed and a total of 3,329,568 lire of Milan spent on it. After that Marescalchi had a better time, for, although he was granted a million each year, it was in lire of Italy and therefore equivalent to 1,302,100 lire of Milan.

During the next few years the Ministry's finances were so well administered that by 1810 a surplus of over half a million had been built up. By a decree of February 9, 1810 Napoleon ordered that a large office building be constructed for Marescalchi and Aldini in the Rue de Rivoli. It was to cost a total of not over 1,500,000 lire with one-third taken from the surplus of the Foreign Ministry.¹⁰ This happy situation did not last long. In 1811 Marescalchi was granted only 800,000. In 1812 he was originally granted a million, but this was later reduced, at first to 800,000 and later to half a million. This made a very difficult ^{situation.} ~~task~~ In a series of letters from November 1812 to January 1813 Marescalchi kept asking for an additional 70,000 for the debts of the Ministry.¹¹ This difficulty was not met until the end of February 1813 when 750,000 was granted for 1813. The amounts spent for the Ministry for various years can be seen in the following table:¹²

1804	791,061	1808	713,325
1805	866,448	1809	656,132
1806	890,321	1810	855,850
1807	976,542	1811	775,000

Besides the routine activity of the consular agents which we have mentioned, the Ministry had three other activities. These were extradition, treaties, and the administration of the Order of the Crown of Iron.

Extradition was made through Marescalchi and ^{required} ~~was permitted by~~ a decree of the Emperor in each case. This decree was necessary even ^{for extradition} from

¹⁰ AFiv1712.

¹¹ In Aldini 103 and AFiv1712.

¹² All these have been changed into lire of Italy. The first four from Aldini, 98; the next two from AFiv1711A; the last two from Aldini, 103.

the Kingdom to Illyria. All negotiations were made between Mares-
calchi and the other power's diplomatic representative at Paris. ¹³

Marescalchi was personally concerned with only one treaty in the history of the Kingdom, although in theory all were negotiated through his office. Of the four treaties completed or attempted by the government, all had uniformly bad luck. Marescalchi's first effort was the Concordat with the Pope. We have already considered the controversial history of this document in Chapter VI. In June 1807 the Emperor, ^{writing} from Finckstein, ordered Marescalchi to make a treaty of commerce between Italy and ~~Württemberg~~ ^{Württemberg}. The latter country was apparently far from eager, so negotiations were opened with Bavaria ~~instead~~ ^{instead}. ~~Apparently this decision was influenced by Eugene's family connection with that country.~~ ¹⁴ The King of Bavaria's ~~representative~~ ^{representative}, Baron Montgelas, ~~carried on~~ ^{carried on} the negotiations ~~was carried on~~ ^{signed} at Milan with Prina as the Italian negotiator, and the treaty ~~was signed~~ ^{signed} on January 2, 1808. ¹⁵

As soon as ~~Württemberg~~ ^{württemberg} heard of this treaty, which, according to one article, was to have been secret, it sent Count Zepplin to Marescalchi with full powers to negotiate the commercial arrangement which he had previously suggested. Nothing came of this effort. In fact, nothing came of the treaty with Bavaria, since it was not ratified by either party. On June 29, 1810 Marescalchi asked Bavaria why it had not

13 BB18940

14 Marescalchi to Napoleon, March 2, 1808 in AFiv1711B.

15 The treaty and Prina's letter of January 7, 1808 are in Box 42, #2.

ratified. ~~The document~~ ^{Germans} The ~~document~~ gave various excuses but expressed a willingness to reopen negotiations on several articles of the treaty, because of the change caused by the annexation of Alto-Adige. On September 29 the Foreign Minister of Italy again wrote asking execution of the treaty or ^a specific statement of what parts were unsatisfactory. The answer, while still expressing a desire for a convention, asked ^{for} specific information, which, according to Marescalchi, was difficult to obtain. As an example of the type of question which was so difficult, the Foreign Minister himself gives the following: "Exactly what manufactured goods are denied admittance to Italy?"¹⁶

All of this would seem to indicate that the difficulty in ratifying the treaty rose ^{largely} ~~mainly~~ from the Bavarian side. ~~as the treaty~~ Indeed, for two years, most members of the government believed this to be true because they believed that Napoleon had ratified the treaty for Italy on July 17, 1808. The Emperor, himself, however, in a letter of September 27, 1810 informed Eugene that he had ^{never} ~~not~~ ratified, and clearly showed from the letter that he had no intention of doing so.¹⁷

The reason for this reluctance is no ^{mystery.} ~~difficult to see~~. The treaty with Bavaria had not only brought ^{Württemberg} ~~Württemberg~~ to the negotiation table. It had also brought France. Almost immediately, on the Emperor's orders,

¹⁶ Marescalchi to Napoleon, December 25, 1810, in AFiv1711A.

¹⁷ Eugene had insisted that the treaty was already ratified.

discussions began for a treaty between the two countries. These talks were to have been between Marescalchi and Cretet, but the Italian negotiator was really Aldini. A first version was made on March 4, 1808 and sent to Italy by Aldini on March 15. It realized all Italy's worst fears, especially in a provision that French goods entering Italy pay only half the regular customs duty.¹⁸ On April 6 Eugene wrote Aldini a long and vigorous letter, in which he protested against the demands of the French. He insisted that the treaty would create in favor of France a monopoly "no less prejudicial to the consumers than to the finances of Italy".¹⁹ In spite of these objections, the treaty was signed as the French wanted it on June 20, 1808. In 1809 Lucca demanded that the same treaty be extended to include it. The Italian Ministers all protested against this as the agreement "already has caused great loads",²⁰ but since Lucca was within the French customs, Eugene yielded.

In his third type of activity, the Crown of Iron, Marescalchi was more successful. Although there was no good reason for this Order to be administered by the Foreign Minister, it was given to Marescalchi because he was in Paris, in contact with the Emperor, and not burdened with work. He made the Order so much a part of the Foreign Office that he even transferred money from one account to the other.

The Order of the Crown of Iron was founded by title VIII of the Third Constitutional Statute issued on June 7, 1805. It was²¹ an honorary body, organized on semi-military lines and open to those who were named

¹⁸ Most documents on the negotiations are in F¹2534.

¹⁹ Box 62^o #58.

²⁰ Eugene to Napoleon, August 9, 1809 in AF¹v1711B.

as a reward
by the King^A for service to the Crown in any field of activity. As originally established, it consisted of 500 Knights, 100 Commanders, and 20 Dignitaries. Napoleon was ^{to be} Grand Master during his life, and afterward the title was to be held by the King of Italy. A fifth of the Knights, and a quarter of the other ranks were to be in the French army. According to the constitution, all the original members ~~should~~ have ^{been} ~~to be~~ Knights, as the Commanders could be picked only from that group and the Dignitaries only from the Commanders. This provision was not obeyed, and Napoleon named as he wished. ~~the~~ Places were filled each year on Ascension day when the whole order was supposed to assemble in the Cathedral at Milan. This assembly was held only once, in 1806. The Order was regulated by the Dignitaries, who formed a Grand Council. Two of their number acted as Chancellor and Treasurer. From the Commanders was chosen a Master of Ceremonies, who had two aides chosen from the Knights.

resources
For its financial ~~establishment~~ the Order was to have an income of 400,000 lire from the Monte Napoleon. From this, pensions were to be paid to the members of the three ranks to the annual value of three hundred, seven hundred, and three thousand lire respectively. ²¹

Because of the annexation of Venetia, the Order was increased in size by a decree of December 19, 1807, which added 300 Knights, 50 Commanders, and 15 Dignitaries. The income was also increased 200,600 a year by a grant of landed property ^{sufficient} to yield this sum.

Nominations to the Order were applied for by letters to Aldini, Marescalchi, or Napoleon and not through any regular channel, as Koechlin believed. The first nominations were listed in the Almanac Imperial for

²¹ There was also an income of 100,000 for special life pensions.

1806 and included as Dignitaries Caprara, Melzi, Codronchi, Litta, Marescalchi, Prina, Veneri, Pino, Aldini, Fenaroli, Eugene, all the princes of the blood in France, and many marshals. Their number was swelled before the end of the Kingdom by Luosi, Bovara, di Breme, Moscati, Paradisi, Containi, and others.

~~There was no fixed form for~~ The decoration ~~and it always~~ was an orange ribbon with an eagle perched on the Crown of Iron above a bust of Napoleon and the inscription. This latter was sometimes in Italian and sometimes in French until a decree of October 26, 1809 ordered that it always be in Italian thus: "Dio me l'ha data, ^{Quanto} guai a chi la ^{locca} ~~trovava~~ ^{tocca}"

The Order ~~was~~ ^{as} administered by Marescalchi ~~in the role of~~ ^{of the Order} Chancellor. Its income was carried at 507,000 lire on the Cassa di Garanzia and usually was sufficient to its needs. The officers served without pay ~~except for~~ ^{except for} ~~expected that they~~ office ^{necessary} expenses. ~~As paid~~ Marescalchi found no difficulty in this, as he took the ^{necessary} money from the Foreign Office. On July 8, 1811 he wrote to Napoleon and asked for 18,000 lire as the Order owed the Foreign Ministry 7,143 lire. For 1812 and 1813 he was granted 6,000. However, on March 4, 1813 he demanded 24,000 for his expenses, which had risen because of the large number of promotions within the Order. There ²² is not evidence that his request was granted.

In conclusion we can say little about the Foreign Ministry. It shows the evils ^{to be} found in the administrative system of the Kingdom in their highest degree and none of its advantages. This is so true that it is not even typical and hardly fair to the Kingdom to emphasize it.

22 AFivl712; unless otherwise noted most of my information is based on Koechlin: Les ordres de la couronne de fer et de la couronne d'Italie (Paris, 1907)

Chapter X

Conclusion

Chapter X

Conclusion

The Napoleonic government was not only an innovation in Italy, it would have been an innovation anywhere. This was due to the methods by which it acted and the extent to which it acted. ^{These, in turn, were determined by Napoleon's nature} The government of the Kingdom of Italy acted by mere will in spite of its imposing façade of constitutional statutes and governing bodies. The government directed that will into fields in which no previous government had attempted or dared to go. It extended its taxing power to every form of income or property and directed it by edict alone. It made its hold on judicial activity complete and undisputed by sweeping away the last remnants of customary law and ecclesiastical justice, replacing these by a uniform code of law, made and modified by itself, and enforced by its own judges in its own courts. It made the legislative power a phase of ultimate political authority, creating or annulling the most formal legal regulations with little more than the stroke of a pen. It extended the administrative power to lengths undreamed of before, ^{making} ~~making~~ all education, charity, health, and religious activity directly subject to its own regulation. It took to itself a new power--the incorporating power, which had not been exercised in that way for over a thousand years. It made every group and all its activity subject to itself. This last is probably its most revolutionary accomplishment, because it involved the ~~com-~~ ~~plete~~ defeat of the Catholic Church, so that even the practice of religion became part of public administration.

¹ See M. Roberti: "Stato costituzionale e stato autoritario in Italia nel periodo napoleonico" in Ius. Rivista di Scienze Giuridiche, 1941, II, 1-19.

The only sphere in which the government's control was incomplete was the economic. The central part of that--prices, credit, and exchange--were left free. The result was that the First Kingdom of Italy was a fascist state lacking the central core of fascism--control of exchange and credit. As a result, gold poured from the country, prices leaped and fell, and eventually the country went bankrupt, crushed beneath the weight of armaments and wars. Another important element of fascism was practiced by the Kingdom of Italy--inspired nationalism to make people fight and leave the process of governing in the dark. However well this ^{might} ~~may~~ work in ^{modern} Italy ~~today~~ it could not work in the First Kingdom of Italy where the government was of a different nation than the governed. By striving to create ardor for Italy Napoleon was preparing an explosion which would overthrow the government of Italy because it was foreign. Such a grave mistake occurred because Napoleon saw nationalism only from the outside. He saw how it could make men fight, but beyond that he had no understanding of it.

There are three things which might be asked of any government. That it permit or provide economic prosperity, that it exercise its activities efficiently, and that it provide public peace and order. It is already evident that the Kingdom of Italy did not achieve the first of these. It is scarcely less doubtful that the government did not provide the third. Its policy of repression, by making all opposition subterranean, necessarily endangered public peace; its other activities after rousing religious and political opposition gave that opposition the means to create disorder by filling the countryside with refractory conscripts.

We are constantly hearing that the one advantage of dictatorship is that it is more effective in getting things done no matter how wrong-headed it may be in choosing its policy of what should be done. The Kingdom of Italy is not a proof ^{of} ~~is~~ the truth of this statement. We have pointed out the delays and inefficiencies in the administration. The chaos in the navy and health services, the failure to even start projects planned and provided for, like the public works of the Kingdom, are only a few of these. A dictatorship of the kind we have pictured here may determine policy without delay, but it executed it no more efficiently than other governments. And frequently its policy was quite injurious and wrong-headed. The instruments Napoleon constructed were good, the way in which they were used was passable, but the purpose for which they were used was pointless and stupid. This was caused by the fact that almost all the activities of the government were dominated by one aim---and that a ~~de~~structive one---preparation for war. Its many constructive projects, such as improvements in health regulation, extensive public works, ^{or} the establishment of a system of public education, were constantly being jeopardized or sacrificed by financial stringency which was itself the result of an unduly large share of the public income going to support the army or navy. From figures which we have already given it appears that the government spent 900,489,185 lire in the decade 1802-1811. Of that sum 355,601,227 lire were spent through the Ministry of War, and 168,232,795 were given to France to be used for the Army of Italy. That is to say, almost six-tenths of the government's expenditures

were used for military purposes.

There is, however, another side to this picture, a side which must be recognized. It must be admitted that the government did spend some of its money on health, on public works,^{or} on education. Its efforts in this respect were not great nor new, but they at least were efforts, and the Napoleonic government in Italy cannot be accused of blindly going on ~~about~~ its way without ever seeing any possibility of improvements. It did not go far itself, but it established both instruments and methods which could have been used later to go further. That they were not so used is another problem arising after 1814. In some ways 1814 is the crucial year in the history of the Kingdom, and the administration failed in that year not because too much of the government's attention and resources were devoted to warlike ends and too little to constructive ones. The country failed in the crisis because public opinion in Italy was not yet ready for a Kingdom of Italy. Although Napoleon participated rarely and indirectly in the administration, it depended upon his power and prestige to such a degree that it could not outlast his defeat. It depended upon him--an external support--because it lacked any internal support----any self-sustaining public opinion. It would be foolish to criticize Napoleon for failing to develop such an internal support; that would be to reproach him for his own nature, and, if his nature had been different, there never would have been any Kingdom in the first place.

We have said that this government was an innovation. This is true in a sense, but it must be realized that the most novel thing about it was Napoleon's own nature. If we try to subtract from the picture of the Kingdom its monarch's military skill and limitless energy, there is

nothing very new about it. Having done ^{this} ~~that~~, we can see that, for Italy, its chief innovations were in the organs of government which we have examined in our second chapter. These are the parts of the administration in which Napoleon's influence was most immediate, and they are the chief innovations in the system. Derived from French, or Revolutionary, or Napoleonic origins they owed little to Italian precedents. The same can be said of some other purely formal aspects of the administration. But when we come to the content of that administration, to what these organs did and how they did it, we find quite a different situation. In this respect, which is really the major part of the picture, the precedents are all ^{derived from experience.} Italian. We have at various points in our analysis tried to point out these ~~Italian~~ precedents, and it should be evident that almost everything that this government did had been done before or at least attempted by the enlightened despots. The explanation of this is a relatively simple one. Napoleon worked his will in Italy by means of agents, and these, almost without exception, were Italians. Outside of the army and navy there were only five Frenchmen in administrative positions in the Kingdom. These were Eugene, his secretary (Méjan), the Director of the Post-Office (Darnay), the Commissioner of Police at Venice (Lagarde), and the Vice-prefect at Ravenna (Lafolie). The rest of the agents of administration were not only Italians, but they were men whose previous administrative experience had been in the service of eighteenth century enlightened despots and whose whole intellectual outlook reflected the influence of the Italian enlightenment. Nor were these agents merely the administrators of Napoleon's will. That will may have been the sovereign power behind the

law, but it had very little to do with the content or execution of the law itself. We have already shown that Italians in the Kingdom were not only administrators of the laws but themselves made the laws which they enforced. Only a small fraction of the legislation of the Kingdom of Italy was signed by Napoleon and an even smaller portion, chiefly concentrated in the military sphere, was drawn up by him. The majority of decrees were drawn up by the Italians who were to execute them, accepted by their compatriots in the various advisory councils, signed by Eugene, and tested or enforced by Italian judges.²

As a result of all these factors Napoleonic government in Italy was quite a different thing from Napoleonic government in France. To France Napoleon was the first and only enlightened despot in its history; to Italy he was merely one more enlightened despot in a land which had seen many. He may have been the greatest of the enlightened despots, but that greatness does not lie in the fact that he did anything different ~~from~~ his predecessors or went any farther in his reforms than they would have liked to go. That greatness lies in his military skill and his boundless energy which we have already mentioned. As a result of these, he was able to apply the principles of enlightened despotism to a wider geographic area than his predecessors and overcome the obstacles to reform more completely than they had. But the kinds of things he did were not new. In the final analysis, Napoleonic government in Italy was not the first roots of the nineteenth century but the final flowering of the eighteenth century. It was not ^{based on} nationalism, or democracy, or capitalism, or laissez-faire, or romanticism, but it was dynastic, absolutist, mercantilist, ^{rationalistic} ~~unifying~~, and classical.

2. This point has been missed completely by most students of the subject, particularly by Pingaud, who believed that almost everything was modeled on French precedents, and by Roberti, who, without examining how the system actually operated, looked at the enacted decrees in the Bollettino delle Leggi and decided that Napoleon operated the government personally. Roberti!

"Politica e amministrazione nell'Italia napoleonica in E. Rotard, Questioni di Storia del Risorgimento (Milan, 1951), 75-110 at p. 92 and 95.

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Appendix A

Albert Pingaud and the
History of the Napoleonic
Kingdom of Italy, 1805-1814

by Carroll Quigley, Ph.D.

Albert Pingaud and the history of the
Napoleonic Kingdom of Italy, 1805-1814

1

When Albert Pingaud published his magnum opus on the history of the Italian Republic of 1802-1805, it was his intention to follow it by a similar work dealing with the history of the Napoleonic Kingdom of Italy of 1805-1814. If the sequel had been written on the same scale as the original work, it would have run to at least six volumes. None of these volumes has appeared. Instead, over a period of almost fifteen years (1920-1934), Pingaud published at least seventeen articles on this subject, many under the general title "Le premier royaume d'Italie" and dealing with various aspects of the history and administration of that country. These articles have been used with confidence and held in high regard, especially by those whose lack of facility in the Italian language prevents them from using the standard Italian work of Francesco Lemmi.²

1. A. Pingaud, Bonaparte, président de la République Italienne (2 vol., Paris, 1914). The work runs to 987 pages of text and is based on extensive archival research.

2. F. Lemmi, Storia politica d'Italia: l'età napoleonica (Milan, 1938); an earlier edition of this work, written in collaboration with V. Fiorini, was Storia politica d'Italia dal 1799 al 1814 (Milan, 1912). The most recent edition, a work of sound scholarship and moderate interpretation, has not been replaced by P. Giordani, L'età napoleonica in Italia (Rome, 1949).

It should be noted that Pingaud's articles were accepted as sound even by those whose knowledge of Italian was quite adequate. More than ten years ago an American professor, generally acknowledged as America's outstanding authority on the Risorgimento, told me that there was no need for an American book on the Napoleonic Kingdom of Italy since the subject had been covered so well by Pingaud's articles.

The high opinion generally expressed toward Pingaud's articles rests on two facts. In the first place, Pingaud's earlier work on the Italian Republic won him a high reputation in the field of Italian history during the Napoleonic period. In the second place, these articles remain to this day the only study of the Napoleonic administration in Italy available to historians who do not read Italian. In this article I hope to demonstrate the deficiencies of the more important of Pingaud's studies.

The Napoleonic period in Italy has been generally neglected, especially by students of administration. French students of Napoleon, with the exception of Driault,³ have preferred to devote their energies to subjects closer to hand than Italy, while most Italian historians have sought the origins of the Risorgimento in the period 1715-1800 or have studied the growth of these origins in the period after 1815, without devoting much attention to the period 1800-1815. For this reason Pingaud's promised work on the Napoleonic Kingdom would have received a warm welcome. However, on 5 March 1934, the heirs of the last Duke of Leuchtenberg put up for sale at Sotheby's in London the papers of Eugene de Beauharnais, Viceroy in the Kingdom of Italy for the whole period of its existence. These papers, amounting to about 30,000 pieces, were bought by Mr. Andre de Coppet of New York and ultimately came to rest in the Library of Princeton University.

3. E. Driault, Napoléon en Italie, 1800-1812 (Paris, 1906). This book suffers from grave weaknesses which cannot be noted here. It should be pointed out that Georges Bourgin has also written extensively on Italian history of this general period, but he has not produced any major work on the Napoleonic period, and his chief interests have rested in the field of intellectual development rather than in public administration.

The removal of these papers from Europe to America apparently dis^Ssuaded⁴ Pingaud from his project of writing the history of the Kingdom. Thus we are left with no more than the seventeen articles on the subject.

I shall reserve detailed criticism of these articles for a moment, but at this point I should like to indicate five weaknesses in the series as a whole. In the first place, there are no notes nor bibliographical references in most of these articles. However, a person familiar with the subject can see that the articles are based almost entirely on the published letters of Napoleon and Eugene, on the published laws of the Kingdom, and on the published financial⁵ accounts of the Kingdom. Apparently, no work was done on the manuscript sources

4. Bourgin wrote in 1936, "L'histoire critique du royaume annoncée par M.A. Pingaud est à faire. Elle ne sera point commode à écrire, les archives du prince Eugène, mise en vent en 1934, ayant passé aux États-Unis." G. Bourgin & Gadechot, *L'Italie et Napoléon* (Paris, 1936), 66 n.2. This is a minor work consisting of a section by Bourgin on Italian nationalism and the idea of unity and a section by Gadechot on the Army of Italy in 1796-1799.

The idea that European historians would be hampered by the loss of Eugene's papers is based on a completely mistaken idea of their value. After examining these, as well as all the documents in the Archives Nationales in Paris listed in B. Peroni's guide for the period 1800-1815 as well as a very large number of documents in the Archivio di Stato at Milan, I am prepared to say that a very adequate study of the Kingdom of Italy could be written on the basis of the printed materials and the European archives. Peroni's guide is *Fonti per la storia d'Italia dal 1789 al 1815 nell'archivio nazionale di Parigi* (Rome, 1936). My information on the sale of the Beauharnais Papers at Southeoy's is based on a letter to me from Mr. de Coppet's representative (Miss E. Driscoll) in August 1936.

5. Napoleon, Correspondance de Napoléon premier (32 volumes, Paris, 1858-1870); A. DuCasse, Memoires et correspondance politique et militaire du prince Eugène (10 volumes, Paris, 1858-1860); Bollettino delle Leggi della Repubblica Italiana (7 vol., Milan, 1802-1805); Bollettino delle Leggi del Regno d'Italia (21 vol., Milan, 1805-1813); Conti dell'amministrazione delle finanze del Regno d'Italia (9 vol., Milan, 1806-1813).

after Pingaud finished his volumes on the Italian Republic.

In the second place, as a consequence of Pingaud's restriction of his research activities, his articles are more accurate on what the government intended to do (or at least what it ordered to be done) and considerably less accurate on what was actually done.

In the third place, Pingaud neglected almost completely the secondary writers on the subject with the exception of the volumes of Pecchio on the financial administration and of Zanoli on the army.⁶ This further weakened his understanding of the actual situation in the Kingdom.

In the fourth place, as a consequence of Pingaud's ignorance of the earlier period of both countries and his French nationalist bias, his whole work paints a picture of an enlightened French and Napoleonic government being set up de novo in a wilderness of chaos and ignorance where both good government and enlightenment had been long absent.⁷ Such a picture is false, for in the eighteenth century

6 G. Pecchio, Saggio storico sulla amministrazione finanziaria dell'ex-Regno d'Italia dal 1802 al 1814 (Turin, 1852); A. Zanoli, Sulla milizia cisalpino-italiana: Cenni storico-statistico dal 1796 al 1814 (2 vol., Milan, 1845); use seems also to have been made of A. Vietti, Il debito pubblico nelle provincie che hanno formato il primo Regno d'Italia (Milan, 1884).

7 The only important exception to this statement will be found in A. Pingaud, "Le premier royaume d'Italie: l'oeuvre materielle", Revue d'histoire diplomatique XLII (1928), 145 where he admits that the law of 20 April 1804 on flood-control, irrigation, navigation, and other questions of water-policy codified old practices.

there was more chaos and bad government in France than there was in most of the states of northern Italy. From this misunderstanding on Pingaud's part came an over-emphasis of the influence of French practice and experience in Italy and a gross over-emphasis of the personal role of Napoleon (or, for that matter, of any French administrator) in the government of the Kingdom. In the course of its nine years of life, the Kingdom of Italy issued thousands of laws, decrees, and regulations. The ones published in the Bollettino delle Leggi run to over ten thousand printed pages, while those issued by various separate agencies of the Kingdom amount to almost as much again. It is doubtful if more than two per cent of this outpouring originated in France or was drafted by Frenchmen. The usual procedure for drafting a law or regulation was for Eugene (or, much more rarely, Napoleon) to request a public official to draft a decree on some topic which seemed to need attention. This draft was almost always drawn up by some Italian official. In most cases, this official had been a public employee in Italy in the eighteenth century, and his draft was usually based upon the administrative practices of eighteenth century enlightened despotism given a more general or more extreme twist depending on the personal point of view of the drafter. This draft ~~was~~

8 For example, in the article mentioned in the preceding note, Pingaud wrote (at p. 133) that the administration of acque e strade "qui venait d'être créée allait subir l'action personnelle et permanente de Napoléon." Such a statement is not supported by the evidence, although Napoleon did give attention to this subject, as well as much else in Italian affairs, during his visit to Italy in December 1807.

was then submitted to Eugene or to a Minister (very rarely to Napoleon) and was usually accepted with few if any changes. Even if the draft, as a whole, seemed unacceptable, it was returned to the drafter with orders to make a new draft aimed in a different, specified, direction. Almost never did these higher officials like Napoleon or Eugene rewrite a draft if dissatisfied with the one submitted by the subordinate. The chief exception to this statement, however, is a very important one. Napoleon, in 1804, ordered the French Civil Code (the Code Napoleon) to be translated into Italian for use in the Kingdom. Later he ordered the Italian government to draft the other necessary codes for Criminal Law, Criminal Procedure, Civil Procedure, and Commercial Law. These drafts were made so slowly that after two had been submitted for approval and one of these accepted, Napoleon finished the process by ordering three other French codes to be translated into Italian.⁹ However, one of these had to be somewhat modified to meet Italian objections.

⁹The two drafts which were submitted were those of Civil Procedure and Criminal Procedure. Of these the latter was accepted. The three French Codes translated into Italian were the Criminal Code, and the Codes of Civil Procedure and of Commercial Law. The last had to be substantially modified to fit Italian conditions. Pingaud's account of this is adequate: A. Pingaud, "L'oeuvre sociale", Revue d'histoire diplomatique XLVII (1933), 10-33.

Not only was most of the legislation of the Kingdom of Italy drafted by Italians using eighteenth century precedents, but many of the laws which were drafted in France were modified, sabotaged, or openly flouted in Italy. The most convincing example of this was a law of 29 May 1807 for organizing the Italian Navy. Although issued in Paris over Napoleon's signature, it remained a dead letter because Eugene refused to execute it. Instead, he continued to operate the Navy under a system established by his own decree of 19 October 1805.¹⁰ Incidents such as this illustrate the dangers which can arise from efforts to describe the conditions of a country from a study of its legislation alone.

The use of subordinate officials to draft legislation was bound to result in enactments based on eighteenth century Italian precedents rather than on Napoleonic ideas (where these two differed). It would take a long detailed study of the backgrounds of the public officials of the Kingdom of Italy to demonstrate that these officials had been trained in the traditions of eighteenth century enlightened despotism in Italy, but it is easy to show that these officials were not French. In the whole Kingdom of Italy, outside of the armed forces, there

¹⁰ The decrees of October 1805 and May 1807, as well as an amendment of the latter, dated 11 April 1808 but still unexecuted at the end of 1810, are in Bollettino delle Leggi under their respective dates. Eugene's letter of 19 June 1807 to Napoleon, refusing to execute the decree of 1807, is in Paris; Archives Nationales; AFIV1710B. His comments on the decree are in Princeton University; Beauharnais Papers; Box 39, No. 6 as "Observations sur...le decret du 29 mai 1807". The decree in question is in Box 43, No. 38. Failure to execute the decree of 11 April 1808 is recorded in Maillot's report of 30 November 1810 in Box 40, No. 39.

were only five French officials, including Eugene. Only two of these, including
11
Eugene, ever had any influence on legislation.

11 Proof that the public officials had been trained in the traditions of enlightened despotism must wait another time. The five French officials were the Viceroy (Eugene), his secretary (Méjan), the Director of the Post Office (Darnay), the Police Commissioner at Venice (Lagarde), and the Vice-prefect at Ravenna (Lafolie). Occasionally, French experts were sent to Italy to give advice on the organization of the new administration. Of these the chief examples were Abrial, the legal expert who supervised the translation of the French codes into Italian, and Prony, the French engineer who supervised the organization of the Direction-general of Waters and Highways in Milan in 1805, according to documents in Milan; Archivio di Stato; Aldini 76. The decrees organizing this latter activity were also submitted to Cretet, Director-general of Waters and Highways in Paris, and were signed by Napoleon himself on 6 May and 20 May 1806. They are in Milan; Archivio di Stato; Acque e Strade 1. In spite of what would seem, thus, to be French control over the drafting of the rules regarding waters and highways, these decrees nevertheless show Italian influence, a fact recognized by Pingaud in the only case where he makes such a recognition (as we have shown in n.7). For example, the regulation of flowing waters made use of private flood-control and irrigation societies, known as consorzii pel condotto delle acque, which had existed in Lombardy for centuries. Roads were divided into three classes (national, communal, and private) with specifications for each, a classification which had been put into effect in Lombardy by Maria Teresa, according to C.A. Vianello, Il Settecento milanese (Milan, 1934), 21.

I shall list here all seventeen articles published by Pingaud in the sequence in which they were published, but shall make comments only upon the major ones, especially on those concerned with administration. In no case will my comments be exhaustive.

1. "Le premier royaume d'Italie: les institutions; les hommes", Nouvelle revue d'Italie, IV (1920), 209-217, V (1921), 420-431, and 681-696.
2. "La guerre de 1805 en Italie," Nouvelle revue d'Italie, VII (1922), 336-348 and 513-531.
3. "Le premier royaume d'Italie; le developpement du systeme napoléonien", Revue des études napoléoniennes, XX (1923), 194-216 and XXI (1924), 34-50 and 100-110. This is a general survey of the whole subject during the first half of the regime. It is superficial and marked by the author's general interpretation, criticized above.
4. "Le premier royaume d'Italie; les années 1806 et 1807", Revue des études napoléoniennes, XXV (1925), 145-183.
5. "Le royaume pendant les campagnes de Prusse et de Pologne," Revue des études napoléoniennes XXV (1925), 193-202.
6. "Le premier royaume d'Italie: l'année 1808", Revue d'histoire diplomatique, XL (1926), 50-83 and 298-327.
7. "La politique italienne de Napoléon I", Revue historique, CLIV (1927), 20-30. The author argues that Italy always had a paramount place in Napoleon's thought although his intentions remained vague. This is supported by a piece of special pleading based on a selection of texts and their interpretation in Pingaud's sense.

Too much is made of what Napoleon said (and certainly too much of what he said at St. Helena) and too little of what he did. Tarlé's argument (also exaggerated) that Napoleon regarded Italy only as a colony to be exploited for the benefit of France is a good antidote to Pingaud's article.¹² Most of the arguments advanced can be explained in more realistic terms than that Napoleon was sentimental about Italy. For example, his failure to abandon the peninsula in 1813-1814 had good military reasons, and his statement in 1814 that he might suddenly go there is obviously propagandist.

8. "La campagne de 1813 vue par les Italiens," Le monde slav, III (1927), 417-441.

9. "La Lombardie en 1814", Revue d'histoire diplomatique, XLI (1927), 434-467.

10. "Le premier royaume d'Italie: la guerre de 1809", Revue d'histoire diplomatique, XLII (1928), 28-71.

11. "Le premier royaume d'Italie: l'oeuvre matérielle," Revue d'histoire diplomatique, XLII (1928), 130-166. This account is quite inadequate and has several errors. The Direction-General of Waters and Highways was not "detached from the Ministry of the Interior to form an autonomous direction" as Pingaud believed (p.132), but remained at all times part of the Ministry. The three-fold classification of roads established by the decree of 20 May 1806 was not national, departmental, and private as Pingaud stated (p.142) but was national, communal, and private, and there was nothing revolutionary in this as the same three-fold division had been established in Lombardy by Maria Teresa in 1768 (as we have already noted).

¹² E. Tarlé, Le blocus continental et le premier Royaume d'Italie (Second edition, Paris, 1931) passim.

Pingaud implies (p.132) that Prony, the French engineer attached temporarily to the Direction-General of Waters and Highways, could overrule the Italians, but in the only recorded case where they had a show-down, in a dispute about the feasibility of digging a canal from Milan to Pavia, the dispute was taken to Napoleon who overruled Prony in favor of the Italian engineers Brunacci,¹³ Giudici, and Giussani.

Pingaud devotes considerable attention to projected roads which were never built (p.138-140), but says nothing of five roads on which the government spent a total of about 1,126,747 lire by the end of 1812. He says that nothing was done in regard to the flood-control and navigation projects on the Brenta, at Mantua on the Mincio, and at Palmanova, yet the accounts show that about 400,000 lire were spent on these three projects by the end of 1812. Since the cost of moving earth on these projects during the last six months of 1812 was 1.53 lire a cubic meter, this sum would have sufficed to move over 262,000 cubic meters of earth; in fact, we know from the documents that 38,860 cubic meters of earth were moved on one of these¹⁴ projects (the Brenta River) in the last six months of 1812.

Pingaud states that a decree of 23 August 1810 fixing maximum legal weights for vehicles in the Kingdom must have remained a dead letter because of "lax minutiae de ces prescriptions" (p. 142). While I have no more evidence that this decree was enforced than Pingaud has that it was not enforced, I wish to point out that it fixed maximum weights for certain vehicles under certain conditions and

13 The dispute arose because Prony believed there was insufficient water at Milan to permit the canal to function. Prony's report of 19 May 1806 and Brunacci's rebuttal of 26 June are in Milan; Archivio di Stato; Aldini 76. Napoleon's decision is in Aldini 77.

14 Various Documents in Archivio di Stato, Aldini 103.

that each vehicle carried a metal plate recording its weight, so that enforcement was not ⁱⁿ⁻¹⁵ possible.

Pingaud presents as innovations decrees of 1 March 1810 and 3 January 1811 ordering cemeteries to be outside the town limits. He does not seem to realize that burial in churches had been forbidden by Maria Teresa in 1779 and that Joseph II had issued decrees requiring all burials to be made outside city-limits in 1782 and ¹⁶1786.

Pingaud praises "L'éclairage nocturne des rues" as "une autre innovation fort appréciée et autant plus facilement réalisable qu'elle était peu coûteuse" (p.152). Here he is wrong on both counts. Street lighting had been introduced into Lombardian by the Austrians in 1784, when 490 oil lamps were set up in the streets of Milan. The French, by a decree of 8 April 1807, issued purely for reasons of economy, ordered this activity to be ended in all cities of less than 30,000 inhabitants unless it could be paid for by an increase in the local tax-rate of less than three denari per scudo of assessment and the total tax did not rise above 12 denari per scudo. Mantua, with a population of about 23,000, protested against this prohibition on lighting, but Eugene refused to relax the regulation because the cost of lighting Mantua would have raised the city's tax-rate on real property from ten denari to ¹⁷twenty-two denari per scudo.

15 The original decree of 23 August 1810 is in Archivio di Stato; Amministrazione Finanziaria Centrale 3628.

16 C.A. Vianello, Il Settecento milanese (Milan, 1934), 21. Pingaud's comments on this topic are at p.153.

17 The decree of 8 April 1807 is in the Bollettino delle Leggi. Eugene's refusal and estimate of cost is in his letter to Napoleon dated 24 September 1807, in Paris; Archives Nationales; AFIV17103. On the Austrian illumination of 1784 see Vianello, Il Settecento milanese, 20.

12. "Le premier royaume d'Italie: l'oeuvre militaire", Revue d'histoire diplomatique, XIII (1928), 432-448 and XLIII (1929), 155-183. The first portion¹⁸ of this is good, since it is largely based on Zanolli. The second part ranges from poor to bad. The section on fortifications (pp. 171-177) has a good strategic analysis but nothing on the forts themselves, the work done on them, or its cost. When we consider that over 22 million lire were spent on the fortifications of the seven chief forts of the Kingdom up to the end of 1811 as well as another 3.5 million lire to provision them in the period June 1805-June 1808, we can see how¹⁹ extensive these works were.

The section on the navy (pp. 178-180) is full of errors, and pictures what was really a disastrous failure in terms of steady and hopeful growth. Pingaud says a great deal, much of it incorrect, about the naval vessels built at Venice, but does not mention the fact that these vessels were blasted to pieces by the British fleet every time they ventured out of port. The lesser vessels of the fleet, including four frigates, were lost in 1811 and 1812, chiefly at the battle of Lissa (12 March 1811). The first ship-of-the-line built, the seventy-four gun Rivoli, was destroyed on its maiden cruise by H.M.S. Victorious (22 February 1812). No other ship-of-the-line was allowed to leave port, and the building program²⁰ languished after that. Pingaud gives the exact opposite implication when he says (p.179) that Napoleon's efforts to build the fleet grew after 1809 "au moment ou des grandioses projets de lointaines expeditions navales traversent son esprit."

18 A. Zanolli, Sulla milizia cisalpino-italiano. Cenni storico statistico dal 1796 al 1814 (2 vol., Milan, 1845). This study, by a former Secretary-general of the Italian Ministry of War is the best work which has appeared on any aspect of the administration. The first volume is analysis and the second narrative.

19 Detailed accounts are in Princeton University Library; Beauharnais Papers; Box 32, No. 27 and Box 34, No. 4.

20 The best account of these actions is in P. Pisani, La Dalmatie de 1787 à 1815 (Paris, 1893), 410-422.

The truth is that Napoleon never had any illusions about the navy, but built it partly to keep a portion of the British fleet pinned down in the Adriatic and partly to have it available for use against other states (such as Spain or Egypt) if peace could be made with England. On 18 November 1806 Napoleon discouraged Eugene from letting the Italian vessels leave port, saying, "Mon, fils, l'idée de pouvoir acclimater les marins de Venise à lutter contre les batiments anglais est une folie."²¹

Pingaud goes into some detail about the vessels built at Venice, dividing them into frigates and ships-of-the line. He is inaccurate and incomplete in his classification, listing a frigate (Styx) as a ship and omitting the names of at least eight ships. Moreover, he separates them into the two navies, Italian and French. This was a meaningless distinction and signified nothing more than which national ensign the vessel would carry. Both groups were paid for by the Ministry of Finance of Italy, and both were under the control of the Italian Minister of War, even though the commanding admiral of both was a Frenchman.²²

In this article Pingaud speaks of the harbor reconstruction undertaken at Ancona (p. 180), while the immensely more important work done at Venice is not mentioned. Most misleading of all is Pingaud's implication that the military experiences imposed on the Italians by Napoleon gave their descendants military

²¹ A. Ducasse, Memoires et correspondance politique et militaire du prince Eugène (10 vol., Paris, 1858-1860), III, 200.

²² A detailed budget of construction costs for 1810 is in Princeton University Library Beauharnais Papers, Box 41. It lists the costs of all ships under construction without indication of nationality; names were used in French or Italian interchangeably; the reports of the Commanding admiral in the Adriatic were sent to the Italian Minister of War and are in Box 41. The best secondary account, by no means perfect, of naval construction in Venice in this period is F. Mani-Mocenigo, Del dominio napoleonico a Venezia, 1806-1814. Noti ed appunti (Venice, 1896).

victories in 1859, 1870, and 1918 (for some unknown reason he omits 1866, which is more worthy of being listed as an Italian military victory than is the occupation of Rome in 1870).²³

13. "Le premier royaume d'Italie: l'oeuvre financiere", Revue d'histoire diplomatique, XLIV (1930), 269-287 and 435-449. The introduction (p.269-70) shows Pingaud's ignorance of the past financial history of both France and Italy. He states that Napoleon was freer to innovate his own financial ideas and to make budgets the center of his administrative system in the vassal states, especially Italy, because they did not have the past heritage of a great centralized monarchy.²⁴

23

Pingaud's words (p.181-182) are, in part: "Napoléon...donnait en même temps à la nationalité dont il avait resuscité le nom et établi la forme, l'instrument de sa future indépendance. Avant lui, la réputation d'incapacité guerrière des Italiens était si bien établie, même parmi eux, qu'ils avaient peine à se croire transformés en nation militaire....C'est avec raison que la légende a salvé dans les soldats italiens réunis un instant sous les aigles de Napoléon les précurseurs et les ancêtres de ceux qui donneront plus tard à l'Italie, en 1859 son indépendance, en 1870 sa capitale, et en 1918 ses frontières naturelles."

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He says, "N'y étant ni soutenu ni gêné, comme en France, par l'héritage d'une grande monarchie centralisée, il y trouvait à la fois plus de chemin à faire pour y opérer ses réformes mais aussi plus de liberté pour appliquer ses idées: c'est là qu'il lui a fallu, faute de pouvoir s'appuyer sur l'expérience du passé le plus d'initiative pour augmenter les revenus publics, de persévérance pour les régulariser, d'ordre pour les biens employer."

Pingaud forgets that "the great centralized monarchy" in France had the most backward and chaotic financial system of any great Power in the old regime, never had anything even approximating a budget (except Necker's fraudulent Compte Rendu of 1781), and collapsed in bankruptcy in 1789. Nor does he know that Lombardy (which had budgets from at least the fifteenth century) had one of the best financial systems in Europe in 1789, including a rational system of land taxation (the famous Censo), something France did not begin to get until almost the middle of the nineteenth century.²⁵

It is true that the Napoleonic budgets were similar in France and Italy, but the influence ran from the latter to the former, not in the opposite direction, as Pingaud believed. A comparison of an Italian budget or account of, say, 1808 with any Lombard account of the old regime, even going back as far as the account for the Duchy of Milan of 1463 published by Formentini,²⁶

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The Lombard land tax of the eighteenth century, like any modern real-property tax, evaluated the property and imposed each year a tax of a certain amount for each unit of value, in Lombardy expressed as so many denari per scudo. There are many secondary accounts of this great reform. See, for example, F. Valsecchi, L'Assolutismo illuminato in Austria e in Lombardia (2 vol., Bologna, 1931-34), II, 83-98; C.A. Vianello, Il Settecento milanese (Milan, 1934), 141-148; S. Pugliese, Condizioni economiche e finanziarie della Lombardia nella prima metà del secolo XVIII (Turin, 1924), 209-313; C. Invernizzi, "Riforme amministrative ed economiche nello stato di Milano al tempo di Maria Teresa", Bollettino della società pavese di storia patria, XIII (1913), 341-351; G.R. Carli, "Il Censimento di Milano", Opere (Milan, 1784), I, 149-320. A similar tax-roll, less scientific than that of Lombardy but far better than anything in France even under Napoleon, had been ordered in Savoy by letter patent of 9 April 1728, completed by 1733, and ordered revised by decree of 15 September 1775.

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M. Formentini, Il ducato di Milano (Milan, 1877), 78-81.

shows striking similarities which become greater as we approach the modern period, until, by the end of the eighteenth century, they are the obvious parents of Napoleon's budgets. On the other hand, an eighteenth century French budget, if one had existed, would show little in common with a Napoleonic budget. Formentini's account shows incomes from customs, the salt-monopoly, notary fees, stamp-taxes, consumption-taxes, and profits of the mint. Income from tobacco sales, gunpowder, and the lottery were established in the Spanish period (1559-1715), so that, by the eighteenth century, Lombardy possessed, in some form or other, all the indirect taxes to be found in the Kingdom of Italy under Napoleon.²⁷ The chief direct tax (the land-tax) was established in the eighteenth century, as we have said. The other important direct tax, the personal tax, was almost a reenactment of an edict of Maria Teresa of 5 December 1755.²⁸ Yet Pingaud assumed that these were Napoleonic innovations.

Nor is this the extent of Pingaud's errors. He tells us that the internal organization of the Ministry of Finance and the armed financial policies were copied from France (p. 271-272). The internal organization was based on the logic of the tax system (which was old), while armed financial police had been established in Lombardy in 1757 and in the Papal States in 1786.²⁹

27 On these indirect taxes see S. Pugliese, Condizioni economiche e finanziarie della Lombardia nella prima metà del secolo XVIII (Turin, 1924), 173-215.

28 See G. R. Carli, "Il Censimento di Milano", 242-245; Valsecchi, L'assolutismo illuminato, II, 83-85, or Invernizzi, "Riforme amministrative," 352-355.

29 The guardie della ferma was created by Pallavicini in Lombardy in 1757. See Valsecchi, L'assolutismo illuminato II, 76. A similar force of 496 men was established in the Papal States in 1786. See S. Laria, I fasti militari dei finanzieri d'Italia (Milan, [1917]), 8.

We are also told that the Laws of Finance were printed in the Bollettino delle Leggi "à partir de 1809" (p. 272) and that these were expressed in Italian lire only from 1808 (p.276). In fact, the laws of finance were printed from the beginning of the Kingdom and the use of lire of Milan ended with the account of 1806 in accordance with a decree of 12 December 1806.³⁰ If we are to believe Pingaud, the land-tax after 1808 included 6 denari for the departments (p.437), and the salt-tax was given special rates in frontier departments to discourage smuggling (p.443). In fact, the separate administration for the departments ended on 1 July 1805 in accordance with a decree of 8 June 1805, and the salt-tax was reduced in the sea-shore departments in order to discourage illicit³¹ manufacture.

30 The Law of Finance each year established the budget and tax-rates for the coming year. The first, decreed on 17 July 1805, covered the years 1805 and 1806; the second, decree 12 January 1807, covered the year 1807; that for 1808 was decree 23 December 1807. All of these are in the Bollettino delle Leggi under the dates indicated.

31 The Law of Finance for 1805 and 1806 decreed on 17 July 1805 (printed in Bollettino delle Legge, 1805, pp. 425-447) provides that the land-tax for 1805 be 40 denari per scudo plus 14 for departmental expenses, (but to be paid into the Treasury to be used as a municipal fund for local expenses) and that the land-tax for 1806 be 53 denari per scudo "because all departmental expenses are now the responsibility of the government."

The decree of 14 February 1812, which reduced the salt tax in areas where it could be made from salt water, is mentioned in Conto dell'amministrazione delle finanze del Regno d'Italia nell'anno 1811 (Milan, 1812) 69.

32 The two statements of Napoleon are taken from his published correspondence under 18 May 1805 and 29 December 1810. The former clearly refers to paper money. From this Pingaud derives Napoleon's attitude toward "emprunts" as follows: "il se refusait obstinément à en contracter de nouveaux", and, on the following page (p. 280), he says categorically, "Napoléon s'abstint pendant son regne de faire appel au crédit."

Pingaud's most important error in regard to the financial system was his belief, repeated several times, that the Kingdom made no use of credit for its operations (p.279-280). To support this contention, he quotes two statements³² of Napoleon, condemning the use of credit and paper money and then argues that the great increase in the public debt of the Kingdom of Italy from 6 million lire in 1805 to 22 million lire in 1812 was caused by Napoleon's assumption of the old debts of the church or of local banks and public bodies and the rise in civil and military pensions and other past obligations. If Pingaud had looked more carefully at the published correspondence of Napoleon, he would have found numerous references to public bonds or if he had looked in any of the published accounts of the later years of the regime he would have found all these bond issues listed each year.³³ The dates and amounts of the five chief bond issues were as follows:

26 April 1806	30,000,000
29 March 1809	3,651,500
11 March 1810 (two issues)	33,000,000
28 February 1813	12,000,000
13 October 1813	12,000,000
Total	90,651,000

The statement that Napoleon made no use of credit is so far from the truth that these bonds were usually issued at the urgent orders of Napoleon over the vigorous protests of the Italians. This will be shown in a moment as part of a

³³ For example, Napoleon wrote to Eugene on 23 July 1806 to send 30 million lire in 5 per cent bonds to Marescalchi in Paris by returning courier. Correspondance de Napoléon premier (32 volumes, Paris, 1858-1870), letter no. 10540. The bond issues are listed as of, 1 January 1811, in Conto dell'amministrazione delle finanze del Regno d'Italia nell'anno 1811 (Milan, 1812), 182-153.

general review of the Kingdom's financial history. Pingaud's account of this financial history shows only two years with deficits and these totalling only eight million lire (p.447). In fact, every year after 1806 had a deficit. This error, in combination with Pingaud's failure to mention price fluctuations, the depression of 1810-1811, or the use of warrants and bonds far beyond the Treasury's ability to honor them, gives his account an optimistic tone which was completely lacking in fact.

The bond issue of 1806 was in default by 1809. This was recognized by Napoleon, who suggested that new bonds be issued to pay off these older ones. In spite of the protests of the Italian Minister of Finance (Prina) that there was a complete lack of faith in the government's credit, a new bond issue of twenty million was authorized by a decree of 29 March 1809. Only 3,651,500 lire of these could be sold, so the rest were annulled by the financial law of 11 March 1810. By this same law two new bond issues were authorized, one of 18 million to replace the issue of 1806 and a new issue of 15 million. These bonds were used by the government to pay some of its debts, but they came back for redemption by the government almost as fast as they could be issued. By October 1813, when only 4,638,000 lire of these bonds should have matured, 10,277,500 had been redeemed, mostly by purchases of
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national property.

34 The decree for the bond issue of 1806 is in Archives Nationales, O²1124 and is printed in Statuts, décrets impériaux relatifs à l'établissement des titres héréditaires (n.p. 1810), I-7. Prina's protests against new issues of bonds are recorded in Eugene's letters to Napoleon of 14 November 1808 and 24 February 1809 printed in Ducasse, Correspondance...du prince Eugène. The decree of 29 March 1809 is in the supplement to the Bollettino delle Leggi, 1809, 364-369. Their history can be seen in the Conti delle finanze for 1809 (p.168), 1810 (p.170-171), 1811 (p.182-183), 1812 (p.161). One million lire of the viceregal income for 1810 was paid to Eugene in bonds which the public did not want to accept (decree of 27 April 1811 in Milan, Archivio di Stato, Culto 21.)

We have said that all the annual accounts after 1805 had deficits. In an attempt to balance the books, the financial law for 1808 (decreed 23 December 1807) united the three accounts 1804-and-before, 1805, and 1806 into a single account with an income of 347,221,698 lire of Milan and an expense of 340,739,686 lire. The surplus of 4,975,060 lire of Italy was applied to fill the deficit in the account of 1807 but was insufficient. Matters turned from bad to worse until, by January 1810, all accounts up to that date had deficits totalling about twelve million lire.³⁵ With a constant succession of poor years, it was impossible to balance an account by joining a poor year with adjacent good years. Nevertheless, this process was continued, for Napoleon always hoped that some of the paper incomes uncollected in more recent years could be made to materialize to succor the more remote poor years where such hopes had faded. This did not prove effective, because low prices of agricultural products made it difficult to collect the land-tax, and it was impossible to increase the other taxes because of "the already existing discontent." The only suggestion which the Italian government could make was to suspend the annual payment of 30 million lire made to France for military expenses. Napoleon absolutely refused to consider this until 1814, by which time this item had cost Italy a total of 228,232,795 lire.³⁶

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Minutes of meetings of the Council of Finance in January 1810 in Archivio di Stato, Aldini 99.

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This last figure is given in a report of 1814 in Archivio di Stato. Aldini 103. The other information in this paragraph is taken from three reports from Eugene to Napoleon dated 21, 11, and 26 August 1809 in Archives Nationales, AFIV1711B.

The general deficit grew as the economic crisis of 1810 deepened. On the day after Christmas of that year Eugene wrote to Napoleon that the deficits on various accounts amounted to thirteen and a half million lire. A law of 6 February 1812, which joined the accounts of the eight years 1802 to 1809 into a single account, fixed its expense at 636,000,000 but confessed that the income was only 628,585,480. The deficit was made up by a paper surplus of four million on the account of 1812 and various paper debts owed by France to Italy.

The War with Russia in 1812 wiped out the paper surplus which had been foreseen for that year. A law of 28 February 1813 joined the two accounts of 1810 and 1811 with that of 1809-and-before to give a single account showing a deficit of eight million. This deficit was met by a new bond issue for 12 million lire, in small values of 100, 150, and 500 lire bearing interest at five per cent, and redeemable for taxes or as cash after six months. These bonds came back so fast that the deficit continued to grow. On 6 July 1813, Napoleon wrote to Prina suggesting a new bond issue for twelve million lire. Prina answered that the bonds already issued were falling in value each day, so, instead, Napoleon increased the land-tax for 1813 by five and a half million and ordered the new rate to continue for the first eight months of 1814. As the revenue continued to fall, giving a deficit of 9.4 million lire for 1813 by October of that year, the Council of Ministers on 13 October, of its own volition, authorized twelve million lire in new bonds. These were used to pay government expenses, but the public was reluctant to accept them. On 8 October 1813, the president of the Council of Ministers, Melzi d'Eril, wrote to Eugene

to report on the complaints against the Treasury "qui ne payant qu'en bons toute espèce de service même urgente, les gene d'une manière très embarrassante.. Ce qui est certain, c'est que vu la perte totale du crédit les bons perdent énormément et l'on ne trouve presque plus même à les escompter." Eleven days later he wrote that the Treasury was completely empty and that army contractors³⁷ had ceased to deliver supplies.

In view of these facts, Pingaud's picture of Napoleon as a financial genius bringing sound financial methods, balanced budgets, and fiscal innovations to Italy fades to nothing.

14. "Le premier royaume d'Italie: l'oeuvre intellectuelle," Revue d'histoire diplomatique, XLVI (1932), 227-245 and 292-309. The second portion of this article is adequate, but the first part, dealing with the educational system, is probably the worse of all Pingaud's articles. It is full of errors but is made completely valueless by two untrue assumptions. The first assumption is that the educational system of the Kingdom of Italy was copied from that of France. The second assumption is that state-supported education was a complete innovation in Italy. The latter assumption is stated in unequivocal terms, thus (p.238) "Avant la Revolution en effet l'education de l'adolescence était en Italie plus encore qu'en France abandonnée aux congrégations et apparaissait comme une

37 Based on various letters of Melzi, chiefly 8, 19, and 25 October 1813 in G. Melzi d'Eril, Memorie-Documenti (2 vol., Milan, 1865), II, 270-280 and M.H. Weil, Le prince Eugène et Murat, 1813-1814 (5 vol., Paris, 1902), II, 506-518.

affaire privée; il ne venait à l'esprit de personne qu'elle put devenir un jour une fonction de l'État." This is far from the truth. Not only had public education existed, to some degree, in Italy in all areas and at all times from the middle ages at least, but discussion of this issue was much more frequent and on a far higher level in Italy than in France before Napoleon's time. From a multitude of references I have space for only a few, supplemented by a few secondary works on the problems.

38 [P. Antoniolli], Riflessioni intorno alle pubbliche scuole e sopra quanto hanno scritto di esse alcuni de' più celebri autori del nostro secolo (Florence, 1775; the author was professor of classics at Pisa for fifty years); P. Darsanti, Il pubblico insegnamento in Lucca dal secolo XIV alla fine del secolo XVIII (Lucca, 1905); G. Caleca, Le scuole da popolo di Milano dall'avocazione dell'istruzione primaria allo stato alla venuta di Napoleone, 1766-1796, Rivista pedagogica, XXX (1937), 71-86 and 436-456; [G. R. Carli], Nuovo metodo per le scuole pubbliche di Italia, (Lyons [really Florence], 1774; reprinted in Opere di G. R. Carli, XVIII, 263-439, Milan, 1797); G. Chiuppani, L'istruzione pubblica a Bassano nel seicento e settecento, Bollettino del Museo Civico di Bassano, VII (1910), 41-51; G. Filangieri, La Scienza della legislazione (Naples, 1785), Book IV points out the duty of the state to provide and supervise education; A. Genovesi, "Piano delle scuole formato dell'ab. Genovesi in occasione d'essere stati espulsi i Gesuiti da Napoli", in E. Gambini, Antonio Genovesi, Lezioni di economia civile (Milan, 1803); A. Genovesi, Sopra il vero fine delle lettere e delle scienze (Milan, 1804); G. Tauro, "La tradizione pedagogica meridionale dal Genovesi all'Augiulli sulla funzione educativa dello Stato", Rivista Pedagogica, XVII (1924), fasc. 7; A. Zazo, L'istruzione pubblica e privata nel Napoletano, 1767-1860 (Citta di Castello, 1927); G. Gorani, Saggio sulla pubblica educazione (London, 1773); G. Gorani, Richerche sulla scienza dei governi (Milan, 1771; there are many later editions, including a French translation, Paris, 1792); G. Gozzi, Delle scuole di Venezia da porre invece di quelle de' Gesuiti [1773] (Venice, 1836); G. Gozzi, Sulla riforma degli studi [1770] (Udine, 1835); these and other works of Gozzi on education are reprinted in N. Tommaseo, Scritti di G. Gozzi, volume II (Florence, 1894, 297-377); O. Bassi, Gasparo Gozzi, 1713-1786 (Milan, 1932) 76-92; A. Zardo, "Gasparo Gozzi e le venete scuole nella seconda metà del settecento", Rassegna nazionale, XV (1918), 12-28 and XVI (1918), 89-109; A. Viglio, Gaspara Gozzi, pedagogista (Racconigi, 1911); J.G. Heinecke, De iure principis circa civium studia

(continued)

footnote 38 continued

(Geneva, 1766; forming part 2, volume II of Opera; this work was widely used in Italy in support of a public educational monopoly; on this see E. Peroni, "La politica scolastica dei principi riformatori in Italia, Nuova Rivista Storica, XII (1928), 265-300 at 287-290); V. Sansonetti, "Le pubbliche scuole in Vicenza durante il medio evo e l'umanesimo", Aevum, anno XXVI (1952), 156-179, traces public schools back to capitulary of Lothair I in 825); P.D. Soresi, Dell'educazione del minuto popolo (Milan, 1775); E. Peroni, Le prime scuole elementari governative a Milano, 1773-1796 (Pavia, 1906); E. Peroni, "Per la storia della scuola elementare nel Trentino: notizie e documenti, 1786", Archivio Trentino, XXII (1907), 24-64; E. Formiggini-Santa Maria, L'istruzione pubblica nel ducato estense, 1772-1860 (Genoa, 1912), 1-36; G.B. Gerini, Gli scrittori pedagogici italiani del secolo XVIII (Florence 1901); G. Vidari, L'educazione in Italia dall'umanesimo al risorgimento (Rome, 1930); G. Vidari, Il pensiero pedagogico italiano nel suo sviluppo storico (Turin, 1924); G. Calò, Dall'umanesimo alla scuola del lavoro: studi e saggi di storia dell'educazione (2 vol., Florence, 1940).

Equally ill-founded is Pingaud's other assumption that the educational system of the Kingdom of Italy was modeled on that of France. In fact, the past experience of Italy and the past and contemporary experience of Germany (especially Austria) were immensely more important than any French influences, including Napoleon's personal ideas. Nevertheless, Pingaud spoke of Napoleon's task in these terms (p.231), " Il s'agissait de l'établissement d'un vaste système d'instruction publique, étendu à tous les degrés et fondé sur un principe emprunté ainsi que sa forme d'application à la France de la Révolution." This is so far from the truth that the very opposite argument could well be defended, namely that the Napoleonic system of education in France (established as "l'Université", be it noted, only in 1808) was based on that existing in Italy in the eighteenth century. As Professor Marraro put it, "It is important to note in this connection that Napoleon's inspiration for his Imperial University, which included schools of every grade - elementary, secondary, and university - and which constituted the so-called 'university monopoly' by which all schools became instruments of the state, was derived from the educational system of Piedmont under Victor Amedeo II, who, through his 'magistrate of reform' made all schools dependent on the university."

39

39 H.R. Marraro, The New education in Italy (New York, 1936), 205. On the Piedmontese reform see T. Vallauri, Storia delle Università degli studi del Piemonte (2nd ed., Turin, 1875), ch. VI. The sources will be found in F.D. Aguirre, Della fondazione e ristabilimento degli studi generali in Torino: anno 1715 (Palermo, 1901); G. Franzini, Istruzioni intorno alla maniera d'insegnare nelle pubbliche scuole (Turin, 1772); and Regolamenti del Magistrato della Riforma per l'Università di Torino (Turin, 1772).

Or we might listen to Ettore Bortolotti, speaking at the 1933 (Warsaw) meeting of the International Committee of the Historical Sciences, "la riforma napoleonica degli studi universitari presenta la piu grande analogia con la riforma che Luigi Marsigli aveva introdotta fin dalla metà del secolo XVIII nella Università di Bologna."⁴⁰

Pingaud tells us (p.229) that the National Institute, established at Bologna, was an "importation étrangère sans racines ni raison d'être dans le pays", although the Institute of Bologna, founded in 1712 is considered by most students to be the direct predecessor of the one organized by Napoleon. We are further told that the Napoleonic Institute ended with the regime in 1814⁴¹ (p.230) although it continued under the Restoration.

⁴⁰ Bortolotti's quotation is in Bulletin of the International Committee of the Historical Sciences, VIII (1933), 543. On Marsigli's reform see E. Costa, "La fondazione dell'Istituto delle Scienze ed una riforma dello studio proposta da Luigi Ferdinando Marsigli," Studi e memorie per la storia dell'Università di Bologna (14 vol., Bologna, 1907-1938), IV or E. Bortolotti, La fondazione dell'Istituto e la riforma dello studio di Bologna (Bologna, 1930; reprinted from Memorie intorno a Luigi F. Marsigli, Bologna, 1930).

⁴¹ The Institute, as originally organized under Napoleon, met at Bologna rather than Milan just because the former city had its scholarly traditions and its older Institute. It was established by a decree of 17 August 1802 and organized by a lengthy organic regulation approved by Melzi on 15 January 1804. The copy of this regulation sent to Paris is now in Archivio di Stato. Aldini 89. See also A. Pingaud, Bonaparte, président de la République Italienne, II, 333-337. On 19 December 1810 Eugene sent Napoleon a new projected decree dividing the Institute into five sections meeting in five different cities. This decree was promulgated as law on 25 December 1810. It is in Bollettino delle Leggi as well as in Raccolta di leggi e decreti concernenti l'Istituto Reale Italiano di Scienze, Lettere, ed Arti coll'elenco dei membri attuali del medesimo (Milan, 1812). Eugene's letter of 19 December 1810 is in Archives Nationales. AFiv1711A. For the precedents and survival of this organization see the following works of Ettore Bortolotti: "Materiali per la storia dell'Istituto Nazionale", Memorie dall'Accademia di Scienze, letteraria, ed arti di Modena, series III,

footnote 41 continued

XII (1915); "L'Accademia e l'Istituto di Bologna nel settecento e nel periodico napoleonico", L'Archiginnasio, XIX (1924), 81-88; "L'Accademia delle scienze dell'Istituto di Bologna durante l'epoca napoleonica e la restaurazione pontificia", Atti e Memoria della R. deputazione di storia patria per le provincie di Romagna, series IV, XXV (1924), 113-191. It is worth pointing out that Milan also had a direct predecessor to the Institute in the Società Patriottica founded by Maria Teresa by decree of 2 December 1776 and endowed with money, members, and a copy of L'Encyclopédie of Diderot and D'Alembert "per riscaldare, se è possibile, d'un vero patriottismo gli animi." This group had able members who heard papers, conducted experiments, offered prizes, and published three volumes of Atti in the period 1783-1793. See P. Pecchiai, "La 'Società Patriottica' istituita in Milano dall'imperatrice Maria Teresa", Archivio Storico lombardo, XLIV (1917) 25-152.

The orientation of the educational system of the Kingdom of Italy was Austrian and Italian rather than French because the men concerned with the problem were formed in the one tradition and not the other. The first Director-general of Public Instruction, Pietro Moscati (1739-1824) was, as Pingaud observed (p.232), apparently willing to use French precedents but he was a weak administrator, knew little about it, and was given little encouragement by the government. He was frequently on bad terms with Eugene, so that the Viceroy spent a good deal of time sending him quarrelsome notes and even went so far as to issue decrees in educational matters without consulting Moscati at all. Finally, in spite of his partiality for French education, he was removed by Eugene in 1809 and replaced by Giovanni Scopoli (1774-1854). The latter, a man thirty-five years younger than his predecessor, was much more energetic, was entirely Teutonic in his educational inclinations and received the fullest cooperation from Eugene. Scopoli remodeled the partially finished educational system in a Germanic direction and did so well at his post that he was kept at it after the Restoration until his death in 1854.⁴²

42 The records of Moscati's administration are in the Archivio di Stato at Milan, chiefly in Studi 1 and Studi 2. His projects of July 1805 with various revisions, reports of the Council of State and the Legislative Council, and final form are in Studi 1. A statement by Moscati to Eugene that his various projects were modeled on French experience is in a letter to Eugene, dated 14 August 1805, in Studi 1. Various disputes with Eugene, chiefly in 1808, are recorded in documents in Studi 2, especially in marginal notations by Eugene on various protests of Moscati dated 25 and 27 November 1808. The decree, issued by Eugene without consulting Moscati, which was the basis of these protests, was dated 15 November 1808 and is in the same carton.

When Moscati asked permission to go to France in 1805 to study the educational system of that country as a preliminary to organizing the educational system of the Kingdom of Italy, he was refused and not permitted to go until two years later; but when Scopoli wished to go to Germany in 1812 to study German methods, he was permitted to do so. After an extended tour of Germany and a visit to Pestalozzi in Switzerland, he returned to Italy and submitted a 247 page report on his observations to Eugene. ⁴³

43 Scopoli's report, "Relazione delle vista fatta delle pubbliche scuole in piu luoghi di Germania e riflessioni su quelle del Regno, presentata a S.A.I. il principe Eugenio, Vice-Re, 1813" is in the Biblioteca Comunale of Verona. It is in three parts. Part I was published as a pamphlet per nozze Fagnoli-Scolari as G. Scopoli, Dell'istruzione popolare (Verona, 1891); part II appeared per nozze Biasi-Azzolini as G. Scopoli, Delle istruzione nelle belle lettere (Verona, 1879); part III appeared per nozze Carraroli-Albergo, Dell'istruzione nelle belle lettere: I licei (Verona, 1891). Many years ago Professor Salvemini told me that such per nozze publications were the "bane of Italian scholarship." Anyone who has tried to find one cannot fail to agree with the statement. Another of Scopoli's reports, this one describing what he did to carry out his ideas, was published under the title "Rapporto generale delle principali disposizioni ~~emanate dalle autorità locali e nazionali~~ che furono date per oggetti di pubblica istruzione dacchè il Sig. Conte Scopoli nel novembre 1809 ha assunto l'incarico di Direttore-generale" in the appendix to T. Ronconi, Le origini del R. Liceo-Cinmasio di Verona (Turin, 1909).

The Italian preference for German and Austrian models in education went back to the extensive educational reforms of Austrian enlightened despotism in the period 1771-1792. Under Maria Teresa the educational system of the Hapsburg hereditary lands were reformed by J. I. Felbiger (1724-1788). This reform was carried into Lombardy by Giovanni Bovara (1734-1812) who was later Minister of Religion in the Napoleonic Kingdom of Italy for ten years (1802-1812). The educational reforms of Joseph II were supervised in Lombardy by Francesco Soave (1743-1816) who translated Felbiger's book on the subject into Italian, wrote the Lombard law on the subject and wrote a famous Compendio del methodo for teacher training. All of Soave's writings were purely Germanic in inspiration and were used as the basis for public instruction in the Napoleonic Kingdom of Italy. By an order of October 1810 Scopoli required every teacher in the Kingdom to read Soave's Compendio del metodo and be prepared to pass a "rigoroso esame" on its contents in December 1810. By a decree of 15 November 1811 Scopoli entirely reorganized the educational system on all levels, superseding Moscati's organization which had been installed in a piecemeal way in 1805-1809.

44 Moscati's projects for organizing the educational system were accepted by a decree signed in April 1806, but this decree was never published. It was put into effect gradually and with various modifications by a series of decrees in the next two years. This decree of 1806 is in Archivio di Stato Studi 1 while Scopoli's decree of 15 November 1811 is in Studi 2.

Felbiger's book is Allgemeine Schulordnung für die deutschen Normal-, Haupt-, und Trivialschulen in sämtlichen K.K. Erbländern (Vienna, 1774). The manuscript of Soave's Italian translation is in Archivio di Stato. Studi 246, dated 13 June 1787. Soave also published Leggi scolastiche da osservarsi nelle R. Scuole Normali della Lombardia Austriaca (Milan, 1786) and his Compendio del metodo

footnote 44 continued

delle scuole normali per uso delle scuole della Lombardia Austriaca (Milan, 1786). Neither of these had Soave's name on the title page, but another edition of the Compendio, published at Venice in 1792, did. See E. Motta, Saggio di bibliografia di F. Soave (Zurich, 1880); A. Avanzani, F. Soave e la sua scuola (Turin, 1881); L. Fontana, Francesco Soave (Pavia, 1907). According to Baldo Peroni, Felbiger modeled his reforms on the schools of Prussia and brought J.F. Hahn from Berlin to Austria to advise him. See B. Peroni, "La politica scolastica dei principi riformatori in Italia," Nuova Rivista Storica, XII (1928), 265-300 at 260. On the necessity for teachers in the Kingdom of Italy to pass an examination on Soave's Compendio, see E. Formigini Santamaria, L'istruzione pubbliche nel ducato estense, 1772-1860 (Genoa, 1912), 50.

On this subject in general, see the works of Caleca, Carli, Heinecke, Peroni, and Vidari in note 38 above, as well as the following E. Chinea, "La Riforma scolastica Teresio-Giuseppina nello Stato di Milano e le prime scuole elementari italiane", Archivio storico lombardo LXI (1934), 531-568 and n.s. II (1937), 435-487; E. Chinea, "La riforma scolastica Teresio-Giuseppina negli stati della Lombardia Austriaca; studi preliminari alla riforma della scuola media", Rivista Pedagogica, XXVII (1934), 565-583 and XXVIII (1935), 66-91; A. Visconti, "L'opera del governo austriaco nella riforma universitaria durante il ventenni 1753-1773", Contributo alla storia dell'università di Pavia (Pavia, 1925); F. Jasilli, "Le riforme scolastiche di Maria Teresa di Austria e di Giuseppe II", Rivista Pedagogica XXVIII (1935), 439-481; A. Pinloche, La réforme de l'éducation en Allemagne au 18^e siècle (Paris, 1889).

In addition to these basic deficiencies of knowledge and interpretation, Pingaud's article on the educational system has many errors of simple fact. He tells us that the ginnasi were supported by the departments (p.238), when they were supported by the communes;⁴⁵ that there were sixteen licei of which only six residential (p.238), when there were twenty-seven with nine residential;⁴⁶ that the government was not intolerant of private schools (p.240), when all private schools, except ^{free} parish ~~schools~~ schools, were forbidden by a decree of 22 November 1810;⁴⁷ that

45. The ginnasi were at the expense of the communes from their creation by the decree of 4 September 1802. The departmental administration had been abolished at the creation of the Kingdom by decree of 8 June 1805. The decrees are in the Bollettino delle Legge; see also note 31 above.

46. The number of licei is recorded in the annual reports in Milan; Archivio di Stato; Studi 665 and 666. The figure given above (27) does not include one in Istria.

47. Most private schools were ended when all congregations of religious (which conducted most private schools) were ordered abolished by decree of 25 April 1810. By a subsequent decree of 29 August 1811, twelve convent schools, which were teaching 288 girl pupils, were ordered preserved in view of the lack of facilities for female instruction (something close to Eugene's heart). The decree of 25 April 1810 is in Bollettino delle Legge while that of 29 August 1811 (along with a regulation from Scopoli putting it into effect, dated 31 August) is in Archivio di Stato; Culto 2542. In the meantime, the decree of 22 November 1810 not only prohibited all private schools, except free parish schools, but forbade the use of private tutors except with the special permission of the Director-general. But this was not put into effect in communes where there were no public schools for primary teaching yet available. As a result, there were 1991 private schools for boys and 282 for girls still operating at the time of Scopoli's report of August 1811 (in Archivio di Stato; Studi 598).

primary education was neglected and no "reforme d'ensemble" was attempted (p.243), when by law every commune had to have a primary school, the Prefects were frequently called upon to enforce this, a general regulation of all primary education on a uniform pattern was issued on 15 February 1812, and the number of public primary schools in the Kingdom rose from 1936 in 1807 to almost 2500 in the same twenty departments in 1808, and reached a total of 5036 public primary schools in twenty-four departments in August 1811 (this marks a decrease in the population per school ratio from 4667 in 1807 to 1296 in 1811).⁴⁸ Finally, Pingaud assures us that military drill in the Universities was not seriously applied and was abolished in the University of Padua (p.234), statements which are contradicted by manuscript records in the Archivio di Stato of Milan.⁴⁹

48 By a law of 4 September 1802 every commune was to have a primary school. Efforts were made at various times to enforce this as in the Circular to the Prefects of 30 June 1808 in Archivio di Stato; Studi 504, or in the circular of 4 April 1810 (described in Formigginì Santamaria, L'istruzione pubblica nel ducato estense, 1772-1860, 48-49), or in Eugene's instruction to Scopoli, dated 10 September 1811, in Archivio di Stato; Studi 598. The uniform plan of study and administration for all primary schools, dated 15 February 1812, is in Studi 598 also. My figures for the number of schools are taken from Moscati's report of 1807 in the Archives Nationales, AFIV17103, and Scopoli's report of 1811 in the Archivio di Stato, Studi 598.

The chief weakness in respect to primary schools was that, while free, they were not compulsory and were not established everywhere, even by 1814, but it is quite unfair to say, as Pingaud does, "le gouvernement napoléonien semble toutefois avoir un peu négligé l'instruction du peuple comme inutile à sa tâche ou inférieure à sa dignité." This quotation is on p. 243.

49 For example, a report of 1810 on military drill in the universities says that the decree of 7 July 1805 on this subject is in "full vigor." Archivio di Stato; Studi 34.

15. "Le premier royaume d'Italie: l'oeuvre sociale", Revue d'histoire diplomatique, XLVII (1933), 10-33. This article is accurate, but thin, based almost entirely on the decrees printed in the Bollettino delle Leggi.

16. "Le premier royaume d'Italie en 1812", Revue d'histoire diplomatique, XLVII (1933), 336-337. A cursory study of population, social classes, social customs, relations with France, and public opinion in this year.

17. "Le premier royaume d'Italie: l'organisation politique et administrative", Revue d'histoire diplomatique, XLVII (1934), 74-98. This article, the last written on the subject by this author, should have been the first, since it is concerned with the general organization of the administrative system. It is adequate and relatively accurate.

In conclusion, we are probably justified in saying that in spite of (or perhaps, even because of) Pingaud's articles, there is still urgent need for a critical study of the Napoleonic achievement in Italy. These seventeen articles, because of the undeserved prestige they have had and because they have encouraged non-Italians to cherish what are clearly erroneous ideas about the nature of the Napoleonic government in Italy have served to delay the writing of such a study.

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Appendix B

Comments on Melchiorre Roberti's Milano capitale napoleonica
La formazione di uno stato moderno, 1796-1814 (3 vol., Fondazione
Treccani degli Alfieri per la Storia di Milano, Milan, 1946-1947).

Melchiorre Roberti, professor of law in the Catholic University of the Sacred Heart in Milan, has written considerably, particularly on the history of Italian law in the medieval period. His three volume study of the political structures which centered about Milan during the eighteen years of the Napoleonic period is an impressive work of 1581 pages of text, averaging four footnotes per page. But for the period of the Kingdom, which made up half of the eighteen-year period and which was, by most criteria, the more significant half, the work is disappointing. For one thing, only about one-fifth of the total pages are concerned with the last nine years of the eighteen year period. Moreover, the quality of the work is considerably inferior for the royal period. This may be explained, to some extent, by the fact that the study of this later period had to be undertaken from scratch, since there were no existing books available for this period as there were for the earlier half from 1796 to 1805.

It would also appear that there was a weakening of Roberti's interest as he continued the drudgery of working through the manuscript materials dealing with the royal period. The consequences of this failure of interest are very evident in Roberti's third

volume where generalizations based on inadequate research and omissions of significant topics are obvious. I can understand Roberti's waning energies as he contemplated the enormous masses of largely untouched manuscript materials stored in the Milan archives on such subjects as education, charity, sanitation, or public works, since I have examined many thousands of these documents myself. But the fact remains that the study which Roberti attempted could be done only by examining a large number of such documents. That Roberti did not examine them is quite clear from the fact that, among his thousands of footnotes he has no references to most of the relevant sections of the Milan Archives. Perhaps these were destroyed before he could consult them; we have no way of knowing, for the book was published in 1946-1948, several years after the bombing of the archives, but he says nothing of this loss and makes no effort to tell us what he examined or what he failed to see. My own examination of his footnote references (amounting to an estimated 6000 items) shows no more than merely formal references to at least twenty sections of the Archives. These were all sections for which rough catalogues were available and contained, in most cases, hundreds of cartons each. Among these are the following very important sections: Polizia, Luoghi Pii, Sanità, Acque, Strade, Acque e Strada, Studi, Culto, Militare, Giustizia Punitiva, Giustizia Civile, Ministero di Giustizia, Amministrazione Finanziaria Centrale, Ministero del Tesoro, Ministero di Finanze, Finanze, Debito

Pubblico, Censo, and Governo. Failure to use these vitally significant manuscript sources is compounded by failure to use some of the most important of the printed sources, particularly the annual Conti delle Finanze (9 volumes) or Ducasse: Memoires et correspondance politique et militaire du prince Eugène Beauharnais (10 volumes, Paris, 1858-60). There are a couple of references to the latter, but almost no use was made of the documents it contains, and there is one mention of the former work, although it was not used at all. From my own familiarity with the materials on this subject, it is clear that Roberti's account of the royal period, in spite of its length, was based on only two chief manuscript sections of the Milan Archives: the Melzi papers and the Aldini papers (both of which were restored to Italy by Austria following the peace treaty of 1920) and on two chief printed sources: the Bollettino delle Leggi (21 volumes) and the extensive Correspondence de Napoléon Premier (

). Naturally no use was made of the manuscripts in Paris, at Princeton, or in Vienna. Roberti's account, based on these rather limited materials, was supplemented or padded with materials from published secondary articles and monographs. As a consequence, his account of the royal period is always thin and gets increasingly superficial as his work progresses. A few examples will demonstrate this rather drastic statement.

Robert has six out of eighteen chapters on various aspects of the financial system, but he never gets very close to exact figures

and thus he never gets very close to exact interpretation. Here, as elsewhere, his account is much too heavily based on statutory laws as printed in the Bollettino delle Leggi. In this particular subject these statutes are reinforced by materials in archives, particularly the Aldini papers. But no use whatever seems to have been made of the printed annual accounts, the Conti delle Finanze, and thus Roberti was in no position to say exactly what was done. Instead, he either gave no figures to back up his unsupported impressions or he gave preliminary or tentative figures from Aldini's papers (which are filled with projects which never got close to fruition). For example, Roberti read the decree of 28 July 1806, as printed in the Bollettino delle Legge, and noted its statement that the Kingdom of Italy was not bound, legally, to recognize the public debts of the old Venetian Republic because Austria, from whom the territories were taken, had not recognized these debts. From this perfectly correct statement, Roberti inferred (II,422) that the Venetians were less well treated than the other portions of the Kingdom and that their debts were "insignificant in respect to the total" public debt. But if Roberti had looked at the printed Conti delle Finanze, he would have discovered that the opposite was true. When annexed, Venetia formed about 32% of the total population of the Kingdom, yet over 35% of the total assumed debts were from that area (page 97 below). Moreover, the

Venetians were given more valuable consideration for their debts since they were paid to three quarters of the debts value in inscribed bonds, yielding interest, and usually worth at least $\frac{2}{3}$ of their nominal value on the market, while only $\frac{1}{4}$ of the debt was paid in rescriptions (that is non-interest bearing script which could be used for purchases of public property at public auctions), which generally were worth about a third of their face value. Even when the rescriptions were ultimately funded, they earned only 2% interest compared to the $3\frac{1}{2}$ percent earned by the "inscribed" debt. Thus the figures, ignored by Roberti, clearly show that Venetia was not treated less well than the Old Departments in this matter, as his discussion of the matter (II, 422-423) implies.

Because Roberti failed to use either the printed Conti delle Finanze or the relevant manuscript archives, it is not possible to have much faith in his specific figures. As one brief example, we might note his statement (III, 257) that the Postal Service in 1812 earned a net income of 1,661,916 lire. This is 25% higher than the definitive figure of 1,322,942 given in the published Conto delle Finanze per l'anno 1812.

From this unfortunate, and needless limitation of his researches, Roberti derived some very erroneous conceptions about the operations of the Kingdom's administration and particularly about the influence

of specific individuals. From his undue reliance on the Aldini papers he derives the idea that this remote intriguer was the most influential person in the administration of the Kingdom and that Eugene's influence was insignificant (I,159). If he had looked at the ten published volumes of Eugene's letters or at any considerable amount of the manuscript materials in Princeton, Paris, or Milan he would have recognized the obvious fact that Eugene was on the spot, in daily contact with the administrative system, and was influencing everything that was done by handwritten notes and verbal orders.

I have seen many hundreds of reports on every conceivable aspect of the administration which bear Eugene's marginal notations and end up with a preemptory order at the bottom. Aldini, tagging along in Napoleon's wake as the great man rushed about Europe and seeing him, on business, only on rare occasions, could not possibly have had administrative influence in any way comparable to Eugene's, although, admittedly he wrote frequently, to people in Italy, including Eugene's subordinates, in order to obtain information or to further his own Bolognese intrigues.

The same reliance on preconception and partial evidence led Roberti to overemphasize Napoleon's influence (a necessary consequence of any tendency to overemphasize Aldini's). It is true that Napoleon set the framework (particularly the political and financial framework) within which the administrative system operated, but he rarely modified, or even influenced, these operations. As Roberti reached the end of his work (III,124) he realized this, but he did not modify his earlier, too frequent, attribution of administrative

actions to Napoleon (I, 157). He certainly never seems to have recognized that decrees or orders, even when signed by Napoleon were sometimes greatly modified during their execution in Italy. This was true even in matters of defense, where Napoleon's attention was closest, as can be seen from my account of Eugene's refusal to execute the basic law on the organization of the Italian Navy in 1807.

As a lawyer, and because he failed to carry his research far beyond the printed laws, Roberti relied too much on the Bollettino delle Leggi. The reality was often quite different from the printed law. For example, the organization of the Ministry of Finance as described by me from archival records was quite different from the picture that Roberti derived (II, 181-185) from the printed laws.

Roberti's reliance on such printed laws rather than on administrative records seriously distorted his picture of the administration and sometimes led him to erroneous conclusions. For example, he took the various religious enactments, such as those which suppressed bishoprics or amalgamated parishes, at their face value, when frequently they were never executed or were executed only to a small extent.

Related to this and resulting from Roberti's failure to use the Conti delle Finanze is his flat statements (I, 489,501) that the

decrees of 21 December 1807 and 11 November 1808 were not carried out. These decrees promised that priests with incomes below 500 lire a year would have their pay raised to that minimum by government grants. The money was to have come from a 25% tax on the incomes of vacant parishes, but, since that source failed to yield the needed amounts, it had to be supplemented by special appropriations. As I show in Chapter VI, Bovara asked for 300,000 a year for that purpose in 1808 and in April 1812 (when the Russian invasion was already afoot) was granted an additional 415,000 to be distributed to poor priests as Bovara judged necessary. These special appropriations were in addition to money from the domain derived from assigned individual properties whose incomes went to priests (this amounted to 1,056,775 lire to 4361 individuals in 1808) and to the assegni pel culto from the Cassa delle Rendite Vitalizie of the Monte Napoleone. The latter item, at the end of 1808, amounted to 193,124 lire a year payable to 912 individual priests as life pensions. These figures are based on documents in cartons Culto 10 and Culto 15 of the Archivio di Stato, Milano, and (for the Monte Napoleone payments) on the Conti delle Finanze, all of which were not used by Roberti (see details in chapters III and VI). If Roberti had used these sources he certainly could not have stated that the government failed to carry out its promise to raise clerical incomes to at least 500 lire a year.

In later chapters and for later periods Roberti made no use of the necessary source materials. In general his study of the Cisalpine period is quite good; that on the Republican period (1802-1805), relying heavily on Pingaud's volumes, is less adequate; but the sections on the Kingdom (1805-1814) are very weak. In a similar way his first volume is better than his second, and the second is much better than the third. The final chapter, called "Le Provvidenze sociali" is very poor. Its section on assistance to labor has little more than a few general remarks about the inadequacy of efforts to replace the work previously performed by the guilds; the section on public charity has nothing specific to say and makes no use of the rich archival material in the section Luoghi Pii at the State Archives in Milan; the section on sanitation and medicine is equally vague, makes no mention of Dr. Sacco's heroic efforts to bring the number of vaccinations up to the birthrate, and makes no use of the section Sanità of the Milan archives; the section called "Il problema demografico" (III, 541-544) ignores the surprising efforts of the Kingdom to establish statistics of population, grain supply, and grain prices from each department, but instead, concentrates almost entirely on the law which exempted from taxes families with over twelve children.

Roberti seems to have some knowledge of the administrative history of northern Italy before 1796, at least he does not have the complete ignorance of Pingaud, but he repeatedly fails to recognize

that administrative actions or enactments of the Napoleonic kingdom were often repetitions of early governmental regulations. Thus he failed completely to see the real limits to Napoleonic innovation, even in those rare moments (like III, 124) when he realized that most administrative actions were performed by old Italian administrators.

This failure by Roberti to tie administrative actions into the context of earlier enactments sometimes leads him into error on the other side-that is to reduce the degree of innovation. For example, he says (II, 507) that the catasto for the land tax was laid out in customary, rather than in metric, units of superficial measure because the decree of 13 April 1807 ordered the work to be done in units of 1/10 tornatura, the so called "pertica censuaria", failing to recognize that a law of 27 October 1803 had redefined the tornatura in metric terms (III, 224). But usually Roberti's misses of this kind work in the opposite direction, exaggerating the innovations of the Napoleonic government and failing to see the significance of a system in which experienced Italian administrators, trained in previous systems, administered regulations drawn up by themselves and modeled on those earlier systems. As a consequence of this, Roberti failed almost completely to see the role which the First Kingdom of Italy played, either in European administrative history or in the lesser sphere of Italian history.

END

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