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Fondati da CESARE MOZZARELLI

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Ferdinando Dal Pozzo: a Piedmontese Notable at the Heart of Napoleonic Europe, 1800-1814

MICHAEL BROERS

The public sphere of the *ancien régime* state of the House of Savoy was narrow, circumscribed by both the small size of its territories, and so its state apparatus, but also by the structures of its bureaucracy and judicial institutions. The ambitions and horizons of its subjects were circumscribed, even at the highest echelons of government. Nevertheless, the Savoyard monarchy had also instituted one of the most rigorous and advanced systems of education for its elites in Europe. Under the absolutist monarchy, every senior magistrate and administrator was required to hold a degree from the University of Turin, founded by Victor-Amadeus II at the end of the seventeenth century. When the monarchy finally fell in 1798, under the pressure of French invasion begun by Napoleon in 1796, its legacy to the new rulers of their territories was one of the best educated elites, and one of the most thoroughly professional bureaucracies in Europe. The French knew this – Napoleon drew directly on the Savoyard model of the University of Turin when he created his own ‘Imperial University’ in 1800 – and they quickly set about trying to harness this well trained pool of talent for their own service. In reality, the French were often disappointed by the Piedmontese in their service, but when they finally secured their rule in the region following Napoleon’s victories in the second Italian campaign of 1800, this lay in the future. The initial impression of the new rulers of Piedmont was of an elite honed in the traditions of an efficient absolutist monarchy, of men with whom they could work, and who could be of service to their own new regime, which was in the process of transforming itself from one of radical revolution to a blend of the most practical elements of the revolutionary reforms of the 1790s, and the more professional aspects of the French *ancien régime*. More than this, by the time the definitive annexation of Piedmont to France had been decided in 1801, France was an expanding state. The victories of 1800 over the powers of the Second Coalition, and over the Habsburgs, in particular, had transformed France from an embattled state, hemmed in by the allied armies, into the dominant power in western Europe. The series of peace treaties con-

cluded by Napoleon in his first years in power, confirmed French rule over the Austrian Netherlands (modern Belgium), and Germany west of the Rhine, as well as the mainland territories of the House of Savoy. This expansion was only the prelude to the massive gains in territory that followed the great military victories of 1805-07, however, which brought all of Italy under French domination, as it was partitioned under the two 'satellite' kingdoms of Italy and Naples, and the fourteen *départementes réunis*, which brought one third of the peninsula under direct rule from Paris, and made 'French' cities of Genoa, Parma, Florence, Siena, and Rome, as well as Turin. This was mirrored by huge gains in Germany, and saw the Netherlands and the whole of the North Sea coast as far as Denmark, brought under Napoleon's control by 1810. Piedmont was one of the longest standing, most thoroughly integrated parts of this vast empire, and its professional elites found themselves with unprecedented opportunities for advancement in its service. Seldom in history have the prospects of a ruling class been so utterly transformed, so quickly as those of the sub-alpine bureaucracy under Napoleon.

When seen in this context, that of the possibilities open to the former servants of the House of Savoy by their inclusion in the Napoleonic empire, the career of Ferdinando Dal Pozzo assumes at once a unique and a very typical significance for both the history of Napoleonic Europe, and for the future of Italy. Dal Pozzo was unique in the degree of influence he came to exert with his French superiors in shaping the personnel and controlling the workings of their empire in the Italian *départementes réunis*, first within his native Piedmont, and then further afield. However, his experience was also typical of the class of provincial Piedmontese notables he belonged to, in that he seized the opportunities for advancement offered to them by inclusion in a large, European empire, a change in political circumstances which could not have been more different from that of a middle-sized *ancien régime* absolutism, whose expansionist ambitions stretched no further than a the adjacent provinces of Austrian Lombardy. Dal Pozzo was also representative, rather than exceptional, in his fate after 1814, seeing his ambitions dashed and his professional standards and political beliefs overturned by the restored monarchy. In many ways, Ferdinando Dal Pozzo was a symbol for his age, both in the considerable influence he wielded on his own times, and in the course of his career, which was typical not only of his Piedmontese compatriots, but of many German, Belgian and French imperial servants of the Napoleonic empire.

Piedmont & the French Revolution: the transformation of an elite

Victor Amadeus III, the ruler of the Savoyard dominions in 1789, was one of the most determined opponents of the French revolution, but he could do little to stop the French seizing the Duchy of Savoy and the County of Nice, early in the revolution. However, the core his Piedmontese possessions were not seriously threatened until Napoleon launched his first Italian campaign in 1796. Within a few months, Piedmont was effectively under French control and much of its administration was in the hands of local ‘patriots’ – often misleadingly labelled ‘Jacobins’ – who were supporters of the French revolution. Alongside them, however, many members of the royal administration remained at their posts, less from any sympathy with the French or the ideology of the revolution, than in an effort to maintain law and order. The region was convulsed by the French invasion, and the harsh realities of military occupation were compounded by a series of poor harvests between 1796 and 1799, which led to mass peasant rebellions which, increasingly, the monarchy sought to exploit against the occupiers. These years, known as the *triennio*, produced bitter, often violent divisions within the Piedmontese provincial elites, as some local factions sided with the French, while others remained loyal to the monarchy in the wake of the French invasion. In 1799, the military situation was briefly reversed, the French were driven out of Italy, and for several months, a Savoyard regency returned to power in Turin. The result was a concerted effort to seek out and punish the “patriots”, and many essentially loyal royal administrators were included in the ‘lists of suspects’ drawn up in these months. Many patriots, Dal Pozzo among them, took refuge in France at this time, only returning after Napoleon’s second Italian campaign of 1800 drove the allied armies out of the region. After his victory at the battle of Marengo, near Alessandria in June, 1800, Napoleon, now the effective ruler of France as its First Consul, was unsure how to deal with Piedmont, and initially sought the restoration of the monarchy. When he realized he could not rely on Victor Amadeus, who was also intriguing with the Austrians from exile in Sardinia, he decided on direct annexation to France in 1801, and began the process of reorganization which terminated in 1802. In the period 1800-02, Piedmont was administered by an executive body of five patriots, eventually reduced to three, known as the *Consultà*, overseen by a French Commissioner-General, General Jourdan, known for his republican revolutionary sympathies. A number of specialist commissioners served under Jourdan and the *Consultà*, for the reorganization of justice, finances, religion and the police; Jourdan,

himself, dealt with the civil administration. Their overall purpose was to transform the region into a part of France, reshaping its provinces into six – later five – French departments, grouped together as the 27th Military Division.

This period and its traumatic, rapid changes of regime proved formative for the Piedmontese elites in many ways, the most lasting and important of which turned on the persecutions of the restored monarchy, in 1799-1800. The very existence of the notorious “lists of suspects” and the experience of exile they produced, left an indelible mark on the Piedmontese elites. Many now felt they had no alternative but to serve the French, however reluctantly. Conversely, the rapidly shifting fortunes of the war led even more to retire from public service, fearful that Napoleon’s successes in 1800 might be as quickly reversed as they had been in 1799. It was by no means clear to contemporaries that the peace achieved in 1800 would endure for fourteen years; as many French administrators remarked, it was very difficult to persuade many of the finest magistrates and administrators of the old monarchy to serve the new regime, less from ideological repugnance, than from fear. It was only after 1807, when Russia and Prussia were finally forced to terms with Napoleon, that this reluctance began to recede. Only after 1807, did the French begin to be able to recruit the men they really wanted. The period 1800-07 was an anomaly in Piedmontese history, a moment when new men could enter a new imperial service and attain unprecedented levels of office and professional success. Dal Pozzo was among them, and his chosen vehicle for success was the magistracy.

The French judicial order, as reformed by the revolutionaries, was very different from that of the old monarchy in many essential respects, but the most important for an ambitious magistrate was the difference in court hierarchies between the two. The Savoyard monarchy placed a very strict division between the local magistracy and the higher courts in Turin. The local judges administered law based largely on local statutes; some had degrees from the University and some did not, but very few of them rose above provincial level. There was a very clear divide between them and the Senate of Turin, the only senior court for the whole country, whose magistrates were considered among the highest officials of the monarchy, and who were among the best educated in Europe. Thus, the French inherited two distinct judicial cultures when they assumed control of the region, a situation that was common in many of the Italian states. The introduction of the French court system brought three major administrative changes to that of the Savoyard *ancien régime*. At the lowest level of the French system were the justices of

the peace, who administered fewer and larger areas – the cantons – than the local judges of the old order. Above them, a new hierarchical system of courts stretched as far as the Tribunal (later Court) of Appeal in Turin. Previously, only a ‘major judge’ in each provincial capital had stood between the local judges and the Senate, but under the French system, an entirely new body was introduced into Piedmont, the ‘tribunals of first instance’, more commonly known as the civil tribunals. These courts were usually composed of five judges and a public prosecutor, and were established in most of the old provincial capitals, which were now the seats of French *arrondissements*, the major subdivisions of the departments, which grouped together the old provinces. Finally, the French created separate three Special Criminal Courts, in Turin, Cuneo and Alessandria. This whole system came under the Court of Appeal in Turin. These details may seem trivial, but the new French court hierarchy provided a ladder of promotion for the local judges, and so hitherto unheard of avenues for professional advancement. Nevertheless, there was the problem of coming to the attention of their new masters, and in this, Dal Pozzo proved a crucial figure, not only for his own ambitions, but for those of others.

The higher magistrates of the Senate of Turin were well known to the French by 1801 from their earlier occupation of Piedmont, but their knowledge of the local judiciary was very limited. Indeed, the Senators themselves had had relatively little to do with the local judges, either, under the *ancien régime*. It was soon clear to the French, however, that they would need more than the Turin elite to staff their court system. When to this are added the reluctance of some of the Turin elite to serve them and, even more serious, the bitter political divisions within the provincial municipalities engendered by the events of the *triennio*. All this made recruitment to the new courts a difficult and delicate process, and the French themselves were not completely happy with the results, as will be discussed below. In the immediate context of the first months of their rule, however, the difficult task of complete transition from one system of government to another had to be undertaken as best they could.

The French commissioner for the organization of justice was Jourde, a former magistrate of the *Parlement* of Toulouse before the revolution, from the Auvergne. He had replaced the Terrorist leader, Couthon, as deputy for their department, the Puy du Dôme, after Couthon’s execution in the purge of Thermidor, 1794. Latterly, Jourde returned to the judiciary, rising to the highest court in France, Cassation, from where he was sent to Piedmont in 1801. To help him, Jourde formed a ‘commis-

sion of justice' composed of six members of the Senate of Turin. Jourde's original nominees were Avogadro, the highest ranking member of the Senate, Botton di Castellamonte, the President of its Chamber of Accounts, Galli, a President of one its Chambers, Bertolotti, the President of its Chamber of Criminal Justice, and Nizzati, an Advocate in the Senate¹. Nizzati did not accept his post, and he was replaced by Dal Pozzo, who was also drawn from the lower levels of the Senate, and so the only member of the council who was not of the Turin elite, although closely connected to it. Four years later, when Dal Pozzo was called upon again to advise on the personnel for the newly annexed Ligurian departments, Jourde spoke highly of Dal Pozzo, personally, and also of the serious problems the council had faced during its existence, 1801-03:

...If I overcame so many obstacles in carrying out this important task, I owe it entirely to them (the members of the Council of Justice). And if the results of our choices for the lower posts did not always correspond to our hopes, one can only blame the difficult circumstances of the moment when the reunion of this country to France was not definitively decided, which made people behave as weaklings, and made us hesitate about putting forward several people of similar character who, uncertain about the turn of events, did not accept (their posts), but who now wish to serve His Majesty (Napoleon).

I owe Dal Pozzo the greatest debt in every way; he showed no hesitation, at any time; devoted, honest and loyal...².

Dal Pozzo's role was, indeed, crucial and unique on the council. He was the lowliest member of the group, a provincial who was an Advocate to the Senate, not one of its senior members, but these were exactly his virtues as far as Jourde was concerned. Jourde had to rely on Dal Pozzo's extensive knowledge of the provinces and their judicial personnel. In fact, Dal Pozzo was firmly rooted in his own area, broadly eastern Piedmont; his networks of friendship and clientage embraced the provinces of Vercelli, Alessandria, Casale and Asti, and he advanced the applications of magistrates from these areas to Jourde³. Dal Pozzo spoke flaw-

¹ Archives Nationales de Paris (ANP) BB5 304 (Organisation Judiciaire, Cour de Turin) Jourde to Min of Justice – 28 prairial, an ix.

² ANP BB5 296 (Organisation Judiciaire, Cour de Gênes) Jourde to Bigot Prêmeau – 11 prairial, an xiii.

³ A similar role for western Piedmont, principally for posts in the new department of the Stura, embracing the old provinces of Cuneo, Mondovì, Alba, Saluzzo and Savigliano, seems to have been played by Francesco Rocca, a patriot with a similar background to Dal Pozzo's in the lower levels of the Senate. See his letter of recommendation in ANP BB 5 310 (Organisation Judiciaire, dept Po).

less French, he had proven his loyalty to the French during the *trienmeio*, and he knew the provinces with an intimacy that both Jourde, a foreigner, and the Turin elite, lacked. Dal Pozzo also came from a section of the Piedmontese magistracy Jourde had come to admire and trust, the subordinate levels of the Senate of Turin. Thus, his respect for the highest magistrates, like Avogadro and Botton, was clear from the outset, but he developed a real faith in their assistants:

There are highly recommendable citizens among the substitute-judges of the office of the Advocate-General of the Senate of Turin, with many good qualities, who would be excluded (if the French norm of an age limit of over thirty were applied to Piedmont), and because men of sufficient ability are rare in this country, if not in Turin, then for the tribunals of the other centres, (they must be promoted)⁴.

Clear in this, as in so much of his correspondence, is Jourde's preference for men like Dal Pozzo, and so his faith in his judgement.

Clearer still, is Jourde's growing realization of the severe problems he faced when trying to establish impartial, professional justice beyond Turin. His problems had two main sources, and several compounding difficulties, all of which Dal Pozzo was the key to resolving for him. First, was Jourde's growing awareness of just how deep had been the *ancien régime* division between the provincial and Turin magistrates had been, in terms of education and expertise; Jourde now saw Turin as the only reliable, truly desirable source of good magistrates, and he knew only the lower echelons of the Senate might accept provincial posts. In his eyes, the Savoyard monarchy had bequeathed the French a very capable, but also very small pool of real talent; the entire staffs of the Senate and the Chamber of Accounts – “which are the two greatest courts (and) where the citizens of the greatest merit are to be found” – numbered only fifty, in total⁵. Almost as soon as he arrived in Turin, Jourde was struck by the very high qualities of the Senators, and by the willingness of most of them to serve the new regime:

...I was immediately struck by the willingness of the most senior magistrates to second me in my work of reorganization, and by their desire to serve in the new tribunals which shall replace the existing bodies to which they belong... These men already have the confidence and esteem of the public; erudite in their legal studies, members of a Piedmontese

⁴ ANP BB5 304 (Organisation Judiciaire, Cour de Turin) Jourde to Min of Justice – 29 messidor, an xi.

⁵ ANP BB5 304 (Organisation Judiciaire, Cour de Turin) Jourde to Min of Justice – 27 messidor, an xi.

institution which approximates to one of our *parlements*, they have acquired, through the long exercise of the important duties of the magistracy, everything that makes a good judge and a magistrate of integrity⁶.

High praise of this kind for foreign elites was very rare among French imperial servants, and would become more rare, still, as they advanced into the rest of Italy and into northern Germany and the Netherlands. Jourde's successors in Florence, Genoa and Rome, had little good to say about the legal cultures they found, or those who dispensed justice in their new territories. In all this, the Senators of Turin were a real exception to the rule, and their future careers did not disappoint the French. It was not the same beyond the walls of the capital, however.

The second problem was, in the context of the times, by far the more serious, the bitter divisions of a civil war, rooted in municipal factionalism, that was still very much alive in the minds of the local elites, even if the presence of the French now drove its continuation from overt violence to more subtle means; and among those means were, potentially, the courts. It was problematic enough that the provincial judges of the old order were often not yet fit to assume the more complex responsibilities attendant on the new civil tribunals, with their alien procedures based on the open, public trial and the need for magistrates to administer justice in public, according to a regulated code of laws, which would come into force in 1804, rather than the mass of traditional local statutes they had always known. These problems might be overcome with time. The real crises facing Jourde in 1801-03, was simply finding men who would not use their positions to pursue the civil war from the bench.

Jourde kept the provincial magistrates off the three Criminal Courts, and even then sought to make their judgements subject to revision by the Court of Cassation in Paris, which was not the rule in France, because «It is very dangerous to leave any of these tribunals in absolute independence»⁷. To this end, Jourde and then the Ministry of Justice in Paris after the end of his mission in 1802, always ensured that the three Criminal Courts and the Court of Appeal in Turin were dominated by a mixture of former Senators and Frenchmen in their key, most senior positions. One of Jourde's closest associates in his career as a magistrate, and a fellow Auvergnat, Tixier, was entrusted with the key position of Prosecutor-General of the Court of Appeal, a position he held until the

⁶ ANP BB5 304 (Organisation Judiciaire, Cour de Turin) Jourde to Min of Justice – 28 prairial, an ix.

⁷ ANP BB5 304 (Organisation Judiciaire, Cour de Turin) Jourde to Min of Justice – 29 messidor, an xi.

end of the empire in 1814, while the Presidencies of the Court of Appeal remained in the hands of men like Costa and Botton; when Botton di Castellamonte was elevated to the Court of Cassation, in Paris, his place was taken by Peyretti di Condove, the son of one of the most distinguished magistrates of the monarchy.

It was not as easy in the provinces, however. Here, Jourde's main fear was that culture of political vendetta that had taken such deep root in subalpine society since the *triennio* would be left unchecked, or even exacerbated, because of a lack of impartial magistrates. Indeed, juries were never introduced into the Piedmontese departments, so prolonged were Jourde and Tixier's fears of partiality in the region. There were soon signs, almost immediately after his departure, that Jourde's work on the civil tribunals had not been successful. General Menou, who succeeded Jourdan as commander of the 27th Military Division and head of the security forces, told the Minister of Justice as early as May, 1803:

With the exception of the Tribunal of Appeal, almost all the others ... are badly composed; in general, I receive very serious complaints daily ... relating to wilful delays, to their partisan attitude, even to financial corruption, all of which goes on within the tribunals⁸.

The French Prosecutor on the Criminal Tribunal of Alessandria was even more worried about the conduct of the civil tribunals in his area, writing a year later:

... political opinions play a great part in their deliberations ... and so, too often, in the decisions of the court ... many people and, unhappily, several of my colleagues among them, far from being tired of the Revolution, are still eager for trouble and intrigue ... This is the major cause of the repeated clashes and factionalism which occur in ... so many official organs⁹.

Jourde admitted the faults of his work in the letter of 1805 cited above, citing the reluctance of many of the better candidates to come forward as the main reason for the poor composition of the tribunals. At the time, however, he was more frank about the lack of talent at his disposal beyond Turin. The Piedmontese tribunals remained sources of intrigue, mutual denunciation and political partisanship throughout the Napoleonic period, and it is more than clear that the French administrators like

⁸ ANP BB 18 634 (Affaires Criminelles, dept Po) Menou to Min of Justice – 15 floréal, an xi/15 May, 1803.

⁹ ANP BB 18 494 (Affaires Criminelles, dept Marengo) Delaistre to Min of Justice – 1 nivôse, an xiii/22 Dec. 1804.

Menou and Delaistre, as well as Tixier, who inherited Jourde's work were dissatisfied with it¹⁰. Nevertheless, in the first years of French rule, there were practical reasons for allowing the local elites to dominate the civil tribunals to the extent they did. The most fundamental among them was the political reliability of the patriot faction, set beside the reluctance of the royalists to assume office, a reluctance based as much of genuine fear as ideological repugnance of the new regime. In the prevailing climate, when basic law and order were far from being properly restored, it is hardly surprising that the patriots dominated the local judiciary. Dal Pozzo was of their number, although his position as a member of that section of the *ancien régime* magistracy so favoured by Jourde probably helped him to advance his own network plausibly. Other, practical factors also assisted the rise of the patriot elites in the provinces, in the face of the reservations of both the French and the ex-Senators of Turin.

The compounding problems, as far as staffing the civil tribunals were concerned, were two fold. One, as already noted, was the sheer partisanship of the local elites, but another was the repugnance of the Turin magistracy to accept provincial posts they saw as demotions. The other was Jourde's certainty of finding Frenchmen fit to fill judicial posts at even the lowest levels. This was not the same as there being a complete absence of French candidates, however. As Jourde told his superiors in 1803:

As regards the civil tribunals, I cannot assume that the kind of Frenchman I want for them would decide to expatriate himself for such a modest salary, and I am on my guard against the danger of confiding such important posts to men who might not offer sufficient proofs of ability and, above all, of morality in a country where, I have to say, the name of France ... is in need of genuine rehabilitation¹¹.

A year earlier, he had been more specific:

... it is especially necessary to prevent individuals being sent to this country who were in Italy ... as civilian employees during the war, most notably those who served in the military administration and the supply services, in a word, anyone close to the army¹².

¹⁰ M. BROERS, *Napoleonic Imperialism and the Savoyard Monarchy 1773-1821*, Lampeter, Edwin Mellen Press, 1997, pp. 313-449.

¹¹ ANP BB5 304 (Organisation Judiciaire, Cour de Turin) Jourde to Min of Justice – 28 fructidor, an xi/12 Sept. 1803.

¹² ANP BB5 304 (Organisation Judiciaire, Cour de Turin) Jourde to Min of Justice – Tableau Général, an x.

Jourde knew all too well that the conduct of the Army of Italy during the *triennio* had embittered the vast bulk of Piedmontese society through its brutal rape of the country, but he also drew on the unfortunate experience of the French annexation of the Rhineland, when distrust of the locals and the need for politically reliable magistrates had led the Directory to appoint men with these backgrounds, a policy which soon produced immense problems for the absorption of these departments into France. Indeed, it took the French years to rectify these initial decisions¹³. There was only one attempt during the entire period of French rule to appoint a French magistrate to a Piedmontese civil tribunal, in contrast to their powerful presence on the Court of Appeal and the Criminal Courts. This came in early 1805, when one Rubat, a former councillor of the *Parlement* of Paris, was placed as a judge, and then as President, of the Civil Tribunal of Alessandria. Within a year, confronted by vicious opposition from his Piedmontese colleagues – all protégés of Dal Pozzo – he was forced out¹⁴. It was a fundamental victory for the Piedmontese elites, however minor it seemed at the time. Above all, it was a victory for Dal Pozzo's network.

Piedmont and Dal Pozzo after annexation, 1802-1809

Jourde's initial policy, and the notable failure of Tixier's sole attempt to reverse it in Alessandria, had fundamental consequences for the local judicial elites of Piedmont. They had, largely through Dal Pozzo in the eastern provinces, established a stranglehold on office, something quite unique in the Napoleonic empire. As time passed, non-Piedmontese came to occupy the post of public prosecutor in a few instances, but the vast majority of posts in the civil tribunals remained the preserve of the local elites. Those who came out from the lower levels of the senior courts of Turin were, in the main, local men returning to their power bases. As will be seen, the more ambitious among them – and there were a considerable number of them – were able to draw on their experience in the French legal system when new annexations in Italy after 1805 opened up the prospect of rapid, considerable promotions in the Ligurian, Tuscan and Roman departments. No other annexed region was able to gain so tight a grip on local power within the judiciary as Piedmont. In the Rhineland, the French sought to replace unsuitable Frenchmen

¹³ See the numerous examples of individual appointments throughout ANP BB 5 255-267 (Organisation Judiciaire, Rhin).

¹⁴ See BROERS, *Napoleonic Imperialism*, pp. 301-303.

with Alsatians or, more frequently, with men who had served in the *Parlement* of Metz, from Lorraine. As will be seen, local participation in the courts of the rest of Italy was always circumscribed by the presence of Frenchmen and Piedmontese in key positions on civil tribunals. By the time of the annexation of the Netherlands, the Hanseatic cities and the projected annexation of Catalonia to France in 1811, the posts of public prosecutor and of president of civil tribunals, to say nothing of the senior courts, had become clearly stated government policy: an imperial decree of 14 July, 1811, stated that, insofar as possible, all public prosecutors and first presidents of all tribunals, from Courts of Appeal through to those of first instance, were to be Frenchmen in the newly annexed departments. The Piedmontese were left alone to prosper and then to advance into the rest of Italy.

This was in no small part Dal Pozzo's doing, based on the confidence Jourde had shown in him in the initial, crucial period of French rule. He would continue to exercise this considerable influence after Jourde's departure in 1803, thanks to the continued confidence of Tixier, the Prosecutor-General of the Court of Appeal, and the most powerful figure in the Piedmontese courts. This led to the perpetuation of the division between the ex-Senators and the provincial magistrates, so entrenched under the monarchy, by other means. Unlike the clear institutional divisions of the *ancien régime*, however, the rival patronage networks that developed under the French split along lines within the old Senate and the Chamber of Accounts, dividing the higher magistrates, who had their own protégés within the Court of Appeal and the civil tribunal of Turin, and Dal Pozzo and Rocca, who had held lower posts in the higher courts of the old order, but who sprang from closely knit provincial networks they were determined to further. There were cases, even late in the period, when the political reliability of the provincial patriot networks could still justify Tixier's reliance on Dal Pozzo and Rocca. In 1810, the Presidency of the civil tribunal of Vercelli became vacant on a temporary basis, and a minor power struggle ensued between the patronage networks to fill it. Peyretti di Condove, now the First President of the Court of Appeal and a scion of one of the greatest families of the *ancien régime* magistracy, proposed Théophile Langosco as his clear preference in the following terms: «This venerable magistrate is of very high birth. His family is one of the most illustrious and distinguished in the country». He added that Langosco was loyal to the government, although he had

had not, to date, served in the judiciary¹⁵. His own Prosecutor-General, Tixier, challenged this view of Langosco, and left him off the shortlist altogether. His own researches showed how difficult a man Langosco had been under the monarchy, mainly regarding his personal life, but the principal reason for rejecting him went back to the early years:

My first reason is something common to all those members of the magistracy of the former regime who, until now, have stood aside from accepting judicial posts, and now come forward, nine years after the new organization, to establish their rival claims to the highest posts that they have so long disdained, challenging those who have filled posts as judges in the tribunals, and who have covered these posts with zeal and ability, and who have learned the principles of the new legislation, who have acquired the correct knowledge of it to assure the exact observation of the rules of procedure on which it depends; conversely, however much these magistrates of the old order try to appear ready to serve, it is difficult to imagine that they will abandon the old maxims, or the abusive practices and unworthy restrictions which they are so used to, as opposed to practicing the existing legislation and our forms of procedure...¹⁶.

The matter that raised his indignation is the reluctance of men like Langosco to serve when they were needed, and what emerges is a residual loyalty to ‘Dal Pozzo’s men’ who, for all their political partisanship and professional shortcomings, came forward in dangerous times to do dangerous jobs. Tixier had, by 1810, acquired a genuine loyalty to the Piedmontese provincial patriots, and was prepared to challenge one of the most admired jurists in the region in such terms. Moreover, Tixier’s closing remarks emphasise the changing reputation of the Piedmontese magistrates, stressing their ability to learn to work well in the French system, and to master its procedures, as well as its actual laws. Tixier’s emphatic defence of ‘Dal Pozzo’s men’ was timely, as shall be seen, because 1810 was the moment when these same Piedmontese, through the direct influence of Dal Pozzo, would enter the courts of the new Roman departments in force. Cotta, the department’s deputy to the *Corps Législatif* in Paris, was the one who raised Langosco’s reputation as a residual royalist, for all Peyretti’s protestations to the contrary¹⁷. Quite quickly, Tixier was able to sweep Peyretti’s man aside in Vercelli, and the choice

¹⁵ ANP BB 5 311 (Organisation Judiciaire, dept Sesie) Peyretti di Condove, First President, Court of Appeal, Turin, to Min of Justice – 18 Jan 1810.

¹⁶ ANP BB 5 311 (Organisation Judiciaire, dept Sesie) Tixier to Min of Justice – 15 Jan 1810.

¹⁷ ANP BB 5 311 (Organisation Judiciaire, dept Sesie) Cotta to Min of Justice – 10 Jan 1810.

became one between a local judge, Prina, who was closely linked to Dal Pozzo, and Mottura, who was a judge on the civil tribunal of Alba and a protégé of Rocca. In this case, Rocca won the patronage battle. Tixier considered Prina the obvious choice in many ways, but there was still too much of the partisanship and bullying of the early years about him: «... his good qualities are tarnished by an uncompromising character which has often led former presidents of the tribunal to complain about him». Nevertheless, it was a wider victory for the early work of Dal Pozzo, as well as Rocca, in the fraught early years. The appointment of Mottura was a victory for the ‘Rocca network’, in that he was Rocca’s cousin, and he would be joining another cousin, Pollano, in Vercelli, described by Cotta as ‘mediocre’¹⁸. Cotta suggested bringing in someone from another court, but to no avail. As will be seen, this may have appeared a reversal for Dal Pozzo as a powerbroker in the judicial system, but it was nothing of the kind. Unlike Rocca, by 1809, with his appointment as the commissioner for the new tribunals of the Roman departments, Dal Pozzo would open up far wider horizons and richer prizes for ‘his men’ than a temporary post in Vercelli. Until 1809, however, Dal Pozzo had to contend with both equals like Rocca and his ‘betters’ led by Botton and Peyretti. He did so largely by indirect means.

Dal Pozzo, himself, did not follow the career path he had so skilfully created for so many of his friends, relatives or clients in the years of direct rule from Paris. Like Rocca, Dal Pozzo’s actual position in the Piedmontese judicial hierarchy after Jourde’s departure was far from prepossessing on the surface. From 1802 to 1808, he served as a Substitute Prosecutor on the Tribunal, the Court of Appeal in Turin¹⁹, although, as has been seen, his opinions on appointment continued to be highly valued by Tixier, with whom he worked very closely in these years. In a letter to Bigot-Prémeaux, a future Minister of Justice, and soon to be entrusted with the organization of justice in the newly annexed Ligurian departments, Dal Pozzo confided his disappointment with his position. He stressed to Bigot that he had suffered a demotion under the French, but in truth, his post corresponded approximately to the one he had held under the monarchy. Nonetheless, Dal Pozzo was obviously disappointed with his situation, after having wielded such power under Jourde, however he disguised it: «...I had a certain repugnance in accepting the role of Substitute-Prosecutor on the Court of Appeal... I would have

¹⁸ ANP BB 5 311 (Organisation Judiciaire, dept Sesie) Cotta to Min of Justice – 10 Jan 1810.

¹⁹ *Almanach Impériale*, 1802–1808.

preferred that of a more tranquil judge, as I had my family's affairs to see to»²⁰. In truth, the post of a judge was far superior to the one he held. In the same letter, he remarked that both Jourde and Botton di Castellemonte had encouraged him in his hopes to become a Prosecutor-General. The high praise Jourde heaped on Dal Pozzo, noted above, came in the context Dal Pozzo had expressed in 1805, when rumours spread that Tixier wanted to return to France and that his post might become vacant. Jourde's high opinion of Dal Pozzo was obvious, but when he asserted that all the other members of the Council of Justice shared his opinions, he may not have been correct. In 1805, Botton was asked by Paris for a shortlist of candidates for the post of Prosecutor-General for the new Court of Appeal of Genoa. Botton made La Grave, the French Prosecutor of the Criminal Court of Cuneo, his clear first choice, and Dal Pozzo did not factor on his list²¹. Many of Dal Pozzo's protégés would rise to high positions in the Ligurian courts in time, but he failed to profit from this first phase of French expansion. Later, in 1808-09, he expressed interest in a senior position in the new courts for the Tuscan departments, and was shortlisted for the First Presidency of the new Court of Appeal of Florence²². Nevertheless, the clear favourite of the Court of Appeal of Turin, who was appointed, was Montiglio. Like Dal Pozzo, Montiglio had risen through the middle ranks of the old Senate. He had distinguished himself for his willingness in 1801, to assume the post of Prosecutor on the civil tribunal of Vercelli, where he obviously distinguished himself in the eyes of his superiors in Turin and Paris, for in 1807, he was promoted to the post of judge on the Court of Appeal of Paris²³, from whence he went to Florence. His reference from the First President of the Parisian Court of Appeal was glowing:

It would be impossible to make a better choice. As a former magistrate in Piedmont, he possesses the knowledge of Roman law and he has studied French law at the Court of Appeal of Paris. He loves his work, he has a

²⁰ ANP BB 5 304 (Organisation Judiciaire, Cour de Turin) Dal Pozzo to Bigot-Prêmeau, Councillor of State – 21 May, 1805.

²¹ ANP BB 5 296 (Organisation Judiciaire, Cour de Gênes) Botton di Castellemonte, First President, Court of Appeal, Turin, to Min of Justice – 10 messidor, an x.

²² ANP BB 5 319 (Organisation Judiciaire, dept Arno) Botton to Min of Justice – 11 Aug 1808.

²³ ANP BB 5 319 (Organisation Judiciaire, dept Arno) Montiglio to Min of Justice – 18 Jan 1809.

very direct personality, intelligence and integrity ... He is utterly French at heart...²⁴.

Montiglio was obviously regarded as the most completely assimilated of all the Piedmontese magistrates below the highest echelons of the Turin elite, but his appointment opened the Tuscan courts to his own patronage, and from 1809 onwards, many key posts in the senior courts and on the civil tribunals were awarded to men linked to Peyretti, Botton and to Montiglio, himself. Tuscany became, up to a considerable degree, the 'fief' of one Piedmontese network.

Until his appointment to Rome, in 1809, Dal Pozzo was losing the battle for patronage in the empire. Nonetheless, he was not without sources of influence, beyond the support of Jourde and Tixier. Dal Pozzo soon fell back on his provincial roots, to become elected a deputy to the *Corps Législatif* in 1805 for his native department, Marengo, where his family's traditional power base, Moncalvo, was located. He subsequently used his position in Paris to become a *Maître des Requêtes* on the Council of State, without doubt the most powerful organ of Napoleonic government. This office was one of potential influence, rather than power or enormous responsibility. The Napoleonic *Maîtres des Requêtes* served only to prepare and present papers for discussion at the Council of State; they were not allowed to intervene in its debates or contribute to any discussions beyond questions posed to them about the dossiers for which they were responsible²⁵. Nevertheless, being a *Maître des Requêtes* allowed Dal Pozzo direct access to the real corridors of power, bringing him into direct contact with the highest officials in the empire, while still allowing him to continue on the Court of Appeal in Turin, for he was only called to Paris when needed. It is impossible to know with precision how Dal Pozzo used this post or his visits to Paris, but when the next major opportunity for advancement presented itself as Napoleon expanded his Italian possessions, Dal Pozzo's name leapt forward quickly, for more senior posts than he had ever been considered for seriously, hitherto. When the decision to annex the Papal states was taken in 1809, he became an integral member of the *Consultà*, the executive body set up to organize the two new departments. He took his chance with both hands.

²⁴ ANP BB 5 (319) (Organisation Judiciaire, dept Arno) «Liste des sujets d'Elite parmi les candidates indiqués par les Procureurs Généraux des Cours d'Appel pour les places du Ministre Public dans les Cours d'Appel et Cours de Justice Criminelle du pays de Florence», Feb 1808.

²⁵ A. CHERUEL, *Dictionnaire des Institutions de la France*, Robinet, Paris 1929, p. 718.

The First Piedmontese Annexation of Rome, 1809-13

The appointments first of Montiglio to organize and then lead the French judicial system in Tuscany, soon followed by the choice of Dal Pozzo to carry out the same functions for the Roman departments, marked the high point of Piedmontese fortunes under the Napoleon. These appointments were the clearest sign given by the most senior authorities in Paris that the subalpine magistracy was sufficiently 'Gallicized' to carry out the task of introducing and directing an alien judicial system in alien territory. It was an acknowledgement that the entire Piedmontese judiciary were, effectively, French, whether they were entirely the products of the higher courts of Turin, like Montiglio, or men from essentially provincial backgrounds with a grounding in the higher courts of the old order, like Dal Pozzo. Taken together, it marked the vindication of the initial faith Jourde had placed in the lower ranks of the Senate of Turin, which was the common professional bond between Montiglio and Dal Pozzo.

In reality, however, this moment of triumph would rapidly unravel for Dal Pozzo in Rome, in direct contrast to the continued success of Montiglio, in Florence. The nuances in their backgrounds, under both the Savoyard monarchy and the French, proved as crucial to their fortunes in their respective fiefs, as the rather different local circumstances they had to confront. Between 1809 and 1813, both men were given the opportunity to prove to the regime just how acculturated they actually were, by delivering as complete a transformation of Tuscan and Roman justice from their respective *ancien régimes* to the Napoleonic model as possible. Ultimately, Paris deemed Dal Pozzo to have failed in this, and Montiglio to have succeeded, if not without significant shortcomings. Part of the reason for this was in their *ancien régime* backgrounds: Dal Pozzo was still, in many important respects, more the provincial notable than the Torinese *togato*; he remained more concerned with exercising patronage than ensuring that the 'unbreakable' French model was thoroughly imposed on the Romans. His provincial roots influenced his appointments not just in terms of personnel, but in how he measured where local men were needed, and where outsiders were best equipped to administer justice. His instincts were still those of a provincial judge of the old order, in that he sought to grant more autonomy to the lowest levels of the hierarchy, mainly the justice of the peace, rather than to seek to control them more tightly. Montiglio, in contrast, began from the mentality of the Torinese *togato*, that men from the lower courts in Tuscany were not capable to rising high, that local justice had to be closely supervised by the higher courts, if the new system was to work,

so alien was it to men versed only in local statutes, as in Piedmont before the revolution. This was how their *ancien régime* backgrounds influenced them, once placed in positions of independent authority: Dal Pozzo was still governed by the instincts of the past, whereas Montiglio drew on them as forms of experience not to be replicated, but to serve as guides in his dealings with the Tuscans. That is, Montiglio was by far the more Gallicized of the two commissioners, in that his primary goal was to establish the French system, while extracting from it what advantages he could for his Piedmontese clients and protégés, whereas Dal Pozzo, at least in the eyes of his superiors, came to be regarded as almost the exact reverse. Something of this difference is also to be found in their experiences under the French, as well as their pre-revolutionary backgrounds. Montiglio's rise within the judiciary was nothing short of a triumph of professionalism and acculturation. His appointment to the Paris Court of Appeal marked him out as the «magistrate's magistrate» among the Piedmontese; this appointment was probably only surpassed by that of Botton di Castellamonte to the Court of Cassation. Dal Pozzo had a more chequered rise, which owed more to political connections than professional opinion, the confidence shown in him by Jourde and Tixier notwithstanding. Montiglio was chosen by senior magistrates for his role in Tuscany, whereas Dal Pozzo relied on his extra-judicial contacts in the Council of State and his links to the Piedmontese Senators. As shall be seen, Dal Pozzo had the unique ignominy of being the only imperial commissioner for the organization of justice in the history of the Napoleonic empire to have his work subjected to scrutiny by the Court of Cassation, in the person of Joseph Coffinhal-Dounoyer, one its longest serving councillors who was sent to Rome to investigate Dal Pozzo's work in 1809. When put under Coffinhal's experienced, uncompromising cross-examination, Paris soon found Dal Pozzo to be wanting not just in professional judgement or ability, but in the degree of his acculturation of French *moeurs*. When the question of permanent appointments to the Court of Appeal – soon to be the Imperial Court, in 1811 – not only Coffinhal, but the entire senior magistracy of Turin turned on Dal Pozzo, and worked with Coffinhal to appoint one of their own, Cavalli d'Olivola, the son of a First President of the Senate and himself a President of Turin's Court of Appeal²⁶, thus blocking Dal Pozzo's hope of emulating Montiglio who had remained as First President of the Court

²⁶ P. ALVAZZI DEL FRATE, *Le Istituzioni Giudiziarie degli «Stati Romani» nel Periodo Napoleonico (1808-1814)*, Editrice Universitaria di Roma, Rome 1990, pp. 261-268.

of Appeal in Florence when the reorganization was completed. As will be seen, when Dal Pozzo fell, so did many of his Piedmontese protégés.

All this was the judgement of Paris, however. Dal Pozzo arrived in Rome with one of the most challenging tasks ever assigned to an imperial servant under Napoleon, that of transforming the Roman judicial system into a clone of that of Napoleonic France. In brief, Dal Pozzo was expected entirely to remodel the system of justice in western Europe that was more alien to that of France, and to do so in record time. Jourde had been given almost two years to carry out his work in Piedmont in 1801-03, and he had, as has been seen, been able to count on the help of many of the best legal minds of the old order in his work. In contrast, Napoleon wanted the Civil Code published within weeks of Dal Pozzo's arrival in Rome, and the French judicial system in operation within a year²⁷. This was not helped by the refusal of most of the Roman legal classes to join his equivalent of Jourde's council of justice or, later, by their refusal to accept posts under the French. Indeed, most of the senior magistrates in the Papal states were not laymen, but senior clerics drawn from the College of Cardinals, almost all of whom had defied the French and were leading a very successful campaign of peaceful civil disobedience to the French occupation, which ended with most of them being sent into exile and imprisonment²⁸. The French judicial system was widely unpopular in many parts of the annexed territories of the empire for a wide number of different reasons, but only the head of the Papal states, Pope Pius VII, had the moral authority to condemn the Civil Code as blasphemous for its secular vision of society, which he did in the clearest possible terms on the eve of the French invasion and his own arrest and deportation, calling it:

... a Code which is not only opposed to the Holy canons, but to the very precepts of the Gospels; it has introduced a new order which tends to identify sects and superstition with the Catholic Church²⁹.

The entire population of the two new departments took this seriously, and no body of laymen more so than exactly those men Dal Pozzo needed most, the 306 *curiali*, the most senior lay magistrates of the country. They refused to take the oath of loyalty to the new regime or to serve in the new courts, thus hampering Dal Pozzo to an enormous degree.

²⁷ ALVAZZI DEL FRATE, *Le Istituzioni Giudiziarie*, pp. 54-57.

²⁸ M. BROERS, *The Politics of Religion in Napoleonic Italy. The War Against God, 1801-1814*, Routledge, London 2002, pp. 146-174.

²⁹ ANP F 19 1925 (Cultes, Concile Nationale, 1811), «À la perpetuelle memoire de la chose,» - 10 June, 1809.

By July 1811, as the new Imperial Court was being created to replace the smaller Court of Appeal, in line with the rest of the empire, French frustration with the *curiali* exploded. Fifty of the Roman *curiali* – «chosen from among the most eminent» – were arrested in the dead of night, and their properties sequestered. Eventually, because of the pressure on their families, 36 of them broke down and took the oath; the fourteen who held out were exiled to Corsica³⁰. On the last day of October, 1811, the Minister of Justice referred to ‘the collective defiance of a whole corporation’ and did not rule out further action against the thirty six who were still in Rome, the amnesty they were due to be granted the next day notwithstanding³¹. Legonidec, the French Prosecutor-General of the Imperial Court of Rome, and an outspoken critic of much of Dal Pozzo’s work for the new organization in 1809, had to admit that those *curiali* best disposed to serve in the French courts were not ‘the most esteemed among them’; rather, the best jurists were exactly those who defied the French the longest³². The final crisis over the *curiali* actually reached this climax just after Dal Pozzo’s own departure from Rome to take up his new post as First President of the Imperial Court of Genoa; he was on his way there in the last week of June, 1811³³. The wider point to be drawn from this chronology is the light it sheds on the magnitude of the problems facing Dal Pozzo in simply trying to find anyone to cover the basic needs of administration of justice: The most serious aspects of the crisis were far from resolved even after his departure, and they impeded his work from the beginning to end of his two years and three months in Rome. On 31 December 1810, just before the *Consulta* ended its existence and handed over to the new French administration it had created, Dal Pozzo drew attention to the worrying state of the judiciary, where many posts were still vacant. He openly feared the breakdown of the administration of justice:

The repugnance of some to take the oath, the opposition of others simply to the new order of things, the insouciance and extreme apathy of a great many others, still, when it is a question of unpaid posts (such as that of

³⁰ ANP F 7 8893 (Police-Générale, Rome) Norvins, Directeur-Général de Police, Rome, to Min 3 arrond, Police-Générale - 29 July, 1811.

³¹ ANP BB 18 700 (Affaires Criminelles, Cour Impériale, Rome) Min of Justice to the Emperor – 31 Oct 1811.

³² ANP BB 18 700 (Affaires Criminelles, Cour Impériale, Rome) Legonidec to Min of Justice – 16 July, 1811.

³³ ANP BB 5 296 (Organisation Judiciaire, Cour de Gênes) Dal Pozzo to Min of Justice – 24 June, 1811.

justice of the peace or substitute judge) taken together, leads to a lack of good replacements (for the existing vacancies)³⁴.

The *Consulta* had to pass a decree to fill the vacant posts provisionally to keep the courts working at all, in order to allow magistrates not to take the oath, although this effectively conserved many men they thought unfit in office³⁵. By the decree of 20 April, 1810, the *Consulta* reduced the number of judges on the civil tribunals from five to four, departing from French norms in an effort to cope with the shortage of candidates³⁶.

The problems at the lowest level of the hierarchy, that of the justices of the peace, simply saw Dal Pozzo stand back from reform. He perpetuated both the *ancien régime* territorial jurisdictions of the city of Rome and its hinterland, the Agro Romano, and left in place the Papal legislation of 1790 which allowed the justices of the peace to remain the last source of appeal for any cases of a value of less than fifty *scudi*, an arrangement in complete contradiction of French norms, as Coffinhal was quick to point out, even if he had some sympathy for Dal Pozzo's predicament. Even in his criticism, however, Coffinhal was forced to admit that some of the best magistrates in the Papal states were the Roman justices of the peace³⁷. He did not find it so beyond the city, however:

... many candidates for justices of the peace in the rural cantons have been chosen from Rome, among men who have neither means, nor good family, nor respect, and who simply want to live off the profits of the fees attached to their posts, something which provokes many complaints, and this poor example is being widely imitated because public servants in the Roman states impose what they call «the uncertain» (on those who use their legal services), which amounts to the arbitrary, illegal profits attached to the fixed revenues of their posts³⁸.

Coffinhal was even more damning about what he found in the civil tribunals, for two distinct reasons: «...the judges who compose (the civil tribunals) are generally poorly educated, and enjoy no personal respect

³⁴ Cited in ALVAZZI DEL FRATE, *Le Istituzioni Giudiziarie*, pp. 84-85.

³⁵ ALVAZZI DEL FRATE, *Le Istituzioni Giudiziarie*, p. 86.

³⁶ ALVAZZI DEL FRATE, *Le Istituzioni Giudiziarie*, p. 90.

³⁷ ANP BB 5 313 (Organisation Judiciaire, dept Rome) «Rapport sur l'organisation judiciaire des tats romains,» Coffinhal to Min of Justice – undated, 1810.

³⁸ ANP BB 5 313 (Organisation Judiciaire, dept Rome) «Rapport sur l'organisation judiciaire des états romains,» Coffinhal to Min of Justice – undated, 1810. Also cited in ALVAZZI DEL FRATE, *Le Istituzioni Giudiziarie*, p. 89.

... Beyond the failings of ignorance, the judges of the Roman starts are generally corrupt»³⁹.

Coffinhal condemned the results of Dal Pozzo's work in these matters, but he was well aware of the difficulties he faced. When examined in detail, the problems confronting Dal Pozzo make those of Jourde, almost a decade earlier, seem relatively insignificant. Nonetheless, Dal Pozzo's instincts as a Piedmontese *padrone* could not but see his new position as an opportunity, and it was these instincts, more than the failings of the local magistrates he appointed, that led him to fall foul of his Parisian masters. Coffinhal's report damned Dal Pozzo to Paris less for the poor quality of the Romans he was forced to appoint, than his Piedmontese *ancien régime* penchant for nepotism and *clientismo*, and for being drawn into Roman corruption, as well. Almost ironically, given the shortage of good candidates readily acknowledged by Coffinhal and his other critics, Dal Pozzo was condemned for appointing large numbers of Piedmontese to judicial posts, something which angered the Romans. More than this, however, on close inspection, first Coffinhal, and then the French jurists he brought in to replace Dal Pozzo's appointments, exposed the lack of competence, of acculturation to the French system, among the very Piedmontese Paris had hitherto seen as more than capable of introducing their judicial system to the new territories. There is no question that Dal Pozzo turned to his relatives, allies and clients in filling the key posts in the new Roman courts. Although posts as judges were difficult to fill with outsiders, those of public prosecutor were normally considered by the French as perfect for an external influence, particularly in the annexed territories. The public prosecutor had two main duties, to prosecute cases in the interests of the state, and also to maintain the internal discipline of the court he served on. The latter role assumed great importance in areas where French procedures and statutes were entirely new. Thus, when Dal Pozzo appointed non-Romans to virtually every post of public prosecutor in the new departments, he was only following well established government policy. However, this was not perceived as normal by the Romans, and it caused problems for the French they could not ignore. The appointment of so many Piedmontese alienated the Romans, causing even the French prosecutor of the Court Appeal of Rome to advise Paris that, however able the Piedmon-

³⁹ ANP BB 5 313 (Organisation Judiciaire, dept Rome) «Rapport sur l'organisation judiciaire des états romains», Coffinhal to Min of Justice – undated, 1810. Also cited in Alvazzi del Frate, *Le Istituzioni Giudiziarie*, p. 92.

tese might be, enough was enough⁴⁰. A more general, apparently blander remark on Dal Pozzo's work was all the more damning. On the eve of the creation of the new Imperial Court, Legonidec said simply that, «in the new structures, it will be very important to have capable men as public prosecutors, because honesty, of itself, is not enough»⁴¹. No one doubted the political loyalty of their Piedmontese colleagues, nor their commitment to furthering the imperial presence in Italy. Indeed, French complaints about Dal Pozzo's «empire building» among his compatriots, and his alleged cronyism denote almost too enthusiastic a devotion to the pursuit of imperial expansion. Nepotism did not automatically spell incompetence. A close relative of Dal Pozzo, Pinelli, became the prosecutor of Rome's Criminal Court; he was thought «honest and above reproach» by Coffinhal, and did the job as well as any Frenchman⁴². Nevertheless, Pinelli, exposed to Roman conditions, could readily revert to Piedmontese practices. The provenance of most of Dal Pozzo's appointments guaranteed their political loyalty. Almost all came from the tightly knit patriot circles of the eastern provinces of Piedmont: Vercelli, Alessandria and Casale, areas marked by a preponderance of bourgeois elements loyal to the new order, and had been brought together first on the civil tribunal of Alessandria, and then promoted by Dal Pozzo to the new Ligurian courts after 1805. They tended to occupy the lower and middle ranks of the hierarchy, while the jurists of the royal Senate first appointed by Jourde to the Cour d'Appel of Turin tended to dominate the new senior courts of Genoa, Florence and Rome. However, among the lower ranks, some of the least acceptable habits of the old order were reproduced on new terrain. Pinelli, a product of the lower provincial courts, was clearly at odds with the ethos of French criminal justice, when he suggested that the seemingly uncatchable bandits along the Neapolitan border be granted safe conducts and the promise of immunity by the *Consultà*, if they would disperse and turn over their accomplices⁴³. This slip serves as reminder of the other factor common to all the legal systems of the Italian old order, the vast gulf between the central and peripheral magistracies. Pinelli revealed his origins to be emphatically in the latter, where the ferocious royal codes actually meant

⁴⁰ ANP BB5 314 (Organisation Judiciaire, dept Rome) Proc. Court of Appeal, Rome to Min. Justice - 29 July, 1811.

⁴¹ ANP BB 5 313 (Organisation Judiciaire, dept Rome) «Rapport sur l'organisation judiciaire des états romains», Coffinhal to Min. Justice - undated (1810).

⁴² *Ibidem*.

⁴³ ANP BB 18 700 (Affaires Criminelles, dept Rome) Proc. Crim. Court to Min. of Justice - 13 Feb. 1810.

very little in the world of «government at one remove»⁴⁴. Paris stamped on his suggestion: immunity would be granted only to brigands who gave themselves up freely, and made a direct contribution to the capture of the rest of their bands⁴⁵. Traditional reflexes were not always in line with the widely held, and often correct, vision the French had that the severity of the *Reali Costituzioni* invariably inured the Piedmontese to the weakness so prevalent among Roman and Tuscan magistrates. It depended on which sort of Piedmontese was involved.

French contempt for their most loyal, and longest-standing, Italian collaborators was not about political reliability. Worryingly, it went far deeper. Their preoccupation was increasingly with the inability of the Piedmontese to grasp the spirit, as opposed to the workings, of the French state. Much criticism of the Piedmontese public prosecutors in the Tuscan and Roman departments was of their clannishness, and their severe – if competent – application of French penal legislation, rather than a poor grasp of the Civil Code. According to their immediate superior, Legonidec, the French prosecutor of the Court of Appeal of Rome, in 1810:

I believe these gentlemen to be honest, and well versed in criminal law, but they have little experience in civil matters; they have no presence in court, and no real personal bearing, which is so useful for making an impression⁴⁶.

Legonidec recounted the particular virtues the Piedmontese could bring to Napoleonic service, but also to the liabilities they had in common with all other Italian magistrates who were thrust suddenly from the inquisitorial to the post-revolutionary legal culture of the public trial. The French were generally correct in supposing the severity of the royal *Costituzioni* disposed the Piedmontese to the Code, and they certainly adapted better than Tuscans habituated to the Leopoldine reforms. This was not enough for the French, however.

These were, by-and-large, the men Coffinhal demanded should be removed, and this work was undertaken by Legonidec, who took over as Prosecutor-General of the new Imperial Court of Rome on Coffinhal's

⁴⁴ This influential concept was first used extensively in the context of early modern Scotland in Jenny Wormald, *Court, kirk and community: Scotland, 1470-1625*, Edinburgh University Press, Edinburgh 1991.

⁴⁵ ANP BB 18 700 (Affaires Criminelle, dept Rome) Min. of Justice to Proc. Crim. Court - 19 March, 1810.

⁴⁶ ANP BB5 313 (Organisation Judiciaire, dept. Rome) Proc. Court of Appeal to Min. Justice, 1 Oct. 1810.

departure to organize the courts of the new Illyrian Provinces, modern Slovenia and Croatia. This single appointment was, in fact, the most damning condemnation of Dal Pozzo's work imaginable. The most important part of the 'purge' Coffinhal sought for the Court of Appeal, was the removal of its Prosecutor, Castagneri, and his replacement by Legonidec. The man he replaced was Castagneri, one of Dal Pozzo's closest protégés, who had served with him as a Substitute Prosecutor on the Court of Appeal of Turin and, like Pinelli, was also his relative. This was Coffinhal's assessment of him:

His honesty is undeniable, his conduct is above reproach, but I cannot hide the fact that he cuts a figure that is not suitable for the post he occupies ... he is very timid. This disability is not compensated by any other quality. M Castagneri has only moderate abilities and a very ordinary education; above all, he has very little knowledge of our legislation ... which is essential in a country newly reunited to the Empire. M Castagneri is not a Frenchman of the interior (France before 1789) by birth, and he shares all the same views as other ultramontanes (Italians) to the extent that those duties of a prosecutor-general which deal with police surveillance would be paralysed, and the work of the Government would be neutralized in his hands. He would use his authority to prevent recourse to the higher courts in the metropole (Paris) ... no denunciations about the violations of French law would reach either the Minister of Justice or the Prosecutor-General of the Court of Cassation. As a consequence, our legislation would only acquire a very weak authority (in Rome). Our laws would not be used in the tribunals, where canon law would still prevail, that of the old Roman courts composed of prelates. The remedy to this problem is the nomination of a Prosecutor-General from the interior of the Empire...⁴⁷.

This is exactly what happened, with the arrival of Legonidec. As Paolo Alvazzi del Frate has said Legonidec's appointment was a real turning point and marked the beginning of the end not just for Dal Pozzo, but for the Piedmontese in Rome, as far as was possible. Legonidec was meant to be, and soon became, the single most influential figure in the Roman justice system⁴⁸. His concrete influence was seen in his imposition of discipline within the magistracy, and the arrival of Frenchmen as public prosecutors in place of Dal Pozzos' men. He became a determining influence in appointments, promotions, transfers, and dismissals. He

⁴⁷ ANP BB 5 313 (Organisation Judiciaire, dept Rome) «Rapport sur l'organisation judiciaire des états romains», Coffinhal to Min. of Justice - undated (1810). Cited in ALVAZZI DEL FRATE, *Le Istituzioni Giudiziarie*, pp. 104-05.

⁴⁸ ALVAZZI DEL FRATE, *Le Istituzioni Giudiziarie*, p. 107.

had good contacts and influence in Paris, and he used them to undo as much of Dal Pozzo's work as he could.

Dal Pozzo, predictably, defended his handiwork to Paris, noting the high calibre of the Court of Appeal and the Criminal Courts, but adding that the civil tribunals had also proved themselves. However, even he had to admit that there was a very thin base of talent to draw upon among the lower tribunals and for the justices of the peace, especially on the periphery; the new prosecutors had had to purge the original justices of the peace chosen by the *Consulta*, to set things on a proper basis⁴⁹. This was, of itself, quite a confession of initial failure, but it is dwarfed by the continuous flood of complaints about the Roman magistrates in the years that followed.

It was not only Dal Pozzo's lack of ability to choose his men that drew Coffinhal's fire, but his own inability to break with Piedmontese legal habits when confronted with Roman practices that broadly corresponded to them. Very early in his time in Turin, Jourde had a rare confrontation with the Torinese *togati* on the council of justice about «...the established practices which sow the seeds of destruction in the *Costituzioni* through the inveterate abuse of the royal prerogative which has been carried to absurd excess»⁵⁰. By this, Jourde meant that the royal prerogative was used almost at will to reopen or to overturn judgements given by the Senate, the highest court of appeal, thereby making a mockery of the system. He was well aware that this was not the view of even his most erudite Piedmontese collaborators. Dal Pozzo, at least according to Coffinhal and Legonidec, had not shaken off this mentality in the intervening decade. Coffinhal, like Jourde before him in Piedmont, lambasted Roman *ancien régime* justice for allowing cases which have come to the last source of appeal to be reopened:

What is even more remarkable ... is that the former government admitted the appeal as a revision which went against the same judgement made in the last resort, without making any distinctions between provisional or definitive judgements (by the lower courts)...⁵¹.

⁴⁹ ANP BB5 314 (Organisation Judiciaire, dept Rome) «Compte analytique rendu par M. Dal Pozzo au Consulte» - 31 Dec 1810.

⁵⁰ ANP BB 5 304 (Organisation Judiciaire, Cour de Turin) Jourde to Min of Justice - 7 messidor, an ix.

⁵¹ ANP BB 5 313 (dept Rome, Organisation Judiciaire) «Rapport sur l'organisation judiciaire des États romains,» Coffinhal to Min. of Justice - undated (1810). Cited in ALVAZZI DEL FRATE, *Le Istituzioni Giudiziarie*, pp. 121-22.

He was shocked even more that the *Consultà*, following Dal Pozzo's advice, continued to allow this. Coffinhal objected to the whole principal of *ancien régime* cases being allowed appeal under the legislation of new system. This was Dal Pozzo's fault, and it was a clear sign of his lack of acculturation to French norms.

There was more to it than just old prejudices, according to Coffinhal, however. He went to say that many of the cases Dal Pozzo had allowed to be reopened involved the Princess Chigi, a prominent and very attractive member of Roman high society with whom Dal Pozzo was involved. Whether their liaison was sexual or not is impossible to prove, but it seemed clear enough to many observers that he was «in her pocket», this compromised in his personal conduct as well as his professional abilities. Dal Pozzo was said by Coffinhal have acted in similar manner in cases involving other female aristocrats, notably the Princess Sciarra, a relative of the powerful Colonna family.

The problems these friendships produced for Dal Pozzo went further, still, however. The few Romans Dal Pozzo did appoint brought him more opprobrium than those he pushed aside for his compatriots, because they were felt to be the result of these same liaisons. An anonymous denunciation went so far as to say that:

The only men who get posts were those supported by the Princess Chigi, or by some other beautiful woman; in a manner of speaking, it is the women who hand out posts in Rome, not the *Consultà*⁵².

Coffinhal was less direct, but he did express concerns that these personal friendships were, indeed, influencing judicial appointments, as well as the course and character of justice, itself⁵³. Criticism of Dal Pozzo was not confined to Coffinhal or Legonidec, who had been sent to Rome to inspect his work. Camille de Tournon, a member of the *Consultà* and the future Prefect of Rome, had little faith in Dal Pozzo. He thought Dal Pozzo «polished and full of good intentions ... but naturally timid, with little confidence in his own abilities»⁵⁴. It all added up to the exposure of one of the leading Piedmontese collaborators in the Napoleonic imperial project as a weak, only partially acculturated man, unfit for the task he had been assigned. More important, still, Dal Pozzo's failure was

⁵² ANP BB 5 314 (Organisation Judiciaire, dept Rome) Anon to Min of Justice – undated (c. Aug 1809).

⁵³ ANP BB 5 314 (Organisation Judiciaire, dept Rome) Coffinhal to Min of Justice – 9 Nov 1809.

⁵⁴ JACQUES MOULARD (ed.), *Lettres inédites du Comte de Tournon, préfet de Rome*, 2 vols. Paris 1914, I, p. 11.

but the most serious element in the exposure of a whole section of the Piedmontese elites, the patriot provincial notables, as unacculturated to French legal culture, and incapable of high office. By June, 1811, Dal Pozzo left Rome for his new post as First President of the Court of Appeal of Genoa, the highest he would acquire under Napoleon, but not the last. It was a very high promotion, seen in strict terms of judicial employment, his last official post being that of a substitute prosecutor in Turin, yet it was also something of an escape and a sign of failure, given his ambitions in Rome.

Seen from the outside, 1811 appears to mark the triumph of Piedmontese domination of the administration of justice in Napoleonic Italy. A Piedmontese jurist was now the First President of all four of the Imperial Courts in the *départements réunis*: Peyretti di Condove in Turin, Montiglio in Florence, Cavalli d'Olivola in Rome and, finally, Dal Pozzo in Genoa. It is the 'finally' that truly matters, however. Dal Pozzo's failure to secure the presidency of Rome, and the selection of Cavalli d'Olivola over his claims, marks the triumph of the higher echelons of the doyens of the Senate of Turin, over the provincial notables. What on the surface suggests the domination of the Piedmontese in Napoleonic Italy, in fact represents the realization by the central government in Paris, that only one section of the Piedmontese judicial elite, the patricians of the old Senate, were truly acculturated and fit to lead the rest of the peninsula into the French system. Dal Pozzo arrived in Genoa as the standard bearer of a defeated faction. From the outset, the French despaired of all, but a few of the Piedmontese 'at home', as has been seen. but their persistent complaints made no impact on the central ministries. Successive Ministers of Justice continued to see the Piedmontese as fully integrated and acculturated in the ways of the Codes, to the point that they felt secure in sending them to dominate the senior courts of the Ligurian departments in 1805, and serve in the Tuscan and Roman departments, after 1808. The strength of Parisian faith in the Piedmontese was manifested most clearly by their presence on the Tuscan *Giunta* and the Roman *Consulta*. With Coffinhal and Legonidec's exposure of Dal Pozzo and his appointees, however, that illusion was now shattered. French public prosecutors now arrived in the Roman departments to replace the Piedmontese, while at the most senior levels of the new Imperial Courts, the Piedmontese First Presidents found themselves with French Prosecutor-Generals at their sides. For the Romans, the Piedmontese simply kept them out of jobs. By 1811, Legonidec concluded that he preferred Frenchmen with good Italian in these posts, as they seemed to arouse less resentment among the Roman legal classes than

the Piedmontese; he really wanted Romans serving their own region, but «I would probably have a great deal of trouble in training and supervising them»⁵⁵. Legonidec confirmed Coffinhal's initial judgement that, «these appointments have irritated the locals, who have little respect for the Piedmontese ... They would even prefer Frenchmen»⁵⁶. The success of *ralliement* and then *amalgame*, in one region, appeared to thwart it in another. Ultimately, the French thought the advantages of using the Piedmontese outweighed the problems. Under Napoleonic rule, a clear pattern eventually emerged, in which all the most senior judgeships of the Courts of Appeal of Turin, Genoa, Florence and Rome fell to Piedmontese magistrates with backgrounds in the royal Senate or senior French courts, while all the prosecutors were French. This was an emphatic signal of the confidence the French had in a particular institution of the old order, the Senate of Turin, but it was an ill judged affront to the *togati* of their other possessions, in a culture where the magistrate was held in particular esteem. The French monopoly of the post of prosecutor in the senior courts, and their shared tenure of it in the lower ones with the Piedmontese, was a powerful reminder that true integration, based on the spontaneous adoption of the ethos of the new order by its imperial subjects, was a very long way off. From an Italian perspective, the first experiment in Piedmontese rule of other parts of the peninsula had proved a disaster in Rome, and Dal Pozzo would soon learn at first hand, that it had been not satisfactory in Liguria.

Dal Pozzo in Liguria and Vercelli, 1811-1813

As Dal Pozzo's struggles with Coffinhal intensified in Rome, and as Legonidec systematically dismantled as much of his work as possible, Dal Pozzo's reputation within the higher echelons of the Napoleonic magistracy declined. Increasingly, his support centred almost solely on the political connections he had forged as a *Maître des Requêtes*. This became evident on his arrival in Genoa. Indeed, Dal Pozzo was not long in Genoa until he was recalled briefly to Rome to help with financial matters concerning the courts, and followed this with a period of leave to deal with personal matters. This drew the comment from the Public Prosecutor of the Court of Appeal, the French magistrate La Grave, that

⁵⁵ ANP BB5 313 (Organisation Judiciaire, dept Rome) Proc. Court of Appeal to Min. Justice - 30 Sept. 1811.

⁵⁶ ANP BB5 313 (Organisation Judiciaire, dept Rome) «Rapport sur l'organisation judiciaire des tats romains», Coffinhal to Min. of Justice, undated (1810).

the Court, soon to become the core of the new Imperial Court, needed a leader who was constantly present. Dal Pozzo's absences have not been good for the Court of Appeal, and it would be worse for its new successor:

... (the Imperial Court) needs a first president at its head from the moment it commences its work! The Court of Appeal has been without M Baron Dal Pozzo while on mission in Rome, and this lack of the senior magistrate is not without its problems⁵⁷.

La Grave wrote this in September, 1811; Dal Pozzo set out for Genoa only in July⁵⁸. However, exactly the same thing happened three years later. Dal Pozzo once again returned to Rome on official business, this time to help liquidate the Chamber of Accounts, and followed it by personal leave in Moncalvo⁵⁹.

However, in his following comments on Dal Pozzo, personally, La Grave, in the guarded way of lawyers, hinted at deeper reserves about his new superior:

The evidence of the confidence His Majesty has in him ... proves that his merits are well known and it would be useless to speak of the distinction with which he has fulfilled the various judicial posts he has held⁶⁰.

The tone is far from enthusiastic; there is no mention of the opinions of his colleagues in Rome or elsewhere in the magistracy, nor is there any sign of enthusiasm at his arrival in Genoa. La Grave refers only to the continuing confidence of Napoleon, himself, in Dal Pozzo. A close examination of the correspondence of the new Imperial Court during Dal Pozzo's leadership points to another consistent, if subtle sign of his declining standing as an imperial magistrate. When dealing with appointments before Dal Pozzo's arrival, and with most other important business referred to the Ministry of Justice in Paris, La Grave had almost always composed joint letters with the first presidents of the Court, first Azuni and then Carbonara; it is obvious they worked closely together. In direct contrast, Dal Pozzo and La Grave maintained separate correspondences with Paris at all times. There is no sigh whatsoever that

⁵⁷ ANP BB5 298 (Organisation Judiciaire, dept Gênes) La Grave, Proc-Gen, Court of Appeal, Genoa, to Min of Justice, 18 Sept 1810.

⁵⁸ ANP BB5 296 (Organisation Judiciaire, Cour de Gênes) Dal Pozzo to Min of Justice – 24 June, 1811 (from Florence).

⁵⁹ ANP BB 5 299 (Organisation Judiciaire, dept Gênes), Dal Pozzo, 1 President, Imperial Court, Genoa, to Min of Justice – 7 March, 1813.

⁶⁰ ANP BB5 298 (Organisation Judiciaire, dept Gênes) La Grave, Proc-Gen, Court of Appeal, Genoa, to Min of Justice – 20 Sept 1810.

they opposed each other directly, but compared with his relations with previous superiors, it is clear La Grave kept his distance from Dal Pozzo.

Dal Pozzo inherited a complex situation in the Ligurian courts, which was in part of his own making. When Liguria had been annexed to the empire in 1805, a considerable amount of Piedmontese territory had been put under the authority of the new Court of Appeal in Genoa: the entire department of Marengo, and its tribunals in Alessandria, Casale and Asti, together with the former provinces – now *arrondissements* – of Ceva and Acqui, were added to the new department of Montenotte, ruled from Savona. This brought a considerable number of Piedmontese magistrates, many of them Dal Pozzo's protégés, under Genoa and into competition with Ligurians for promotion in the new hierarchy. Once detached from the Court of Appeal of Turin, and thus no longer in competition with the former magistrates of the Senate and its adjunct courts, the provincial Piedmontese magistrates held distinct advantages over their Ligurian colleagues. They had worked in the French system for nearly five years by the time the new courts came into service in late 1805, whereas the new regime was entirely alien to the Ligurians. Nor was this just a matter of time served under a new regime. The Piedmontese judiciary had had its problems with the French model of justice, as has been seen, and the experience of working together in Rome had led the French there to think these problems were far from solved. Their attitude in Liguria was markedly different, however, and it worked directly in favour the Piedmontese. The French way was very different to that of the Savoyard monarchy, but it was not entirely alien. When the French annexed the Republic of St George, however, they could not possibly have found an area less attuned to their judicial system. Two examples of how alien the French felt about what they found bring this home. In 1811, when asked to supply Paris with the details of magistrates who might be the equivalent of French *parlementaires*, with a view to appointing them to the new Imperial Courts, the Prefect of Genoa could but reply that Genoa had never had a professional magistracy or anything like a French *parlement*. The only way to meet such a request was to look among the great nobles, who had served on the Rota⁶¹. This meant not only that there was no professional magistracy at the higher levels, but in the provinces, as well. In response to the same circular, the Prefect of Montenotte, based in Savona, told Paris:

⁶¹ ANP BB5 296 (Organisation Judiciaire, dept Gênes) Prefect, dept Gênes to Min. Justice, 11 March, 1811.

... (there was) no manner of magistracy; rather, judicial power rested in the hands of the nobles of Genoa, who went out to the various localities every year and exercised justice there.

The six candidates he put forward for membership of the new Imperial Court «...all belong to the two arrondissements which were part of Piedmont»⁶². Both these prefects were Frenchmen. This is a very revealing comment: When it came to promotion, the Piedmontese incorporated into the Ligurian courts were better viewed by the French than they were elsewhere in Italy, and rose, accordingly.

Few Ligurians emerged to serve in the departments annexed later, and there were, relatively, very few in the upper echelons of their own courts, during eleven years of imperial rule. The Ligurians did not help their own cause, either. Whereas the Piedmontese could often draw criticism from Coffinhal and Legonidec in Rome, for being too harsh in their application of French criminal legislation, having been trained in the far tougher *Costituzioni reali* of the *ancien régime*, the Ligurians shunned involvement with the French criminal courts. Lebrun, who presided over the process of annexation, noted «a convinced repugnance for (French) criminal law» among the Genoese barristers⁶³. This produced a quite different attitude to Piedmontese magistrates among the French in Liguria, from the hostility to them felt by Coffinhal and Legonidec in Rome. De Simon, the French public prosecutor of the civil tribunal of Savona begged his superiors to appoint them in place of the locals:

... to assure the regularity of the service, and to give the tribunal consistency, there would be no more surer way than to replace half its members with Frenchmen or Piedmontese, who are better versed in French law, and could get the tribunal working quickly ... this mixture would only be to the advantage of the public...⁶⁴.

This attitude spread from bottom to top of the French magistrates in Liguria. Bigot-Prémeaux, the magistrate charged with organizing the Ligurian tribunals, shared De Simon's views completely:

It might be more convenient, and probably necessary, to appoint juges from the localities, and possibly even the presidents (of the tribunals). However, as for the public prosecutors, it is no less indispensable for the

⁶² ANP BB5 300 (Organisation Judiciaire, dept Montenotte) Prefect, dept Montenotte to Min of Justice – 10 March, 1811.

⁶³ ANP BB5 296 (Organisation Judiciaire, Cour de Gênes) Lebrun to Min. Justice – 1 jour complémentaire, year xiii/18 Sept. 1805.

⁶⁴ ANP BB5 300 (Organisation Judiciaire, dept Montenotte) De Simon, Proc-Imp, Civil Trib, Savona, to Min of Justice – 9 March, 1806.

introduction of our laws, and so that they be properly understood, that the tribunals be guided by ... either French or Piedmontese who ... have become used to our laws and to working in both languages...⁶⁵.

This combination circumstances led to the inexorable rise of the Piedmontese in the Ligurian courts, but their dislike of the new order notwithstanding, this domination created the same resentments as in Rome. Dal Pozzo inherited this when he arrived in 1811, although La Grave and Carbonara, who had acted as head on the Court temporarily, had done as much as possible to appoint Ligurians to the Imperial Court. In a long report to his superiors on the eve of the new organization, La Grave outlined the short comings of his Ligurian colleagues, and how they derived from the historic absence of a professional magistracy. The dilemma was clear: there were very few of them truly fit for high office, yet to exclude too many of them from the new Imperial Court would be utterly discouraging for them, and a slap in the face to public opinion⁶⁶.

Faced with this situation, it was hard for Dal Pozzo not to retain his instinctive desire to advance his own compatriots' careers. He used the territorial argument as the clearest way to advance his own clients in the region he now headed, telling Paris in 1812, when asked who should become a senior judge of the Imperial Court:

Molini is Genoese, but since a good half of the resort of the Imperial Court is composed of areas detached from Piedmont, it is essential that those who are natives of these places, as I am, myself, should have the same rights as the Genoese to posts on the Court that is common to them both⁶⁷.

Instead, he pressed the claims of Azuni, who had already served capably as First President of the Court of Appeal. Dal Pozzo was more influenced by the fact that Azuni was a Sardinian, and had served in the Piedmontese courts under the monarchy, however. Dal Pozzo was far from alone in this. A year before his arrival, Costa, a member of the Napoleonic Senate, reminded the Ministry of Justice that 40% of the resort of the Court of Appeal of Genoa was Piedmontese, and that: «Only three of the magistrates of the Court of Appeal have been drawn from the former states of the King of Sardinia, and that almost all the (Lig-

⁶⁵ ANP BB 5 296 (Organisation Judiciaire, Cours de Gênes) Bigot-Premeaux, Conseiller de'Etat, from Genoa, to Min of Justice – 17 messidor, an xiii.

⁶⁶ ANP BB 5 298 (Organisation Judiciaire, dept Gênes) La Grave, Proc-Gen, Court of Appeal, Genoa, to Min of Justice – 18 Sept 1810.

⁶⁷ ANP BB 5 296 (Organisation Judiciaire, Cours de Gênes) Dal Pozzo to Min of Justice – April, 1812.

urian magistrates) with this status are ignorant of the jurisprudence of Piedmont»⁶⁸ As the scramble for posts on the new Imperial Court began, his colleague in the Napoleonic Senate, Marcorengo, took up the cause, telling the Ministry of Justice:

Half of the population of the Court of Genoa is composed of former Piedmontese states, and it is of infinite importance for the administration of justice that that court should have a president who knows the laws and practices of Piedmont, and all its former jurisprudence⁶⁹.

He got exactly this in Dal Pozzo, but these words were actually written as a reference for Brayda, a former Senator of Turin.

In such a climate, it is perhaps remarkable that Dal Pozzo showed he had learned a great deal from his negative experiences in Rome, and he tempered the ample temptations before him to exercise *padrinaggio* in the promising circumstances of Liguria, even if he did not abandon them. In the last months of Napoleonic rule, the post of public prosecutor in La Spezia became vacant. This sensitive and powerful post had been reserved for Frenchmen or Piedmontese from the outset, and fell to Ligurians only out of lack of other candidates, but in July, 1813 – in contrast to La Grave’s opinion – Dal Pozzo pressed the case of Luigi Roveretto, a very young Ligurian magistrate, only recently appoint a *Conseiller-Auditeur* to the Imperial Court. *Conseiller-Auditeurs* were posts created specifically to accelerate the careers of promising young men in the judiciary. Dal Pozzo made his case in terms which reveal how much he had altered his approach to imperial expansion since his experiences in Rome. Roveretto had a good claim to this difficult job:

... because of his birth, his wealth and his personal qualities. He has, in addition to these, political consideration in his favour, which seems to me to carry some weight. This is because Roveretto would be (if appointed) the first pupil to have graduated from the (French) *lycée* (of Genoa) to enter the magistracy; and this example who not be without encouragement to parents to send their children to the *lycées*⁷⁰.

⁶⁸ ANP BB 5 296 (Organisation Judiciaire, Cours de Gênes) Costa, Senator & deputy to Corps Législatif, to Min of Justice – 13 Oct 1810.

⁶⁹ ANP BB 5 296 (Organisation Judiciaire, Cours de Gênes) De Gregory de Marcorengo, Senator (for Pied dept) to Min of Justice – 6 April, 1811.

⁷⁰ ANP BB 5 296 (Organisation Judiciaire, Cours de Gênes) Dal Pozzo, 1er Pres, Civil Trib, Vercelli, to Min of Justice – 15 July, 1813. La Grave appointed a different *Auditeur* to the post, a Piedmontese: ANP BB 5 296 (Organisation Judiciaire, Cours de Gênes) La Grave, Proc-Gen, Imperial Court, Genoa, to Min of Justice – 12 July, 1813.

This single case, when set in the wider context of Dal Pozzo's policies only two years previously shows the extent to which he had learned, if too late, from his career as an imperial administrator. By the time Dal Pozzo pressed Roveretto's case, he had actually left Genoa to take up the post of President of the Civil Tribunal of Vercelli, in effect a very serious demotion, on which the archives remain silent. Dal Pozzo ended his career as a Napoleonic magistrate in a lower position than he had been given by Jourde in 1802. Worse was to follow, however.

Dal Pozzo under the Savoyard Restoration, 1814-1821

There were few restorations as ferocious or determinedly reactionary as that carried out by the restored Savoyards between 1814 and 1821. Only Ferdinand VII in Spain matched Victor Emmanuel I in his determination simply to ignore the eighteen years between his flight to Sardinia and the fall of Napoleon, in 1814, and even Ferdinand retained some aspects of the Napoleonic reforms which enhanced his own power, nor had French rule lasted as long, or become so deeply embedded in the life of the country as it had in Piedmont. Nevertheless, this policy of complete restoration – to the point of initially trying to reinstate the entire administration as it had been in 1797 – known as *La Palmaverde* – was undertaken with great determination. The Napoleonic magistracy and the French Codes of law and procedure, as well as the court system they worked through, were among the most important casualties of *La Palmaverde*⁷¹. At a stroke, the “empires” so carefully built by Dal Pozzo, Rocca, and the *grandeos* of the old Senate like Peyretti di Condove evaporated into thin air. Botton chose to remain in France after 1814. In contrast, Dal Pozzo, hastily restored as President of the Court of Appeal of Genoa to confront the crisis, led the official delegation that welcomed Victor Emmanuel back to the mainland. In his official declaration to the throne, Dal Pozzo remained unrepentant in his support for the French

⁷¹This is not to say that the monarchy did not admit modifications to its own legislation. There were important changes to criminal law, notably the abolition of torture, and changes to the territorial distribution of the courts. The French Civil and Commercial Codes were retained for Liguria, and a Royal Commission was created in 1816, to reform many legal statutes. No member of the Napoleonic magistracy sat on the commission, however, and its recommendations did not reflect the French reforms: M.B. BERTINI - M.P. NICCOLINI, *L'ordinamento giuridizionario durante la Restaurazione*, in *Archivio di Stato di Torino* (ed.), *Ombre e Luci della Restaurazione*, *Archivio di Stato di Torino*, Rome 1997, pp. 120-134.

and for their judicial reforms, while stressing the magistracy's desire to maintain order and protect property, expressing above all, their desire to continue to serve the king. A week later, Victor Emmanuel issued an amnesty for all who had served the French and guaranteed the safety of their properties⁷². That was as far as it went, however. Dal Pozzo's brave gesture did not save his job or the French reforms. Dismissed from his post, along with all of his colleagues, he spent the years between the restoration and the revolution of 1821, which would send him into foreign exile, as a lawyer under the restored legal system of the old order.

Resourceful as ever, Dal Pozzo found a way back into public life through three different roots. He became tutor to the ultimate – if still distant – heir to the throne, the Prince of Carignano, the future Charles Albert I, while simultaneously pursuing a career at the Turin bar where he specialized in cases where he felt he could best demonstrate the superiority of the Napoleonic codes over Savoyard legislation⁷³.

However, it was his third endeavour that assured his lasting place among those who kept the cause of the Napoleonic vision of the state alive in Restoration Italy, and his success in this was tinged with no little irony. The French came to feel that their Italian *administrés* were incapable of coping alone with the Code, certainly in the case of the Piedmontese in the Roman departments, led by Dal Pozzo. However, those Italian jurists who, in their turn, had come to respect the Napoleonic legal system deliberately filled the gap left by imperial tutelage by transforming Dal Pozzo from the semi-acclimated nuisance depicted by his French colleagues, into an intellectual leader⁷⁴. Through his copious, always anonymous, commentaries on legal current affairs, in a purely Italian context, rather than one imposed by the French, Dal Pozzo became at last a cultural intermediary and a serious person in the eyes of his peers. Between 1817 and 1819, he produced four anonymous volumes of commentaries – always hostile – on sentences pronounced by the reconstituted Senate of Turin. These *Opuscoli di un avvocato Milanese originario piemontese sopra varie quistioni politico-legali* consolidated his position as the leading Italian authority on Napoleonic jurisprudence and as an acerbic critic of the existing system⁷⁵. His reputation was now

⁷² A. ASPESI, *La Restaurazione in Piemonte*, Turin 1960, pp. 41-48.

⁷³ On the wider context of the debates on judicial reform, 1814-1821: I. SOFFIETTI, *Sulla storia dei principi dell'oralità del contraddittorio e della pubblicità nel procedimento penale. Il periodo della Restaurazione nel Regno di Sardegna*, «Rivista di Storia del Diritto Italiano», 64 (1971-71), pp. 125-241. On Dal Pozzo: Romagnani, *Balbo*, 2, pp. 613-614.

⁷⁴ L. BOLLEA, *F. Dal Pozzo di Castellino, 1768-1843*, Turin 1906, pp. 196-201.

⁷⁵ G.P. ROMAGNANI, *Balbo*, 2, pp. 613-614.

pan-Italian – his *Opuscoli* were not just published in Milan, but widely read there – in a positive sense, one quite different from that of the narrow minded Piedmontese *padrone* he had acquired among Romans and Ligurians when in a position of power under Napoleon. He was now a seer.

Dal Pozzo thus became part of more general western European phenomenon in the post-Napoleonic world. In the Rhineland, another part of Europe long under Napoleonic rule, Georg Friedrich von Rebmann, in 1814 still the only non-French President on the Court of Appeal of Trier, fled to Bavaria in the unfounded fears that the Prussians would instigate a restoration not unlike that in Piedmont. In fact, the Prussians retained the French legal system in the Rhineland after 1814, but von Rebmann, in common with Dal Pozzo, continued to write extensively on jurisprudence for many years after 1814, always with the aim of extolling the merits of a Napoleonic codes and court system which had had its reservations about his own ability to work within it⁷⁶. Rebmann was fortunate in having a sympathetic Bavarian border to cross over, and even more so in having a regime in Munich to serve which perpetuated the reforms of the Napoleonic period. Joseph-François Beyts, the most senior jurisconsulte of the Belgian departments and the mastermind of the introduction of the French judicial system into the Netherlands and the Hanseatic departments – and one of the very few non-Frenchmen successive Ministers of Justice considered truly acculturated to the French system – chose to retire from the judiciary in 1814. Like Dal Pozzo and Rebmann, he continued to write and commentate, however⁷⁷. Rebmann's flight from the Prussian Rhineland was precipitate, and Beyts' decision was, perhaps, more political than professional, because his erstwhile colleague on the Napoleonic Court of Appeal at the Hague, Cornelis van Maanen, remained in high office under the new Kingdom of the Netherlands, and ensured that the details, as well as the essence, of the French legal reforms were retained⁷⁸. Dal Pozzo's was by far the most difficult position in the post-Napoleonic world, but he still left a deep imprint on the future legal culture of Italy, not through his work

⁷⁶ G. CLEMENS, *Integrazione imperial e progressione di carriera: la politica napoleonica per in funzionari dei territori annessi*, in M. BELLABARBA - B. MAZOHL - R. Sauber - M. VERGA (eds.), *Gli imperi dopo l'Impero nell'Europa del XIX secolo*, il Mulino, Bologna 2008, pp. 464-465.

⁷⁷ *Dictionnaire Historique et Bibliographique de la Révolution et de l'Empire, 1789-1815*, Robinet, Paris 1937, 2 vols. I, p. 183.

⁷⁸ S. SCHAMA, *Patriots and Liberators. Revolution in the Netherlands 1780-1813*, Collins, New York 1977, pp. 648-649.

as a magistrate, and still less as an imperialist, but as truly constructive critic of the Restoration. His importation of his Piedmontese clients into the Roman departments augured ill for the post-Unification order; his tenure of high office in Rome and then Genoa drew only criticism from his French masters, but as a cultural intermediary, freed from intense pressure to conform to French norms in every detail, Dal Pozzo made his lasting, most significant mark on the future history of Italy. His vindication came in 1831, with the creation of the Albertine Code for the states of the House of Savoy, followed by its extension, in modified form, to the unitary state in 1860. Equally, Dal Pozzo also takes his place among a generation of jurisconsultes like Rebmann, Beyts and van Maanen who were crucial to the survival of the Napoleonic jurisprudence after 1814, to its wide dissemination and, above all, to its ready acceptance, by new generations of post-Napoleonic lawyers and magistrates. Dal Pozzo was one of the foremost members of a group of European public men who fostered the public sphere now common to so much of the modern European Union.



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