

Inclosure 2.

Law of November 20, 1810, respecting the Drainage and Improvement of Marsh Lands.

[This is the only Law existing in Lombardy on this subject.]

(Translation.)

Napoleon, Emperor of the French, King of Italy, &c.
Eugène Napoleon, Viceroy of Italy, &c.

SECTION I.

Of the improvement of Marsh Lands.

Article 1. Landed property in marshes is governed by laws that concern it exclusively. The Government orders the improvements which it considers useful or necessary.

Article 2. All improvements, whether by drainage or by filling up and levelling, are performed either by the State, by the proprietors, or by persons specially undertaking (or contracting for) the work, under the sanction of the Government.

Article 3. In regard to such improvements as may interest or benefit the proprietors, should the latter voluntarily decide upon effecting them, they are to present the plan upon which they propose to proceed for the inspection and approval of the Government. In the contrary case, an order is issued, compelling them to carry out the required improvements in a given time; and to this order is annexed a plan, according to which they are to be executed.

Article 4. Such of the proprietors as do not consider it for their interest to undertake the works in question, must make a declaration to that effect, within three months from the date of receiving the order.

Article 5. The majority of the proprietors of the land to be improved can compel the dissentient minority, through the Board of Public Works, to contribute their share of the expense, or to sell or cede their property to those interested, a suitable indemnification being awarded to them. The majority is determined by the superficial extent of property possessed; and should the extent be equal, by the number of persons interested.

Article 6. When a marsh belongs to one single proprietor, or when the several proprietors are agreed, permission to effect the improvement is never refused to such proprietor or proprietors; provided only, that they undertake to carry it out on the plan and within the time specified by the Government.

Article 7. If the marsh belongs to a single proprietor, or to a society of proprietors, who do not consent to improve it within the period and according to the plan specified, or who will not perform the conditions required of them, either because the proprietors do not all agree, or because among them there are one or more parishes (*communes*), the Government will grant the right of undertaking the improvement to those parties whose proposals it may consider most advantageous. A preference will always be given to proposals made by proprietors, whether communes or individuals, to proposals made on equal terms by non-proprietors.

Article 8. The requisition of the parties desirous of undertaking the improvement shall be made to the General Direction of Public Works, and shall specify the precise quantity of land to be improved, the several proprietors, the number of years in which the work is to be completed, and shall offer a competent security as a guarantee for the fulfilment of the obligations contracted.

Article 9. The General Direction, &c., causes the requisition to be published in the plans where the lands to be improved are situated, and in the chief town of the department. It fixes the period of three months within which those interested are to declare whether they propose to undertake the works of improvement at their own expense; warning them at the same time, that should they decline, it will propose to the Government to confide the execution of the work to such other persons as the latter may think fit.

Article 10. Should the above-mentioned term elapse without the proprietors declaring their willingness to undertake the necessary works, the General Direction, &c., in concurrence with the requisitionists, agrees upon the plan of execution, and the guarantees to be given, transmitting the proposal to the Minister of the Interior, who will submit it to our approval, with the advice of the Council of State.

Article 11. The plan is prepared, verified and approved at the expense of the undertakers of the work. It shall specify the ownership and extent of each property, and shall contain sections of the works and levels. If the requisitionists who have caused the plan to be prepared and verified are not successful in their application, the expense of the plan shall be reimbursed to them by the successful candidates.

SECTION II.

Of the extent, quality, and valuation of the Marsh Lands to be improved.

Article 12. When the Government undertakes the works of improvement, or confides them to others, certain deputies are appointed by the Prefecture, and these are chosen from among the largest proprietors of the marshes to be improved.

Article 13. These deputies are to appoint one surveyor (or appraiser, *perito*), and send his name to the Prefecture, the contractors (undertakers of the works) appoint another, and the Prefect a third.

Article 14. If the improvements are made on account of the State, the Prefect appoints the second surveyor, and the Minister of the Interior the third.

Article 15. The marsh lands to be improved are divided into several classes, the number of which shall not exceed ten. These classes are formed according to the different degrees in which the land is overflowed. If the value of portions of the marsh lands depends upon causes other than that of their amount of submersion, then in each case alone, the classes are formed without reference to the degree of submersion; but always in such a manner that all the lands of the same presumed value may be placed in the same class.

Article 16. The boundaries of the different classes are traced by the surveyors (*periti*) on the graduated plan used as the basis of the undertaking.

Article 17. The plan, thus prepared, is submitted to the approval of the Prefect.

Article 18. The plan remains deposited in the office of the Prefect for one month. Those whom it concerns are invited by public notice to examine it, to make known their observations upon its exactness, upon the calculation of the limits to which the effects of the improvement will extend, and upon the several classifications of the ground.

Article 19. Having taken the above precautions, and received the answers and observations of the contractor and surveyors (*periti*) the Prefect may order any examination or verification he may think fit, availing himself of the engineers of the Royal Corps of Roads and Water Courses.

Article 20. In case those persons interested persist in their claims, the question is decided by the civil courts, according to the terms of the Decree of 8th June, 1805.

Article 21. As soon as the plans shall have been definitively decided upon, the two surveyors (*periti*) named by the proprietors and the undertakers of the work, repair to the spot, and after having collected all the necessary information, proceed to a valuation of each of the classes composing the marsh land, having regard to their real value, to the amount of the estimate made in their marshy state, without occupying themselves with a separate valuation for each property. The two surveyors (*periti*) make out and prepare this valuation in the presence of the third surveyor named by the Prefect, who acts as arbitrator in disputed cases. In