

The Capitolato di Milano of 1639

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The treaty that is most often called the *Capitolato di Milano* was concluded by Spain with the Three Leagues of the Grisons on 3 September 1639. It ended the conflict over the Valtellina, which had broken out with the massacre of the Protestants of the valley in 1620 (the *Sacro Macello*) and had drawn in Spain, France, Venice and Austria during the Thirty Years' War.¹ Under the Capitolato the Valtellina, Bormio and Chiavenna returned to the rule of the Grisons, which they kept until 1797. In return the Grisons recognized the Catholic confession as the only one in the Valtellina and forbade the permanent residence of Protestants. They also granted Spain the right of passage for its troops between Milan and the Habsburg lands in Tyrol and Austria.² The Capitolato was not a treaty with the Ticinese bailiwicks. It concerned the Grisons and the eastern passes. Its importance for this chapter lies in two points. First, it shows the method by which Milan governed its northern frontier: through bilateral capitulations with each Alpine neighbour that combined political, religious, military and commercial clauses, and that were renewed and confirmed by each new sovereign. The Capitolato of 1639 was confirmed and ratified on 24 October 1726 by the Austrian governor of Milan, Count Daun, with the ambassadors of the Grisons, after Milan had passed from Spain to Austria.³ Second, it shows that access to the Milanese market was a common concern of all the Alpine neighbours and that the passes competed with each other within a single diplomatic system. A tariff concession granted to the Grisons could divert traffic from the Gotthard, so the Confederates watched the Grisons treaties closely.

1 Austrian Milan and the frontier treaties of the eighteenth century

Under Austrian rule after 1706, the government of Milan reformed its finances, introduced a new land register (the *catasto* of Maria Theresa) and centralized the collection of duties through the *Ferma generale*, a general

farm of the indirect taxes. These reforms brought a tighter control of the border, which the Confederates and the bailiwicks regarded as a threat to their trade.⁴ The boundary between the Confederate bailiwicks and Austrian Lombardy was fixed by the treaty of Varese of 1752, negotiated in that town in the summer of the same year in order to settle old territorial disputes and to combat an intense contraband trade. The treaty transferred, among other places, the alp of Rettaiola to Milanese jurisdiction, and the line it drew has remained almost unchanged since.⁵ A precise border was a precondition of a customs regime: it determined where the Milanese guards could stop goods and where the Confederate *dazio* applied. It therefore also determined where smuggling began.

The capitulations of the Confederates ended with the Spanish period. The last of them, concluded with Philip V in 1705, remained in force only until 1706, when Austria conquered Milan, and an Austrian attempt to conclude a new capitulation with the whole Confederacy failed in 1711 because the interests of the cantons diverged. The French invasion of Lombardy in 1796, the creation of the Cisalpine Republic and the revolution of 1798 in the bailiwicks, which Chapter C.I describes, then swept away both the Duchy and the Confederate bailiwicks. The new Canton of Ticino inherited the commercial relationship with Lombardy but no treaty. Its trade with the Kingdom of Italy, the Austrian Kingdom of Lombardy-Venetia after 1815 and the Kingdom of Italy after 1861 was governed by new agreements concluded by the Confederation.⁶

2 Notes

1. HLS, art. "Valtellina" (Guido Scaramellini, version of 05.01.2015), <https://hls-dhs-dss.ch/it/articles/007135/2015-01-05/>, for the killing of about 600 Protestants between 19 and 23 July 1620. ↩
2. HLS, art. "Valtellina" (as above): "Nel 1639 il capitolato di Milano restituì V. e contadi ai Grigioni", "riconoscendo la sola confessione catt. e vietando la residenza stabile dei rif.", and for the Grisons rule until 10 October 1797. ↩
3. The confirmation of 24 October 1726, given in the title of the printed edition (as above), "Confirmata, e ratificata a. 24 ottobre 1726 tra Conte di Daun, principe di Tiano, e gli ambasciatori grigioni". ↩
4. Lombardia Beni Culturali, "Stato di Milano, 1535–1749", <https://www.lombardiabeniculturali.it/istituzioni/schede/8000356/>, on the catasto and the Ferma generale. ↩
5. HLS, art. "Varèse" (Marino Viganò, French translation Denyse Wettstein), <https://hls-dhs-dss.ch/fr/articles/007137/>; Marco

Schnyder, "Territori, risorse e migrazioni. Il ceto dirigente svizzero in un contesto di frontiera e di mobilità (secoli XVII e XVIII)", working paper, Laboratorio di Storia delle Alpi, Università della Svizzera italiana (2011), <https://labisalp.usi.ch/storage/app/media/Working%20Papers/wp-2011-3-schnyder.pdf>, for the alp of Rettaiola. ↩

6. HLS, art. "Mailänder Kapitulate" (as above), for the end of the capitulations in 1706 and the failed renewal of 1711. See Chapters C.I and C.III. ↩

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