

The fabbrica, the beneficio and the legati

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Parish finance rested on several separate funds, which canon law and local practice kept apart. The *beneficio parrocchiale* was the endowment attached to the office of the parish priest: land, houses, rents and capital whose income was his living. The *fabbrica* or *fabbriceria* was the fund of the church building itself, from which repairs, furnishings, candles and oil, bells and the sacristan were paid. The *legati pii*, foundations of masses and charitable bequests, were endowments with specific purposes. Chaplaincies (*cappellanie*) were benefices founded by families or communities for an additional priest who said masses at a particular altar and often taught school. Tithes (*decime*) and first fruits (*primizie*) supplemented these funds, together with stole fees for baptisms, marriages and funerals.¹

Each fund had its own administrator and its own accounts. The priest administered the benefice, the lay *fabbricieri* administered the *fabbrica*, the officers of the confraternity managed its property and the patrons of a chaplaincy watched over its endowment. The visitors checked all of them. The structure resembles the modern principle of segregation of assets, by which funds held for a particular purpose must be kept apart from the administrator's own property and from other funds. Its logic was the same: to ensure that capital given for a purpose remained available for that purpose. Canon law protected these funds against alienation. Under the Tridentine and post-Tridentine rules, the sale or encumbrance of church property required the consent of the bishop and, for significant transactions, of the Holy See.²

1 Parish finance after the old regime

The end of the old Confederation in 1798 and the creation of the Canton of Ticino in 1803 opened a long conflict over this ecclesiastical economy, which Part C treats in its political context. The liberal governments of the canton regarded the property of convents, chapters and confraternities as

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a resource for public education and for the state budget. Tithes were declared redeemable, while cantonal law made the redemption of perpetual rents possible.³ A law of 18 March 1848 obliged the religious corporations to hand over their credit instruments to the state treasury and suppressed a series of convents in Lugano, Locarno, Bellinzona and Mendrisio, whose property became cantonal property. Further orders were secularized in 1852, when the canton also expelled the Capuchins, most of them Lombards, a measure that contributed to the conflict with Austria described in Chapter C.II.⁴ The confraternities survived in many parishes, but much of their property was dispersed by redemption, sale and inflation.

The parish, however, remained what the Borromean reform had made it: a community with its own property, its own accounts and its own lay administrators. The cantonal constitution of 1997 gives the Catholic Church a personality of public law and leaves it free to organize itself. Under the cantonal law on the Catholic Church of 2002 and its regulation of 2004, each parish has its own organs, the parish assembly and the parish council, which administer the parish property and approve the budget and the accounts, as parish communes have long done in the other Catholic cantons.⁵ The Diocese of Lugano, which covers the whole canton, was separated from Como and Milan in stages. By a decree of 22 July 1859 the Federal Assembly unilaterally severed the ties of the Ticinese parishes with the Lombard dioceses. An agreement of 1884 created an apostolic administration under Eugène Lachat, the exiled bishop of Basel. The bull *Ad universam* of 7 September 1888 united the sees of Basel and Lugano *aeque principaliter*, and the bull of 8 March 1971 made Lugano a fully independent diocese. Since 1969 it has been divided into six vicariates, one of which is that of the Tre Valli.⁶ The institutional distance between the Ambrosian valleys and Milan, which Borromeo had bridged by visitation and law, was thus closed only in the nineteenth and twentieth centuries.

In figures. The Collegio Elvetico was founded in Milan in 1579 with fifty scholarships for Swiss clerics.⁷ Joseph II confiscated its building in 1786, and Napoleon suppressed the college in 1797. The palace built for it has housed the State Archive of Milan since 1886.⁸ The Collegio Papio in Ascona rests on a bequest of 25,000 scudi made in 1580. Its school opened in October 1584, while its building was erected between 1585 and 1592.⁹ The Borromean League of 5 October 1586 united seven Catholic cantons and lasted until 1798.¹⁰ The Collegio Papio's courtyard carries twenty-seven coats of arms of its patrons.¹¹

2 Notes

1. Saulle Hippenmeyer, "Prebende" (above); Sebastian Grüninger and Andreas Ineichen, "Decima", transl. Valerio Ferloni, in DSS, version of 25 January 2015, <https://hls-dhs-dss.ch/it/articles/008982/> (the ecclesiastical tithe, levied on all agricultural products of a defined territory, "andava a beneficio della chiesa parrocchiale titolare"). ↩
2. On the prohibition of alienation see the extravagant *Ambitosae* of Paul II (1468), confirmed after Trent; today Code of Canon Law (1983), cann. 1291–1295; the comparison with segregation of assets is the author's. ↩
3. Grüninger and Ineichen, "Decima" (above): the tithes were abolished definitively in the nineteenth century, after a failed attempt under the Helvetic Republic, and their redemption "avvenne in tempi diversi a seconda dei cant.". Ticinese legislation on the redemption of perpetual rents (*Bollettino ufficiale delle leggi*; see Chapter C.I). ↩
4. Broggin, study of Church property and the laws of 1855, Scuola ticinese, no. 94, https://m4.ti.ch/fileadmin/DECS/DS/Rivista_scuola_ticinese/ST_n.94/ST_94_Broggin_dall_incameramento_dei_beni_religiosi_alle_leggi_politico-ecclesiastiche_1855.pdf (law of 18 March 1848: "Le Corporazioni religiose del Cantone devono versare alla Cassa dello Stato consegnando tutti i titoli di credito al Consiglio di Stato"; "i beni dei conventi e d'altre comunità religiose dei due sessi sono proprietà cantonale"; orders "secolarizzati nel 1852"); Carlo Moos, "Italien", in HLS, version of 27 June 2016, <https://hls-dhs-dss.ch/de/articles/003359/> (expulsion of mostly Lombard Capuchins from Ticino in 1852; border blockade and expulsion of thousands of Ticinese from Lombardy after February 1853). See Chapters C.I and C.II. ↩
5. Canton of Ticino, Regolamento della legge sulla Chiesa cattolica of 7 December 2004, implementing the Legge sulla Chiesa cattolica of 16 December 2002, Arts. 6–16 (parish assembly) and 19–22 (parish council), <https://m3.ti.ch/CAN/RLeggi/public/index.php/raccolta-leggi/pdfatto/atto/6516>. Art. 14 para. 2 lit. a provides for the assembly's deliberation on the budget and the accounts ("conti preventivi e consuntivi"). Constitution of the Republic and Canton of Ticino of 14 December 1997, SR 131.229, Art. 24 para. 1 ("La Chiesa cattolica apostolica romana e la Chiesa evangelica riformata hanno la personalità di diritto pubblico e si organizzano liberamente"), as reproduced by

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droit-bilingue.ch, <https://www.droit-bilingue.ch/de-it/1/13/131.229-24-28.html>; Hans Berner, "Comune parrocchiale", transl. Valerio Ferloni, in DSS, version of 20 May 2010, <https://hls-dhs-dss.ch/it/articles/010263/2010-05-20/> (parish communes as "ente di diritto pubblico con una propria personalità giur.", with assembly and council). ↩

6. Antonietta Moretti, "Lugano (diocesi)", in DSS, version of 4 June 2009, <https://hls-dhs-dss.ch/it/articles/011405/>, which gives the title of the bull of 1971 as *Paroecialis et collegialis*. ↩
7. Crivelli, "Borromeo, Carlo" (above). ↩
8. Archivio di Stato di Milano, "Palazzo del Senato" (above). ↩
9. Janke and Huber, "Ascona", in DSS (above). ↩
10. Bolzern, "Lega d'Oro" (above). ↩
11. Ticino Turismo, "Collegio Papio" (above). ↩

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