

## The new public law: communes, tithes and taxes

*Dr Alexander Ressos, TEP  
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),  
Solicitor (England & Wales)*

The Helvetic Republic tried to remake local government on the French pattern. In the former bailiwicks the *comune* replaced the old *vicinanza*, the assembly of the heads of household who shared the common land and governed the village, and new municipal authorities took the place of the traditional *consoli*. The republic suppressed tithes owed to the clergy, ordered inventories of convent property, prohibited public processions and imposed military taxes.<sup>1</sup> At the level of the whole republic it abolished feudal dues, introduced a unified tax system and secularized parts of ecclesiastical property.<sup>2</sup> Each of these measures touched a structure of property and authority that the bailiwicks had preserved for three centuries under Confederate rule. The suppression of tithes deprived parishes and chapters of revenue, while the inventories of convents threatened the endowments of religious houses. The new municipalities, for their part, placed the management of local property in the hands of authorities that the old families did not control.

The separation between the political commune and the corporation of the old families who held the common land and its rights is commonly traced to this period. In Ticino this corporation survived as the *patriziato*, a public-law corporation that still owns a large share of the forests, pastures and building land of the canton and that coexists with the political commune.<sup>3</sup> The distinction between the commune of all residents and the corporation of the old landholding families has been a constant source of legal questions about land ownership, rights of use and the sale of common land. Every Lugano lawyer who has advised on a land acquisition in a valley commune has met it.

The reaction was hostile. The DSS article on the Canton of Bellinzona names the direct tax, compulsory military service and the dismantling of the old communal structures as the main causes of popular opposition.<sup>4</sup> Heinrich Zschokke, the Magdeburg-born writer who served the Helvetic

Republic as government commissioner in the south, summed up the attitude of the population in a sentence that historians of Ticino still quote: "Il popolo è senz'altro per l'appartenenza alla Svizzera, ma non ama la costituzione dell'Elvetica", the people are certainly for belonging to Switzerland, but they do not love the Helvetic constitution.<sup>5</sup> The distinction between the Swiss connection and the form of the Swiss state was the same that the crowd of 15 February had drawn between *liberi* and *Svizzeri*.

## 1 Union attempts, Pian Pòvrò and the end of the Helvetic cantons

The existence of two cantons for one Italian-speaking region was unsatisfactory to both. On 10 August 1801 a cantonal assembly, the *Dietina*, met in Bellinzona to merge the two cantons and to choose a common capital. The attempt failed, as did further efforts in 1801 and 1802, because the elites of Lugano and Bellinzona could not agree on the seat of government or on the distribution of offices.<sup>6</sup> The rivalry over the capital that would occupy Ticino's politics until 1878 thus began before the canton existed.

Meanwhile the Helvetic Republic itself disintegrated. Between 1800 and 1802 it went through four coups d'état as Unitarians and Federalists fought for control. A new constitution was adopted in February 1802, followed by another on 20 May 1802 that triggered a federalist reaction across the country.<sup>7</sup> In the south it took the form of the assembly of Pian Pòvrò in September 1802, at which delegates of the *pievi* (the old ecclesiastical and administrative districts) proclaimed the sovereignty of the people under the leadership of Giovan Battista Quadri, the man who had helped to organize the *libero-svizzeri* movement of 1798.<sup>8</sup> In the rest of Switzerland the federalist uprising known as the *Stecklikrieg* brought the Helvetic government to collapse in September 1802. Bonaparte answered with his proclamation from Saint-Cloud of 30 September 1802, which imposed his mediation on the Swiss parties. The two southern cantons ended with the Helvetic Republic itself. The Act of Mediation of 19 February 1803 dissolved them, and on 10 March 1803 the Helvetic authorities handed over their powers.<sup>9</sup>

Date Event  
29 June 1797 Proclamation of the Cisalpine Republic  
15 February 1798 Cisalpine attempt on Lugano repelled; *Liberi e Svizzeri*  
14 March 1798 Proclamation of the provisional government of Lugano  
12 April 1798 Helvetic Republic proclaimed at Aarau  
14 April 1798 Cantons of Lugano and Bellinzona created  
28–29 April 1799 Riots in Lugano; Agnelli

press sacked 21–24 September Suvorov's army marches from Taverne to the Gotthard 1799 10 August 1801 *Dietina* of Bellinzona attempts union of the two cantons September 1802 Assembly of Pian Pòvrò; *Stecklikrieg* 19 February 1803 Act of Mediation; Canton of Ticino created 20 May 1803 First session of the Gran Consiglio in Bellinzona

Although Ticino remembers the Helvetic interlude mostly for war, requisitions and civil strife, its legal legacy was substantial. It made the inhabitants of the south citizens with equal rights, gave them their first experience of written constitutions and elected representatives, and introduced the idea of a public treasury financed by general taxes in place of the fees, fines and tolls of the bailiwick system. When the Act of Mediation created the Canton of Ticino, the new state could build on these principles while discarding the centralism that had made them unpopular.

## 2 Notes

1. "Periodo della Repubblica elvetica" (above). ↩
2. Fankhauser, "Helvetische Republik" (above). ↩
3. DSS, articles "Patriziato" and "Comune"; on the present law, Legge organica patriziale of the Canton of Ticino. ↩
4. Pauli Falconi (above). ↩
5. "Periodo della Repubblica elvetica" (above); on Zschokke's role, Negro (above). ↩
6. "Periodo della Repubblica elvetica" (above); Negro (above). ↩
7. Fankhauser, "Helvetische Republik" (above); "Periodo della Repubblica elvetica" (above). ↩
8. "Periodo della Repubblica elvetica" (above); Negro (above); on the Stecklikrieg, Fankhauser, "Helvetische Republik" (above). ↩
9. Andreas Fankhauser, "Mediazione", in *Dizionario storico della Svizzera* (DSS), version of 29 October 2009, <https://hls-dhs-dss.ch/it/articles/009798/2009-10-29/>; Negro (above). ↩

---

*For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.*

Online version: [helveticaregister.com/lugano-the-new-public-law-communes-tithes-and-taxes](https://helveticaregister.com/lugano-the-new-public-law-communes-tithes-and-taxes)