

The sindacato: audit, appeal and the limits of accountability

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

The *sindacato* (in German *Syndikat*) was the annual meeting of the delegates of the ruling cantons in the bailiwicks. Its members, the *sindacatori* (*Syndikatoren*), were one envoy for each co-owner. They crossed the Alps once a year and held their sessions in Lugano and Locarno, where the *landfogti* of the four lake bailiwicks rendered their accounts, while the governors of the common lordships north of the Alps rendered theirs to the Diet at Baden.¹ In the four lake bailiwicks the twelve envoys constituted the highest local authority of the Confederation. For Bellinzona, the Riviera and Blenio the three cantons sent their own delegates, and in the Leventina the corresponding function lay with the government of Uri. The name derives from the medieval Italian institution of the *sindacato*, the review to which the *podestà* of a commune had to submit at the end of his term, when his conduct was examined and claims against him could be brought.²

1 Functions: accounts, appeals and complaints

The *sindacato* combined three functions that a modern state assigns to separate institutions. It was, first, an audit body. The *landfogto* rendered account of the revenue he had collected on behalf of the sovereigns, in particular the shares of fines, confiscations, tolls and other regalian income that were due to the ruling cantons. The envoys checked the accounts of the *landfogto*, and also those of the communities, divided the surplus among the cantons according to their shares and settled disputes over the allocation.³ Second, it was a court. Parties dissatisfied with a judgment of the *landfogto* could appeal to the *sindacato*, which during its sessions was the highest judicial authority in the bailiwick and also judged certain cases at first instance. Against its decisions the subjects could appeal in the last instance to the individual ruling cantons or to the Diet. Third, it was a forum for complaints and petitions. Communities, corporations and

individuals brought grievances against the *landfogto*, the local officials or one another, and the envoys examined complaints against the measures the governor had taken.⁴ That concentration of functions gave the *sindacato* considerable power. Its effectiveness depended on the willingness of the envoys to act against one of their own. The *landfogto* under review was a member of the ruling class of one of the co-owning cantons, whose envoy sat among the *sindacatori*. Complaints against him were therefore also complaints against his canton. The envoys had to weigh justice for the subjects against solidarity among the rulers and against the risk that their own cantons' governors would be treated in the same way when their turn came.⁵

2 Notes

1. Würgler, "Diète fédérale" (above), on the rendering of the accounts of the Italian bailiwicks by the "syndicat" at Lugano and Locarno from 1513 and on the annual rendering of the accounts of the common lordships in the town hall of Baden from 1426; Holenstein, "Baliaggi comuni" (above), according to which the administrators of the German bailiwicks rendered account every year to the Diet at Baden (from 1713 at Frauenfeld) and those of the Italian bailiwicks to the envoys of the sovereign cantons, the *sindacatori*. ↩
2. Gian Piero Bognetti and Emilio Bonaudi, "Podestà", in *Enciclopedia Italiana* (Rome: Istituto della Enciclopedia Italiana, 1935), [https://www.treccani.it/enciclopedia/podesta_\(Enciclopedia-Italiana\)/](https://www.treccani.it/enciclopedia/podesta_(Enciclopedia-Italiana)/) ("Allo scadere dalla carica, il podestà e i suoi giudici dovevano rimanere per qualche tempo in città per essere assoggettati al sindacato"). ↩
3. Ostinelli, "Sotto il dominio confederato" (above), according to which the sindacato "procedeva alla revisione dei conti delle comunità e dei balivi"; Holenstein, "Gemeine Herrschaften" (above): "Die Vögte legten jährlich Rechenschaft ab", those of the Italian bailiwicks "vor Gesandten der regierenden Orte (Syndikat)". On the public finances of the cantons and the revenue of the common lordships see Martin Körner, *Solidarités financières suisses au seizième siècle* (Lausanne: Payot, 1980). ↩
4. Ostinelli, "Sotto il dominio confederato" (above): "Durante le sedute esso rappresentava la più alta autorità giudiziaria in loco, decideva sugli appelli contro le sentenze del governo balivale, giudicava in prima istanza determinati casi e procedeva alla revisione dei conti delle comunità e dei balivi", and "Contro le decisioni del sindacato i sudditi

avevano poi facoltà di ricorrere in ultima istanza sia ai singoli cantoni sia alla Dieta federale"; Negro, "Lugano (pieve, baliaggio, distretto)" (above), according to which the sindacato "controllava l'operato del landfogto, esaminava i ricorsi contro provvedimenti da lui presi e giudicava in appello". See also Ceschi (ed.), Storia della Svizzera italiana dal Cinquecento al Settecento (above). ↩

5. Ostinelli, "Sotto il dominio confederato" (above), on the sindacato "che riuniva ogni anno in estate gli ambasciatori rispettivamente dei 12 cantoni sovrani"; Holenstein, "Baliaggi comuni" (above), on the election of the landfogto by the council or the Landsgemeinde of the canton whose turn it was. The conclusion drawn from this composition is the author's. See also Würgler, Die Tagsatzung der Eidgenossen (above). ↩

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