In Uri the Hapsburgs, save for a brief space, had abso­lutely no rights ; while in Schwyz, Obwald, and Nidwald they were also, as counts of the Zürichgau and of the Aargau, the representatives of the emperor.

The Hapsburgs had been steadily rising for many years from the position of an unimportant family in the Aargau to that of a powerful clan of large landed proprietors in Swabia and Alsace, and had attained a certain political importance as counts of the Zürichgau and Aargau. In one or both qualities the cadet or Lauffenburg line, to which the family estates in the Forest districts round the Lake of Lucerne had fallen on the division of the inheritance in 1232, seem to have exercised their legal rights in a harsh manner. In 1240 the free men of Schwyz obtained pro­tection from the emperor ; in 1244 the Hapsburgs built the castle of New Hapsburg on a promontory jutting out into the lake not far from Lucerne, with the object of enforcing their real or pretended rights. It is therefore not a matter for surprise that, when, after the excommunication and de­position of Frederick If. by Innocent IV. at the council of Lyons in 1245, the head of the cadet line of Hapsburg sided with the pope, the men of the Forest districts should rally round the emperor. Schwyz joined Sarnen, Nidwald helped Lucerne ; the castle of New Hapsburg was reduced to its present ruined state; and in 1248 the men of Schwyz, Sarnen, and Lucerne were threatened by the pope with excommunication if they persisted in uphold­ing the emperor and defying their hereditary lords the counts of Hapsburg. The rapid decline of Frederick’s cause soon enabled the Hapsburgs to regain their author­ity in these districts. Yet these obscure risings have a double historical interest, for they are the foundation in fact (so far as they have any) of the legendary stories of Hapsburg oppression told of and by a later age, and these fleeting alliances are doubtless what is represented by the “antiqua confederatio” of 1291, Schwyz already taking the lead, while Uri, secure in its privileged posi­tion, contented itself with giving a moral support to its neighbours. After this temporary check the power of the Hapsburgs continued to increase rapidly. In 1273 the head of the cadet line sold all his lands and rights in the Forest districts to the head of the elder or Alsatian line, Rudolph, who a few months later was elected to the imperial throne, in virtue of which he acquired for his family in 1282 the duchy of Austria, which now for the first time became connected with the Hapsburgs. Rudolph recognized the privileges of Uri but not those of Schwyz ; and, as he now united in his own person the characters of emperor, count of the Zürichgau and of the Aargau, and landowner in the Forest districts (a name occurring first in 1289), such a union of offices might be expected to result in a confusion of rights. On April 16, 1291, Rudolph bought from the abbey of Murbach in Alsace (of which he was “ advocate ”) all its rights over the town of Lucerne and the abbey estates in Unterwalden. It thus seemed probable that the other Forest districts would be shut off from their natural means of communication with the outer world by way of the lake. Rudolph’s death, on July 15 of the same year, cleared the way, and a fortnight later (August 1) the Everlasting League was made between the men of Uri, Schwyz, and Nidwald (the words “et vallis superioris,” *i.e*., Obwald, were inserted later on the original seal of Nidwald) for the purpose of self-defence against a common foe. We do not know the names of the delegates of each valley who concluded the treaty, nor the place where it was made, nor have we any account of the deliberations of which it was the result. The common seal —that great outward sign of the right of a corporate body to act in its own name without needing to ask the permis­sion of any external authority—appears first in Uri in 1243,

in Schwyz in 1281, in Nidwald not till this very docu­ment of 1291 ; yet, despite the great differences in their political status, they all joined in concluding this League, and confirmed it by their separate seals, thereby laying claim on behalf of their union to an independent exist­ence. Besides promises of aid and assistance in the case of attack, they agree to punish great criminals by their own authority, but advise that, in minor cases and in all civil cases, each man should recognize the “judex” to whom he owes suit, engaging that the confederates will, in case of need, enforce the decisions of the “judex.” At the same time they unanimously refuse to recognize any “judex” who has bought his charge or is a stranger to the valleys. All disputes between the parties to the treaty are, as far as possible, to be settled by a reference to arbiters, a principle which remained in force for over six hundred years. “Judex” is a general term for any local official, especially the chief of the community, whether named by the lord or by the community ; and, as earlier in the same year Rudolph had promised the men of Schwyz not to force upon them a “judex” belonging to the class of serfs, we may conjecture from this very decided protest that the chief source of disagreement was in the matter of the jurisdictions of the lord and the free community, and that some recent event in Schwyz led it to insist on the insertion of this provision. It is stipulated also that every man shall be bound to obey his own lord “ conveni­enter,” or so far as is fitting and right.

II. In the struggle for the empire, which extended over the years following the conclusion of the League of 1291, we find that the Confederates support without exception the anti-Hapsburg candidate. On October 16, 1291, Uri and Schwyz ally themselves with Zurich, and join the general rising in Swabia against Albert, the new head of the house of Hapsburg. It soon failed, but hopes revived when in 1292 Adolf of Nassau was chosen emperor. In 1297 he confirmed to the free men of Schwyz their charter of 1240, and, strangely enough, confirmed the same charter to Uri, instead of their own of 1231. It is in his reign that we have the first recorded meeting of the “landsgemeinde” (or assembly) of Schwyz (1294), that of Uri being heard of as early as 1275. But in 1298 Albert of Hapsburg himself was elected to the empire. His rule was strict and severe, though not oppressive. He did not indeed confirm the charters of Uri or of Schwyz, but he did not attack the ancient rights of the former, and in the latter he exercised his rights as a landowner and did not abuse his political rights as emperor or as count. In Unterwalden we find that in 1304 the two valleys were joined together under a common administrator, a great step forwards to permanent union. The stories of Albert’s tyrannical actions in the Forest districts are not heard of till two centuries later, though no doubt the union of offices in his person was a permanent source of alarm to the Confederation. It was in his time too that the “ terrier ” (or list of manors and estates, with enumeration of all quit rents, dues, &c., pay­able by the tenants to their lords) of all the Hapsburg possessions in Upper Germany was begun, and it was on the point of being extended to Schwyz and Unterwalden when Albert was murdered (1308) and the election of Henry of Luxemburg roused the free men to resist the officials charged with the survey. Despite his promise to restore to the Hapsburgs all rights enjoyed by them under his three predecessors (or maintain them in possession), Henry confirmed, on June 3, 1309, to Uri and Schwyz their charters of 1297, and, for some unknown reason, confirmed to Unterwalden all the liberties granted by his predecessor, though as a matter of fact none had been granted. This charter, and the nomination of one imperial bailiff to administer the three districts, had the