a German nucleus (the three Forest districts) there gradually gather other German districts; the Confederation is exclusively German (save partially in the case of Fribourg, in which after its admission in 1481 Teutonic influences gradually supplanted the Romance speech); and it is not till 1803 and 1815 that its French and Italian-speaking “ subjects ” are raised to political equality with their former masters, and that the Romonsch-speaking Leagues of Raetia (Graubünden) pass from the status of an ally to that of a member of the Confederation. (3) Swiss history is *a study in federalism.* Based on the defensive alliances of 1291 and 1315 between the three Forest districts, the Confederation is enlarged by the admission of other districts and towns, all leagued with the original three members, but not necessarily with each other. Hence great difficulties are en­countered in looking after common interests, in maintaining any real union; the Diet was merely an assembly of ambassadors with powers very strictly limited by their instructions, and there was no central executive authority. The Confederation is a *Staatenbund,* or permanent alliance of several small states. After the break-up of the old system in 1798 we see the idea of a *Bundesstaat,* or an organized state with a central legislative, executive and judiciary, work its way to the front, an idea which is gradually realized in the Constitutions of 1848 and 1874. The whole constitutional history of the Confederation is summed up in this transition to a federal state, which, while a single state in its foreign relations, in home matters maintains the more or less absolute independence of its several members.

Swiss history falls naturally into five great divisions: (1) the origins of the Confederation—up to 1291 (for the legendary origin see Tell, William); (2) the shaking off dependence on the Habsburgs—up to 1394 (1474); (3) the shaking off dependence on the Empire—up to 1499 (1648); (4) the period of religious divisions and French influence—up to 1814; (5) the construction of an independent state as embodied in the Constitutions of 1848 and 1874.

I. On the 1st of August 1291 the men of the valley of Uri *(homines vallis Uraniae),* the free community of the valley of Schwyz *(universitas vallis de Switz'),* and the association of the men of the lower valley or Nidwalden *(communitas hominum intramontanorum vallis inferioris)—*Obwalden or the upper valley is not mentioned in the text, though it is named on the seal appended—formed an Everlasting League for the purpose of self-defence against all who should attack or trouble them, a league which is expressly stated to be a confirmation of a former one *(antiquam confederationis formant juramento vallatam presentibus innovando).* This league was the foundation of the Swiss Confederation.

What were these districts? and why at this particular moment was it necessary for them to form a defensive league? The legal and political conditions of each were very different, *(a)* In 853 Louis the German granted *(inter alia)* all his lands (and the rights annexed to them) situatcd in the *pagellus Uraniae* to the convent of Sts Felix and Regula in Zürich (the present Frau- münster), of which his daughter Hildegard was the first abbess, and gave to this district the privilege of exemption from all jurisdiction save that of the king *(Reichsfreiheit),* so that though locally within the Zürichgau it was not subject to its count, the king’s deputy. The abbey thus became possessed of the greater part of the valley of the Reuss between the present Devil’s Bridge and the Lake of Lucerne, for the upper valley (Urseren) belonged at that time to the abbey of Disentis in the Rhine valley, and did not become permanently allied with Uri till 1410. The privileged position of the abbey tenants gradually led the other men of the valley to “ commend ” themselves to the abbey, whether they were tenants of other lords or free men as in the Schächenthal. The meeting of all the inhabitants of the valley, for purposes connected with the customary cultivation of the soil according to fixed rules and methods, served to prepare them for the enjoyment of full political liberty in later days. The important post of “ protector ” *(advocatus* or *vogt)* of the abbey was given to one family after another by the emperor as a sign of trust; but when, on the extinction of the house of Zäringen in 1218, the office was granted to the Habsburgs, the protests of the abbey tenants, who feared the rapidly rising power of that family, and perhaps also the desire of the German king to obtain command of the St Gotthard Pass (of which the first authentic mention occurs about 1236, when of course it could only be traversed on foot), led to the recall of the grant in 1231, the valley being thus restored to its original privileged position, and depending immediately on the king, *(b)* In Schwyz (first mentioned in 972) we must distinguish between the districts west and east of Steinen. In the former the land was in the hands of many nobles, amongst whom were the Habsburgs; in the latter there was, at the foot of the Mythen, a free community of men governing themselves and cultivating their land in common; both, however, were politically subject to the king’s delegates, the counts of the Zürichgau, who after 1173 were the ever-advancing Habsburgs. But in 1240 the free community of Schwyz obtained from the emperor Frederick II. a charter which removed them from the jurisdiction of the counts, placing them in immediate dependence on the king, like the abbey men of Uri. In a few years, however, the Habsburgs contrived to dispense with this charter in practice, *(c)* In Unterwalden things were very different. The upper valley (Obwalden or Sarnen), like the lower (Nidwalden or Stans), formed part of the Zürichgau, while in both the soil was owned by many ecclesiastical and lay lords, among them being the Habsburgs and the Alsatian abbey of Murbach. Hence in this district there were privileged tenants, but no free community, and no centre of unity, and this explains why Obwalden and Nidwalden won their way upwards so much more slowly than their neighbours in Uri and Schwyz. Thus the early history and legal position of these three districts was very far from being the same. In Uri the Habsburgs, save for a brief space, had absolutely no rights; while in Schwyz, Obwalden and Nidwalden they were also, as counts of the Zürichgau, the representatives of the king.

The Habsburgs had been steadily rising for many years from the position of an unimportant family in the Aargau to that oí 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 Laufenburg 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 empcror, and in 1244 we hear of the castle of New Habsburg, built by the Habsburgs 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 II. by Innocent IV. at the Council of Lyons in 1245, the head of the cadet line of Habsburg sided with the pope, some of the men of the Forest districts should rally round the empcror. Schwyz joined Sarnen and Lucerne (though Uri and Obwalden supported the pope) ; the castle of New Habsburg was reduced to its present ruined state; and in 1247 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 Habsburg. The rapid decline of Frederick’s cause soon enabled the Habsburgs to regain their authority in these districts. Yet these obscure risings have an historical interest, for they are the foundation in fact (so far as they have any) of the legendary stories of Habsburg oppression told of and by a later age. After this temporary check the power of the Habsburgs 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 Habsburgs. Rudolph recog­nized the privileges of Uri but not those of Schwyz; and, as he now united in his own person the characters of empcror, count of the Zürichgau, and landowner in the Forest districts (a name occurring first in the 14th century), such a union of offices might