

## *The Republic of Gersau*

THERE are four small states existing in Europe at the present day which have not yet lost their rights as sovereign powers, though the political importance of each is not very great. But while strictly speaking independent, they are largely influenced and controlled by their mightier neighbours. The rock sanctuary of San Marino is protected by the new kingdom of Italy, and the Pyrenean valley of Andorra by the bishop of Urgel, as well as by France as the successor to the rights of the counts of Foix. The principality of Liechtenstein is but an outlying bit of the vast possessions of a great Austrian nobleman, while that of Monaco is practically dependent on France. Yet each of these states can still claim to be ranked amongst the sovereign powers of Europe, whereas the members of the Swiss and German confederations (this last bearing the unhistorical title of the 'German empire') have given up part of their sovereign rights to the central authorities of their respective leagues.

Now it is important to bear in mind that these four little states are simply survivals. In former days small sovereign states abounded. Sometimes they obtained considerable political importance, as when the possession of the principality of Orange by William the Silent enabled him to treat as an equal with the other sovereign princes of Europe. More often their political importance was strictly local, though of course in the eye of history this matters but little. Such was the case of the republic of Gersau, which for over four hundred years was legally in the same position as a free imperial city—free for all practical purposes, though owning the overlordship of the emperor—and has therefore an interesting history, and one worth a little study.

Gersau is now a large village lying at the south-eastern foot of the Rigi, the tourist-haunted belvedere of Switzerland, and is built on a strip of land washed by the clear waters of the lake of Lucerne, and guarded on either side by the rugged heights of the Hochfluh (5,555 feet) and the Vitznauerstock (4,751 feet). This narrow shelf has probably been the work of the mountain torrents (the Tiefenbach, the Röhrlisbach, and the Krottenbach) which after a wild descent from the upper pastures traverse the little plain before

emptying themselves into the lake. Its sheltered position is the cause of its mild climate, which has been compared to those of Montreux or of Italy, and annually draws many visitors in search of health. A large *hôtel*, with several smaller ones, and two great buildings intended to serve as silk factories are characteristic of the modern development of the village, while the fine church, built in its present form between 1807 and 1812, and dedicated to St. Marcellus, the patron saint of Gersau, together with a modest town hall (*Rathhaus*), recalls its glorious past. The whole territory of Gersau does not measure more than three miles by two, but it supports (according to the federal census of 1888) 1,850 inhabitants, forming 998 separate households.<sup>1</sup> About half of them are artisans or silk weavers, the other half being engaged in agricultural and pastoral pursuits. In 1886 there were in the commune, which is now in the canton of Schwyz, 120 owners of live stock, the cows numbering 363 and the goats 193, while there were only 27 sheep and 8 horses: there were also 22 owners of beehives, with 75 hives between them. A path leads up to the Rigi Scheidegg inn, there is a carriage road to Vitznau, and of late years Gersau has been connected by another with Brunnen and Schwyz. Still it depends largely for its communications with the outer world on steamers and sailing boats.

The latest (1886) edition of Murray's 'Handbook for Switzerland' remarks approvingly:—

There is something very pleasing in the aspect of Gersau on the margin of its quiet cove, shrouded in orchards and shut out from the rest of the world by precipices. Its broad-brimmed cottages are scattered among the fields and chestnut woods: some perched on sloping lawns, so steep that they seem likely to slip into the lake. The village, facing the south and well sheltered, is so warm that it has been called the Nice of Switzerland. The *hôtel* is open all the winter.

Such are the present aspect and condition of the village the history of which it is proposed to sketch in the following pages.

<sup>1</sup> Herr Camenzind (p. 12, note) gives the following account of the growth of the population, supporting his statements by reference to several authorities. At the beginning of the fourteenth century the monastery at Lucerne sent annually to Gersau 100 'hosts' for the communion *during the current year*. In 1507 there were only twenty houses in the village. In the third quarter of the sixteenth century the number of separate households was estimated at forty. In 1653 the inhabitants numbered 550; in 1685, 1,751; and 1778, 1,000. Rigert (p. 4) says that in 1817 there were 1,294 inhabitants, the village being formed of eighty-two houses. The first edition of Murray's *Swiss Handbook* (1838) states that the number then was 1,348. The last edition (1848) of Ebel's *Guidebook to Switzerland* makes the number 1,360. According to the federal census there were in 1850, 1,585; in 1860, 1,725; in 1870, 2,270 souls in the commune, the number of households being 484, while in 1880 the numbers were respectively 1,775 and 880. There appears to have been a very rapid fall in the numbers of the population between 1870 and 1880; but during the existence of Gersau as an independent republic (1390–1798), the *highest* estimate of the population is only about 1,200, more than double that of 1653.

That history is, however, not now to be told for the first time, as it has been already twice written by local authors, whose works have served as the foundation of this paper. In 1817 there was published, anonymously, at Zug, a tiny volume in 16mo, entitled, 'Kurzgefasste Geschichte des Freystaates Gersau.' It is known to have been composed by Caspar Rigert of Gersau (1788-1849, from 1835 to 1849 the parish priest of his native village) for presentation to the federal diet in July 1817, and was intended to support the claims of Gersau to have its independent position maintained as against the attempts of Schwyz to incorporate it into its territory. The main history (116 pages) ends with the events of 6 Aug. 1815, but an appendix of 70 pages is added, carrying the tale down to 18 May 1817. Though the little book failed to effect its object, and contains too much general Swiss history, it is very valuable from an historical point of view by reason of the numerous original documents from the Gersau archives which are printed therein at full length.

In 1863 there appeared in vol. xix. of the 'Geschichtsfreund' (the periodical published by the Historical Society of the 'Fünf Orte'—the four forest cantons and Zug) a far more critical narrative of the past of Gersau. This was an article of 92 pages, bearing the title of 'Geschichte der Republik Gersau,' and written by Herr Damian Camenzind, a member of perhaps the most distinguished family which Gersau ever produced, and one which was associated with the little state before it secured its independence in 1390. Herr Camenzind has searched the local archives even more carefully than Pfarrer Rigert, and has probably left little for future writers to do in that respect. He prints some further important local documents, and adds a great deal of matter to his predecessor's history. This very year (1889) Herr Camenzind has published in the 'Mittheilungen des historischen Vereins des Kantons Schwyz' (Heft 6, pp. 49-124) an extremely detailed account of the ecclesiastical history of Gersau, which serves as a supplement to his earlier paper. All the facts in the following paper for which no express authorities are quoted are taken from the writings of one or other of these two historians, those of Herr Camenzind being by far the more detailed and critical.

Three other accounts of Gersau may be mentioned. Professor Eduard Osenbrüggen of Zürich published in his 'Neue cultur-historische Bilder aus der Schweiz' (Leipzig, 1864) a pleasantly written article on 'Gersau der kleinste Freistaat,' in which he describes a stay of some length there, and gives some interesting information as to the customs which prevail or have prevailed in Gersau. Again, Monsieur Adolphe Gautier delivered a lecture on Gersau before the Historical Society of Geneva, which was published in 1868 (Geneva and Bâle) as a pamphlet of twenty-five pages under the title of 'La République de Gersau.' It is a popular *résumé* of

the histories of Rigert and Camenzind, together with some account of the history of the village since 1818. Finally, in 1870, Walter Senn, in the first series of his 'Charakterbilder schweizerischen Landes, Lebens und Strebens' (pp. 179-91), gives an interesting account of the village, with special reference to the silk-weaving industry.

These seem to be the principal works on Gersau; they are at least all those known to the present writer. There can be but few villages of such small size which have had their history so carefully sifted and so elaborately set forth. In the case of Gersau these pains are justified by the intrinsic interest of the story, which also enables us to grasp more firmly the intricate relations of the members of the Swiss confederation to each other before the old state of things was swept away in 1798.

#### I. 1064-1390.

Nothing whatever is known of the original settlers of Gersau. It has been proved that in the forest cantons no traces of any colonists exist of earlier date than the ninth century, and it is probable that Gersau did not form an exception to this rule, though in 1865 Herr Camenzind (as he tells us in his 1889 paper, pp. 51-2) found on the 'Obere Nase' above the village a very well preserved copper coin bearing on one side the image of Venus Victrix, and on the other that of Julia Mammæa Augusta, the mother of Alexander Severus (emperor from A.D. 222 to 235). It is certain that, whatever the date of the first settlement at Gersau, the settlers were Alamannian in race. Herr Camenzind suggests that they came thither for the purpose of fishing. Certain meadows by their names (*Rüteli* and the like) point back to a time when a clearing in the aboriginal forests was made by the early colonists. It has been attempted to derive the name Gersau from two Keltic words supposed to mean a treasure and water, the idea being that water was then of very great value; but the more probable origin is from 'Gero' and 'hof,' the first settler thus giving his name to the home he had created for himself by the strength of his right arm on the shore of a lake abounding in fish ('Gero's hof' or 'Gershovia'). These are but conjectures. We do not reach the firm ground of fact till 1064, when the first recorded mention of Gersau occurs.

On 11 Oct. 1064 the church of the recently founded Benedictine abbey of St. Martin at Muri in the Aargau was solemnly consecrated by the bishop of Constance, and on its altar were offered to God by Count Wernher II of Habsburg (son and nephew of the foundress and founder) the lands which were to form its endowment. Near the end of the long list of names we read these words, *Gersouwe per totum*, the only case in which anything is added to the bare name.<sup>3</sup> Gersau

<sup>3</sup> *Acta Murensia* or *Acta Fundationis*, p. 29 of the new and accurate edition

thus first appears in history as one of the estates of the great abbey of Muri, though we cannot determine certainly how and when it passed into the hands of the monks. The deed says that all these *prædia* were then *manifestata, et collata, ac confirmata et data* by Count Wernher, and that the first abbot had bought or otherwise acquired them previously. This makes it doubtful whether Wernher was simply confirming previous gifts made by his family, or adding to them of his own free will. The exact rights over Gersau enjoyed by the abbey are set forth at length in the twelfth or thirteenth century cartulary of the monastery. The abbey bailiff was to visit Gersau in May each year to receive the wool shorn from the sheep, as well as dues from owners of newly cleared land, viz. five sheep with their lambs, and to arrange about the going up of the sheep to the summer pastures or 'alps.' He came again in September to inspect the sheep on their return, and to arrange for their wintering. Other dues were to be received by him about St. Andrew's day. It appears, however, from the first clauses that the abbey no longer owned at Gersau as much as in former days, having now only half a ploughland of arable land, and twelve loads of hay from the meadows, together with some sheep and cows, besides the church, part of its tithes and glebe, and the cemetery. Altogether the estate is reckoned at three and a half *mansi* (= forty-two acres) of meadow land, arable land sufficient to employ one ox for eight days, and the half of three fisheries. Previously, however, the whole village and all the tithes belonged to the abbey, but we are not told who then possessed the portion it had lost, though we may conclude from the later history that it was none other than the Habsburgs themselves.<sup>3</sup> In a bull granted to Muri by Pope

published by Father Martin Kiem in the *Quellen zur Schweizer Geschichte*, vol. iii. part 2, issued in 1883 by the *Allgemeine geschichtsforschende Gesellschaft der Schweiz*. See Father Kiem's defence of the genuineness and early date of these *Acta* in the introduction to vol. i. of his *Geschichte der Benedictiner Abtei Muri-Gries* (1888) as against the attack made on them by Dr. Theodor von Liebenau of Lucerne.

<sup>3</sup> *Acta Murensia* (ed. Kiem), pp. 80-1. *Ad Gerisouo tantum de agris habemus, quod dimidium aratrum potest excolere, et de pratis ad xii pondera feni, et armentum ovium et vaccarum. Ecclesia vero huc ex toto pertinet, sicut et omnis vicus antea pertinuit; sed modo in ecclesia pars tantum, de qua nobis cum isto, quod predictum est, contingunt adhuc tres et dimidius mansus et viii diurnales et medietas trium piscinarum. Ecclesia vero baptismalis est et sepulturam et decimam habet. Constitutum est autem ab anterioribus nostris, ut prepositus illuc veniat in medio Maijo et accipiat lanam de ovis, que tunc ludentur, et provideat et ordinet, qualiter ad alpes peccora minentur et ut accipiat censum de novalibus quibusdam ab illis qui ea habent, id est v oves cum agnis. In Septembre autem iterum veniat illuc et videat, qualiter peccora de alpihus veniant et qualiter hiementur tam ibi, quam in aliis locis, quos inter silvas habemus. Juata natale Sancti Andree veniat et educat res, que dantur sive ibi sive in aliis locis, id (est) caseos, seracia, carnes, pisces, peccora, que occidenda sunt, pannos, lanam, filtros, cutes, coria, pelles, nummos, nuces, poma. In ipsa adhuc curte fuerunt multa constituta, que, quia non potuerunt perdurare, ideo non scribimus in ea.*

Alexander III under date of 18 March 1179, we find, among the lands confirmed to the abbey, mention made of *predium Gershouvo cum pertinentiis suis*.<sup>4</sup> In another, granted by Clement III on 13 March 1189, we hear of *predium Gersogo cum pertinentiis suis* and *ecclesiam Gersouvo* as belonging to the abbey.<sup>5</sup> In 1210 a bit of land was obtained from Count Rudolf of Habsburg in exchange for another bit. In another bull, granted in 1247 by Innocent IV, the abbey property at Gersau is described as consisting of the church (*i.e.* the advowson), with its *pertinentia* and one-twelfth of the tithes. In a document of 26 Dec. 1243, *Arnoldus plebanus, in Gersowa, Clericus* appears as a witness. In another, of 7 Feb. 1275, he is described as *quondam plebanus in Gersowe, nunc vice plebanus ecclesie nostre parochialis, i.e.* in Muri. He is probably identical with Arnold the priest, *dictus de Gersowe*, who appears as a witness to a document executed at Bremgarten on 5 June 1279, which was sealed by Counts Albert and Hartmann of Habsburg.<sup>6</sup>

The property of the abbey at Gersau thus diminished steadily and greatly between 1064 and 1247. It is probable that this was in favour of the Habsburgs, who were the official protectors or 'advocates' of the abbey. At any rate, in the great Habsburg terrier, which was drawn up between 1303 and 1311, and which caused much excitement in Schwyz and Unterwalden, thus preparing the way for Morgarten, we find that the Habsburgs possessed many rights and profits at Gersau.<sup>7</sup> The Habsburg estates then included

<sup>4</sup> *Acta Murensia*, p. 117. Camenzind seems to state that the church is mentioned in this year as well as in 1189, but in Kiem's edition of the *Acta Murensia* it occurs in 1189 only.

<sup>5</sup> *Ib.* p. 120.

<sup>6</sup> *Ib.* p. 132. Camenzind, pp. 5 and 21. P. Marquard Herrgott, *Genealogia Diplomatica Gentis Habsburgicae* (1787), vol. i. p. 272. *Plebanus* means a parish priest or 'Leutpriester,' and specially a canon of a collegiate or cathedral church serving a cure belonging to that church.

<sup>7</sup> See the text in *Geschichtsfreund*, vol. vi. (1849) p. 86, or in *Das Habsburg-oesterreichische Urbar*, edited by Franz Pfeiffer in 1850 at Stuttgart, pp. 94-5.

*Die reachtung uber den Hoff ze Gersowa.*

*Dis sint die Nütze unnd Rechi die die Herschafft hat In dem Hoff ze Gersowe. Der selb Hoff Habspurger eige ist, Hat vi Huben und vii Schupossen. Die selben Huben und Schuposs unnd Ander güter, die in den Hoff hÿrent, gelten jerlich ze sinse*

*xxiiii Zigern verrichtklich, der iegklicher v schilling wert sin sol,*

*xxi lember, der iegklichs xviii denar wert sin sol,*

*Sechs geiss Hülte, der iegkliche xviii dn. gelten sol,*

*1 eln grawes tuchs, der iegkliche eins 1 schilling wert sin sol,*

*iii tausend albelln, der ie das Hundert eins schilling wert sin sol,*

*unnd xxi Stanbalken, der iegklicher iii dn. sol gelten.*

*Da lit ouch ein müli, die gilt Jerlich ze sinse 1 tausend albelln, die x schilling gelten sollen.*

*Den fluochacker ze Hergerswile, gilt ierlich v schilling. Da lit ouch ein Hoff, der des gots huss von Mure eigen ist; Uber den unnd uber die lüt die den Hoff buwent unnd sin gut ist die Herschafft vogt. Dieselben lüte und die lüt des erren Hoffes gelten weder noch minre dem xviii lb. Jerlich ze stür von ir Lib unnd von Ir gut. Die*

240 and 70 acres, and in addition to other lands yielded annually 33 goats, 31 lambs, 6 goatskins, 50 yards of grey cloth, 3,000 whitebait, and 31 salmon, each being reckoned as worth so much in money. The lord's mill paid 1,000 whitebait. The abbey also owned a small estate at Hergiswyl. The serfs of the manor had to attend a court at Hergiswyl which belonged to Muri (possibly this is a relic of the old days when Gersau too belonged to Muri), and then they all together paid annually a sum of 13*l.* neither more nor less. The Habsburgs took also (as a heriot—or rather as a relief—for the descent of the dead man's movables to his heir) from each of their serfs his best beast, unless he owned only one animal with cloven hoofs. This last due was also exacted from those who owned land at Gersau but were not serfs, being free men who had come to settle there. The lord exercised both criminal and civil jurisdiction. It is to be noticed that the Habsburgs are said to be owners of the *hof* or manor, *i.e.* it was held by them as part of their private patrimony, and not in their capacity of counts and representatives of the emperor. *Mutatis mutandis*, we may see at Gersau what corresponds to an English manor with a lord, a steward to administer justice, free tenants, and serfs (to rise later into copyholders).

Such were the possessions and rights of the Habsburgs at Gersau. They were probably not in hand at the time the great terrier was made, for in the list of the mortgaged Habsburg lands (drawn up between 1281 and 1300) Gersau appears :<sup>8</sup> Gersau held also some sort of mortgage over itself.<sup>9</sup> On 15 Nov. 1333, Albert and Otto, dukes of Austria, mortgaged all their lands and rights at Gersau to Rudolf von Freienbach and Jost von Mos and to their respective wives, to hold till such time as the revenues sufficed to pay the sum of 225 silver marks.<sup>10</sup> An interesting document of 1345 (13 March), printed by Camenzind, pp. 78-80, throws some light on the social condition of Gersau at that time. It is the sale of the Blacken Alp (or pasture) in the valley of Engelberg to the monks of Engelberg by twenty-six inhabitants of Gersau, men and women, headed by their reeve (or *Ammann*) Rudolf. The alp is said to be their own property and to lawfully belong to their lands in Gersau,

*Herschaftt nimet ouch da von Ir eigenen manen so valle das beste Hoyt, ane eins das er hat, das gespaltten fusse Hat ; dasselbe tut si dem der Ir eigen gut hat Ob er der Herschaftt nicht ist. Die Herschaftt hat da Zwing unnd Bann, und Richtet Dieb und freuel.*

<sup>8</sup> See the *Pfandrol* either in *Geschichtsfreund*, vol. v. (1848) p. 21, or in Pfeiffer's edition of the *Urbar*, p. 342. The amount paid for Gersau is not stated.

<sup>9</sup> *Gersowe hat ouch pfandes.* *Geschichtsfreund*, v. 15, or Pfeiffer, p. 333. Johannes von Müller (*Der Geschichten schweizerischen Eidgenossenschaft zweiter Theil*, 1825 edition, ii. 280) says that Gersau was mortgaged to the barons of Ramstein before it passed to the Von Moos, but gives no authority in support of his statement, which is probably based on a confusion of the case of Gersau with that of Weggis. See note <sup>11</sup> *infra*.

<sup>10</sup> *Geschichtsfreund*, xi. 211. Camenzind's 1889 paper, pp. 54, 55.

and they therefore had a right to sell it. With the sum received they bought other lands at Gersau, which were more convenient for them. This transaction took place in the court at Gersau, before Jost von Mose *unser rechten Voegten*, and as the vendors had no seal, they asked two knights, their *Vögte* and protectors, Rudolf von Iberg and Jost von Mose, to affix their seals, which they consented to do. The latter of the two knights was clearly the man who held the mortgage over Gersau; the former no doubt belonged to the well-known Schwyz family of that name.<sup>11</sup> Among the vendors we find the names of Camenzind and Müller, which still survive at Gersau. The importance of this document is that it shows us that there was a community of free men at Gersau owning landed property, and having at their head a 'reeve' or 'headman' of their own village. It is thus clear that there were a number of free men at Gersau, over and above the serfs of the manor, perhaps already forming a distinct and lawful *communitas*, perhaps only on the way to such an organisation. It is, however, most instructive to find that in the leagues of 1291 and 1315 between Uri, Schwyz, and Unterwalden—the foundation charters of the Everlasting League—it is expressly laid down that the Three Lands will not accept any *judex* [or reeve] *qui noster incola vel provincialis non fuerit* (*der ouch unser lantman nicht si*). And this was the state of things at Gersau in 1345 when the reeve was Rudolf an der Würzen, of Gersau like all his co-vendors. Though we cannot exactly trace out the early constitutional history of Gersau, it seems to have proceeded on much the same lines as that of Schwyz, its neighbour.

In some such way as this the villagers of Gersau were preparing to assert themselves on a field wider than their own narrow valley. On 7 Nov. 1382 the town of Lucerne was formally received as a member of the Everlasting League, the first member received since the Three Lands—Uri, Schwyz, and Unterwalden—joined together in 1291 and 1315, and the first town admitted to such privileges. The original text of this treaty of alliance was altered in the fifteenth century, but a copy of the unaltered version is preserved at Gersau, from which (and from another extant at Stanz) the official text in the great collection of federal documents has been printed.<sup>12</sup> And it is very fitting that Gersau should have guarded this document with such care, for though not mentioned in it (possibly to avoid further complications with the Habsburgs) Gersau (and also Weggis) was a party to this contract. This appears from two documents of

<sup>11</sup> Conrad ab Iberg is mentioned as Ammann or Landammann of Schwyz in documents of 1282, 1288, 1291, 1295, 1309, and 1311. Another of the same name fills the same office from 1342 to 1373. Blumer, *Staats- und Rechtsgeschichte der schweizerischen Demokratien*, i. 142, 579.

<sup>12</sup> *Ämtliche Sammlung der älteren eidgenössischen Abschiede*, vol. i. (2nd edition, 1874) pp. 256–7.

31 Aug. 1359. In one of these the four forest districts acknowledge that Gersau and Weggis, their good neighbours, had become members of their original league in 1332, and had renewed it several times since, though not mentioned hitherto by name, and therefore now secure to them all the rights and privileges of members and confederates. In the other the parishioners of Gersau and of Weggis promise to fulfil all the obligations which this honourable position of members of the league imposes on them, particularly obedience to the summons of the other members, and cause their formal consent to be signified under the seal of the town of Lucerne.<sup>13</sup>

The original object for which the Everlasting League was formed was to prevent the lake of Lucerne from becoming an Austrian lake; and as Gersau and Weggis were two small communities under Habsburg jurisdiction yet struggling for freedom, their admission into the league in 1332 was very natural. Strictly speaking, they are treated rather as 'allies' or 'protected districts' than as on an equality in the league with the four members which then composed it; they never had seats in the diet, and stood in a specially close relation to the four forest districts which acted as their guardians and protectors. Weggis and Gersau, however, soon parted company. Weggis originally belonged to the abbey of Pfäfers, and in 1378 bought from the abbey and other landowners its freedom from serfdom; but the lordship of the manor had passed from the Habsburgs to the Ramsteins and (1342) to the Hertensteins, who in 1368-1380 parted with it to Lucerne, though it was not till after many struggles, ending in 1535, that that town was finally enabled to incorporate in its territory the community of Weggis, which was then forced to formally renounce its position as a member of the league.<sup>14</sup>

Gersau, on the other hand, more fortunate than its neighbour to the north, remained a member of the league, albeit a subordinate one, till the fall of the old confederation in 1798. It had taken no part in the battle of Morgarten (1315), but we find that as a true member to the confederation it did what it could to help its allies at Sempach on 9 July 1386. It is said that a Gersau man in the heat of the fray captured the banner of Count Rudolf of Hohenzollern and carried it home, where it was deposited in the parish church, but it disappeared in 1792 during the restoration of the church. It seems clear that beneath the painting of some banner on the walls of the chapel erected at Sempach in

<sup>13</sup> *Ämtliche Sammlung der älteren eidgenössischen Abschiede*, vol. i. (2nd edition, 1874), pp. 297-8.

<sup>14</sup> See book iii. part 2, section 1, *Die Vogtei Weggis* (i. 353-407) of the *Rechtsgeschichte der Stadt und Republik Lucern*, by A. P. von Segesser (Lucerne, 1851). Also J. E. Kopp, *Geschichte der eidgenössische Bünde*, vol. iii. part 2, page 306, note 3.

memory of the battle there was formerly an inscription to this effect: *Das Banner Graf Rudolfs von Hohenzollern ist gen Gersau kommen, und by 200 mit dem Graf darby gebliben.* Other accounts name 'the black count' Frederick VI or his son (all these are members of the elder line of the Hohenzollern family), but the colours on the banner (blue and white) are rather those of Signau, for black and white have always been those of the Hohenzollerns. The latest investigator into the subject declares that the whole incident is doubtful.<sup>15</sup> However that may be, there is certainly preserved in the town hall at Gersau a portrait of Duke Leopold of Austria (who was killed in the battle) with a German inscription beneath it embodying the old saying, *cum suis, a suis, in suo.* It is rather hard to find out how many men Gersau sent to Sempach and how many of these were killed. It has been stated that one hundred men set forth from Gersau, but this is extremely unlikely considering the then population and the number of the levies sent in later days. The latest roll of those who fell at Sempach includes at least three Gersauers—Ludwig Camenzind, Hans Küttel, and Rudi Knuz.<sup>16</sup> In the *Jahrzeitbuch* of Gersau (1595) the words *Sempacher Schlacht* are entered opposite the Sunday before St. Ulrich's day (July 4), and underlined in red, showing that some memorial service or festival took place then.

Gersau had thus asserted its independence against external enemies. Soon after it became independent in domestic matters by purchasing the lordship of the manor from the family Von Mos, to whom the Habsburgs had mortgaged it. This took place on 3 June 1390.<sup>17</sup> John and Peter von Mos and Agnes their sister sell for ever to Rudi Truchselser, then Ammann of Gersau, to three named Gersau men (of whom one is a Camenzind), and to all the other inhabitants of Gersau, the rights and dues which had been pledged to the Von Mos by the Habsburgs, and renounce for ever all claims thereon. The price was 690 pfennige (= 8,450 Rhine gulden), the receipt of which is acknowledged. Next day a sale was made by the same to the same of certain dues at Schwyz which went with the dues at Gersau, but nothing more is ever heard of these.

The local story relates that the Gersau men had been collecting this large sum for ten years, and had undergone great privations to obtain it. Possibly the occasion of the sale by the family Von Mos was the death of Henry von Mos at Sempach, his heirs no longer caring to retain their rights at Gersau. It is a conjecture, but not an improbable one, that the family Von Mos, disheartened by the defeat of the Habsburgs, resolved to follow them in their retreat,

<sup>15</sup> See Th. von Liebenau, *Die Schlacht bei Sempach* (Lucerne, 1886), pp. 404–5.

<sup>16</sup> Pusikan's *Die Helden vom Sempach* (Zürich, 1886), p. 76

<sup>17</sup> Camenzind prints the documents in full, pp. 80–3.

and to have nothing more to do with these troublesome and obstinate dwellers on the shores of the lake of Lucerne.

The rights sold included the privilege of holding a court to try offenders of all kinds, and hence the free community of Gersau exercised not only civil but also criminal jurisdiction, and had its own gallows.

Thus the manorial rights of the Habsburgs in Gersau, including the criminal jurisdiction over the village, passed by sale to the free community of Gersau. We must bear in mind that though the free men of Gersau were their own lords, they were not exempted from the overlordship of the emperor, which, as is well known, was merely nominal. In all domestic matters they practically enjoyed absolute freedom, probably the smallest state which has ever had such extensive rights. Technically they were in the position of an imperial free city which had bought up all the rights of its feudal lords, and were thus in precisely the position which the three forest districts enjoyed by special grants. Allowing for the differences between English and continental feudalism—the one manorial, the other political as well—we may find a very interesting parallel to the sale to Gersau in 1390 in the transaction by which some years ago twelve fishermen of Brixham in Devonshire bought a fourth part of the lordship of the manor. The sale of 1390 to the Gersauers was the sale of the feudal rights of the lords to a free community which had gradually worked its way up to a place side by side with the lord and tenants, and which now stepped into the place of the lord as regards those tenants: that is the strict legal and historical interpretation of this event. Practically it meant that henceforth all the Gersauers, and not merely the free community, enjoyed the fullest powers of self-government, while in external matters they were allied with the league the power of which had just been so much increased by the glorious victory of Sempach. Thus the history of Gersau as a free state begins in 1390, and it lasts till 1798, though the republic did not finally come to an end till 1818.

## II. 1390–1798.

Scarcely had the republic been organised, when its liberty was threatened by a desire on the part of Lucerne to follow up its success in the matter of Weggis by an attempt to exercise power, or at least exclusive influence, over Gersau. The dispute so far as it regarded Gersau turned on two points: where were the Gersau men to renew their oaths of fidelity to the league, and had Lucerne any special privileges, beyond those which it shared with the three other protecting *Orte*, in calling on Gersau to render help in time of need? The matter was laid before arbitrators from Uri and Unterwalden, who on 9 June 1395 and 20 Jan. 1396 decided that

the oaths should be taken in the accustomed place, and that Lucerne had such a privilege in the matter of summoning the Gersau men. This decision suited the case of Weggis well enough, but Gersau had hitherto not in any way acknowledged such authority on the part of Lucerne, and refused to accept this determination as final. Schwyz supported Gersau; Uri and Unterwalden were gradually drawn over to the same side, so that all were united against Lucerne. Another arbitration took place in 1430, but the six judges could not agree, and the matter was referred to Rudolf Hofmeister, the chief magistrate of Bern. He decided in 1431 that the Gersauers could take the oath in their own village (Weggis only at Lucerne), and that Lucerne had no such privilege as was claimed over Gersau, which was to obey the summons of that one of its four protectors who first called on it, while Weggis had to obey Lucerne. By this final decision the threatened danger was averted from Gersau, which was recognised as an independent ally of the league, and as protected by its four earliest members, with whom it had always been closely associated.<sup>18</sup> One thing alone was wanting—an imperial confirmation of its rights and liberties. This was obtained on 1 Nov. 1433 from the Emperor Sigismund, who had just returned from his coronation at Rome in order to be present at the council of Basel. This precious document is still preserved in the archives at Gersau. It recites that, at the humble petition of the Ammann and men (*Kilchgenossen*) of Gersau, and in consideration of their constant, willing, and loyal services rendered to the emperor and his predecessors, the emperor at the advice of his princes and counts and nobles has confirmed all the privileges, liberties, customs, and rights of the aforesaid Ammann and men granted to them by his predecessors.<sup>19</sup> The latter phrase is of course a legal fiction, for the emperors had not really granted a charter to Gersau before 1433 any more than to Unterwalden before 1309, though in both cases they formally assert that they had done so.

Henceforth the political existence of Gersau rested on as solid and firm a basis as that of any imperial free city or that of its neighbours, who had long before obtained similar imperial grants.

<sup>18</sup> Appended to one of the documents in this dispute, dated 17 March 1431, we find for the first time the seal of Gersau. It represents the patron saint of the village, Pope Marcellus I (A.D. 308–310), seated on a throne and wearing a mitre, his right hand raised to bless, his left holding a pastoral staff with the crook turned away from him. The seal bears the inscription, *S' Comunitatis in Gersowe*. A later type, used in the seventeenth and eighteenth centuries at the same time as the earlier, changed the mitre into the triple papal tiara, and the pastoral staff into one with the triple papal cross at the end. See Camenzind, p. 17, and Schulthess, *Die Städte- und Landes-Siegel der Schweiz* (1853), part 1, p. 73. Both writers give engravings of both types. The die of the earlier type is said to be still in existence.

<sup>19</sup> This document is printed by Rigert, pp. 35–7.

It was an acknowledged and independent ally of the four districts which formed the inner circle and nucleus of the Everlasting League. A visible sign of its right of self-government is the use of a seal and of the technical name of *communitas*, both allowed only to towns or districts enjoying special chartered rights. The Gersauers were not, however, intent merely on selfishly securing a privileged position for themselves. It is uncertain whether any of them were present in 1422 at the fatal fight of Arbedo near Bellinzona, which marked the failure of the first attempts of the forest districts to seize bits of the Milanese. Johann von Müller<sup>20</sup> asserts that there were some Gersauers there, but his statement seems to rest on the confusion between the cases of Weggis and Gersau which we have already noticed. It is certain, however, that twenty stout Gersau men joined the Schwyzers in 1440 during the great civil war against Zürich. It is certain too that Gersauers took part in the great victory of Granson over Charles of Burgundy on 2 March 1476, for in some of the Lucerne documents we have the following allusions to them with reference to the spoil and to the cost of caring for the wounded men.<sup>21</sup>

Item Switz (mit Gersau) hand bracht cxli Guldin, item aber ii Guldin glöst ob eim Messgewand.

Item die vom Switz (und Gersau) hant lxx wund, ist Kost dar über gangen lxxxxvi Gulden vii Schilling, aber iii Gulden Rudolff, schärer ze Art, ist bezalt.

It is possible, though we have no evidence for it, that Gersauers shared in the Swabian war of 1499, which led to the practical emancipation of the Swiss confederation from the empire.

We have already seen that in the early terrier and in a papal bull of 1189 (and possibly in another of 1179) mention is made of the church at Gersau which belonged to the abbey of Muri. This was no doubt, as now, dedicated to St. Marcellus, the patron saint of the village. It does not appear what had become of the advowson after the abbey gave way to the Habsburgs, but in 1488 the endowments of the church and the glebe were in private hands, for in November of that year they were sold to the Ammann and parishioners of Gersau by the then possessor, Hans von Büttikon. He had inherited it from his forefathers, for on 14 July 1412 one of his family had exchanged the endowments of the church and the glebe of Gersau for those of Arth with Duke Frederick of Austria, receiving back the Gersau property as a fief.<sup>22</sup> In return a mass on 13 Nov. was founded for the intention of the Büttikon family.<sup>23</sup>

<sup>20</sup> *Der Geschichten schweizerischer Eidgenossenschaft dritter Theil* (1825 edition), iii. 192.

<sup>21</sup> Camenzind, p. 21.

<sup>22</sup> Camenzind's 1889 paper, p. 55.

<sup>23</sup> Bigert, pp. 40-2, prints the document in full. See Camenzind's 1889 paper, p. 56.

In 1489 we learn from the record of a rate made for the purpose that the inhabitants were building a new tower and a new choir for the church, and had caused two new bells to be founded. The church being now completely their own, they naturally took a pride in beautifying it as far as their means would allow. It may be noted here that Gersau was in the diocese of Constance till 1814-5, when it was reconstituted.

In 1484 Gersau was involved in a lawsuit with one Peter Jacob of Buochs, on the opposite shore of the lake. He would not acknowledge the jurisdiction of the court at Gersau, but was compelled to do so first by the confederates as arbitrators, and finally by a jury of honest men at Stanz.

A more serious matter was a dispute with Lucerne about a pasture on the frontier. Gersau could only rest its case on tradition and long user: Lucerne relied on the custom of Weggis. An arbitration failed to settle the matter, and the umpire in 1507 finally decided in favour of Lucerne. The Gersauers were, however, very unwilling to pay the costs (300 gulden) of the suit which had gone against them, and Diebold Schilling, the chronicler of Lucerne, describes how the Gersau and Weggis (*i.e.* Lucerne) men had made raids on each other's cattle, how the Gersauers had tried to induce the confederates to ask Lucerne to forgive them their costs, how many young men of Lucerne nearly carried out a night surprise of Gersau, how the Gersauers would not appear before the confederates at Lucerne, and how they used insulting words about the Lucerners, so that it required the intervention of the confederates to hold back the latter from taking a bloody vengeance, and so on.<sup>21</sup> It was very possibly in the course of this dispute that an amusing incident happened. Some Lucerners hung a man of straw on the gallows at Gersau, but the Gersau men, not to be outdone, clothed it in the blue and white colours of Lucerne, which caused great wrath on the part of the latter and an appeal to the confederates, who ordered the one party to remove the figure and the other the obnoxious dress.<sup>22</sup>

Diebold Schilling uses many contemptuous phrases when speaking of the Gersauers, *e.g.* 'They give themselves out for the freest of all the confederates, being subject to no one, and having their own stocks and gallows, though there are not above twenty houses or hearths in the place.' 'This is not the first foolish thing which has befallen the Gersauers, as you may find much written about their wise doings, and may hear much more said about them.' He several

<sup>21</sup> Camenzind (p. 24) cites Tschudi as the authority for the quarrel about the costs, but it may be all found in the *Schweizer-Chronik* of Diebold Schilling of Lucerne (pp. 246, 265 of the Lucerne edition of 1862), who died between 1518 and 1522, and must be carefully distinguished from his namesake of Bern (d. 1485).

<sup>22</sup> Gautier, p. 12.

times speaks of an *alten Gersower Stückli, ein guot Gersower Stückli*, alluding to their slow-wittedness and denseness. It must be remembered, however, that Diebold writes in the interest of Lucerne, as he was a son of a Lucerne official, whose substitute he was at Stanz in 1481, when the famous compact was concluded, and he dedicated his chronicle to the Lucerne authorities, by whom it was preserved among the state archives. We hear in 1511 of a dispute between Weggis and Gersau as to certain pastures, which was naturally decided by Lucerne in favour of Weggis. This is probably a last echo of the former quarrel.

Gersau has always been strongly ultramontane in matters of religion, like the forest districts generally. The protestant reformation of the sixteenth century does not seem to have affected it in any way, save that at the joint summons of its four protectors it sent a contingent (said to have consisted of 100 men, a number probably much exaggerated) to join the catholic army and to share in the victory of Kappel (11 Oct. 1531), when the protestants were defeated and Zwingli himself was slain. A richly ornamented shield bearing the Zürich arms and a bit of a silken flag are still preserved at Gersau, and are said to be relics of this great triumph. It is doubtless to the religious revival due to the Roman reformation which took place in the forest districts in consequence of the strenuous efforts of Charles Borromeo, the saintly archbishop of Milan (1560-1584), and of the 'Swiss king,' Ludwig Pfyffer of Lucerne (1524-1594), that we must attribute several ecclesiastical events towards the close of the seventeenth century. In 1570 Antony Murrer and his son Hans built the chapel known as the Kindlismord, from the story, which appears to be based on no known facts, of the murder of a child by its father. It was much enlarged later on, and was consecrated in honour of Our Lady of Deliverance (*Maria-Hilf*) on 14 Oct. 1721. It stands on a knoll overlooking the lake about a quarter of an hour's walk from the village, close to a great boulder, the legendary scene of the murder, and surrounded by firs. A light burns in it on stormy nights to guide the fishermen, who cross themselves devoutly on passing a spot with such terrible memories. A great chestnut rises near it, under which is a stone pulpit, with seats around its base, where a sermon is preached thrice a year (15 Aug., 8 Sept., and 14 Oct.). Herr Osenbrüggen, to whom I owe most of the above details, describes such a service, which he attended on the feast of the Assumption of Our Lady (15 Aug.) some years ago, and which must be extremely picturesque.<sup>26</sup>

In 1588 the papal legate ordered the fragments of the sacred vestments of St. Marcellus to be put into a shrine and held in high honour. In 1593 the bell of the charnel-house was blessed, and its

<sup>26</sup> Osenbrüggen, pp. 72-5. See, too, Camenzind's 1889 paper, pp. 116-120.

altar was consecrated in 1596, after the great pestilence of 1595, which carried off no fewer than forty-seven persons at Gersau. The church was rebuilt on a larger scale, owing to an increase in the numbers of the population, between the years 1618 and 1621.

The next few years are not marked by any events of importance as regards the little community the history of which we are tracing out. The Gersauers lived in peace at home and abroad, managing their own affairs without hindrance either from within or without. This may, therefore, be a suitable place for a brief description of the old ordinances and customs of Gersau, as we are halfway between the middle ages and the period of violent revolution. The most ancient ordinances which have been preserved to us are two dated 28 June 1486. One relates to the powers and rights of the Ammann and his assessors, and to the fines imposed for various offences, and the other concerns the dower and dowry of Gersau matrons and their power over their property, all proceedings taking place publicly in the manorial court. The latter ordinance states too that a man might have for his own life and those of his children the possession of a garden of a certain size which he may have planted on the common land or *Allmend*, but he must not injure the bridges or paths, and at the expiration of the time allowed, or when he or they cease to be resident in the parish, the plot is to revert to the community.<sup>27</sup> The 'customal' ('Landbuch') exists in two recensions. The earlier is dated 1605, though it has later additions, and is itself a copy of an earlier manuscript; it has been incorporated with the later or 'Artikelbuch' of 1751, which contains also all the provisions of the 'great customal' of 1659-1710, regarded as in force in 1751. The 1751 book was still legally valid in 1858. There is also a collection of charters, list of names, and formulæ for suits and judgments (specially in cases of witchcraft), which was copied from an older book in 1744, and contains additions made as late as 1814—it is, in fact, a book of precedents for handy use.<sup>28</sup>

The peace and quiet of the Gersauers were, however, rudely disturbed by a most violent local dispute which raged from 1634 to 1641. This was the 'Küttel affair' which Camenzind relates in great detail (Rigert does not allude to it), and which deserves notice as probably the most important event in the later history of the village till that *année terrible* 1798. It arose in consequence of the admittance of five families as members of the community.

<sup>27</sup> Both these documents are printed in full in the *Geschichtsfreund*, vii. (1851) 143-6.

<sup>28</sup> For a general description of these 'customals' see *Zeitschrift für schweizerisches Recht*, vol. ii. (1858) p. 7 of the *Rechtsquellen*. That of 1605 and that of 1751, in so far as it differs from the 1605 recension, are printed in M. Kothing's *Rechtsquellen der Bezirke des Kantons Schwyz* (1853).

The heads of these formally declared in a document of 1528, still extant, that out of gratitude for this great privilege they and their children and their children's children would obey all that was set forth by the majority of the community, would acknowledge the jurisdiction of the court of Gersau, and would take no share in party disputes, but would treat with the community as a whole. In case they broke their promises they agreed that their privileges might be taken away, though reserving their right to appeal to the court in case the community acted with excessive haste. Three of these families soon died out, the Zweiers still existed, but the Küttels had greatly increased in numbers and prosperity. Some members of these families had even held high office in the community. In 1634 this peaceful state of things came to an end. One of the Küttels made use of a hasty expression showing how little store he set by his *Landrecht* or burghership. This irritated the Gersauers so much that a majority of the burghers at a public assembly formally deprived the Küttels and Zweiers of their *Landrecht*, reserving their right to carry the matter before the court. The aggrieved families appealed to the four forest districts, and, to the still further indignation of the Gersauers, refused to submit their case to the court at Gersau, so that four of their supporters also were (so they said themselves) deprived by the enraged majority of their *Landrecht* and offices. The envoys of the four districts besought both sides to keep the peace until the case was decided, but were not successful, as passions ran very high and the greatest excitement and irritation prevailed. On 15 Nov. 1635 two representatives from each of the four districts met at Gersau, and despite the protest of the Gersauers declared that they had jurisdiction in the matter. The defence made was that the Küttels had not been willing to submit to the law of the land, and that the four burghers had not been deprived but had voluntarily resigned. In the interpretation of the document by which the five families had been admitted members of the community these points were raised and were decided by the eight arbitrators in favour of the Küttels. It was held that they had been admitted not as 'settlers' or mere 'residents' (*Beisassen*), but as 'full members' (*Landmannen*), that 'children and children's children' meant all descendants, and that their promise to submit to the Gersau court and not to interfere in party quarrels extended to all legal matters, but did not exclude them from appealing for outside aid in defence of their rights, or from agreeing with one or other party in a local quarrel, provided the matter did not relate to dissensions between families.

Hence the Gersauers were called on to reinstate the Küttels, the Zweiers, and the four other men in their rights, the costs being divided between the Küttels and the community in equal shares, though the Küttels were not to contribute to the half levied on the

community at large. If one or other side broke the peace the four districts agreed to punish the offenders, but to protect the ancient privileges and franchises of their neighbours and fellow-confederates the men of Gersau. This decision was solemnly confirmed by the authorities of the four districts on 8 Dec. 1635, and was accepted, though unwillingly, by the community of Gersau. Fresh difficulties soon arose about raising the money to pay the costs, and because the four deprived members of the minority demanded damages for their ill treatment. The inhabitants, too, murmured against their authorities for having brought them into such financial straits. The four forest districts had to interfere again and again. Finally, after much trouble and irritation, a sum not quite large enough to pay all the costs was scraped together. To cover this deficit it was necessary to sell certain bits of the 'common land,' the surplus being laid aside as a fund for future times of distress. This took place in 1641, seven years having been thus spent in quarrels and wranglings. The matter, however, was one of life and death to the Gersauers, as it raised the question whether they had the exclusive jurisdiction over all the inhabitants of the valley or not—that is practically the exact relations between the free community and the four protecting states. The decision distinctly weakened the former in favour of the latter, at least in theory, though it does not seem to have been drawn into a precedent in later days. Immunity from the jurisdiction of a foreign court is most distinctly a claim to exercise the powers of a sovereign. Those powers Gersau had acquired in 1390, but the decision of 1635 was a severe blow to its claim to be sovereign within its territory.

It is pleasant to turn from heated local disputes to the fulfilment of public obligations. In 1647 Gersau expressed its willingness to send a contingent to help in the defence of the frontiers of the confederation, but it was not called on to fulfil this promise. When the great peasant revolt of 1653 broke out, Gersau, at the earnest request of Lucerne, sent fifty men to put down the rebels, the number being later raised to sixty-two (Rigert says seventy-five), but they do not seem to have taken part in any serious engagement. In the great religious war known as the first war of Villmergen (1656) the Gersauers were represented by seventy-five men, and would have sent more had not a very pressing appeal from Lucerne for aid (inscribed *ylends* thrice) proved to have been due to a false alarm. They were at one moment a little taken aback at the probable cost of maintaining their men during a campaign which seemed likely to last longer than they expected, but were reassured by the 'council of war,' and were besought not to abandon their friends in time of need, who would rather sell the clothes off their backs than lose the precious assistance of such valiant men. In the end, the contingent remained nine weeks under arms, their

entire expenses being defrayed for them, and on their way home were feasted by the men of Einsiedeln, with whom they had served throughout the campaign. In 1664 they sent eighty (Rigert says seventy-six) men to put down a small religious outbreak in the Togenburg.

In 1680 a dispute broke out with Arth as to use of certain pasture lands. Arth seems to have been guilty of a bit of sharp practice, relying on the fact that the Gersauers could not produce any formal documents in support of their claim, which they based on user and verbal promises. Gersau was frequently cited to appear before the court in Schwyz, but steadily declined to do so as the Arth men would not formulate their claims, so that in 1688 the court decided in favour of Arth, Gersau being content, as Camenzind remarks, to leave the matter on the consciences of the men of Arth. However, Schwyz and Gersau were not permanently estranged, for in 1695 Schwyz thanked Gersau for having courteously received certain of its men at a shooting match, and begged its aid in an expected religious quarrel. Gersau replied in the most civil and ready way, but as the quarrel did not lead to war the services of the Gersau men were not required.

Religious animosities were, however, only soothed for the time. In 1708 and 1709 Schwyz warned the Gersauers to hold themselves in readiness. The second Villmergen war broke out in 1712. Ninety-two Gersauers left their village to defend their religion, and returned after a service of over seven weeks. There was also a later levy of ninety-six men, which does not seem to have fought at the battle of Villmergen itself.

This was the last time that the banner of St. Marcellus was unfurled in war time until the final struggle of the old Swiss confederation in 1798. The most interesting point in all these summonings of levies from Gersau is the leading part taken by Schwyz—Lucerne not being so much to the front as in earlier days, a fact which helps to explain why the little republic was finally absorbed by Schwyz and not by another of its four protectors.

During the next eighty years the history of the little community is not marked by any very important events. The parish church was enlarged in 1738. In 1739, however, it was threatened in the course of a terrific storm which broke over the valley on 16 Jan., the festival day of St. Marcellus, its patron, or (according to another account) on 18 Jan. Another great tempest on the midsummer-day following did far more harm. There were many landslips, and the mountain streams, vastly increased in size, spread destruction on every side. Much fertile land was covered by a deep layer of mud and stones, and the results of years of hard labour swept away. The confederates came to the aid of one of the members of the league, and considerable sums were collected from all parts

so that the most pressing necessities could be relieved. The armoury and prison (built in 1626), which had perished, was rebuilt in 1745, and in the same year the old town hall was pulled down and the present building set up on the same site.

In 1770 the republic was convulsed by the 'butter' quarrel. The Lucerners had allowed the Gersauers to buy grain in their market at a time when the supply was very small, and the Gersau authorities, as some return, ordered that the butter exported from Gersau should be sold only at the weekly market of Lucerne. Very violent opposition was made to this decree, on the ground that the Lucerners would later claim a monopoly of the butter supply from Gersau, and that Schwyz would be irritated by having its supply cut off. An illegal Landsgemeinde was held, and the greatest confusion and excitement prevailed. The authorities stood firm, and the leader of the movement was imprisoned and finally submitted. The Landsgemeinde of 1771 did not, however, sanction this decree as to the export of butter; free trade in that article was re-established; and the punishments inflicted were remitted in part or entirely.

A curious Gersau custom, which is fully described by Osenbrüggen,<sup>29</sup> may be mentioned here. This was the 'beggars' or 'tramps' festival (*Gaunerkirchweih*, or in Gersau parlance *Feckerkilbi*), held annually on the first Sunday after Ascension day. Tramps, gipsies, and vagabonds, sometimes 100 to 200 in number, gathered from all parts at Gersau, where they occupied the barns or camped in the open. On the Sunday morning the entire troop, clothed like beggars of the poorest kind, made the round of the village asking for alms. Then, returning to their quarters, they put on their best clothes and cooked all the provisions they had collected on their round. On the Monday, one of the two market days of the year at Gersau, the tramps flocked in to make their purchases, and later held high revel with the villagers to celebrate the close of the fair. Next day they were off, and were not heard of till they reappeared the following year.

This custom is said to have arisen in 1722 and was long observed, and though after 1830, owing to stricter regulations, the numbers decreased, yet a stray couple or two appeared at Gersau not very long before 1850. Its origin is unknown. As the festival took place on the anniversary day of the dedication of the parish church, it has been supposed that it had something to do with a conjectured right of sanctuary. More probably it was due to a compromise with these lawless folk, that if they were well treated at one fixed period of the year they would not annoy or harm the inhabitants who had shown this kindness to them.

The historian of Gersau, Damian Camenzind, is of opinion that

<sup>29</sup> Pp. 78-81.

the next few years are the most prosperous and happy which marked the entire history of the republic. Hitherto agriculture, pastoral pursuits, and fishing had been the staple industries of the place; but the population increased so rapidly that these occupations did not suffice to maintain the inhabitants. In the eighteenth century (Gautier says in 1750, but Senn that by 1740 the silk industry was well established there) wool and silk weaving was introduced and supported by the authorities. The former branch of manufacture never flourished, and soon died a natural death. The latter, however, thanks to the energy and perseverance of certain Gersauers, prospered exceedingly, brought much wealth into the place, and transformed it from a poor hamlet made up of old weather-stained wooden cabins into a picturesque and well-to-do village with many good houses and pretty gardens. The creators of this new industry, both members of the Camenzind family, naturally filled the chief office of the republic, which owing to their intelligence and patriotism flourished as perhaps it had never done before.

On 4 Dec. 1780, a Gersau man, Beatus Küttel—a name already famous in Gersau history—was chosen forty-seventh abbot of the great Benedictine monastery of Einsiedeln, still the richest and most influential in Switzerland. He had the honour of being the last prince-abbot of a long line and administered his house wisely through very stormy times, but was driven away when it was plundered by the French in 1798, and returned thither in 1802 with a few monks, in whose midst he died in 1808 after an eventful reign of twenty-eight years. The elevation of a Gersauer to such a high position was hailed with rejoicing by his fellow-burghers, who presented him with a formal address of congratulation and were represented by a deputation at his solemn consecration. No Gersauer had ever attained such great distinction in the world outside his own valley, and we may see in the election of Abbot Beatus the culminating point of the glory of the tiny sovereign state which claimed him as its own by right of birth.

We have thus come, in the course of our historical survey, to the time when Gersau, like the old Swiss confederation, lost its independence in the general upset of things Swiss in the year 1798. But before we describe the fall of the little republic, it may be well to sketch briefly the constitution by which it was ruled during the greater part of its existence, and which remains in force at the present day with the important difference that now it is the constitution of one division of a greater whole, whereas formerly it was the system of government of an independent state.<sup>30</sup> The sovereign power was vested in the *Landsgemeinde* or assembly of all male burghers (the misuse of the word must be pardoned, since

<sup>30</sup> See Rigert, pp. 5, 6; Camenzind, p. 15; Gautier, pp. 8, 25.

Gersau was but a rural edition of a free imperial city) of full age. It passed all laws, sanctioned all decrees of the executive, and elected all officers, the council, and the court, but does not seem to have had any judicial functions. It met usually once a year either on the last Sunday in April or on the first Sunday in May, whichever of the two apparently was nearer the festival of the invention of the cross (8 May). The executive was composed of a *Rath* or council of nine members, presided over by the Landammann (like our *tun gerefa*), and meeting on the first Monday of every month.

The 'court' for civil offences was composed of seven members and met twice a year, but might be called together at other times on the demand of the parties to a suit. It was presided over by the Statthalter, the lieutenant or deputy of the Landammann. In very important cases, Rigert says that the 'court' and the 'council' met together; Gautier, that each member of the council chose one or two assessors, thus forming a double or triple council. The criminal court was composed of the tripled council of twenty-seven members presided over by the Landammann. The republic had its own stocks and gallows; the latter was composed of three stone pillars, two on land and one in the lake (traces of all may still be seen), so that the criminal hung not only between earth and sky, but between water and sky. There was no appeal in criminal cases from the tripled council; in civil matters there was one from the single to the doubled or tripled council. The treasurer managed the common lands. It may be added that the arms of Gersau were party per pale, gules and azure.<sup>31</sup>

Such was the administrative system of Gersau, simple yet sufficient for the needs of so small a sovereign state.

### III. 1798-1818.

The fall of the republic was long and painful, for it struggled hard against superior force. The ruin which was first shadowed forth in 1798 was not finally completed till 1818. Like the forest districts, Gersau had watched with the greatest anxiety the advance of French troops into Vaud (January 1798), and the surrender of Bern to the French general (5 March). Nominally Gersau formed part of the short-lived republic of 'Tellgovia' (17-23 March), and later of one of the cantons of the Helvetic republic, one and indivisible (29 March). The French now undertook to make these paper divisions a reality. Gersau, like her neighbours, had been actively preparing for resistance. All the men between the ages of

<sup>31</sup> There is a view of Gersau (in a larger one of Schwyz) in Matthew Merian's splendid work *Topographia Helvetica* (1642), with a short description (p. 81) in which great stress is laid on its independence, attributed, according to a local tale, to the fact that its mightier neighbours quite forgot its existence.

sixty and sixteen were called out and drilled, and the treasury emptied of the hoarded savings of the state in order to defray all expenses. She was quite ready when on 16 April Schwyz announced that resistance had been determined on, and expressed a hope that she might receive aid from Gersau. On 18 April a boat was provided to patrol the lake, so as to keep open communications with Unterwalden. On 19 April Unterwalden, and on 21 April Schwyz, summoned Gersau to send its contingent of men as quickly as possible. No time was lost. An extraordinary Landsgemeinde was held the same day, at which a war council of ten was named, and that very afternoon the first detachment, fifty-four strong, crossed the lake to Buochs and Stanz, and was later sent, with other companies, to occupy the Haslithal. The French army pressed on towards Zürich, Zug was taken on 29 April, and Lucerne occupied on 30 April, though the armoury there had been nearly emptied by the forest cantons and Gersau on the previous day. The Gersauers took no active part in the gallant resistance of the Schwyzers under Alois Reding (May), contenting themselves with keeping a very sharp look-out for the approach of the enemy, whether from the lake or from the Schwyz side. The contingent in the Haslithal made a forced march home on 2 May on an alarm that the French had penetrated into Schwyz, and found that during the previous night the whole population of Gersau had been on the watch, with bells ringing and guns firing. But the odds against the brave defenders of their ancestral rights and liberties were too great. Schwyz surrendered on 4 May, and the resistance of the forest districts was at an end. Schwyz formed part of one (Waldstätten) of the nineteen cantons of the Helvetic republic, and Gersau became a simple administrative division of Schwyz. On 24 June the last meeting of the independent 'council' of Gersau took place. The treasure of the state was for a time seized by the French, and held by them till it was proved (1801) that it was the property of the Gemeinde or commune; in return the Landammann (as usual a Camenzind) became a member of the legislative assembly of the Helvetic republic, a poor exchange for his former proud position. The oath to observe the new constitution was taken at Gersau on 27 Aug., but when the Nidwaldners rose again in revolt in September the Gersauers did not attempt to conceal their sympathies with their ancient allies and good neighbours. Hence Gersau was on 17 Sept. for the first time occupied by two companies of French soldiers, who compelled the inhabitants to give up their arms and ammunition, as well as the banner of St. Marcellus and the custumal. Both the historians of Gersau, with a certain pride, lay stress on the fact that a 'tree of liberty' was never planted at Gersau, owing to the steady opposition of the inhabitants.

On 30 Sept. the new 'municipality' or local government was

constituted. The village was crushed to the ground with taxes and loans and 'benevolences,' in order to procure funds to meet the enormous expenses entailed by the quartering of the French troops (from October 1799 to February 1800 there passed through three generals, forty-three officers, and eight hundred and sixty-nine soldiers). It was with great difficulty that the authorities were able to persuade the people that their safest policy was quiet, and there was in April 1799 a near approach to a rising when the Schwyzers chased some French troops right into Gersau. In the campaign of 1799 between the French and the Austrians, Gersau was one of the advanced posts of the French (the Austrians being at Brunnen on the other side of the lake), and watch had to be kept day and night, while the French soldiers allowed themselves great license in dealing with the people and their goods. On 13 Aug. 1799 no fewer than three thousand French soldiers, besides their officers, were collected in Gersau for the purpose of a raid on the Austrians, in which sixty Gersauers were compelled to take part as boatmen, all of whom, wonderful to relate, returned home unhurt.

Despite all these hardships and sufferings, Gersau managed to escape with much smaller losses than other less fortunate parts of the Helvetic republic. In 1802, through the influence of Reding, Abbot Beatus of Einsiedeln was brought back to his monastery, and soon after honoured his birthplace, Gersau, with a visit, being received there with great rejoicings. Later in the same year, while the work of constitution-mongering was going on, and there seemed some hope of restoring the ancient state of things, Gersau supported the efforts made by Schwyz, though nothing came of them. Finally, Napoleon in 1803 by his act of mediation did away with many of the evils which the centralised rule of the Helvetic republic had caused, and under the new constitution the Swiss confederation enjoyed great material prosperity as well as profound peace and quiet. Schwyz became an independent canton—one of nineteen. Gersau remained incorporated with it as a *Bezirk* or district. The constitution favoured the political development of the local divisions, and so Gersau was able to hold again its *Landsgemeinde*, to elect its council of nine (including the *Landammann* and the *Statthalter*), and its court of seven members—privileges which to most districts would have represented most extensive rights of self-government, but which to Gersau were simply shadows of former freedom. A state which has once enjoyed sovereign powers does not willingly sink into even an important district of a greater whole. Though Gersau had the right of electing one member of the cantonal tribunal of Schwyz, the Gersauers tried to keep as much aloof from Schwyz as possible, and so far succeeded that no appeal was carried up from the local court to the cantonal tribunal. It was during this period of peace and material welfare that the parish church of

Gersau was again rebuilt. The scheme was started in 1804, money was zealously collected and contributed, and the building, begun in 1807, was completed in 1812. The whole cost (excluding labour contributions) was no less than 88,844 gulden. In 1808 a terrible avalanche overwhelmed a mountain cottage, and buried a whole family consisting of eight members, of whom one only was rescued alive.

Better days were in store for Switzerland and Gersau when in December 1813 the Austrians and Russians crossed the frontier. The constitution of 1803 was abolished, and each state permitted to fall back on the constitution which had prevailed before 1798. On 19 Jan. 1814, Schwyz announced to Gersau that it intended to profit by this change, though a few days later it withdrew this declaration. Gersau had some idea of sending deputies to the assembly of the cantons, about to meet at Zürich. This project it soon abandoned. On 2 Feb. the Landesgemeinde resolved unanimously that Gersau should be separated from Schwyz, and should resume its former independent position, as the abolition of the act of mediation permitted it to do; and on 5 Feb. Gersau announced to its four ancient protectors that it proposed to revive its ancient constitution, and to place itself once more under their protection as an ally according to the old treaties and alliances. Delegates from the four forest cantons met on 2 March at Gersau to discuss various political questions, and were petitioned by their hosts to recognise Gersau as an independent state. They returned favourable answers, and between 8 March and 1 June the governments of the four cantons formally sanctioned this act on the part of Gersau, Schwyz (on 8 March) adding an expression of regret at the separation, though approving the resolution taken, and declaring that it did not wish to place any hindrance in the way, while hinting that the door would be left open in case Gersau finally resolved to agree to a voluntary union with it.<sup>32</sup> On the strength of these formal assurances Gersau declared that all laws, ordinances, and customs

<sup>32</sup> As this answer of Schwyz is very often referred to hereafter, and forms the great weapon in favour of Gersau as against the later pretensions of Schwyz, it may be well to give a translation of the entire document (printed by Rigert, pp. 87-8).

'To our faithful and beloved allies and neighbours.

'At our present meeting, which is the first held by the Landammann and Landrath elected by the Landesgemeinde of 27 Feb., there has been laid before us your honoured communication of 5 Feb., in which the canton of Schwyz is officially informed of the reconstitution of the esteemed republic of Gersau by virtue of the decree of the Landesgemeinde of 2 Feb. and is prayed to recognise the reconstituted republic in accordance with the terms of our alliance. We hold it our duty formally to signify on our part our recognition of the liberty and independence of your most respected republic, and we do this with sincere wishes for the lasting and undisturbed welfare of an ally and a neighbour whom we hold in the highest regard, partly by reason of our friendly relations with one another in earlier days, and particularly because of our recollections of our very close association in these last years. We cannot but lament your separation from our canton, but, as is fitting, we honour your resolu-

prevailing before 1798 were to be considered as now in force. In short, the free and independent republic was restored, though for a brief period only. It pressed for a conference of its protectors to decide how it was to fulfil the federal obligations by which it was glad to be bound, but Schwyz demurred and the scheme was abandoned. It hastened to obey a summons (23 March 1815) by Schwyz to send troops to serve in the federal army when the escape of Napoleon from Elba seemed likely to shatter the settlement just arrived at, and sent a contingent of twenty-four men to join the company from Schwyz. The first detachment of twelve were armed by Schwyz; but it is worth notice that the six Gersauer riflemen of the second detachment, armed at home, were far better equipped than their comrades of Schwyz. A later pressing summons (9 June 1815) would have been willingly obeyed, had not the defeat of Napoleon at Waterloo set at rest the fears that the existing constitution would be entirely changed and altered. Again Gersau agreed to pay its share of the costs of the war, and organised rejoicings on the return (about 6 Aug.) of its valiant warriors from the wars.

It is at this point that Pfarrer Rigert brings to a close his formal history of the little republic. He had traced its rise, its fall, and its revival, and he might well hope that a long career of freedom and usefulness was still before it. Events, however, did not favour the Gersauers, and he was forced to write a pathetic appendix to his book in order to relate the determined attempt against the independence of Gersau made from a very unexpected quarter, though when he finally laid down his pen he had not told how that attempt succeeded, and how Gersau was swallowed up by its old ally Schwyz.

In July 1815, Gersau addressed a petition to the diet at Zürich setting forth at length its historical position, and praying that the diet would not diminish its ancient rights and privileges, but would leave matters to be settled by it in counsel with its four protectors, subject to the final sanction of the diet. Schwyz had, as we have already said, formally recognised (8 March 1814) the reconstituted

tions, and are so far from wishing to place any obstacle in your way that we readily agree to renew our former alliance, and to content ourselves, actuated by the same friendly feelings which we shall at all times entertain with regard to you, with keeping open the door for you in case your esteemed republic may possibly, of your own free will, wish to become again joined to our canton.

'With these frank declarations we repeat our hearty wishes that all things may, highly honoured sirs and most respected neighbours, promote the welfare of your special Vaterland, and devoutly commend you with ourselves, *per Mariam*, to the protection of God.

'Landammann and Landrath of the canton of Schwyz.

'The Landammann, FRANZ XAVER WEBER.

'In the name of the council,

'JOACHIM HEDIGER, Secretary.

'Schwytz, 8 March 1814.'

republic of Gersau, though regretting its decision, and had thus apparently accepted the inevitable. What, then, must have been the amazement of the Gersauers to receive from Schwyz a proposal, dated 11 April 1816, for a conference on their relations one to another, the reasons given being that Gersau was actually regarded as a part of Schwyz, and that the Landesgemeinde of Schwyz were about to consider the whole question! Gersau at once resolved to protest against this, and on 16 April three delegates were sent to Schwyz for that purpose, and to obtain further information. On 28 April the Landesgemeinde of Schwyz named a commission to enter into 'friendly negotiations' with the Gersauers, though information of this was not sent to Gersau till 12 June. As yet the nature of the proposed union or treaty or alliance had not been clearly stated by Schwyz, and information on this very important point was asked for by Gersau in a letter of 26 June. Nothing further seems to have been done in the matter till 24 Sept., when Schwyz again proposed a conference with Gersau, as it was desirable that something should be settled before the federal diet came together, the subject being still left in beautiful vagueness. Two representatives were sent from Gersau to meet the Schwyz commissioners at Schwyz on 8 Oct., but as they could take no instructions with them, not being aware of the subject which was to be discussed, no result came of this interview, though it appeared that Schwyz regarded Gersau as an integral portion of the canton.

At last, the intentions of Schwyz were revealed, and caused profound surprise and stupefaction at Gersau, where they were entirely unsuspected and unexpected. In a further letter of 12 Oct. Schwyz formulated even more clearly her exact claim. The congress of Vienna had set forth a general delimitation of the Swiss cantons, by which Gersau was made a part of Schwyz; this delimitation had been accepted by all the cantons, and solemnly guaranteed by them. Thus the surprised protest of Gersau was made to appear in the light of a deliberate intention to defy the decisions both of the congress and of the cantons—a most ingenious device, which the well-known land-hunger of Schwyz from very early times can alone explain though not excuse. Gersau allowed its first feelings of indignation to cool down, and did not reply to these monstrous pretensions of Schwyz till 9 Dec., when it sent a forcible reminder that these claims were totally unexpected, that the reconstitution of Schwyz itself rested on exactly the same legal grounds as that of Gersau, and that the independence of Gersau had been formally recognised on the basis of former alliances and treaties by Schwyz in 1814 in the most flattering terms, and without a trace of the present claims. The sting of the letter lay in the refusal of Gersau to continue negotiations unless Schwyz expressly admitted its independence and liberties; but it was throughout filled with expressions

of respect for the ancient ally and protector of Gersau, which could scarcely really mean what it said, though it was hinted at the end that an appeal to the three other protectors of the little state was inevitable. Schwyz in its answer (20 Dec.) stated that an appeal to the Schwyz Landesgemeinde might be necessary, but expressed a hope that Gersau would see its way to accept the proposals, laying stress on the fact that the confederation was now made up of twenty-two sovereign states, and could not permit any other independent state to exist in its midst.

The Gersauers (7 Jan. 1817) agreed to a second conference, but begged that the most important subjects to be submitted to it might be previously laid before them. To this not unreasonable demand, Schwyz replied (15 Jan.) that though its commissioners had been charged to explain matters *viva voce*, yet they willingly communicated the written proposals, which had been made by them to the cantonal council and approved by it, and which were to be the bases of the negotiations. These proposals rested on the assumption that Gersau was an integral portion of the canton of Schwyz, but suggested that, in order to promote a good understanding, it might be arranged that if the ultimate jurisdiction in criminal cases, in police, military, and sanitary matters, together with the salt monopoly, rested with the cantonal authorities, Gersau might be allowed to manage its own domestic matters by itself, on condition that it obeyed the federal regulations as regards soldiers and taxes, and did not refuse to assist the canton with aid in financial matters: it might also be arranged that in civil cases there should be no appeal from the Gersau court, save that inhabitants of other parts of the canton should in cases which involved a sum of more than 200 gulden be allowed such an appeal, in which case Gersau might name one of the judges.

These proposals would have been fair enough in a general way, had Gersau never enjoyed or claimed now the exercise of sovereign powers as an independent state; but it is clear that the Schwyzers had not originally intended to make them known to the Gersauers *before* the conference, and that they were throughout based on an assumption which Gersau could not admit for a moment—that it formed an integral part of the canton.

The commissioners of both sides met on 3 Feb. 1817; but when the Schwyzers ascertained that the instructions of the Gersauers were to maintain as far as practicable the rights and liberties of the republic both as against the confederation and as against the canton, they declined to enter on that line of argument, while private and unofficial conversations convinced the Gersauers that the Schwyz commissioners were not empowered to water down in any way the proposals which had been officially communicated beforehand. The only course left for the Gersauers was to submit

counter proposals, and this was done in an official letter addressed to Schwyz on 10 Feb. These proposals were to the effect that, while the enjoyment of the rights and liberties of Gersau as exercised before 1798 was reserved, Gersau would engage to allow the carrying out of all federal decrees in its territory, and would, as under the 1803 constitution, furnish men and money to Schwyz; that the Schwyz deputies should represent Gersau in the federal diet and all other public or federal matters, Gersau contributing a certain proportion of these expenses. This compromise was very ingeniously arranged, so as to save appearances while really conceding all the material points at issue. Schwyz, however, wished for the show as well as the reality of power, and on 17 Feb. broke off negotiations altogether, declaring that the proposals of its commissioners would be laid before the Landsgemeinde, the consequences of which (so it was hinted) would probably not be very advantageous to Gersau. Gersau (on March 14) protested against such treatment at the hands of an ancient ally, appealing to their past friendly relations, but declaring very distinctly that the rights and liberties won by their forefathers could not and would not be given up voluntarily. On the same day it turned for protection, counsel, and help to its other protectors, Uri, Unterwalden (Nidwald), and Lucerne, in an impassioned appeal to their common history and common interests. Both sets of proposals (attention being directed to the fact that Schwyz proposals were wholly unexpected, as it was imagined that the conference had been called to discuss military and financial matters) were enclosed in this letter and express mention made of the other free communities of Europe—San Marino, the Hanse Towns, and Ragusa—which still flourished under the protection of powerful neighbours—the pope, Germany, the Turks—who did not wish to rob them of freedom. The claims of the republic of Gersau are placed very high: the republic of Gersau ‘is as ancient and had as much to do with the foundation of Swiss liberty as its most esteemed allies the forest cantons, and like them can be counted among those states, worthy of all honour, to whom the title of the cradle of liberty may be applied.’ This, it must be remembered, is an official description of Gersau by its own government.

In reply Unterwalden hoped that some settlement of the dispute might yet be arrived at, and promised, if an appeal was made to the diet, to examine the whole question carefully and to furnish its delegates with full instructions. Uri deplored the policy adopted by Schwyz, expressed the warmest interest in Gersau, and promised to take joint measures with Unterwalden and Lucerne to discuss ways and means by which the claims of Gersau might be supported. Lucerne, while recalling its old friendship with and support of Gersau, suggested a joint conference of the three protectors, Gersau, and Schwyz, promising to support the claims of Gersau, and summoned

one to meet on April 30. Meanwhile the Landesgemeinde of Schwyz had met on April 27, and had adopted the following resolution, which was officially communicated to Gersau on May 3:—

Whereas the claims of Gersau rest on the erroneous supposition that Gersau was incorporated with Schwyz in consequence of the act of mediation of 1803, though really in 1802 Gersau freely and of its own initiative joined itself to Schwyz, and by its own desire became an integral part of the canton, the act of mediation having only recognised the actual boundaries of Schwyz, so that it in no way affected the position of Gersau; and whereas the inhabitants of Gersau, like other inhabitants of the canton, have solemnly pledged themselves to Schwyz by a solemn oath taken at a meeting of the Landesgemeinde; and whereas, since Gersau was regarded as an integral portion of the canton, the protectorate of the four forest cantons was considered to have lapsed; and whereas these four cantons renounced their protectorate by accepting the federal pact of 7 Aug. 1815; and whereas the declaration of the congress of Vienna, 20 March 1815, which confirmed the boundaries existing on 29 Dec. 1813, guaranteed Schwyz the territories it then held:

Resolved, that as the district of Gersau is considered and held to be an integral portion of our canton, and included within its boundaries, the invitation of Lucerne to a conference on the subject be declined.

Gersau on May 12 requested Schwyz to furnish documentary proof of the alleged voluntary union of 1802, as none existed in its own archives, and as soon as possible prepared a criticism and commentary of the statement put forth by the Landesgemeinde, which on 18 May was sent to Uri, Unterwalden, and Lucerne.

1. It was shown that the transactions of 6 Aug. 1802 were not in any way a political union of Gersau with Schwyz, but simply due to the patriotic desire of Gersau to help Schwyz in its struggles against the Helvetic republic, and that later (17–18 Aug. 1802) Schwyz had asked for, and Gersau had quite of its own free will sent, some troops to help—in fact that Gersau had never regarded itself or been treated as an integral part of the canton, and that therefore Schwyz could not produce any documentary evidence in support of such an ungrounded assertion. If such a statement were true of Gersau, it was also true of Uri, Unterwalden, Glarus, and other cantons which had helped Schwyz in her time of need.

2. Next, the allegation that the Gersauers had ever bound themselves to Schwyz by a solemn oath taken at a meeting of the Landesgemeinde was refuted. Before 1803 the Gersauers had never attended or been summoned to any meeting of the Schwyz Landesgemeinde. They had indeed attended several during the period 1803–1814 while the act of mediation was in force, but this was done partly through fear of Napoleon, partly because the Landesgemeinde was then, under the existing constitution, the legislature which had jurisdiction over Gersau. Now the act of mediation was the work of a foreign usurper, and maintained by force of arms,

so that Schwyz could not appeal to these transactions as proving its case unless it acknowledged (as no one else did) the legality of the act of mediation. Even if at an earlier date there had been any such transaction, the solemn recognition of the independence of Gersau by Schwyz on 8 March 1814 would have placed matters on an entirely different footing.

It is at this point—18 May 1817—that Pfarrer Rigert brings to a close his little book on Gersau, and for a good reason. Schwyz finally brought the matter before the diet, before which Gersau, strong in the righteousness of its cause and in the firm support of Uri, Unterwalden, and Lucerne, laid Rigert's history (which had been drawn up for this purpose by order of the rulers of the little republic) as well as a detailed memorial which is printed at the end of the history. This memorial gives a short summary of the history of Gersau, 'the smallest republic in Europe, perhaps on the face of the earth,' in order to bring out the facts of its independence of the confederation (it was not even represented in the diet), yet of its continual alliance with it. This history is continued down to 1817, special stress being laid on the fashion in which Schwyz, till 1816, had always treated Gersau as an independent though allied state. One interesting point is the statement that the resolution of the Schwyz Landesgemeinde on 27 April 1817 was not carried by a large majority, and that the voting would probably have been the other way had Gersau exercised its supposed right of appearing there by its representatives and laying before it the true state of the case. It then proceeds to combat and refute the assertions of Schwyz as to the operation of the decree of the congress of Vienna and of the federal pact as regards Gersau. (1) It is shown that the former was the result of the desire of the monarchs of Europe to smooth down certain differences which had arisen between several of the Swiss cantons. How, then, could it affect Gersau, which lived in peace with all the world? What reason was there why it should mention Gersau unless the decree was—though this is contrary to the general opinion—a second act of mediation forced on an unwilling people? Why was it never submitted to Gersau for acceptance or refusal as it was to every village or commune in the entire confederation? The only answer is that the congress fully recognised the inherited independence of Gersau, and did not dream of interfering with it. (2) The federal pact of 1815 could only guarantee to each canton the territories which were actually included in it. Now at this time Schwyz distinctly recognised Gersau as an independent state—witness its letter of 8 March 1814—and had never in any way brought any complaint, until the present time, against Gersau.

It is thus concluded that the congress of Vienna recognised Gersau as an exception to the regulations laid down by it, and that

Schwyz has no possible ground for appealing to the pact of 1815 in support of its present extraordinary claims. Is the confederation afraid of the overweening power of Gersau? Yet Rome is not afraid of San Marino, nor Germany of the Hanse Towns, nor the sultan of Ragusa. Has Gersau perchance not fulfilled its duties to the fatherland, or done anything wrong? No one can maintain this for an instant. Hence the republic prays the diet either to maintain it in its ancient rights and liberties, or, if it is thought desirable in the interests of the confederation to alter its constitution in some way, to permit this to be done by the four cantons which have been its protectors and defenders from the earliest days.

It is pitiful to learn that this touching memorial, based on the real facts of history, did not influence the diet in favour of Gersau. The deputies sent by Gersau, both Camenzinds and one of them the Landammann, had not yet reached Bern when on 22 July 1817 the diet pronounced judgment in favour of Schwyz.

The exact course of events was as follows.<sup>23</sup> The petition presented to the diet by Gersau was opposed by the representatives of Schwyz, who prayed the diet to decree that, 'passing over all questions as to the former relations between the two parties (relations which could no longer subsist in the present political condition of Switzerland), the district of Schwyz, by virtue of the declaration of the congress of Vienna and of the guarantee of the boundaries of every canton contained in the first article of the federal pact, had become a portion of the canton of Schwyz, and was for ever to remain united with it.' On the other hand the protectors of Gersau—Uri, Unterwalden (Nidwald), and Lucerne—expressed a wish that the diet would secure to 'this most deserving little nation' the continuance of its former independence, or would order that its union with Schwyz should be carried out by means of negotiations in which the former protectors of Gersau should be entitled to take part. The diet, however, by thirteen and a half votes (of which one, that of Geneva, was later not ratified by the canton) out of a grand total of twenty-two possible votes (including that of Schwyz) decided—

That in consequence of the declaration of the congress of Vienna, which had been unanimously accepted by the confederation, and of the guarantee of the boundaries of all the cantons contained in the first article of the federal pact, the village and district of Gersau shall be united with the canton of Schwyz, and shall ever remain a portion of it, and that former alliances or protectorates shall not henceforth be taken into consideration.

<sup>23</sup> The official account and documents are printed in the *Repertorium der Abschiede der eidgenössischen Tagsatzungen aus den Jahren 1814 bis 1848* (Bern, 1874), i. 175-6, ii. 870. Camenzind in his history gives one or two further details.

Certain cantons (Uri, Unterwalden, Lucerne, Freiburg, Appenzel Ausser-Rhoden, and Zug) wished that, before any decision was come to, an attempt at mediation between the parties should if possible be made. This suggestion was not accepted; and as, since the proposed appeal had only been made known by Schwyz on 20 June, many cantons had not had time to instruct their delegates, they abstained from voting and took the matter *ad referendum*.

The diet further decided by seventeen votes—

That the district of Gersau, as an integral part of the canton of Schwyz, is specially commended in a most friendly way to the rulers of that canton, who ought of themselves, as they had always hitherto done, and as their delegates to the diet had shown some willingness to do, to determine the exact relations of the canton to this Gemeinde, with all possible regard for the welfare and wishes of Gersau.

The diet thus sacrificed the tiny republic to considerations of policy and expediency. Historically considered, the claims of Schwyz were absolutely devoid of any solid foundation, and in particular those which were specially mentioned in the recess of the diet; but practically it is certain that the existence of an independent state in the heart of the confederation was very undesirable, seeing that all the old classes of 'ruling cantons,' 'allies,' and 'subject lands' had been swept away, and that the state was now made up of twenty-two cantons, independent for very many purposes, united for certain matters. Hence, while as students of history we must mourn over the extinction of the republic of Gersau, which had existed for 486 years (if we reckon from 1392) or 428 years (if we reckon from 1390), we must allow that it was a necessary if a cruel measure. As each canton had been stripped of its subject lands and special privileges in favour of the confederation, so Gersau in its extinction was treated in the same fashion as its greater and more powerful neighbours. We may well sympathise with the republic in its fall, but we must admit that from a practical point of view matters could scarcely have been arranged otherwise.

Gersau submitted perforce to the decrees of the diet, in accordance with which negotiations were set on foot to fix precisely the relations of the district to its new lord. The demands of Gersau, in particular for compensation for the loss of the salt monopoly, were rejected, and finally on 26 April 1818 the Landsgemeinde approved the following provisions (submitted to it by the Landrath) as to the incorporation of Gersau:<sup>24</sup>—

1. Gersau is admitted to share in all the rights, duties, and

<sup>24</sup> Camenzind gives all the material points of these provisions. The official document is printed in M. Kothing's *Sammlung der Verfassungen, Gesetze, Verordnungen und Beschlüsse des Kantons Schwyz, von 1808 bis 1832* (Einsiedeln, 1860), pp. 118, 119.

political privileges which are enjoyed by other portions of the canton.

2. It is to rank next after the district of Schwyz (in the narrow sense).

3. It is to send six members to the cantonal assembly.

4. From 1 Jan. 1818 Gersau is in financial matters, advantages as well as burdens, to be treated on the same footing as the rest of the canton. As to the arrears still owing by Gersau to the confederation and the canton, they will be taken into consideration so as to show as clearly as possible the friendly feelings of Schwyz to Gersau.

5. As Gersau, owing to its standing apart during the last few years, enjoyed none of the advantages arising from the capitulations as regards mercenary soldiers, care will be taken in future that Gersau shall be given its rightful share in the disposal of vacant commissions.

#### IV. SINCE 1818.

Since 1818 Gersau has been politically a simple district of the canton of Schwyz. The exact meaning of two of the stipulations of the decree of 1818 uniting Gersau to Schwyz needs explanation. Until 1798 the village of Schwyz had governed its conquests or allies, March, Einsiedeln, Küssnacht, Wollerau, and Pfäffikon, as subject lands: in 1803 they were put on the same political footing with Schwyz proper; but by an arrangement on 26 June 1814, Schwyz proper was to elect two-thirds of the members of the Landrath or cantonal assembly, the other five districts electing only one-third. Hence Gersau was in 1818 placed on the same footing as these five districts, but was not allowed the special privileges of Schwyz proper, though permitted to take precedence of the five inferior districts and so to rank next to Schwyz proper. But this was a purely honorary precedence and implied no special political privileges.

By the cantonal constitution of 18 Feb. 1848, the cantonal Landsgemeinde was abolished in favour of a cantonal assembly (Kantonsrath), in which the members were elected in proportion to the number of burghers in each district. Gersau had then 433 qualified burghers, and thus elected three out of the eighty-one members of the council. It had too a further advantage arising from its secluded position; for its little territory was at the same time one of the six *Bezirke* of the canton, and one of the thirteen *Kreisen* (electoral divisions) as well as one of the *Gemeinden* (parish or communes) of the canton. Hence its Landsgemeinde still goes on for purely local purposes of all kinds, and the old 'council' and officers are likewise elected. In this way the shadow of its former independence still remains to it, though technically and officially

it is only a district of the canton. In fact it is an excellent instance of home rule in all purely local matters, subject to the supremacy of an imperial (in this case a cantonal and a federal) assembly. The cantonal constitution, as revised in 1855, 1876-7, and 1884, has preserved to Gersau the same privilege of practical home rule. Its population having increased, it now chooses four out of the eighty-three members of the cantonal assembly.

Thus Gersau, after the painful experiences she went through from 1798 to 1818, has found that the change from an independent republic to the position of a district, of one member of *ce cristal à vingt-deux facettes*<sup>35</sup> commonly known as the Swiss confederation, has in its practical results been far less than was at one time feared. Certainly it was a great apparent loss for Gersau to descend from an independent to a dependent position; but this loss is largely made up by the feeling that she is still an honoured member of the same confederation which she joined 557 years ago, and that now as then she can claim a share in the glorious past history not only of her faithful friends and whilom protectors the four forest cantons, but of the Everlasting League of which she and they were the earliest members and the true founders. *C'est un des titres de gloire de la Suisse, que de savoir réunir, sans les effacer, tant de nationalités diverses; quoiqu'il n'y ait pas un citoyen de Gersau qui ne regrette son ancienne république, il n'y en a pas un non plus qui ne soit bon Suisse et fidèle confédéré.*<sup>36</sup>

W. A. B. COOLIDGE.

<sup>35</sup> Albert Billiet, *Les Origines de la Confédération Suisse* (1869), p. 7.

<sup>36</sup> Gautier, p. 25.