

SWISS PACT OF 1291.

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LEGATION OF THE UNITED STATES,  
BERNE, March 3, 1892.

STEPHEN SALISBURY, Esq.,

*President of the American Antiquarian Society.*

SIR:—

I transmit to the Library, through the Department of State, five hundred heliotype copies of the *Swiss Pact of 1291*, asking the Society to accept the same, and to give them place in the published "Proceedings" of the next meeting.

In the Report of the Council, read at the April meeting in 1890, I had occasion to refer to this document as one of the most interesting in human history. I then spoke of the motives of its authors, and the circumstances which led to its execution, suggesting at the same time some historical parallels which seemed to me worthy of note. I said (in substance, for the words are not before me), that it is, in my opinion, entitled to rank with our own Declaration of Independence. In view of the character of the times, the situation of its authors, and the circumstances which surrounded them, it is even more remarkable.

Although our Declaration of Independence, in *fac-simile*, is a document familiar to the eye of even the American schoolboy, the *Pact of 1291*, carefully preserved in the archives of Schwytz, has never, in similar form, seen the light. The kind co-operation of the Federal authorities of Switzerland enables me to place these copies in your hands. On the occasion of the celebration of the six hundredth anniversary of the foundation of the Republic, in

August, 1891, a *memoir historique* was written by Dr. Carl Hilty, at the request of the Government, and the Pact for the first time was heliographed. Copies of this accompanied Dr. Hilty's work, and I was permitted, in connection with the Federal order to secure these.

It had occurred to me to add some suggestions on this subject to those contained in the Report of the Council above referred to, but I concluded to reserve them for a separate communication, after my return.

I am, your obedient servant,

JOHN D. WASHBURN.

NOTE. The Hon. Boyd Winchester, an eminent citizen of Kentucky, and my predecessor as Minister of the United States in Switzerland, published, in 1891, an admirable work, entitled "The Swiss Republic." In an Appendix he prints the Latin Pact of 1291, and an English translation. This translation, Mr. Winchester adds, "was kindly made by Professor William E. Peters, of the University of Virginia, and in transmitting it he says: 'I send you a literal rendering of the Pact: the original is exceedingly rough and incorrect according to classical standards. I think, however, the sense is given. I render *universitas* as district, and Commune might be embraced in brackets; I would render it *Canton*, but the Swiss cantons were not then formed, and the term Commune hardly expresses the sense, as it is French. I have had, in some cases, to force translation where the Latin is absolutely corrupt and wrong. I have aimed to make the translation, as you desired, strictly according to the Latin, and not according to what was permissible with the Latin and its collocation.'"

PROF. PETERS'S TRANSLATION.

In the name of the Lord, Amen.  
Virtue is promoted and utility provided for by the state so long as covenants are firmly established with a proper basis of quiet and peace, therefore, let all men know that the valley of Uri and the entire district of the valley of Schwyz and the community of the intramontane people of the lower valley, while regarding the evil character of the times, with the view of being able more efficiently to protect themselves and their interests, and better to preserve them in their proper condition, have promised in good faith mutually to stand by one another with their help, advice, and undivided support, in their persons and property, within and without the valleys, with their entire force and united effort against all men and singular who shall inflict upon them or upon any one of them any violence, molestation or injury in plotting any evil against their persons and property, and every district has promised to another in every event to make haste whenever it shall be necessary to render it help. They also (have promised) at their individual expense to resist as it shall be necessary, the attacks of the evil-intending, to avenge wrongs, having taken their oath corporal touching the faithful

preservation of these presents from change before the ratification by oath of the instrument of Confederation. So, however, that any and every person is to be held to be subject to and to serve his Lord exactly according to the terms of his obligation. We have also promised, decided, *and more*, ordained by common resolve and unanimous assent that we will not, to any extent, accept or acknowledge any judge who shall secure the office itself at some price, or by money, or by any other device, or who shall not be one of our inhabitants or a provincial.

But if a disagreement shall arise among any of the confederates, the more discreet of them ought to come forward to allay the variance among the parties just as it shall appear to them to be expedient, and the party which shall reject the settlement *decided upon*, it were proper for the other confederates to be their adversaries.

Moreover, above all things, it has been ordained among them that he who shall wrongfully, and without provocation murder another, if he shall be arrested, shall lose his life, as his heinous wrong doing demands, unless he shall be able to show his innocence touching the alleged crime, and if perchance he shall leave the country, he must never return, the harborers and defenders of the aforesaid malefactor are to be cut off from the valleys until they be recalled with due foresight by the Confederates. But if anyone in the daytime or in the silence of night maliciously injure any one of the Confederates by burning, he ought never to be regarded as a fellow provincial. And if anyone harbors and defends the alleged evil-doer within the valleys, he ought to render satisfaction to the person who has sustained the loss. In addition, if any one of the Confederates shall rob another of his property or otherwise inflict loss upon him, if the property of the offending party can be found within the valleys, it ought to be held for procuring satisfaction for the injured according to justice.

Moreover no one ought to take the pledge of a second unless the one be clearly a debtor or security, and this ought to be done only in accordance with a special license of a judge. Furthermore, any and every one ought to obey his judge, and to indicate the very judge, if it shall be necessary, under whom he by choice assumes the obligation to obey the law. And if anyone shall show himself defiant of the decision of a judge, and in consequence of his perverseness any of the Confederates shall be damaged, all who are under oath are held to force the aforesaid obstinate one to render satisfaction. But in case war or violent division shall arise among any of the Confederates, if one party of the disputants is not disposed to receive the award of justice or satisfaction, the Confederates are held to defend the remaining party.

The statutes above written are wholesomely ordained in behalf of the public advantage with an unlimited duration, the Lord consenting thereto. As an evidence of this act the present instrument, made according to the petition of the aforesaid persons, is confirmed by the authority of the seals of the aforementioned districts and valleys. Done in the year of the Lord 1291, in the beginning of the month of August.

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