Eugen Huber † : 1849 - 1923

Autor(en): **Daeniker, Armin**

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examination . . . we acknowledge your Lordship to be our Diocesan, to whom we are always willing to give an account of our doctrine and conversation ! . . &c.

My Lord,
May it please
Your Lordship,
Yr. most humble & Obedient & dutifull servants,
Joh. Petrus Stehelinus, V.D.M.
Ecclesiæ Gallicæ in Bell Lane.
John Ralph Hollard, V.D.M.
Gaspar F. Cellier.
J. Daubane, Ancien et Sec.
Essaye Jeremie, Samuel Bouillard, Ancien
Louis Sislot, Ancien.
Daniel Robert, Ancien.
David Closet, Ancien.

Désireux de tirer l'affaire au clair, l'évêque de Londres aura probablement communiqué cette lettre des Suisses à la plus importante des Eglises huguenotes d'alors. Et voici la réponse qu'il en a reçue, rédigée semble-t-il par les autortités de la communauté française de Threadneedle Street, qui subsiste encore aujourd'hui, mais transférée à Soho Square. La réponse se trouve jointe au premier document dans les archives du palais.

Of what do the Swiss complain? They say they have petitioned the King for a national Church &c. Do the French oppose this? It is very surprising that the Swiss gentlemen should so complain or should assert that the French prohibited their Ministers to preach in the National Swiss Church; or prohibited for a month a preacher to preach in the German tongue—what have they to do with the German tongue? It is absolutely untrue that menaces have been made to deprive the French Refugees of the Royal Bounty if they go to the Swiss Church . . . But it is very readily to be believed that many of the French did not wish to frequent Mr. Hollard's Church; but as it is a national Swiss Church they have not to do with it, except that men of good character would not care to associate with him.

Mr. Hollard was called to the office of the Ministry in Switzerland, where he exercised it for some years—he came over to England about nine years ago. The French Refugees do and never did love the Swiss Protestants, and being ignorant of what had been done there to Mr. Hollard received him with honour, and he preached several times in the principal Churches in London. Not long after the French Church in Spitalfields chose him as their Minister. He had discharged the duties of that place some time, when he was accused of very irregular conduct and that entirely unbecoming a Minister of the Gospel. The conductors of that Church who had chosen him for their Minister resolved to enquire into his conduct, and would have made him submit to their discipline, but he left them and erected a new Church in the same part of the town. There soon arose great differences between these two Churches, and to adjust them, they desired an assembly of Deputies from every French Church of London. This was granted with difficulty, but at length it was resolved upon with the consent of the late Lord Bishop of London.

This Assembly of the Deputies of the French Churches met 18th November, 1719, and during two months applied themselves to the examination of this affair, of which the chief point related to the conduct and morals of Mr. Hollard. . . . A great number of proofs and witnesses were procured . . . whereupon it was generally agreed that Mr. Hollard could no longer officiate until he had made atonement by a pure and regulary life lived for 6 months.

(To be continued.)

EUGEN HUBER †,

1849—1923.

Switzerland has produced many prominent lawyers, men of great creative faculties for legislation and scholars of international fame. One name, however, will for ever shine in Swiss legislative history, and will be remembered in connection with our greatest achievement in legislation. It is that of Eugen Huber, who died in Berne on Monday, April 23rd. Eugen Huber may be called, without any exaggeration, the creator of our unified Civil Law; he drafted it; he laid the foundation which made it possible; he also, in his academic activity, educated a whole generation of young lawyers and enabled them to practise under the new law. Reviewing the various gifts of his rich personality, we may say that Providence bestowed him on our country at the very moment when a man of his exceptional abilities was needed.

In sketching Eugen Huber's biography, the predominance of his life work—the Civil Code—must always be kept in mind. He entered the academic world very early as a lecturer in Berne and was called, subsequently, to the Universities of Basle and Halle. When he returned to Switzerland in 1892 to take the chair of Swiss Civil Law at Berne University, he already enjoyed a high reputation as a scholar in his special domain. At that moment the conditions of Swiss Civil Law were almost chaotic. 25 Cantons legislated on this matter independently and in different ways; large parts of the law were settled by custom and were not yet codified, particularly in country cantons; institutions and principles which held sway in one canton might be entirely opposed to those predominating in a neighbouring canton. It is unnecessary to enumerate the many hindrances which thus hampered commerce and international intercourse in a country which aimed at being a national and economic unity. Unification became necessary, though for a long time it was opposed by federalist reasons. A systematic review of these chaotic conditions was wanting, so were indications as to how unification could be arrived at. These difficulties were at last removed when Eugen Huber published his "System und Geschichte des Schweizerischen Privatrechts" and showed the lines whereon centralisation should be possible. On this first success the Federal Council charged him with the preparation of a draft for a Civil Code. He discharged his duty within a short time, and his draft met everywhere with a very favourable reception. Throughout the numerous ensuing stages of legislation, E. Huber defended it with the utmost vigour and lucidity. Supported by the confidence of the Bernese citizens, he entered the National Council when his draft was introduced in the Federal Assembly. His speeches there are not yet forgotten; they assured his final success. The Bill was accepted unanimously, and no demand for a referendum arose in the country.

Our Swiss Civil Law reveals many features which distinguish it from other codifications. Its chief value lies in harmoniously combining ancient Swiss institutions with modern ideas. E. Huber endeavoured to preserve these genuine institutions which had grown up throughout the various parts of our country, but he adapted them to modern needs and laid stress on those which seemed to be the most practical. We may mention the different forms of entering upon a matrimonial contract, of disposing by will, of charging landed property with mortgages or servitudes which survive side by side in the new law. By this conservative attitude, Huber was desirous of avoiding a rupture with tradition. Our Code is notwithstanding permeated with modern, liberal ideas. It gives the largest possible freedom to the individual (emancipation of the married woman, divorce law) and pays particular attention to safeguarding the integrity of the conjugal and family community. Eugen Huber's philosophical outlook restrained him from considering laws as mere rules of order; he rather looked at them as avenues towards social justice. He knew that any law has its limits, and instead of compelling a judge to give his judgment by using sophistical inferences, he preserved a wide field whereon he could decide according to equity.

E. Huber was kept busy in assuring the smooth transference of his Code into practice by acting in numerous cases as expert. He also continued his legislative activity by preparing, by commission of the Federal Council, a draft for a revised Commercial Code, which is at this time discussed among Swiss lawyers. In his last years his activity was mainly directed towards philosophical problems on which he published different books, which reveal his high idealism. "He was bringing in his last sheaves," as he himself defined his philosophical research work. Actual politics were far from Huber's mind; once the Civil Code was adopted, he declined to keep his mandate in the National Council; but we may remember that he represented Switzerland in the (old) International Arbitration Court which was constituted by the second Hague Conference.

To those who had the good fortune to attend E. Huber's lectures were revealed his full personality and his high faculties, for these were only clearly evident when he was in his chair, speaking to his students. Here we learned to appreciate his profound wisdom, his immense knowledge of dogma and history, his acquaintance with the variety of practical life, his lucidity, his mastery in expressing difficult things in very clear and simple words. E. Huber was an artist in the use of his own native language, and everybody who turns over the pages of the German edition of the Civil Code can still appreciate his skill. His lectures were lively and rich in suggestions up to the last; he never aimed at any brilliancy, but his own enthusiasm for law, and particularly for our genuine Swiss institutions, was transmitted to his students' minds. He was ever a friendly adviser to everyone who asked for assistance in research work.

He occupied his chair at Berne for thirty years; he has taught tens of thousands of young lawyers; he taught them more than science, he taught them to be devoted citizens. I think his exceptional success was due not only to his scientific qualifications, but even more so to his human attributes, his amiability, his modesty, his sense of duty, his noble and conciliatory mind, his devotion as a patriot.

We knew that Eugen Huber would leave us one day, but his great personality will not cease to inspire our generation, and his work, a great work of social peace, will live for many future generations.

Armin Daeniker.

UNIVERSITY OF GENEVA.

The University of Geneva Summer School was resumed in 1922. The programme of studies was enlarged and secured complete success. The usual studies in the French language and literature were supplemented by a series of most interesting lectures on current international problems, given by members of the Secretariat of the League of Nations and of the International Labour Office, as well as by distinguished outside specialists.

This programme attracted a large number of students, one-third of whom came from Switzerland, one-third from the United States, and the rest from Great Britain, Holland, the three Scandinavian countries, Italy, and other countries. The genuine satisfaction felt by these students was expressed in an address: "All our hopes," said the address, "have been exceeded by the quality of the instruc-"tion which we have received here. The summer "of 1922 will always remain with us as a most "pleasant memory."

The Summer School will be held again this summer at the University of Geneva, and the broad outlines of its programme of studies are as follows:

1. French language and literature: courses and lessons, in which practical and individual instruction will be given.

2. Lectures on current international problems, including the study of: (*a*) the present political economic and social situation of Europe, the East, South America and the United States of America; (*b*) international co-operation, including lectures by members of the Secretariat of the League of Nations and members of the International Labour Office.

3. Practical courses in botany and geology, including excursions and work in the botanic laboratory "La Linnea" at Bourg St. Pierre. The excursions will include visits to Mt. Blanc, the Jungfrau and the Matterhorn.

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