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Die Zürcher Revolution von 1839 in englischen Gesandtschaftsberichten.

Mitgeteilt von W. Oechslie.

Vorbemerkung.

Der Herausgeber verdankt die Kenntnis der nachfolgenden Gesandtschaftsberichte über den 39er Umstieg in Zürich der im Bundesarchiv befindlichen unschätzbaren Sammlung von Abschriften schweizergeschichtlicher Akten aus ausländischen Archiven, die auf die Initiative und unter der Oberleitung von Bundesarchivar Dr. Kaiser durch einen ganzen Stab von Mitarbeitern angelegt worden ist und noch immer fortgeführt wird. Die Arbeiten in den englischen Archiven stehen speziell unter der Leitung des schweizerischen Ministers in London Dr. Carlén.

Der Urheber der Berichte, David Richard Morier, entstammt einer Hugenottenfamilie, die nach der Aufhebung des Ediktes von Nantes im Waadtland, in Château d'Or, Zuflucht gesucht hatte. Aber schon der Großvater des Gesandten hatte sich im Oriente dem Handel gewidmet; der Vater, Isaac Morier, war in Smyrna geboren und hatte sich dort verheiratet. Später naturalisierte sich Isaac in England; 1804

wurde er Generalkonsul der britischen Levantekompagnie und 1806 britischer Konsul in Konstantinopel. Von seinen vier Söhnen widmeten sich nicht weniger als drei der Diplomatie in englischen Diensten, während der vierte zur Marine ging und als Admiral starb. David Richard Morier, der dritte der Söhne Isaaks, wurde 1784 zu Smyrna geboren. Mit zwanzig Jahren trat er in den diplomatischen Dienst und war als Sekretär bei den britischen Missionen tätig, die bei den türkischen Paschas in Janina, Morea und Ägypten dem französischen Einfluss entgegenarbeiteten. Von 1808 bis 1812 war er Legationssekretär in Konstantinopel. 1812 kehrte er mit seinem Freunde Stratford Canning nach England zurück, um dann 1813—15 als Sekretär Lord Aberdeens, Castlereaghs und Wellingtons an all den wichtigen Verhandlungen beim Sturze Napoleons, an den Friedenskongressen von Chatillon, Paris und Wien teilzunehmen. Nachdem er 1815—32 die Stelle eines britischen Generalkonsuls in Frankreich bekleidet, wurde er am 5. Juni 1832 zum bevollmächtigten Minister in der Schweiz ernannt und lebte nun fünfzehn Jahre meist in Bern. Eine der Unterbrechungen fällt in das Jahr 1839, wo Morier den Sommer in England zubrachte. Während seiner Abwesenheit besorgte sein Gesandtschaftssekretär Arthur Magenis als Chargé d'affaires die Geschäfte, weshalb die Berichte 4 und 5 von diesem stammen. Im Juni 1847 verließ Morier die Schweiz, zog sich vom Staatsdienst zurück und lebte, mit ethisch-religiösen Studien beschäftigt, in London, wo er am 13. Juli 1877, im 94. Lebensjahr, starb.

„Ein Muster von Frömmigkeit und Tugend“, wie ihn einer seiner Bekannten preist, wurde Morier von allen, die ihm nahe kamen, wegen seines Charakters und seiner Fähigkeiten hochgeschätzt. Der Schweiz war er aufrichtig wohl gesinnt, aber freilich ohne Verständnis für die mächtige Bewegung, die unter

seinen Augen ihre Umwandlung in den Bundesstaat von 1848 vorbereitete. Nach seiner Ansicht hätte sie im Schirm der Großmächte, die ihre Neutralität garantierten, ein ruhiges Stilleben genießen sollen. Den Parteien, welche dies Stilleben so empfindlich störten, der ultramontanen, aber mehr noch der radikalen, der « movement party », wie er sie nennt, war er aus politischen und religiösen Gründen abgeneigt, wie seine Gesandtschaftsberichte deutlich bekunden.

1. David Richard Morier an Palmerston.

Bern, 24. Januar 1838.

My Lord,

It may be proper to mention that I have not received the accustomed official notice from the Zurich Government of the annual change in the Execution which takes place at the beginning of a new year.

The omission is of a piece with the rest of their conduct since the commencement of the existing discussions between us¹⁾, and the recent change in their constitution²⁾ establishing an Ochlocracy, resting on the basis of Universal Suffrage and of the Eligibility of any individual whatever to a seat in the Sovereign Grand Council, is not calculated to add to the courteousness of their manners.

I have the honour to be, etc.

¹⁾ Die Regierung des Kantons Zürich war 1837 mit dem englischen Gesandten wegen der Hinterlassenschaft eines in Zürich verstorbenen Engländers Mater in Streit geraten.

²⁾ Gemeint ist die Verfassungsrevision von 1838, welche die vollständige Rechtsgleichheit zwischen Stadt und Land durchführte. Vgl. Wettstein: Die Regeneration des Kantons Zürichs. S. 596 ff.

2. Morier an Palmerston. Bern, 6. März 1839.

My Lord,

The events in the Canton of Zurich to which I alluded in my despatch of the 4th instant to your Lordship, have, by the accounts received here to day, reached a point which gives reason to apprehend, that the discussions between the executive Government and the People, on the subjet of Dr. Strauss' nomination, may lead to the disturbance of the publick peace in that Canton.

The opposition to that measure has been hitherto conducted within strictly legal limits and with an abstinence from all tumult or violence, which reflects credit alike upon the prudence and sagacity of the leaders, and the orderly habits of the people who with hardly any exception, appear to have resented the attempt to introduce a foreign professor of infidel doctrines into the theological chair, as an outrage on their religious feelings.

The unanimity and steadiness of purpose which till now had marked their proceedings, seemed to leave the Government no choice but that of yielding to the peremptory demand for the revocation of the unpopular measure, contained in an address presented on Friday to the Burgomaster in charge, by the regularly appointed delegates of the whole eleven circles, composing the Canton, who are now assembled at Zurich.

In that address it is declared by the Central Committee, that the instructions of their constituents, « which all repose upon a purely religious ground, remote from all political questions », are unanimous in requiring that « Strauss must not and shall not come ».

The Government are reminded that they will be « answerable for the consequences of any further resistance », that

« the attachment of the people for them has been weakened through their inconceivable perseverance in that direction, and that on their conduct depends its continuance ».

It is demanded therefore 1^o: that the nomination of Dr. Strauss be revoked « and that that individual shall never hold any situation as a teacher in the Canton of Zurich », 2^o: That on the contrary a distinguished scientifick professor of dogmatick theology, of opinions decidedly evangelical — christian shall be named.

It is also announced that a central committee will prepare a petition to the Grand Council, with a view « to restoring a genuine christian direction to the Church and Schools, and to the purifying of morals, in the full confidence that the executive Government will give its support to the purely religious will of the people so nobly and powerfully expressed ».

The meaning of this language (which is condemned by some friends of the cause, as intemperate and indecorous towards the principal magistrates of the State) can be fully understood only by its being known to refer to the general unpopularity of the system of publick instruction, which has been for some time past carried on chiefly under the influence of one Scheer¹⁾), a fellow countryman of Dr. Strauss, and like him excluded on account of his peculiar opinions, from publick employment as a teacher, in the kingdom of Wirtemberg. Scheer is a member of the « Erziehung's Rath » or Council of Education, with which originated the nomination of Strauss, and also director of the seminary for the training of the cantonal schoolmasters who are accused of giving, under his teaching, a bias to the minds of their

¹⁾ Thomas Scherr, Seminardirektor.

pupils decidedly hostile, not only to the doctrines of the national church, but of revealed religion in general.

It is chiefly to the prevailing impression on this point, combined with a want of esteem for the personal character of some of their rulers notorious for their profligacy, that is to be attributed the almost universal and spontaneous movement of a population not yet demoralized by the great temporal prosperity they enjoy, and remarkable for their attachment to their national church which they consider with some degree of perhaps allowable complacency, as the cradle of the Reformation in Switzerland.

It is possible that the prompt opposition made to the appointment of Dr. Strauss may have been more easily roused on account of the previous discontent which, I am told, existed with respect to some financial and other regulations of a recent date, but the greatest pains have been taken to keep the popular movement clear of admixture with less worthy motives, and the Government in its proclamation of the 20th February, meant to pacify the people and save their own sinking authority, felt themselves compelled to pay respect to the popular sentiment, by solemnly acknowledging its purity in these words: «We, firmly confiding in the love of order of the people of Zurich, are in no wise alarmed at the present demonstration; on the contrary we honour the good that is in it, in as much as it affords a substantial proof, that the religious feeling which our Fathers brought into activity, centuries ago, still lives among us.»

In consequence of the presentation of the address above-mentioned, the Council of State on Monday the 4th, decreed by ten voices against eight, that the Council of Education should submit a préavis or report upon the mode of dismissing and replacing Dr. Strauss. But on that same day, the news

having arrived that the town of Winterthur, the place next in importance to Zurich, has disavowed its delegates, the Strauss party demanded a new deliberation of the Council of State on the matter, the result of which is not yet known.

It is apprehended that this unexpected defection will prolong the crisis, by encouraging the unwillingness of the Government to comply with the address; and should the Government, as it has been already proposed by the Burgomaster Hirzel, Strauss' patron, call for federal assistance under such circumstances, the publick tranquillity may end by being not only seriously disturbed in the Canton of Zurich, but run some risk of being so likewise in some others.

I have the honour to be, etc.

3. Morier an Palmerston. Bern, 28. März 1839.

My Lord,

The affair of Dr. Strauss which at one moment seemed to threaten the dissolution of the Zurich Government, has come to a peaceable end in consequence of the decision of the Grand Council, convened in extraordinary session last week, to yield to the demand of the people, that the nomination of the abovementioned professor should be annulled.

The other demands have been referred to a committee of the Grand Council, which is to make its report on the 8th of April.

They require that 1^o a free representation of the national church shall be instituted by means of a Synod composed of laïcs and ecclesiastics. 2^o the existing ecclesiastical Council shall have a right to examine and to confirm or freely to reject any choice made by the Council of Education of a Professor of Theology. 3^o the article of the Constitution

relative to the election of the Council of Education, shall be revised, with a view to placing a third of the members at the choice of the Synod, to be confirmed by the Grand Council. 4° a more religious direction shall be given to the publick instruction, as well in the superior institutions, as in the primary schools, and in the normal school, and 5° the law relative to the normal school shall be submitted without delay to a total revision, specially with a view to making the christian religion the basis of teaching.

The above demands were embodied in a petition of which the projet was communicated to the different parishes of the Canton, by the central committee mentioned in my despatch to Your Lordship, n° 8 of March 6th, and received the signature of 39,225 citizens, the number of dissentients being only 1,058 out of a population of about 220,000.

Such remarkable unanimity directed to so legitimate a purpose, and exhibited in a strictly constitutional form, free from all disorder and violence, may vindicate both the leaders and the people from the charge of factious fanaticism, in which their opponents have indulged against them. Deprecating the agitation of other topics not connected with their proposed object of maintaining the guarantee secured to the national church, by the 4th article of the constitution, they have recognized the right which the Government has thought proper to exercise, in granting to Dr. Strauss the pension provided by law to retired professors, altho' they dissapprove its application under the existing circumstances.

The Grand Council having, during the last ordinary session, given a vote which implied the approval of Dr. Strauss' nomination, its present decision is looked upon as the result of an unwilling acquiescence in the wishes of the people, who, it is therefore supposed, will at the next elections confirm by

their votes, the declaration contained in their petition, that « the fatal measure in question has strongly shaken their confidence and affection » for their present rulers.

I have the honour to be, etc.

4. Arthur C. Magenis, britischer Geschäftsträger in Abwesenheit
Moriers, an Palmerston. Bern, 4. September 1839.

My Lord,

Considerable excitement has prevailed for some time past in the Canton of Zurich, in consequence of a recommendation, on the 8th of August, of the Central Committee, formed in the early part of the present year when the nomination of Dr. Strauss to the theological chair in the university of Zurich, caused such a manifestation of publick opinion, as detailed in Mr. Morier's despatches n^os 7 and 8, to the different districts and parishes to present petitions in favour of a more spiritual direction to the Church and Department of Publick Instruction.

The Government of that Canton maintain — and perhaps with some reason —, that the real object of these petitions, is not so much to give another and a more spiritual direction to the Church, as, profiting by the popular excitement on that subject, to attack the new order of things and to upset the present Government. The Council of State published in consequence, on the 23rd ultimo, a decree enjoining the Prefects, Mayors and other constituted Authorities to forbid all assemblies convened by the above mentioned central committee or other branch committees, holding the local authorities responsible for the execution of this decree and for the maintenance of publick order.

The Central Committee replied to this proclamation, denying that it had given any order to the parishes to deliberate, and stating that it had merely advised them to hold assemblies for the purposes above mentioned. It further added that the proclamation of the Government attacked the constitutional right of petition, and it finally exhorted the people to be firm and to persevere. The Government having seized a newspaper containing this reply, and commenced a prosecution against its authors, the Central Committee published it afresh in a new and somewhat modified form, and invited the citizens of the Canton to assemble on the 2nd instant at Kloten, a village a league and a half from Zurich, to deliberate on the means of resisting the attacks of the Government on the constitutional Right of Petition and Freedom of the Press.

The Council of State subsequently assembled on the 31st ultimo, and unanimously decided on calling out two battalions of the cantonal troops, — one of which is to be quartered in Zurich and the other placed as a piquet — for the nominal purpose of preserving the publick tranquillity. This resolution was made known by a proclamation issued the same day, in which the Government endeavours to justify its previous conduct, and acknowledges the right of citizens legally assembled to present petitions to the Grand Council, but takes up the questionable position, that in order that this right should obtain the ends for which it was ordained, that those petitions should be the spontaneous expression of individual and free will. It then announces that the troops it has called out, are to repress, if necessary any attempt to get up petitions by other means, but in no way to endanger personal safety, or to restrain the exercise of constitutional privileges. The Council of State has further decided on an extraordinary convocation

of the Grand Council, and was to fix on the 3rd instant as the day of its assembling.

The doctrine of the Government of Zurich that petitions suggested by any committee or directing influence are contrary to law, would certainly materially diminish their numbers, and may be convenient to a Government circumstanced as it at present is, but the grounds are hardly tenable, and the energy of their subsequent acts gives a pretty accurate measure of their apprehensions.

The Baron of Mortier, the newly appointed French Ambassador, presented his credentials to the Federal Directory on the 21st ultimo.

I have the honour to be, etc.

5. Arthur C. Magenis an Palmerston.

Bern, 5. September 1839.

My Lord,

The assembly of the people of the Canton of Zurich, convened by the Central Committee for the 2nd instant at Kloten — as mentioned in my despatch n^o 14 — was held on that day, when from 8 to 10,000 citizens assembled to deliberate on the conduct and proclamations of the Government. The meeting decided on sending immediately a deputation of 22 members, 2 from each circle or district of the Canton, with a petition to the Government, and in addition adopted resolutions for their own future conduct.

The petition which is very ably drawn up, commences by expressing the deep regret which the assembly felt at the dissensions which had arisen between the people and their Government, which the conduct and proclamations of the latter

had not tended to calm. It reminds the Government that the districts had elected committees in March last, when they considered that the orthodoxy of their University was endangered by the nomination of Dr. Strauss, that these committees had neither employed illegal means nor used intimidation, and that their only recompense was the general adoption and approval of the petition that they had drawn up. It then declares that the accusations of the Government against the Central Committee, in the decree of the 23rd of August of endeavouring to excite the people to insurrection are unmerited; that the petitioners still continue to place their entire confidence in this committee, and that the reproaches of the Government apply with equal force to all the district committees, and to the 40,000 citizens who signed the petition of March. It repudiates the idea of employing either menace or intimidation, but adds that 40,000 citizens assembled for a legal and righteous object, cannot fail to make a proper impression on every Government which can alone be in an agreeable position when the views of all parties are in harmony. The petition concludes with the following requests: the granting of which it declares will produce inestimable benefit to the country, by proving that the Government wishes for union with the people, and that this end will be more fully attained by an immediate decision which would enable the deputies about to return home, to be the bearers of this joyful news: — 1st That the supreme Government should declare that the accusations made in the decree of the 23rd August against the Central Committee, and the committees in general of instigation and abuse of rights conferred by law, to illegal ends, were entirely unfounded, — 2^{ndly} That the supreme Government should suppress the prosecutions commenced by

the legal authorities of the State¹⁾ against certain members of the Central Committee, for attempts at insurrection, as invalid, — 3^{rdly} That the supreme Government should call the legal authorities¹⁾ to account for their violation of the 5th paragraph of the constitution, and should take care that that same paragraph which proclaims the Freedom of the Press, should not be used for the advantage of the enemies of the people, but for the benefit of all. To these requests the petitioners, in the name of many thousands of their fellow citizens then assembled, add the request that the Government will leave unrestricted and free the Right of Petition and withdraw the prohibitory orders.

The assembly further adopted resolutions for the guidance of it's own future conduct, declaring that in order to accomplish the wishes enounced in their petition of March last, persons religiously minded and devoted to the faith of the people should be elected to situations of communal and district trusts, as well as the places of the highest authority in the State, that this end can only be attained by an intimate union of the well intentioned in the future elections, and that the Committees already formed, offer the best means of obtaining such union. They therefore resolved, that the already existing district and central committees should continue, until the objects were accomplished for which they were formed, and engage to unite at future communal, corporate or district elections to support well intentioned and religiously minded candidates.

The Council of State assembled on the same day, to deliberate on the above petition, and answered that the decree of the 23rd August which had been erroneously interpreted,

1) So übersetzt der Engländer das ihm unverständliche Wort „Staatsanwaltschaft“.

had been fully explained by its subsequent proclamation of the 31st, that satisfactory assurances were therein offered that no violation of legal rights, and especially of the Right of Petition and the Freedom of the Press was meant, that it had consequently no further answer to make on these points, but that it would submit to the Grand Council, as the highest authority, at the approaching assembly a report on the cause, as well as contents of the said decree; with regard to the prosecutions commenced by the legal authorities of the State¹⁾, that the affair was now before the Tribunals and that the Government could not legally interfere; with respect to the imputed violation of the 5th paragraph of the constitution, by the legal authorities¹⁾, that the Government in consequence of a previous complaint had already ordered them to make a report on the subject; and lastly, that the local authorities²⁾ had received the necessary instructions with respect to the execution of the decree, in the subsequent proclamation of the 31st August.

The reply of the Council of State eludes the points in discussion, and cannot be called an answer to the demands of the petitioners. Its vagueness would lead to the belief that the Council of State regard with unconcern this document; but such, I believe, is not the case. As the petitioners observe, 40,000 persons assembled for a legal and righteous cause, cannot fail to make an impression, and that impression is increased by the necessity the Government have felt to dismiss the cantonal troops which had the day before arrived, from the well grounded certainty which they acquired, that these troops would not have acted against their fellow citizens,

¹⁾ S. *Unmerkung Seite 197.*

²⁾ *Im Regierungsbeschlüß „Die Beamten“.*

if required. The Grand Council was to assemble this day; the tone of its debates will probably decide whether, at least a part of the present Government of Zurich will abandon the direction of affairs, or not. Should this reaction take place, the example may be followed in other Cantons, and the apprehension of such a reaction is so great, that the deputies to the Diet from the Cantons of Bern and St. Gall are reported to have exhorted the Council of State of Zurich not to yield, and to have offered — on what authority can hardly be conceived — the assistance of troops in case of necessity. I must however add that although I mention a report which has been stated in the publick prints, I cannot learn that any orders have been given here for moving troops.

I have the honour to be, etc.

6. Morier an Palmerston. Bern, 12. September 1839.

My Lord,

I have the honor to inform Your Lordship of my return to my post on the 8th instant.

The discussions between the Council of State of Zurich and the Central Committee acting on behalf of the people, which formed the subject of Mr. Magenis's two last despatches n^{os} 14 and 15, dated the 4th and 5th instant, have led to the dissolution of the Government and to the formation of a provisional Executive Council, which was instantly submitted to the approval of the multitudes assembled from all parts of the Canton in the city of Zurich, and ratified on the spot by their unanimous acclamations.

This took place on the 6th instant. On the 9th the Grand Council assembled to the number of 146 members who, with but one dissentient voice, voted for their own abdication. The

elections for the new Grand Council were to take place yesterday, and on its assembling, probably in the course of next week, a new Executive will be chosen, and affairs will then, there is every reason to expect, resume their ordinary legal course, with the essential difference, however, that they will be administered, in regard to the points lately in discussion, respecting the management of church and school matters, in quite another spirit.

In the mean time the Magistrates of the Canton, Prefects of Circles, etc., appointed by the late Government have acknowledged the authority of its provisional successor. No steps have been ostensibly taken by any of the other Cantons to interfere in behalf of the disconfited party, but the Deputies at the Diet still assembled at Zurich, who were eye witnesses of the events which led to the change, have applied to their respective Governments for instructions as to what language they are to hold. They will doubtless be ordered to wait the reconstruction of the Executive by the new Grand Council, when no pretext will remain, on the ground of informality, for hesitating as to its recognition in the capacity of Vorort. In this respect it is a fortunate circumstance that Mr. Hess, the Burgomaster in charge, and, as such, presiding the Diet, should also have been chosen President of the provisional Government, and that in so far, the difficulties, which in case of a change of persons might have been started in the Diet, have been thereby eluded.

One of the first cares of the new Government was to address a circular to its Confederates announcing that « the Government of the Canton of Zurich was that day (the 6th September) dissolved de facto, in consequence of the open manifestation of the will of the people » and that the Undersigned to avoid further disasters had taken temporarily the

management of public affairs. The assurance is added that « no change shall be made in the Constitution of the Canton as guaranteed by the Confederation », and in conclusion the armed intervention of the cantons is earnestly deprecated «not only as not necessary, but as risking the most lamentable consequences not only for Zurich, but for the whole Confederation ». « Being resolved », says the circular, « in virtue of our Cantonal Sovereignty, to decline all armed intervention on the part of the other Cantons, we take the liberty to remind you that such intervention cannot take place, according to the formal terms of the federal compact, except on the express demand of the Canton where the question has arisen or in virtue of an express decree of the Diet.»

It is now averred that after the meeting at Kloten, mentioned by Mr. Magenis, the Deputies of Bern and St. Gall exhorted the then rulers not to yield to the demands of the people, and encouraged them by the hopes of armed support from their respective Governments; and there can be no doubt that it was the alarm produced among the people by the reports of such interference which decided the final movement that compelled the Government to abdicate its functions.

Your Lordship will find in the enclosed newspaper an accurate outline of the events which followed the meeting at Kloten, and I beg to draw Your Lordship's attention to the proclamation of the Central Committee, on whom in fact devolved the supreme authority for the moment, by which the people are exhorted to abstain from all acts of retaliation. The exhortation was so punctually attended to that not the slightest excess was committed in the midst of the agitation accompanying the gathering together of many thousands of men from the country in the streets of a town, and who had just witnessed the death of several of their comrades occasioned

by the fire of the few soldiers who remained faithful to their employers. The commanding officer who was discovered in his attempt to escape the dreaded vengeance of the people, disguised as a women, was merely paraded through the crowds in his new dress, brought before the Committee, made to swear allegiance to the new Government and then dismissed without the slightest injury ¹⁾.

In short, the conduct of the people and the leaders of their choice throughout the whole of this critical juncture has not belied the professions which were made by them, when they first engaged in the contest, namely, that their sole object was to defend the national religion as recognized by the fourth article of the Constitution against attack, and to secure the christian education of their children in the national schools. On the other hand the conduct of the fallen party was marked throughout by that kind of infatuation which is generally observed to precede the ruin of a bad cause; and the arrogance of its chiefs during the enjoyment of a power which they alone at last seemed not to be aware had virtually departed from them, was equalled only by the cowardice with which they fled from danger at the moment of the collision which their own folly had provoked. One of their colleagues, Mr. Hegetschweiler, who from the first, with Burgomaster Hess and some others, opposed the designs of that party, received the wound which has since proved fatal, while attempting to stop the fire of the soldiers on the crowd. It appears that the small party of dragoons composed of men personally interested in the maintenance of their employers, who alone were active on this occasion, was commanded by a Prussian refugee ²⁾.

¹⁾ Oberst Sulzberger.

²⁾ Major Uebel.

The measures immediately taken by the new Executive for the maintenance of the public tranquillity, by calling out the regular Militia etc. will, it is to be hoped, be sufficient to repress any attempt that might be made by the secret partizans of the by-gone Government, in conjunction with their favourers of the other Cantons. It cannot be doubted that in the present temper of the people of Zurich any attempt of the kind would only strengthen the new Government.

I have the honour to be, etc.

7. Morier an Palmerston. Bern, 19. September 1839.

My Lord,

Since I had the honour to address myself to Your Lordship on the 12th instant, the tranquillity of the Canton of Zurich has continued undisturbed. The election of the deputies to the new Grand Council which took place the 16th and 17th gave rise to no disorder. That body was to assemble this day, and the choice of the new Executive Council, which is to constitute the Federal Directory, will have been the first object of its deliberations. It is essential that the present provisional Government, of whose legality doubts have been entertained by some of its own supporters, should be replaced as soon as possible by a more strictly constitutional authority, with a view especially to the reestablishment of the regular relations between the Government of Zurich as Vorort and the Diet, which relations have in fact been interrupted since the events of the 6th of September. During this interval the deputies of the Cantons known by the name of the Concordant Cantons with reference to the «Concordat» of mutual guarantee enter'd into in 1832, by the seven revolutionized

Cantons of that period¹⁾, having been doing their utmost to indispose their Confederates against the recognition of the new order of things in Zurich, which they appear to dread as the forerunner of a political reaction in their own Cantons. With this view, they have issued a declaration addressed to their colleagues at the Diet, in which protesting against the exercise of all directorial functions by the provisional Government of Zurich as having been unconstitutionally established and unconstitutionally confirmed by the late Grand Council at the moment of its abdication, they demand that the Diet should immediately resume its labours, under the presidency of the Deputation of Bern, which is the Vorort next in turn. All this appears very formidable; but as in a general conference of the Deputies held during the unavoidable suspension of the ordinary sittings of the Diet, twelve have declared for the recognition of the Directorial character of the Zurich Government, and as I have just been assured by the Avoyer Tscharner²⁾, that the declaration above quoted of the deputies of the Concordant Cantons was made without the sanction of their respective Governments, I trust there is no reason at present to fear any very serious derangement of the federal functions.

I understand that Burgomaster Hess openly declared that he would oppose by force any attempt to resume the sittings of the Diet under any other presidency than his own, or to remove the federal Archives and Chancery from Zurich.

I have the honour to be, etc.

¹⁾ Das sogen. Siebnerkonfondat vom 17. März 1832 zwischen Luzern, Zürich, Bern, Solothurn, St. Gallen, Aargau und Thurgau.

²⁾ Karl Friedrich Tscharner, Schultheiß von Bern.

8. Morier an Palmerston. Zürich, 23. September 1839.

My Lord,

I have the satisfaction to inform Your Lordship that the Executive Government of the Canton of Zurich elected according to law by the new Grand Council which assembled on the 19th instant, has been formally acknowledged as Federal Directory by the Diet which resumed its sittings this morning after an interruption of nineteen days. The Deputation of Bern after a speech intended by the Avoyer in charge, Mr. Neuhaus¹⁾, to justify the declaration of the Concordant Cantons²⁾, mentioned in my last despatch, led the way in voting for the admission of the new Zurich deputies, and in acknowledging the legality of the Vorort presided now as before by Burgomaster Hess. All the other deputations followed, with the exception of Luzern and Bâle Country, whose deputies withheld the consent of their respective Governments, and of St. Gall whose deputy kept the protocol open for the future decision of his Canton. This result is a great triumph for the new Government of Zurich.

I have the honour to be, etc.

9. Morier an Palmerston. Bern, 16. November 1839.

My Lord,

In the first excitement produced by the late events in the Canton of Zurich, apprehensions were entertained by some, that attempts might be made to subvert in like manner the existing Governments of those Cantons which, with Zurich,

¹⁾ Karl Neuhaus, Schultheiß von Bern.

²⁾ S. Anmerkung ¹⁾ Seite 204.

constitute the seven Concordant States within the Confederation, to which I have had several times occasion to allude in the course of my correspondence with Your Lordship.

Although nothing has yet ostensibly occurred to justify those apprehensions, yet the formal secession of the Canton of Zurich from the Covenant¹⁾ by which it was pledged to the maintenance of the then regenerated constitution of its associates, has drawn too marked a line between them, not to have very materially altered the mutual relations of political parties throughout the Confederation, which can hardly fail of leading ultimately to changes in some of the other Cantons. It is true, that the «Concordat of the Seven» was never actually called into active operation, but it occasionally served as a watchword to the movement party, it gave them the semblance of Union in the discussions of the Diet, when party spirit ran high, particularly at the secession of the Cantons forming the so called Conference of Sarnen²⁾; and it might under other circumstances have formed a league, oppressive to the rest of the Confederation. The withdrawal of Zurich has now entirely broken up all the combinations which the movement party might have dreamt of building on that foundation; and the rancorous hostility displayed by their journals against the new Government and people of that Canton, betrays both their disappointment and their alarm.

The Cantons whose Governments agreed in the Concordat of 17th March 1832, which was repudiated by the Grand Council of Zurich the 2nd of October last, as superfluous and inopportune, were, besides Zurich, those of Berne, Lucerne, Soleure, St. Gall, Argovie and Thurgovie.

¹⁾ S. Anmerkung ¹⁾ S. 204.

²⁾ Der Sarnerbund zwischen den Urfantonen, Baselstadt und Neuenburg, aufgelöst 1833.

Of these the Governments of Argovie and St. Gall seem to have the most immediate cause for apprehension. In the former canton meetings have been recently held, to petition the Government for the redress of alledged grievances. The latter, instead of shewing a disposition to attend to the petition, has held out threats for prosecuting the petitioners. The differences between the people and their rulers in both the last named cantons have however not yet assumed a sufficiently definable shape, to make it possible as yet to anticipate a positive result. All that can at present be affirmed is, that agitation is perceptible principally among the Roman Catholic populations of Argovie and St. Gall, the Governments of which have, it is well known, for a long time past pursued a course the very reverse of conciliatory, not to say actually unjust, towards the clergy of that persuasion. The same is to be said of the Roman Catholic Vorort of Lucerne, which has made itself notorius for its open hostility to the papal authority in Switzerland. The radical leaders, there, having gone beyond the limits over which the country population, still much attached to their religion, are inclined to follow them, begin to apprehend a reaction which the new Nuncio, stationed at Schwytz, will not be backward in promoting, in conjunction with the movements towards the same object in St. Gall and Argovie.

The present state of affairs in the Jura district of the Canton of Bern happens also to favour the views which may be cntertained in that respect (folgt eine längere Darstellung der von dem ehemaligen Regierungsrat Stockmar geleiteten Umtriebe im Berner Jura für die Trennung von Bern). They (die Berner Regenten) confidently reckon on the warm support of the German part of the Canton in a question of ascendency over the other race, and the resources of Bern are too great, compared with

the other confederates, to make it likely that any of these would openly interfere to prevent it from putting down the Jura by force, although some might be disposed to view with complacency the successful revolt of that population, as a means of diminishing the too great preponderance of Bern ever looked upon with a jealous eye by its less powerful neighbours.

That preponderance has for the last few years been unfortunately nullified for all beneficial purposes, by the absence of every thing in the Bernese Council that could secure the confidence or respect of the Confederation. The want of good, consistent guidance for the general direction of Swiss affairs has been the principle subject of complaint ever since the changes of 1831 and 1832, and the eyes of all reasonable men are now turned towards the new Government of Zurich, as the quarter where there is now some hope of such guidance being found. The members who compose it, bear generally the reputation of upright, consistent, and moderate men, who have no private passions of their own to gratify, and who have at heart the conscientious performance of the duties they have been called on to undertake at a most critical juncture. It remains to be seen whether time will be given them by their numerous enemies among the radical party, to get firmly seated in their places, and whether the pure and honorable motives which gave the first impulse to the revolution that placed them there, will continue to direct their councils. On this depends the future march of Swiss affairs; and I hope shortly to have an opportunity of addressing Your Lordship on the subject from Zurich, where I trust to acquire information which shall enable me to lay a more authentive statement, than it is possible for me to do at present, of the position of affairs in that quarter.

I have the honour to be, etc.

10. Morier an Palmerston. Zürich, 28. November 1839.

My Lord,

Before I proceed to state to Your Lordship what I may have an opportunity of learning with respect to the posture of affairs in this quarter, I think it right to make known to Your Lordship the substance of a despatch written by Prince Metternich to Mr. de Bombelles¹⁾ dated Johannisberg, 27 September, relative to the late events in the Canton of Zurich, and by the latter communicated confidentially to the new Government of that Canton. This document was shewn to me by the Chevalier Bunsen²⁾, recently arrived in Berne to replace Mr. de Rochow as Prussian Envoy to the Confederation, who at the same time informed me that it had been formally communicated to his Court by that of Austria.

The despatch begins by approving of the Count de Bombelles' visit to Burgomaster Hess to congratulate him on his continuance in the Presidency of the Diet, and orders the Count to assure Mr. Hess specially from Prince Metternich, in the name of the Austrian Cabinet, of the satisfaction with which they learnt that he continued to fill that eminent station under the present important circumstances.

The despatch then proceeds to observe that the scrupulous regard of the Austrian Government for the independence of States, and their abstinence from all meddling with the internal affairs of other States, forbids, lively as is the interest excited by the events of Zurich, their making any public manifestation which might influence the turn those events may

¹⁾ Graf Ludwig von Bombelles, österreichischer Gesandter in der Schweiz 1831—1843.

²⁾ Christian Karl Josias v. Bunsen, preußischer Gesandter in der Schweiz 1839—41.

finally take; « but though silent, we are by no means indifferent ». It cannot be expected that the defense in abstracto of the doctrine of the Sovereignty of the People should emanate from the Austrian Cabinet, yet it cannot be denied that that doctrine forms, historically, the basis of the public right (« Droit public ») of some states and, notoriously, of Switzerland. But it is the deplorable inconsistency of a small number of audacious and unprincipled men, that while they derive from the people their authority, they would impose on the people institutions repudiated by the people whose sovereignty they profess to acknowledge. The events of Zurich have proved in a manner that cannot be denied by the most shameless radicalism, that such was the case there, and not only will all conservative Europe, but every impartial and equitable person agree in admitting that the overturn of the late Zurich Government was an act of mere Justice (« Justice s'est simplement faite »).

The despatch further remarks that those events have proved two things: First that the religious principle is deeply rooted in the masses. Without Religion (« le Théisme du trop fameux Strauss n'est pas une religion ») there is no Society possible among men. All Governments are interested in its maintenance. It is this treasure which a handful of blind and tyrannical men sought to snatch from the people of Zurich, and which the people courageously defended. This success will bear its fruits. It will give additional strength to the upright Governments (« Gouvernements loyaux ») who will have obtained the proof that by remaining faithful to social principles, they run no risk of being abandoned by the masses who themselves wish for nothing else. On the other hand the people's success will have given warning to those Swiss Governments, who are imbued with the spirit of the fallen rulers of Zurich,

that there are limits to the patience of that people from whom the attempt is made to take by violence the first of their blessings, namely, their Religion, and hence (« dès lors ») their liberty of conscience.

It is here incidentally observed that the affair of the convents, «not the most honorable portion of the history of modern Switzerland», will no doubt feel the good effects of the victory gained at Zurich by the religious principle over impiety.

The second point proved by the events of Zurich noticed in the despatch is that in the great and rare occurrences in which the people «se voit dans le cas de faire rendre par la force justice à ses droits méconnus», every thing depends, with respect to the final result, on the direction given to the movement by men of spirit and probity who, like Muralt¹⁾ Hürlimann-Landis, Hess and others, know how to take possession of it to prevent its degenerating into anarchy. Due honour then be given to those men who will maintain and keep within due bounds their work, and who, placed as they are at the head of one of the most influential Cantons, exercising at the same time the functions of the Federal Directory, will endeavour to give prevalency throughout the whole of Switzerland, so far as it is possible, to the maxims which serve as the guide of their own Government.

Acts of injustice, such as were on the eve of being committed in the affair of the Valais²⁾, will no longer be possible, and, with the confidence of foreign and neighbouring

¹⁾ Konrad von Muralt, Bürgermeister von Zürich 1831, 1832 zurückgetreten, wurde am 20. September 1839 wieder zum Bürgermeister gewählt.

²⁾ Im Wallis war heftiger Streit und förmliche Trennung zwischen den untern Bevölkerungen, die eine neue Verfassung mit dem Prinzip der Vertretung nach der Kopfzahl wollten, und den oberen, die an der Ver-

Governments will revive those former friendly and intimate relations, which Austria, for her part, never saw interrupted or altered, without pain.

In conclusion, Mr. de Bombelles is told that there is not only no objection to his confidentially communicating the contents of the despatch to the principal members of the Government of Zurich, but Prince Metternich expresses the desire that the latter may derive therefrom motives of encouragement, together with the proof that the best wishes of the Austrian Government accompany them in their noble tasks.

Mr. Bunsen in communicating the above mentioned document to me observed upon the ability with which the delicate subject of the doctrine of the Sovereignty of the People was touched upon by Prince Metternich. The Burgomaster Hess, with whom I have had a conversation to-day on the State of Swiss Affairs, expressed how much he and his Colleagues had been gratified by the Austrian communication; but by a singular contrast with the language used by Prince Metternich in respect to the courageous defence of their religion by the people of Zurich, the Burgomaster did not scruple to call it an act of Rebellion, which derived its justification only from the uncontrollable necessity of the case.

I have the honour to be, etc.

11. Morier an Palmerston. Zürich, 2. Dezember 1839.

My Lord,

As the future direction of the Canton of Zurich by the new Government and its influence upon the general affairs of

fassung von 1815 festhielten, entstanden. Am 11. Juli hatte die Tagung die Aufstellung eines Verfassungsrates nach der Kopfzahl beschlossen, wogegen die obern Behnnten protestierten.

the Confederation cannot be prejudged with any degree of correctness without some knowledge of the real cause of the sudden overthrow of the late rulers, who had been in undisturbed possession of the power of the State during eight years, it has been my endeavour to obtain on the spot the most authentic information possible on the subject.

The persons most competent to give such information all agree in their statement, (and it is amply confirmed by the general voice) that the catastrophe which placed the present rulers in power was entirely unsought for by them, and that so far from the popular movement being either in its beginning, progress or termination, the result of a premeditated plan to effect a political revolution on the part of any of those who shared in it, including nine tenths of the whole population, the old Government might still have been in existence, had they made the concessions demanded by the people at the assembly of Kloten, in respect to the question of the National Church and the national education.

There can now exist no doubt in the minds of unprejudiced men that the movement originated in the universal alarm and discontent spread among the heads of families by the attempts made to establish the national education on principles, which had already begun gradually, but perceptibly, to undermine the faith and to corrupt the morals of the youth of the country. The appointment of Professor Strauss to the chair of theology in the University of Zurich furnished a fit occasion for the first open expression of the popular feeling, which was conveyed to the Executive Government by Mr. Hürlimann-Landis, deputed with some others by the Commune of Richterschwyl, where he resides, to remonstrate against that preposterous measure. The irreproachable character of that individual, his reputation for benevolence,

his acquaintance with the sentiments of the manufacturing population, over whom he exercises great influence by the employment which his wealth, acquired in the establishment of manufactories, enables him to give to hundreds of workmen, and above all his abstinence from all political pursuits, seemed to entitle such a man's representations, speaking on behalf of the people, to the attention of a Government whose authority was professedly derived from the «Sovereignty of the people», and can only be maintained by the people's support.

Mr. Hürlimann-Landis told me that he remained two hours with the ex-Burgomaster Hirzel, trying to convince him of the danger to the Government of their persisting in the unpopular nomination. But all in vain. The same Magistrate, who in 1836, declared in a letter, now in print, that it was impossible for Strauss to be employed as a teacher in the National Church, turned a deaf ear to those who on this occasion repeated the same declaration, and the consequence has been what all foresaw who were not under the same delusion as this infatuated man. The delusion appears so unaccountable that every person I have conversed with on the subject views it as a providential judgment on a set of unprincipled men, rendered by their own depravity of mind incapable of believing in the sincerity of any religious feeling in the people, and consequently of discerning the most manifest symptoms of its existence. Their incredulity on that point has, in fact, been their ruin.

The question that now interests the rest of Switzerland is, whether the new Government is likely to last, and what conduct is to be expected from the men now exercising the important functions of the Federal Directory? If their existence depended on the good will of some of their neighbours, it would not last another day; but these are now convinced

that a reaction in favour of the fallen party is perfectly hopeless. They have enough to do at home to keep down the spirit of disaffection against themselves, not to think of combining in an attack on their former ally (for which the time is now gone by, if ever, indeed, they would have dared to make the attempt at all); and they have recently had a proof of the impotence of what remains of the radical party in this Canton, in the total failure of the essay to get up a demonstration of strength at Uster on the anniversary of the day considered as the epoch of the modern regeneration of the people of Zurich.

The hopes of the enemies of the new Government, now rest, therefore, upon the chances of disunion among its members, and upon the relaxation of the worthy motives which gave the impulse to the people, and which may be expected, now the excitement is passed, to be alloyed with more worldly feelings. There does undoubtedly exist a difference of opinions among the members of the Council of State as to the line to be pursued in the internal administration of the Canton, but it has not manifested itself by any public act, and there is every reason to hope that on Burgomaster Muralt's succeeding to the Presidency of the Council at the new year, he, being unincumbered, as the present Burgomaster in Charge, Mr. Hess is, with the recollection of past measures and connections at variance with his present position, will be better able to impress a firm and consistent character on the acts of the Government. The two principal questions which demanded their first attention, were those which related to the continuance in office of the persons employed in the different departments of administration under the old Government throughout the Canton, and to the great subject of National Education. Mr. de Muralt and some of his colleagues overruled the opi-

nion of those who, listening to the first outcry of the people, were for making a general sweep of all the individuals so employed. Such a measure would have arrayed against the Government a considerable number of persons capable, from their acquaintance with the official march of affairs, to do them much injury, while it would have been impossible to replace them immediately by efficient substitutes. Some changes in the higher departments have been indispensable: the most important, as being connected with the subject which produced all the rest, is the dismissal of Mr. Scheer, the most active and influential member of the late Committee of Education, the same who first recommended Dr. Strauss to the former Government, and who is therefore universally reprobated as the prime author of all the mischief. Of the very opposite character of the new Committee of Education and of the principles on which it proposes to conduct the instruction of the people, Your Lordship may judge from the annexed extract of a circular addressed by the Committee to the school-masters of the Canton. A project of regulations for the school is now preparing to be submitted to the Grand Council at its next meeting. That assembly is, I am informed, not entirely composed of men best fitted to decide on a subject of such vital importance to the future welfare of the whole Community, and, having been elected under the influence of indignant feelings against the infidel attempts of the old rulers to destroy all remnants of the national faith and Church, it is apprehended by some, that there will be rather a tendency to rush into the other extreme and revive maxims and practices which have become deservedly obsolete.

Mr. Hürlimann-Landis with whom I had some conversation on these topics, and who, as president of the popu-

lar Central Committee which regulated the late movement (and which still subsists, tho' at present inactive) exercises the principal influence in the Grand Council, is fortunately a man of sound judgment and liberal views, combined, as I am assured with an enlightened piety. His view of national education may be collected from the remark he made that « he saw nothing incompatible between religion and science, that on the contrary they mutually reflected light on each other, but he thought it conformable to reason that the final destination of men, as known by revelation, should be constantly kept in view in a sound system of popular instruction ».

The Burgomaster Muralt in speaking of the existence of the Central Committee, now generally known by the title of « Comité de la foi », observed to me that the perfect good understanding which happily existed between it and the Government, was the best security they could have for the maintenance of tranquillity in the Canton, and that the disinterested and upright character of Mr. Hürlimann-Landis afforded a sure pledge that his justly acquired popularity would never be exercised but for the common good.

With respect to the Cantons of Argovie, St. Gall, and Lucerne, the Governments of which were decidedly hostile to Zurich, Mr. Muralt assured me that instead of imitating their example and endeavouring to foment the agitation which was at work in those quarters, the Government of Zurich were determined scrupulously to abstain from any attempt of the kind, hoping by the honesty and moderation of their conduct to conciliate the good will of all their Confederates.

I took the opportunity in one of my conversations with this Burgomaster to refer to an assertion which I had lately noticed in the *Journal des Débats*, that there was a negotiation

on foot between Switzerland and the German Commercial Union¹⁾ for the admission of the former into the Union. Mr. Muralt assured me that there was not the slightest foundation for it, and that his opinion against both the policy and practicability of such a measure remained unaltered.

I have the honour to be, etc.

¹⁾ Der von Preußen 1834 gegründete Deutsche Zollverein.
