



AES B0376 | CH-BAR # J1.67 # 1000/1363 # 85 *

Raget Abys to Alfred Escher, Chur, Saturday, April 26th 1845

Keywords: financial support, volunteers, Jesuits

Letters

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Honorable Lord!

As early as 3¹ds formed from the Comité the anti Jesuit Association, together with influx meh of exemplary Friends of franc tireurs and Lucerne refugees, an aid organization, and issued partly in the Grisons newspaper, partly by circular to the correspondierenden Mitglie of a call in the various parts of the country to Support contributions, as you would like to see from the enclosed papers. -

Regardless of the fact that a committee later also emerged from the Conservatoire, whose partisans tried to suspect our intentions - so we enjoy a very encouraging reception everywhere, not only among *ours*, but also among those who, although very much disapproving of the free crowd, but now after the unfortunate outcome of the same, preferring to dedicate Swiss aid and recognition to the conquered.

Already we are from the environments around fr received 700.- what me chenstauern under current circumstances, and in the repeated house and Kir, which for several fire accidents, and for our hard-pressed neighbors in Felsberg were officially ordered recently - could hardly wait. The exclusive use of these gifts of love is almost always prescribed by the donors for the needy refugees & families of fallen free couples, and we therefore make it a true matter of conscience to allow them to be drawn up in faithfulness. The local committee has tried to find a safe way to do this, and the undersigned believed that he would receive more detailed instructions for this from his acquaintances in Aarau. Hence | noticed that probably in Zurich in the near future a Central Committee of its own is likely to come into being, and today he is really given the advice by Herr Bundslanⁿ Brosi that it would like to say so. Comité should contact you Tit, Especially since he did not see our appeal when he left for the meeting at that time, and so he could only have mentioned the later (cons) Comité to your request .

So by doing myself the honor of contacting you directly on this matter, &. To refer to the supplement for the time being, I look forward to your honorable communications with my colleagues, and I take the opportunity to assure you of my excellent respect

Chur April 26, 1845

Your most devoted

R. Abys
Amtsbürgermstr

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Includes the Federal Constitution that Abys and Escher were helping draft.

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Raget Abys to Alfred Escher, Chur, Saturday, April 26th 1845



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people

Correspondents Correspondents and mentioned persons

A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z

Raget Abys | 1790 - 1861

Liberal [Graubünden](#) politician, officer and businessman: Mayor of [Chur](#) (1834–1839), Mayor of [Chur](#) (1843–1846, 1847–1848), Grand Councilor (1846–1848), Minister of the Diet (1847); Quartermaster in the Royal [Dutch](#) Swiss Regiment (1815–1822), Colonel in the Federal Higher War Commissioner (1826–1831, 1847), Federal Higher War Commissioner (1847–1861); Head of the [Chur](#) trading company Abys und Compagnie. See HBL I, p. 80; [HLS online](#), [Abys Raget](#) ; Metz, Graubünden , pp. 572-573.

Mentions of Raget Abys | 1790-1861

In overview comments: 1

Letters from and to Raget Abys | 1790-1861

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1 letter

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1. [Raget Abys to Alfred Escher, Chur, April 26, 1845](#) AES B0376 Keywords: financial support, volunteers, Jesuits

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Raget Abys

Version dated: 02/27/2001

Author: Peter Metz

* 03/16/1790 Chur, † 09.16.1861 Bern, ref., From Churchill, son of Abundi and Regina Schmid, of Malan. Regina Schmid of Grüneck. Merchant and head of the Chur trading company Abys & Co. Quartermaster in the Bündner militia at the age of 19. 1812 captain in the federal General Staff. 1815-22 quartermaster in a royal Dutch. Swiss regiment. General Dufour trusted A. in the Sonderbund War to organize the rear services of the federal government. Army and gave him great praise after the campaign was over. A. remained federal until 1861. Chief War Commissioner. 1843-46 and 1847-48 mayor of Chur. 1846-48 Liberal Grand Council. 1847 Member of the Diet. Member of the big committee for the revision of the federal constitution. ∞

Sources and Literature

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Family affiliation Abys (/articles/021885/2007-07-16/)

Life dates * 3/16/1790 † 9/16/1861

Systematics

Politics (1790-1848) / Confederation (/de/search/category?
f_hls.lexicofacet_string=2/000100.124000.124100.)

Politics (1790-1848) / Municipalities (/de/search/category?
f_hls.lexicofacet_string=2/000100.124000.124300.)

Politics (1790-1848) (/de/search/category?f_hls.lexicofacet_string=1/000100.124000.)

Politics (1848-) / State / Army (/de/search/category?
f_hls.lexicofacet_string=3/000100.124400.124500.125100.)

Politics (1848-) / Cantons and municipalities / Cantonal parliament
(/de/search/category?f_hls.lexicofacet_string=3/000100.124400.125300.125500.)

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Jung / Koch, Escher Briefe, Volume 3, pp. 45–56.

The federal revision (1847/48)

Björn Koch, under the direction of Prof. Dr. Joseph Jung

The draft constitution

Alfred Escher and the Federal Audit

The new constitution comes into force

The draft constitution

The Diet decided on August 16, 1847 to set up a commission to revise the federal treaty.¹ Thirteen members were planned for this because only those estates were to be granted representation who had voted for the dissolution of the Sonderbund [§]. When the commission began its work six months later, the situation had changed: the Sonderbund had been defeated, the parliaments and governments of most of the cantons were dominated by radical liberal forces [§]. All stands, with the exception of Appenzell Innerrhoden and Neuchâtel, were now represented in the commission.² The Diet put the demanding task of drafting a new constitution in the hands of these 23 members.³ After the Diet was dissolved on February 16, 1848, the envoys who had been elected to the Revision Commission stayed in Bern. They met on February 17, 1848, Thursday, for the first day of the trial. Commission President Ulrich Ochsenbein opened the session by pointing out the difficulty of the task, in which it was necessary to choose between "diametrically opposed interests, desires and aspirations"⁴ to convey. Before starting the actual work, the fundamentals had to be clarified. The very question of whether the meetings should be held in public or not led to the first controversial discussion. A large part of the Constitutional Commission spoke out against the publicity of the negotiations, as this would enable them to work more efficiently and discuss more openly. There should still be enough time for debates in the press and with the cantonal authorities when the draft constitution is made public. It was also decided to hold five sessions a week, from 9 a.m. to 2 p.m. Two members were appointed to edit the text of the Federal Constitution: the Thurgauer Johann Konrad Kern for the German version, Henri Druey from Vaud for the French version. At the end of the first day of negotiations, the commission was divided into four sections - actual working groups - which were supposed to discuss individual areas of the constitution.

When the last meeting of the Revision Commission was declared closed on Saturday, April 8, 1848, the work was completed. It took less than two months to create a draft constitution in 31 sessions that formed the basis of modern Switzerland. The federal treaty of 1815 comprised 15 articles, while the revision commission now regulated federal relations in its draft in 107 articles; in the final version seven more should be added.

The will to progress, to build a modern Confederation permeated the entire constitution. For the Constitutional Commission, "the Swiss fatherland was not so much the land of the ancestors as it was of the descendants".⁵ At the same time, consideration had to be given to the conservative sections of the population; for the realization of the new Switzerland depended on the approval of the people, who had to vote on the adoption of the constitution.⁶ The Revision Commission therefore had to keep an eye on the will of the people in its work. Could it be a commission in which "harmony and unity are the invigorating element until they run away"⁷ Was, who had to be concerned about the compromise between the striving for progress and the old Confederation, succeed in creating the constitutional basis of a modern Switzerland? Apparently yes. Thanks to its willingness to compromise, the Revision Commission succeeded in drafting a federal constitution, the basic features of which still form the basis of Switzerland today. It gave the young federal state stability in the years after 1848, while this did not succeed in the surrounding countries.

What made this constitution so unique? It was fundamental, as Gottfried Keller put it, "to strike the fine line on which centralization and federalism can best reach one another"⁸. This tightrope walk ran like a red thread through the negotiations of the Revision Commission. Kern and Druey even described the mediation between national and cantonal elements in their report on the draft constitution as the "key to all articles".⁹ How difficult it would be to find a consensus between the centralist and federalist elements became apparent on the second day of the negotiations. A controversy arose over whether a central state should replace the previous cantonal

autonomy or not. The "dreaded image of Unitarianism" has been conjured up by some; Others demanded that the cantons should be "subjected to federal sovereignty".¹⁰ It was Jonas Furrer, who suppressed this fundamental debate and proposed a pragmatic approach. It should first be discussed "which relations should be centralized in whole or in part; only then will one see the words with which certain abstract ideas must be placed at the head of the work ». ¹¹ Furrer's vote was raised on the working principle of the commission. The individual constitutional provisions should be discussed point by point and it should be determined which competences fall to the federal government and which can remain with the cantons; largely without engaging in further theoretical debates.

What were the concrete results of this pulling the rope between centralization and federalism? The commission tried to guarantee the greatest possible legal equality in the Confederation by stipulating in Article 4: "All Swiss are equal before the law. In Switzerland there are no subjects, no privileges of place, birth, families or persons. " ¹² Legal equality was also flanked by several civil liberties. The disputes of the 1840s had shown that the denominational differences contained explosives and had contributed to "inflaming the minds into fanaticism" and thus "tremendously disrupted the peace and good understanding among the confederates".¹³ The commission agreed to guarantee the "free exercise of recognized Christian denominations".¹⁴ The protection of the monasteries prescribed in the federal treaty of 1815, which was responsible for "manifold fatalities"¹⁵, was not included in the draft constitution. ¹⁶ In contrast, the Revision Commission enshrined freedom of religion, freedom of the press and the right to petition. ¹⁷

The constitution as envisioned by the radical liberal forces had to transform canton citizens into Swiss citizens. This included the right to move freely within the national borders and to settle at will as well as to conduct trade and commerce. This freedom of establishment, trade and industry was an important step, as the cantons have so far meticulously monitored who was allowed to join the community. And now all Swiss citizens of "Christian denominations" ¹⁸ - the Swiss Jews were excluded from this privilege until 1866 ¹⁹ - should be able to settle in any canton and pursue business and be treated on an equal footing with canton citizens.²⁰ These freedoms meant a major encroachment on the previously anchored cantonal autonomy, but at the same time formed the basis for the economically indispensable mobility within the Confederation. From then on, the market was to determine the residence and business domicile of the Confederates.

The draft constitution provided for the centralization of certain areas that had previously been regulated at cantonal level and for the dismantling of barriers between the cantons to be promoted. The federal government should now have extensive powers with regard to the armed forces, finances, post and transport. The debate on the dismantling of trade barriers and the establishment of guard rails that would enable a unified Swiss economic area proved to be difficult. The cantonal tariffs were a main source of income for many estates; To delete this without replacement was unthinkable. In many places there was fear of competitive pressure if all production and trade barriers would fall. One Commissioner noted that: ²¹ In order for the cantonal tariffs to be lifted, the cantons had to be offered compensation. After intensive discussions, it was agreed to transfer the customs system into the competence of the federal government and to grant it the right to abolish cantonal duties and fees. In return, the cantons were awarded compensation, which was to be financed in part from the federal customs revenue. ²²

The revision commission set itself the goal of promoting and simplifying trade within the Confederation through further measures. The principle that dimensions and weights should be declared a federal matter was adopted without discussion. ²³ Agreeing on a coin footer was more difficult. It was agreed in the commission that the coinage system had to be centralized, but the concrete implementation was still unclear. At the meeting of March 1, 1848, a majority of 15 members voted for the monetary standard to be included in the federal constitution. However, in the ensuing debate, the Commission was unable to rely on the German or the French to set the coin footer. You voted again. Now there was a majority in favor of the proposal to repeal the decision just made and leave the determination of the monetary level to federal legislation.

As a precaution, the Constitutional Commission also included the provision in the draft that the federal government has the right to support public works or institutions in the interests of the Confederation. For this purpose, expropriations should also be possible. This created the legal basis that was to gain importance with the development of the railways. The possibility of setting up a federal university and a polytechnic school was also taken into account in the draft constitution; an article that should have a lasting influence on the scientific, technical and economic development of Switzerland. ²⁴

On March 3, 1848, in the 12th session, the revision of the federal authorities was discussed for the first time. Kern and Druey wrote about the principle on which the Commission was guided in reforming the institutions: «No step backwards, but no leaps either. If there is one state of things in which Switzerland is no longer, there is also another in which it is not yet. " ²⁵ Switzerland was not ready for a comprehensive central state, but in return the new constitution was supposed to establish more than just a loose amalgamation of small sovereign states. The

right institutions had to be found for this constellation. At the On March 3, Wilhelm Matthias Näff from St. Gallen proposed to keep the agenda, but to split up its business. Negotiations that could influence cantonal sovereignty should continue to be bound by instructions. On other matters "in which the cantons as such would not be particularly interested", the cantons' envoys should be able to advise freely and without instruction.²⁶ The number of representatives should be determined based on the population of the canton. The Vaudois Henri Druey brought in a much more far-reaching proposal: "All of Switzerland, regardless of the cantons" should be divided into constituencies. The instruction should be omitted entirely.²⁷ And the retention of the daily statute, as it was laid down in the federal treaty of 1815, was definitely still up for debate.

Furrer brought the bicameral system into play at the March 6th session. He himself was basically inclined to the Drueys system, but recognized that the restriction to one chamber, which had neglected the previous cantonal representation, would have no chance. In addition to the conservative groups of both denominations, there were also numerous radical liberals who demanded the strongest possible federal structures. Furrer wrote to Escher after the negotiations: "[...] I think these two-chamber systems are generally impractical, but if you want to change the representation, hardly any other system will go through [...]." ☒ In the commission he was of the opinion that one should not ask too much, since this could endanger the entire constitutional reform: "If one throws overboard what many cantons are accustomed to consider the most sacred, then the whole project can be accepted only create an unfavorable mood [...]." »²⁸ After a long debate about the advantages and disadvantages of the individual proposals, an initial vote was taken. A strong minority of nine participants spoke out in favor of retaining the previous cantonal representation - the daily statutes. Eleven voted for the amendment "in some way".²⁹ The subject was referred to the first section for discussion, in which, among other things Furrer and Ochsenbein contributed their ideas.

At the meeting of March 19, 1848, the first section presented its proposals for the revision of the federal institutions. The Federal Assembly should consist of two chambers, here called the Council of Representatives and the Diet. The provisional articles were now controversially discussed, changes requested, and votes on individual passages repeatedly made. At the end of the meeting on March 23, 1848, a draft had been agreed. The two-chamber system, as it is basically still valid today, had prevailed. Furrer stated that he had not given his consent and shortly afterwards wrote to Escher: « Anything is possible. Systems and Federal organization projects gone under ice; and the two-chamber system has triumphed, the one which was always the most repulsive to me; In the meantime, with the significant reorganization of the Diet, I can calm down pretty much. »³⁰ The "Neue Zürcher Zeitung" let Furrer get a report on the progress of the Commission's work, in which he stated that the bicameral system was adopted because "little bit different for the present is executable by any other system both at the national, than would find very significant resistance on the cantonal side ». ³¹

The discussion about the structure of the federal executive gave far less cause for controversy. The commission decided with a clear majority of 21 votes to set up a Federal Council, which should consist of five members. A quick agreement was reached on the term of office, mode of election and competencies of the authority, and the formulations for the draft constitution were already fixed after one meeting. Apart from the increase in the number of Federal Councilors from five to seven, the text was not subjected to any major adjustments after the consultation. The abolition of the suburb as a federal executive body met with no resistance.³²

A final point that was discussed by the commission was the possible revision of the federal constitution. A corresponding passage was missing in the federal treaty of 1815. This had repeatedly caused disagreements as to whether and how the contract could be changed. Articles 104 to 107 of the draft constitution stipulated the manner in which a revision had to take place. Lessons had been learned from the conflicts of the past few years. But first it had to be seen whether the work of the commission could count on the support of the cantons. The next session of the Diet was scheduled for May 11, 1848. Until then, the stands were given time to deal with the design.

Alfred Escher and the Federal Audit

Escher was not in Bern to take part in the constitutional discussion, and at the federal level had only had the opportunity to contribute indirectly - through his correspondence with the Zurich conference delegates.³³ In January 1848, Furrer wrote to Escher regarding the federal revision from Bern: «[...] because you are best qualified because of your studies in constitutional law and preliminary work, I turn to you with the request that you give me your advice and your insights support [...]." » ☒ In contrast, Escher dominated the debate as President of the Grand Council at the cantonal level. While the Revision Commission in Bern was still working on the draft constitution, it stopped at the opening of the Grand Council on March 28, 1848 a keynote address on the federal revision. The time had come to "proceed without delay to the reorganization of our federal institutions which are in sharp contradiction with the spirit of the time and which are holding our national development down". In his speech Escher expressed concern that the constitution could degenerate into a "patchwork" through

that the costs for the federal government "because of the large number" of teacher seminars required would be too high and that this should be left to the cantons.⁵¹

On May 11, 1848, the Grand Councilors of Zurich met for an extraordinary meeting, based on Escher's report on the commission, to issue the instructions for the daily statute (May 11 to June 27, 1848) to understand. Once again, Grand Council President Escher gave the opening speech in which he dealt with the constitution. He did not hold back from criticizing the draft. The "maximum possible centralization" had not been achieved, too many compromises were made with regard to tariffs and freedom of establishment. Certain framework conditions and infrastructure projects were essential for building a progressive Switzerland; Escher now saw this endangered by too many concessions. For the time being he did not want to make friends with this circumstance: "Having now briefly emphasized the ailments necessarily connected with a merely partial centralization, I believe I should expressly point out that these ailments are not merely the draft,"⁵²

In Escher's view, the tariffs between the cantons, some of which still existed, hindered the development of a unified economic area. He also believed that the bicameral system would not be suitable for efficiently responding to the challenges that the young state would face. He did not give up the fight yet and hoped to be able to influence the instructions to such an extent that his central concerns would find their way into the constitution: introduction of the unicameral system and consequent dismantling of the special economic rights of the cantons. With these demands he opened the meeting of the Grand Council; as Escher announced "one of the most important that this authority has ever held".⁵³ The proposals of the Zurich commission to examine the federal revision were largely accepted by the Grand Council; also with regard to the unicameral system.⁵⁴

The haggling over the articles of the Federal Constitution continued at the Diet. The debate on the draft constitution opened on May 15, 1848, and all cantons were able to present their various concerns. Until June 27, 1848 was negotiated to get used to an acceptable form of the constitution had been agreed in the Diet. In the final vote, the draft constitution was adopted by a majority of 13½ states "in its entirety", "but with reservation of the ratification of the constitutional organs in their cantons".⁵⁵ Only a few changes were still incorporated into the draft constitution. Escher's request to introduce a unicameral system was not heard.

The ball has now been returned to the cantons. The transitional provisions of the federal constitution stipulate that they have to speak out on the adoption of the constitution "in the manner prescribed by the cantonal constitutions or [...] in the manner to be determined by the highest authority of the canton concerned".⁵⁶ The cantons were given until September 1 to vote on the federal revision in the parliaments and the population.

In Zurich, the Great Council took office on July 21, 1848 together. How would Escher react now? His call for tariff dismantling and a unicameral system did not get through to the Diet, the constitution remained essentially unchanged. And now it was up to him again to give the opening speech. Escher was conciliatory. He also criticized the "lack of fundamental principles" in the new federal constitution. Escher identified the "exclusive consideration of the cantonal [...] by neglecting national interests in both political and economic relations" as the main problem, but acknowledged that "a big, a very big step" had been taken. He did not fail to draw attention to the numerous weaknesses of the design, and even took the view that that at most a new attempt would be useful. However, "after careful and comprehensive consideration of the circumstances" he came to the conclusion that this was "not advisable" at present. The disappointment about the unwillingness of many estates to swap their cantonal position for a Swiss one is unmistakable in the speech. Nevertheless, Escher stood behind the draft. He recommended that the Grand Council adopt the new constitution, albeit without any enthusiasm. Rather, he advised "for the time being to be content with the drafts". To swap their cantonal position for a Swiss one is unmistakable in the speech. Nevertheless, Escher stood behind the draft. He recommended that the Grand Council adopt the new constitution, albeit without any enthusiasm. Rather, he advised "for the time being to be content with the drafts". To swap their cantonal position for a Swiss one is unmistakable in the speech. Nevertheless, Escher stood behind the draft. He recommended that the Grand Council adopt the new constitution, albeit without any enthusiasm. Rather, he advised "for the time being to be content with the drafts".⁵⁷ Thereupon the Zurich big councils voted unanimously in favor of the adoption of the new constitution.

As clear as this result was, it was very unclear how the people would react to the draft. A letter shows how uncertain the outcome of the referendum would be Rudolf Bolliers to Escher , in which the next steps in the event of a rejection of the constitution by the people were discussed. Furrer wrote an "illuminating report" on the draft constitution, 20,000 copies of which were printed and distributed to the electorate.⁵⁸ The report also appeared in the "Neue Zürcher Zeitung".⁵⁹ Furrer's presentation put the new constitution in a very positive light and strongly recommended the adoption of the draft: "If the new [covenant] is rejected, all the parties' struggles must start over [...]"⁶⁰ The radical liberal press also campaigned for the federal revision and propagated the adoption of the new constitution. The "Neue Zürcher Zeitung" called on citizens to take part in the vote, which was dictated by "the republican sense of honor": "Use ballot papers to complete the work that you had to start

with the arms last year."⁶¹ On August 6, 1848, the vote was held in Zurich. The result was clear: the new Federal Constitution was adopted with 25,119 votes to 2517.⁶²

The new constitution comes into force

In all cantons - with the exception of Fribourg⁶³ - the population had to decide whether to accept the new covenant. The result: fifteen and a half estates spoke out in favor of the constitution. It was rejected by the former Sonderbund cantons of Uri, Schwyz, Obwalden and Nidwalden, Zug and Wallis.⁶⁴ The Landsgemeinde in Appenzell Innerrhoden had also spoken out unequivocally against the federal revision. The canton of Ticino rejected the constitution because of its concerns about the loss of customs privileges. In Freiburg, the Grand Council, dominated by radical liberals, adopted the constitution in the name of the people, in Lucerne those who did not vote were counted among the supporters and this was the only way to achieve a majority. According to estimates by the Diet, around 55% of those eligible to vote had committed to the new covenant. The cantons communicated the results to the suburb of Bern, whereupon the diary on September 12, 1848 issued an official declaration of acceptance. The envoys of the rejecting estates raised their votes again against the federal constitution and considered the dissolution of the federal treaty of 1815 to be inadmissible on the basis of a majority decision; for such an act they would have required unanimity. But they lacked the political strength to oppose the new constitution.⁶⁵ They had to submit to a fait accompli.⁶⁴

According to Article 7 of the transitional provisions of the Federal Constitution, the Federal Treaty was to remain in force from 1815 until the Federal Assembly and the Federal Council were constituted. On September 14, 1848, the Diet invited the cantons to elect the members of the National Council and Council of States.⁶⁵ At the end of the agenda, the first meeting of the councils still to be constituted was already scheduled: "Both councils will open on Monday, November 6th in Bern."⁶⁶

Elections had to be made in the cantons. The seats in the National Council were distributed proportionally to the population.⁶⁷ In Zurich this meant that twelve national councilors had to be elected by the people. The choice of the two Councilors of States, however, was made by the Grand Council.⁶⁸ In the Grand Council meeting on October 4, 1848, Jonas Furrer was promoted to the Council of States with 128 votes out of 142. However, Furrer was not pleased with this honor. He could "out of personal and family considerations" Zurich do not leave for long periods of time. After being persuaded, he was persuaded to accept it, and his election to the Federal Council on November 16 should even force Furrer to relocate to Bern. The second seat in the Council of States was awarded to Johann Jakob Rüttimann.⁶⁹

Now it was the turn of the people to elect their representatives for the National Council. The voters were not tied to any party lists, so they could write any name on the ballot paper. This led the opinion makers to launch the propaganda machine for their candidates. The press played a key role in this.⁷⁰ For example, the "Neue Zürcher Zeitung" reported on October 14, 1848 that an "assembly of liberal men" had worked out a proposal for the people to be elected; Escher's name was not missing. Other lists were also circulating; one, for example, was made by the trade association, but - as the "Neue Zürcher Zeitung" noted with astonishment - a prominent name was missing. A person who "stands in the row of the first to deserve the honor of being elected to the National Council. It is this year's president of the Gr. Rathes Dr. Alf. Escher."⁷¹ On Sunday, October 15, 1848, the time had come: Zurich elected its first national councilors.

Alfred Escher's election to the National Council took place in the first constituency with 2,764 votes, which corresponded to a share of the vote of 68.3%.⁷² The National Council elections in the canton of Zurich were a resounding success for the radical liberals; only one conservative, Paul Karl Eduard Ziegler, has just been promoted to the Federal Assembly by the population. With the election of parliament, an important act for the constitution of the new covenant was accomplished. Only the Federal Council still had to be chosen.⁷³

Escher was only 29 years old when he was elected to the national parliament . "I was pleased with the choice [...]", Escher wrote to his friend Franz Hagenbuch and announced that he would use all his strength "in order to meet as much as possible the great demands which, I must fear, will be made of me." In the meantime, Furrer was making the final preparations for his friends from Zurich to move into Bern.⁷⁴ He informed Escher that he had "written to the Mohrenwirth in Bern" in order to reserve accommodation for the new members of the National Council and Council of States for the first meeting in November. It would not be the last time that Escher had to settle down in Bern: until his death in 1882, he was a member of the national parliament for 34 years without interruption.

Comment entries

- ¹ There are three minutes of the negotiations of the Constitutional Commission: one handwritten by the commission members [Jonas Furrer \[Furrer, Minutes BV 1848\]](#) and [Friedrich Frey-Herosé \[Frey-Herosé, Minutes BV 1848\]](#) as well as the official minutes of the Diet [[Minutes BV 1848](#)], in which the votes are largely anonymized. - On the federal reform of 1848 in general see [Blumer, Handbuch Bundesstaatsrecht](#), pp. 127-137; [Kölz, Verfassungsgeschichte I](#), pp. 543-613; [Bucher, Federal Constitution 1848](#); [Bonjour, foundation](#); [Rappard, Federal Constitution](#), pp. 106-305; [Ernst / Tanner / Weishaupt, revolution and innovation](#); [Hildbrand / Tanner, revolution](#).
- ² [Appenzell Innerrhoden](#) and [Neuchâtel](#) were ruled conservatively and did not send a representative to the revision commission. See [Bucher, Federal Constitution 1848](#), p. 989.
- ³ The commission consisted of Commission President [Ulrich Ochsenbein \(BE\)](#), [Jonas Furrer \(ZH\)](#), [Jakob Robert Steiger \(LU\)](#), [Franz Jauch \(UR\)](#), [Melchior Diethelm \(SZ\)](#), [Louis Wyrsch \(NW\)](#), [Alois Michel \(OW\)](#), [Caspar Jenny-Becker \(GL\)](#), [Franz Müller \(ZG\)](#), [Jean-François Marcellin Bussard \(FR\)](#), [Josef Munzinger \(SO\)](#), [Johann Georg Fürstenberger](#), later [Felix Sarasin \(BS\)](#), [Karl Spitteler \(BL\)](#), [Johann Georg Böschenstein \(SH\)](#), [Johann Konrad Oertli \(AR\)](#), [Wilhelm Matthias Näff \(SG\)](#), [Raget Abys \(GR\)](#), [Friedrich Frey-Herosé \(AG\)](#), [Johann Konrad Kern \(TG\)](#), [Giacomo Luvini-Perseghini \(TI\)](#), [Henri Druey \(VD\)](#), [Maurice Barman](#), later [Franz Kaspar Zen Ruffinen \(VS\)](#) and [Louis Rilliet \(GE\)](#). See [Protocol BV 1848](#), p. 1, 205; [Fetscherin, Repertorium I](#), p. 388. - The relevant sources show that the Federal Constitution of 1848 is due to different fathers. Decisive contributions to the constitution were made by [Johann Konrad Kern](#), [Henri Druey](#), [Ulrich Ochsenbein](#) and [Jonas Furrer](#). What is often overlooked in research is the importance of people outside the constitutional commission, such as [Johann Jakob Rüttimann](#), See [Largiadèr, Rüttimann](#); [Lasserre, Henri Druey](#); [Dejung / Stähli / Ganz, Furrer](#); [Schoop, Kern](#); [Holenstein, Ochsenbein](#).
- ⁴ [Minutes BV 1848](#), p. 2 (1st meeting).
- ⁵ [Bonjour, Foundation](#), p. 158.
- ⁶ The transitional provisions for the draft constitution laid down the adoption procedure only in a rudimentary way. The provisions were silent as to whether the stalls were more necessary. It was at the discretion of the Diet to decide on the adoption of the constitution on the basis of the cantonal votes. See [draft BV 1848](#), transitional provisions; [Bucher, Federal Constitution 1848](#), p. 993.
- ⁷ [Johann Rudolf Brosi to Alfred Escher, April 19, 1848](#).
- ⁸ [Keller, Jeremias Gotthelf III](#), p. 139.
- ⁹ [Kern / Druey, BV 1848 report](#), p. 9.
- ¹⁰ [Minutes BV 1848](#), p. 9 (2nd meeting).
- ¹¹ [Minutes BV 1848](#), p. 10 (2nd meeting). - For [Furrer's](#) position see [Minutes BV 1848](#), p. 11 (2nd meeting); [Holenstein, Ochsenbein](#), p. 302.
- ¹² [Draft BV 1848](#), Art. 4.
- ¹³ [Minutes BV 1848](#), p. 27 (5th meeting).
- ¹⁴ [Draft BV 1848](#), Art. 42.
- ¹⁵ [Minutes BV 1848](#), p. 28 (5th meeting).
- ¹⁶ For a discussion of the monastery article see [Protocol BV 1848](#), p. 28 (5th session), 30-31 (6th session). - The Constitutional Commission did not envisage a Jesuit ban. In accordance with the cantonal consultation process, the ban was enshrined in the federal constitution in 1848. When the Federal Constitution was revised in 1874, the ban on monasteries was introduced and the Jesuit article tightened. Both confessional exception articles were repealed by the referendum of May 20, 1973. See [BV 1848](#), Art. 58; [BV 1874](#), Art. 51, 52; [Kölz, Verfassungsgeschichte II](#), pp. 409-410.
- ¹⁷ See [Minutes BV 1848](#), pp. 33-35 (6th meeting).
- ¹⁸ [Draft BV 1848](#), Art. 39.
- ¹⁹ In the referendum of January 14, 1866, it was decided to amend Articles 41 and 48 of the Federal Constitution, so that the Swiss of all creeds were treated equally. See [Kölz, Verfassungsgeschichte II](#), pp. 498, 507-508; [Kölz, Quellenbuch II](#), pp. 125-126.
- ²⁰ See [draft BV 1848](#), Art. 39, 40.
- ²¹ [Minutes BV 1848](#), p. 52 (9th meeting).
- ²² See [Minutes BV 1848](#), pp. 50-53 (9th meeting), 85-108 (15th - 18th meeting).
- ²³ See [Minutes BV 1848](#), p. 67 (10th meeting).
- ²⁴ See [draft BV 1848](#), Art. 22; [Minutes BV 1848](#), pp. 31-33 (5th meeting).
- ²⁵ [Kern / Druey, BV 1848 report](#), p. 6.
- ²⁶ [Minutes BV 1848](#), p. 71 (12th meeting). See [Kölz, Verfassungsgeschichte I](#), p. 557.
- ²⁷ [Minutes BV 1848](#), p. 72 (12th meeting). See [Kölz, Verfassungsgeschichte I](#), p. 558.
- ²⁸ [Minutes BV 1848](#), p. 75 (13th / 14th meeting).
- ²⁹ [Minutes BV 1848](#), p. 82 (13th / 14th meeting).
- ³⁰ [Jonas Furrer to Alfred Escher, March 25, 1848](#).

- ³¹ [NZZ](#) , March 26, 1848.
- ³² See [Minutes BV 1848](#) , pp. 132-136 (24th meeting).
- ³³ On [Rüttimann's](#) role in the Federal Audit, see [Largiadèr, Rüttimann](#) .
- ³⁴ [NZZ](#) , March 30, 1848.
- ³⁵ See [NZZ](#) , January 25, 1848, February 8, 1848.
- ³⁶ See [NZZ](#) , February 21, 1848, February 22, 1848.
- ³⁷ See [NZZ](#) , March 26, 1848, March 27, 1848, March 28, 1848.
- ³⁸ See [NZZ](#) , March 30, 1848, May 12, 1848, July 23, 1848.
- ³⁹ [NZZ](#) , March 30, 1848.
- ⁴⁰ See [NZZ](#) , April 13, 1848, April 14, 1848.
- ⁴¹ [Draft BV 1848](#) , [Art. 24](#).
- ⁴² See [Escher, BV 1848 report](#) , p. 8.
- ⁴³ [Draft BV 1848](#) , [Art. 32](#).
- ⁴⁴ See [Escher, BV 1848 report](#) , pp. 10–11.
- ⁴⁵ See [Escher, BV 1848 report](#) , pp. 14–15.
- ⁴⁶ See [Escher, BV 1848 report](#) , p. 15; [BV 1848](#) , [Art. 54](#).
- ⁴⁷ [Escher, BV 1848 report](#) , p. 17.
- ⁴⁸ See [Escher, BV 1848 report](#) , pp. 16-18.
- ⁴⁹ See [draft BV 1848](#) , [Art. 21](#); [Escher, BV 1848 report](#) , pp. 6-7.
- ⁵⁰ See [draft BV 1848](#) , [Art. 22](#).
- ⁵¹ [Escher, BV 1848 report](#) , p. 7.
- ⁵² [NZZ](#) , May 12, 1848.
- ⁵³ [NZZ](#) , May 12, 1848.
- ⁵⁴ See [NZZ](#) , May 12, 1848, May 13, 1848, May 14, 1848.
- ⁵⁵ [Farewells Tagsatzung](#) 1847 IV, p. 286. - The following have spoken out in favor of the adoption of the constitution: [Zurich](#) , [Lucerne](#) , [Glarus](#) , [Zug](#) , [Freiburg](#) , [Solothurn](#) , [Schaffhausen](#) , [St. Gallen](#) , [Graubünden](#) , [Aargau](#) , [Thurgau](#) , [Wallis](#) , [Geneva](#) and [Basel-Landschaft](#) .
- ⁵⁶ [BV 1848](#) , transitional provisions, [Art. 1](#).
- ⁵⁷ [NZZ](#) , July 23, 1848.
- ⁵⁸ See [Furrer, BV 1848 report](#) .
- ⁵⁹ See [NZZ](#) , July 28, 1848, July 29, 1848, July 30, 1848.
- ⁶⁰ [Furrer, BV 1848 report](#) , p. 23.
- ⁶¹ [NZZ](#) , August 1, 1848.
- ⁶² Cf. [Largiadèr, Zurich II](#) , pp. 167–170.
- ⁶³ In the canton of [Fribourg](#) , the constitution was adopted by the cantonal parliament. See [Bucher, Federal Constitution 1848](#) , p. 993.
- ⁶⁴ Cf. [Fetscherin, Repertorium I](#) , p. 394; [Bucher, Federal Constitution 1848](#) , p. 993.
- ⁶⁵ See [Fetscherin, Repertorium I](#) , p. 395.
- ⁶⁶ [Fetscherin, Repertory I](#) , p. 395.
- ⁶⁷ The distribution of seats was regulated in [Art. 61](#): «The National Council is made up of members of the Swiss people. One member is elected for every 20,000 souls of the total population. " [BV 1848](#) , [Art. 61](#) . - In 1848 the National Council consisted of 111 members. On the development of the number of members of the National Council, see [Gruner, Federal Assembly II](#) , p. 175; [HLS online](#) , [Federal Assembly](#) .
- ⁶⁸ [Article 62](#) of the Federal Constitution stated that the National Council had to be elected by the people, while [Article 69](#) left the procedure for elections to the Council of States to the cantons. See [BV 1848](#) , [Art. 62, 69](#).
- ⁶⁹ [NZZ](#) , October 5, 1848.
- ⁷⁰ Cf. [Gruner, Nationalratwahlen II](#) , pp. 929–936. - On the legal basis of the National Council elections in Zurich, see [Official Gazette ZH](#) , October 10, 1848.
- ⁷¹ [NZZ](#) , October 14, 1848.
- ⁷² The canton of [Zurich](#) was divided into four constituencies for the National Council elections of 1848. The first constituency comprised the districts of [Zurich](#) and [Affoltern](#) as well as parts of the [Horgen](#) district (total 74,874 inhabitants). In the first constituency, 4049 of the 15,652 eligible voters took part in the elections. See [Gruner, Nationalratwahlen I](#) , p. 334; [Gruner, National Council elections III](#) , p. 9.
- ⁷³ The Federal Council was elected at the first session of the Federal Assembly on [November 16, 1848](#) . The new federal constitution came into force when the federal councilors accepted the election and sworn in on [November 20, 1848](#) . See [Altermatt, Bundesräte](#) , pp. 103–142. - Volume 4 of the Escher letter edition is devoted to the challenges in the young federal state.

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