



Federal
Constitution
of the Swiss
Confederation
1848



Published to mark the 175th anniversary
of the Federal Constitution

Publisher:

Parliamentary Services, Bern,
veranstaltungen@parl.admin.ch

Layout and illustration:

Les graphistes, Bern

Source:

Swiss Federal Archives

Reference code E22#1000/134#319*

English is not an official language of the Swiss Confederation.



THE
FEDERAL CONSTITUTION
OF THE
SWISS CONFEDERATION.

SEPTEMBER 12, 1848.



WASHINGTON, D. C.:
HENRY POLKINHORN, PRINTER.
1858.

TRANSLATOR'S PREFACE.

To a native of Switzerland nothing could be more gratifying than to notice the frequent manifestations of popular sympathy in England and the United States, toward the country where liberty has maintained a foot-hold for the last five hundred years.

Having thus the love of country so innate in a Swiss, almost daily stimulated by the many encomiums bestowed upon the land of his birth, its scenery, institutions, and people; I was induced to think a translation into English of the instrument which so effectually cemented into a general whole the varied interests of twenty-two distinct governments, could not but prove acceptable to its Anglo-Saxon admirers.

It was considered irrelevant to give a detailed account of the causes which led to the adoption of the present excellent Constitution, as it would occupy a space wholly disproportionate to the nature of the present publication; suffice it to say, that prior to 1848, Switzerland was only governed by the very inadequate laws of a Confederacy similar to that of the United States previous to the framing of their present admirable Constitution, in 1787.

WASHINGTON CITY, D. C., *Sept.* 12, 1858.

FEDERAL CONSTITUTION
OF
THE SWISS CONFEDERATION.

SEPTEMBER 12, 1848.

IN THE NAME OF ALMIGHTY GOD!

The Swiss Confederation,

Desirous of confirming the Alliance of the Confederates, of maintaining and consolidating the unity, power, and honor of the Swiss nation, has adopted the following Federal Constitution :

CHAPTER FIRST.

GENERAL PROVISIONS.

ARTICLE I.

The people of the twenty-two sovereign Cantons of Switzerland, united by the present alliance, to wit: Zurich, Bern, Lucerne, Uri, Schwyz, Unterwalden, (Upper and Lower) Glarus, Zug, Freyburg, Soleure, Basel, (City and Country) Schaffhausen, Appenzell, (both Rhodes) St. Gallen, Grisons, Argau, Thurgau, Tessin, Vaud, Valais, Neuchâtel, Geneva, constitute collectively the Swiss Confederation.

ARTICLE II.

The objects of the Confederacy are : to insure the independence of the country against foreign power ; to maintain tranquillity and order in the interior ; to protect the liberty and rights of the Confederates, and to promote the common welfare.

ARTICLE III.

The Cantons are sovereign, so far as their sovereignty is not limited by the Federal Constitution, and accordingly they exercise all rights which are not delegated to the Federal Power.

ARTICLE IV.

All Swiss are equal in the eye of the law. Among the Swiss there are no subjects, no local privileges or privileges of birth, whether of persons or of families.

ARTICLE V.

The Confederacy guarantees to the Cantons their Territory, their Sovereignty, within the limits prescribed by Article III, their Constitutions, the liberty and rights of the people, the constitutional rights of the citizens, as well as the rights and powers which the people have conferred on the authorities.

ARTICLE VI.

To this end the Cantons are bound to require of the Confederation the guarantee of their Constitutions.

This guarantee is granted, provided :

a. That these Constitutions contain nothing contrary to the provisions of the Federal Constitution.

b. That they secure the exercise of political rights according to Republican forms—representative or democratic.

c. That they have been accepted by the people, and that they can be revised whenever an absolute majority of the citizens demand it.

ARTICLE VII.

All special alliances and treaties of a political character between Cantons are interdicted.

On the other hand, the Cantons have the right of concluding, among themselves, conventions for matters of legislation, administration, or justice ; however, the Federal Authority must be informed of the same, which Authority, should these Conventions contain anything contrary to the Confederation or to the rights of the other Cantons, is authorized to prevent their being carried into execution. Where there is no such incompatibility, the contracting Cantons are granted the right to ask the co-operation of the Federal Authorities for their execution.

ARTICLE VIII.

The Confederacy has the sole right of declaring War, and of concluding Peace, as well as of forming Alliances with Foreign Countries, and of making Treaties with them, especially such as relate to custom-house duties and to commerce.

ARTICLE IX.

The Cantons, however, reserve the right of concluding, with Foreign Countries, treaties on matters of public economy, neighborly intercourse, and police ; nevertheless these treaties must contain nothing contrary to the Articles of Confederation, nor to the rights of other Cantons.

ARTICLE X.

Official communications between the Cantons and Foreign Governments or their Representatives, are made through the instrumentality of the Federal Council.

Concerning the matters mentioned in the preceding Article IX, the Cantons can, however, have direct communication with the subordinate Authorities and Functionaries of a Foreign State.

ARTICLE XI.

Military contracts (*capitulations*) are not allowed to be concluded.

ARTICLE XII.

The members of the Federal Authorities, Civil and Military Functionaries of the Confederacy, and the Federal Representatives or Commissioners, are not permitted to receive from Foreign Governments pensions salaries, titles, presents, or decorations.

If they are already in possession of pensions, titles, or decorations, they must relinquish the enjoyment of their pensions, the bearing of their titles, and the wearing of their decorations, during the continuance of their functions.

Subordinate functionaries and employees may, however, be permitted by the Federal Council to continue in receipt of their pensions.

ARTICLE XIII.

The Confederacy has no right to maintain Standing Armies.

Without consent of the Federal Authorities, no Canton, or, in divided Cantons, no part thereof, is allowed to have more than three hundred regular soldiers, exclusive of the police, (*gendarmerie*.)

ARTICLE XIV.

The Cantons are bound, when contentions arise among them, to abstain from arming themselves or employing individual force; and they shall submit themselves to the Federal decision.

ARTICLE XV.

Should a Canton be suddenly threatened with danger from abroad, the government of said Canton is bound to notify other Cantons that their assistance is required; at the same time giving the Federal Authorities notice thereof, and submitting itself entirely to their further orders. The notified Cantons are bound to render aid. The expenses are borne by the Confederacy.

ARTICLE XVI.

If civil disturbances take place, or if one Canton is threatened with danger from another, the government of the threatened Canton is immediately to apprise the Federal Council thereof, in order that the latter, within the limits of their instructions, (Article XC, Nos. 3, 10, and 11,) may adopt the requisite measures, or convene the Federal Assembly. In pressing cases, the government in question is privileged, when notifying the Federal Council, also to inform other Cantons, that their assistance is required, and such as are called upon are in duty bound to render aid.

If it is out of the power of the Cantonal Government to apply for assistance, *then may*, and if the safety of Switzerland be placed in jeopardy, *then shall*, the properly constituted Federal Authorities interpose of their own accord. In case of intervention, the Federal Authorities will see to the observance of instructions contained in Article V.

The expenses are borne by the Canton applying for assistance or causing the Federal intervention, unless, owing to peculiar circumstances, the Federal Assembly determine otherwise.

ARTICLE XVII.

In cases designated by Articles XV and XVI, every Canton is bound to allow free passage to the troops. These are forthwith to be placed under Federal command.

ARTICLE XVIII.

Every Swiss is subject to military duty.

ARTICLE XIX.

The Federal Army, which is composed of the contingents of the Cantons, consists :

a. Of the Elite, to which each Canton is to contribute three men in every hundred of its Swiss population.

b. Of the Reserve, which consists of half the number of the Elite.

In times of danger the Confederacy has also the disposition of the Second Reserve, which consists of all the remaining military forces of the Cantons.

The census, which, according to the designated rate, determines the contingent of each Canton, is to be subjected to a revision every twenty years.

ARTICLE XX.

In order to secure in the Federal Army the requisite uniformity and fitness for service, the following principles are established :

1. A Federal statute determines the general organization of the Army.

2. The Confederacy assumes :

a. The instruction of the Engineer Corps, of the Artillery and Cavalry; the delivery of horses, however, being left optional with the Cantons which are to furnish these branches of the service.

b. The education of instructors for the remaining military branches.

c. The erection of Institutes and the gathering of troops for instruction in all the higher branches of military service.

d. The furnishing of part of the materials of war.

The centralization of the military education can, if needed, be further developed by Federal Legislation.

3. The Confederacy exercises surveillance over the military instruction of the Infantry and Rifle Corps, and likewise over the purchase, construction, and maintenance of the Ordnance which the Cantons are to furnish to the Federal Army.

4. The military regulations of the Cantons are not allowed to contain anything contrary to the Federal military organization, nor to the Federal obligations incumbent upon them, and must therefore be laid before the Federal Council for approval.

5. All military divisions in service of the Confederacy, bear exclusively the Federal Standard.

ARTICLE XXI.

The Confederacy is empowered, when conducive to the interests of the

Swiss people, or a considerable part of them, to erect or assist the erection of public works at the expense of the Confederation.

To this end, in condemning private property, it must award a just indemnity. The more definite provisions relating to this subject are entrusted to Federal Legislation.

The Federal Assembly can prohibit the erection of public works which would be detrimental to the military interests of the Confederation.

ARTICLE XXII.

The Confederacy is empowered to erect a University and a Polytechnic School.

ARTICLE XXIII.

The Customs and all relating thereto are affairs of the Confederacy.

ARTICLE XXIV.

To the Confederacy is delegated the right to abolish, wholly or in part, all land and water customs, road and bridge tolls, obligatory mercantile and other similar imposts, granted or recognized by the Diet, be they levied by Cantons, Communes, Corporations or private individuals, after justly indemnifying the recipients. Those customs and tolls which burden the transit, are, at all events, to be redeemed throughout the whole circuit of the Confederation.

The Confederacy has the right to levy, on the frontiers of Switzerland, import, export, and transit duties.

It is empowered, after proper indemnification, to take possession, either as property of its own or under lease, of certain buildings on the frontiers of Switzerland at present in use for the business appertaining to customs.

ARTICLE XXV.

When levying duties, the following principles are to be taken into consideration:

1. Import duties:

a. Materials used in domestic manufacture are to be taxed as lightly as possible in the tariff schedule.

b. Also such articles as constitute the necessaries of life.

c. Articles of luxury are subject to the highest rates of tariff.

2. Transit, and in general also export duties, are to be made as moderate as possible.

8. The custom laws will make more definite provisions for the security of frontier and commercial intercourse.

The Confederacy is, nevertheless, always empowered, in extraordinary circumstances, to deviate from the preceding rules, and adopt special temporary measures.

ARTICLE XXVI.

The revenue of the import, export, and transit customs are to be appropriated as follows :

a. Every Canton receives four batz per head, according to the ratio of the entire population as taken in the census of 1838.

b. Should a Canton thus not be sufficiently reimbursed for the abolished imposts mentioned in Article XXIV, it will then be further entitled to draw according to the nett average receipts of the five years, 1842 to 1846 inclusive, such an amount as will be necessary to indemnify it for those revenues.

c. The surplus receipts go into the Treasury of the Confederacy.

ARTICLE XXVII.

If customs, road and bridge tolls have been granted for the redemption of capital employed in building, or for a part thereof, the receipt or indemnification for such ceases, as soon as the capital or part in question, including interest, is obtained.

ARTICLE XXVIII.

Such dispositions as relate to transit duties which may have been already determined upon in railroad contracts are to remain unimpaired. On the other hand, the Confederacy assumes those rights relative to contracts concerning transit duties, which heretofore had been reserved to the Cantons.

ARTICLE XXIX.

Freedom to buy and sell, free import, export, and transit from one Canton to another, is guaranteed to the necessaries of life, to cattle and merchandise, to products of the soil, and of mechanic arts of every description.

Exceptions are :

a. The Federal statute concerning the selling and purchasing of salt and gunpowder.

b. The police ordinances of the Cantons in regard to the exercise of mercantile pursuits, trades, and the use of roads.

c. Regulations against forestalling.

d. Temporary sanitary police enactments during epidemics.

The regulations contained in letters *b* and *c* must apply alike to the Cantonal citizens and the Swiss citizens of other Cantons. They are to be laid before the Federal Council for inspection, and are not allowed to take effect without previously having received its approval.

e. Those duties which were granted or recognized by the Diet, and not revoked by the Confederacy. (Articles XXIV and XXXI.)

f. Duties on the consumption of wine and other spirituous liquors, according to instructions of Article XXXII.

ARTICLE XXX.

It is reserved for Federal legislation, so far as deemed conducive to the interests of the Confederation, to adopt the requisite measures in regard to the abolishing of existing privileges on transportation of individuals and goods of every description, on water or land, between Cantons or in their interior.

ARTICLE XXXI.

The collection of duties, denoted in Article XXIX, letter *e*, is supervised by the Federal Council. They are not allowed to be increased; and the collection thereof, if limited to a certain time, cannot be continued without the concurrence of the Federal Assembly.

The Cantons are on no account permitted to introduce new duties, road and bridge tolls. The Federal Assembly, however, can grant, for a limited period, the imposing of duties, in order thus to assist the erection of public works embraced in the intent of Article XXI, as being of general interest to commerce, and which, without said grant, could not be accomplished.

ARTICLE XXXII.

The Cantons are invested with the right to impose taxes on the consumption of wine and other spirituous liquors, exclusive of the privileges reserved in Article XXIX, letter *e*, under the following restrictions, however:

a. When levying the same, the transit thereof shall in no way be burdened, and the traffic in general shall be checked as little as possible, and not subjected to any other duties.

b. Should articles, which are imported into a Canton for consumption, be again exported, the duties paid thereon are to be refunded, without any additional exactions.

c. The native products of Switzerland are to be taxed less than those of Foreign Countries.

d. Taxes on the consumption of wine and other spirituous liquors of Swiss production are not allowed, where they already exist, to be increased, and in Cantons where none at present are levied, are not permitted to be established.

e. The laws and regulations of the Cantons concerning the levying of taxes on the consumption of articles, are to be submitted for approval to the Federal Authorities, previous to their going into effect, in order that disregard for previously established principles may be avoided.

ARTICLE XXXIII.

The Mail arrangements throughout the whole extent of the Swiss dominions are taken in charge by the Confederacy, under the following conditions :

1. The mail routes at present existing are not, on the whole, to be lessened, unless with the assent of the Cantons interested therein.

2. The rates of postage throughout the whole of Switzerland are to be fixed on as low and equitable a scale as possible.

3. To mail matter inviolable secrecy is guaranteed.

4. For the relinquishment of the mail revenue, the Confederacy indemnifies under the following conditions :

a. The Cantons receive annually the average amount of the nett income which was yielded them by the mail service on their Cantonal territory in the years 1844, 1845, and 1846.

Should, however, the nett revenue which is yielded to the Confederacy by the mail service not be sufficient to cover these indemnities, then the above amount awarded to the Cantons will be diminished in proportion to the average receipts.

b. If a Canton as yet has received no direct revenue from the mail system, or, in consequence of a concluded letting to another Canton, has been in receipt of considerably less than the exercise of the mail service had evidently yielded on the territory of the Canton which had thus let the same, then circumstances of this kind are to receive due consideration when determining the amount of indemnification.

c. Where the exercise of the mail service has been ceded to private individuals, the Confederacy assumes their indemnification.

d. The Confederacy is empowered and obligated to make use of such materials as appertain to the mail service, so far as they are fit and requisite, granting in return therefor to the owners a fair compensation.

e. By indemnifying, the Federal Administration is entitled, either by purchase or lease, to occupy such buildings as are at present in use for mail purposes.

ARTICLE XXXIV.

In conducting the custom and postal systems, the employees are to be principally selected from among the inhabitants of the Cantons in which their services are made use of.

ARTICLE XXXV.

The Confederacy exercises supervision over the roads and bridges in whose preservation the Confederation is interested.

The sums mentioned in Articles XXVI and XXXIII as accruing to Cantons for duties and postal revenues, will be withheld by the Federal Authorities, should these roads and bridges not be kept in good repair by the Cantons, Corporations, or individuals having control of them.

ARTICLE XXXVI.

The Confederacy exercises all prerogatives relative to coinage.

Coinage by the Cantons is discontinued, and is carried on solely by the Confederacy.

It is an affair of Federal Legislation to determine a standard of coinage, to rate the existing kinds of coin, and decide upon more particular designations according to which the Cantons are obligated to have melted or recoined such coin as they may already have issued.

ARTICLE XXXVII.

The Confederacy will introduce, according to the basis of the existing Federal Concordat, uniform Weights and Measures for the whole Confederation.

ARTICLE XXXVIII.

The manufacture and sale of gunpowder within the extent of the Confederation is the exclusive privilege of the Confederacy.

ARTICLE XXXIX.

The expenses of the Confederacy are defrayed :

- a.* Out of the interests accruing on the Federal War Funds.
- b.* Out of the revenue obtained from Customs on the frontiers of Switzerland.
- c.* Out of the revenue yielded by the mail service.

d. Out of the revenue arising from the manufacture of gunpowder.

e. Out of contributions from the Cantons, which, however, can only be levied in accordance with acts passed by the Federal Assembly.

Contributions of this kind are to be made by the Cantons according to a proportionate quota of their wealth, which quota is to be subjected every twenty years to a revision. Partly the population, partly the financial and industrial circumstances of a Canton, are to furnish the basis for such a revision.

ARTICLE XL.

There shall be specie on hand in the Federal Treasury, at all times, double the amount of the contingent fund, in order to defray military expenses which may be occasioned by the Federal summons of troops.

ARTICLE XLI.

The Confederacy guarantees to all Swiss belonging to one of the Christian professions, the right of free settlement within the whole extent of the Confederation, according to the following more definite stipulations:

1. No Swiss belonging to a Christian profession can be denied the right to settle in any one of the Cantons, provided he is in possession of the following vouchers:

a. A certificate of nativity or its equivalent.

b. A certificate of good moral conduct.

c. A certificate that he enjoys the rights and honors of citizenship; and if on demand he can prove that, by means of possessed wealth, profession, or occupation, he is enabled to support himself and family.

Naturalized citizens must also add a certificate, proving, that for at least five years they have been in possession of a Cantonal citizenship.

2. The settler is not allowed to be subjected, on part of the Canton granting him permission to settle, to any bonds or other special burdens in lieu of his settlement.

3. A Federal statute will determine the duration of grants to settle, and likewise, also the maximum of Chancery fees to be paid to the Canton in order to obtain the same.

4. The settler enjoys all the rights and privileges of a citizen of the Canton in which he has settled, with exception of the right to vote on Municipal affairs, and of being joint owner of the Commonwealth and Corporation property. In particular, free exercise of industrial pursuits, and the acquisition and sale of real estate, are secured to him in accordance with the laws and ordinances of the Canton, which, in all these re-

spects, shall consider the settler as being on an equality with its own citizens.

5. Settlers of other Cantons cannot be subjected, on part of Municipalities, to greater Corporation taxes than settlers of their own Canton.

6. The settler can be ordered out of the Canton in which he has settled :

a. By the penal sentence of a court.

b. By order of the Police Authorities, on his having forfeited the rights and honors of citizenship, or been guilty of an improper course of conduct, or through impoverishment having become a public burden, or having frequently been fined for transgressions of the police ordinances.

ARTICLE XLII.

Every Cantonal citizen is likewise a citizen of Switzerland. As such he can exercise in Federal and Cantonal affairs the political rights of any Canton in which he has settled. He can, however, only enjoy these privileges under the same restrictions as the citizens of the Canton, and, as regards Cantonal affairs, only after a residence of a certain time, the length of which is designated by Cantonal legislation, and which cannot exceed two years.

No one can exercise political rights in more than one Canton.

ARTICLE XLIII.

No Canton can deprive a citizen of his rights of citizenship.

No Canton is permitted to grant citizenship to foreigners unless they have been released from their former State allegiance.

ARTICLE XLIV.

The free exercise of religious worship is guaranteed to the acknowledged Christian professions throughout the whole extent of Switzerland.

To the Cantons, as well as to the Confederacy, is reserved the right to adopt measures necessary for maintaining public order and peace among the different denominations.

ARTICLE XLV.

The Freedom of the Press is guaranteed: In regard to abuse of the same, Cantonal legislation determines the requisite prescriptions, which, however, require the assent of the Federal Council.

The Confederacy is empowered to designate penalties for abuse of the press, when the same is directed against the Confederation and its Authorities.

ARTICLE XLVI.

Citizens have the right to form Associations, provided there is nothing illegal or treasonable contained in their proceedings and objects. Cantonal legislation determines the requisite regulations concerning the abuse of this privilege.

ARTICLE XLVII.

The Right of Petition is guaranteed.

ARTICLE XLVIII.

All Cantons are in duty bound to consider every citizen of Switzerland, professing Christianity, on an equality with their own citizens in legislative as well as judicial proceedings.

ARTICLE XLIX.

Legally rendered judgments in Cantons on civil cases can be enforced throughout Switzerland.

ARTICLE L.

The solvent Swiss debtor who possesses a permanent residence must, for personal claims, be summoned before the judge of the place where he resides, and no arrest is therefor allowed to be made for demands on the property of such a person out of the Canton of which he is a resident.

ARTICLE LI.

The import and export prerogative (*Abzugsrechte*) in the interior of Switzerland, as also the pre-emption rights (*Zugrechte*) existing between citizens of one Canton and those of another, are abolished.

ARTICLE LII.

Towards Foreign States which extend a like privilege, there exist no import and export prerogatives, (*Freizuegigkeit.*)

ARTICLE LIII.

No one is allowed to be debarred the benefit of his Constitutional Tribunal, and no privileged Courts of Justice are therefore permitted to be established.

ARTICLE LIV.

No sentence inflicting capital punishment for political offences is permitted to be passed.

ARTICLE LV.

A Federal Statute will determine stipulations between Cantons in regard to the extradition of any one accused. The extradition for political offences and misuse of the press cannot, however, be made obligatory.

ARTICLE LVI.

To establish the citizenship of homeless persons (*Heimathlosen*) and to adopt measures for preventing the recurrence of similar cases, are affairs of Federal Legislation.

ARTICLE LVII.

The Confederacy is empowered to expel from Swiss Territory foreigners who compromise, at home or abroad, the security of the Swiss people.

ARTICLE LVIII.

The Order of Jesuits, and societies affiliated thereto, are not permitted to be domiciliated in any part of Switzerland.

ARTICLE LIX.

The Federal Authorities are empowered to issue sanitary police regulations during epidemics threatening general danger.

CHAPTER SECOND.

FEDERAL AUTHORITIES.

I.—FEDERAL ASSEMBLY.

ARTICLE LX.

The Supreme Power of the confederacy is exercised by the Federal Assembly, which is composed of two divisions:

- A. Of the National Council.
- B. Of the States Council.

A. NATIONAL COUNCIL.

ARTICLE LXI.

The National Council is composed of Delegates from the Swiss people. One member is elected to every 20,000 inhabitants of the gross population.

A fractional number of inhabitants exceeding 10,000 is rated as 20,000.

Every Canton, and, in divided Cantons, each part thereof is to elect at least one member.

ARTICLE LXII.

The elections for the National Council are direct. They take place in Federal Election Districts, which, however, cannot embrace sections of different Cantons.

ARTICLE LXIII.

Every Swiss is entitled to vote who is twenty years of age, and who, in other respects, according to the laws of the Canton wherein he resides, is not excluded from active citizenship.

ARTICLE LXIV.

Every citizen of Switzerland belonging to the laity and possessing a vote, is eligible as a member of the National Council. Naturalized Swiss citizens must have possessed their acquired citizenship at least five years in order to be eligible.

ARTICLE LXV.

The National Council is elected for the term of three years, and at stated times an entire renewal of Delegates takes place.

ARTICLE LXVI.

Members of the States Council, of the Federal Council, and the functionaries elected by the latter, cannot at the same time be members of the National Council.

ARTICLE LXVII.

The National Council elects from among its number, for every regular or extra session, a President and Vice President.

The member who, during a regular session, occupies the position of President, is ineligible either as President or Vice President for the following regular session. The same member cannot be Vice President at two successive regular sessions.

The President decides in case of ties. At elections he exercises the elective franchise the same as every other member.

ARTICLE LXVIII.

The members of the National Council are indemnified out of the Federal Treasury.

B. STATES COUNCIL.

ARTICLE LXIX.

The States Council consists of forty-four Delegates from the Cantons. Each Canton elects two Delegates; in divided Cantons, each part, one.

ARTICLE LXX.

Members of the National Council, and of the Federal Council, cannot at the same time be members of the States Council.

ARTICLE LXXI.

The States Council elects from its midst, for every regular or extra session, a President and Vice President.

Neither President or Vice President can be elected for a succeeding regular session from among the delegation of a Canton, one of whose members served as President during the regular session immediately preceding.

Delegates of the same Canton cannot, during two successive regular sessions, occupy the position of Vice President.

The President decides in case of ties. At elections he exercises the elective franchise the same as every other member.

ARTICLE LXXII.

The members of the States Council are indemnified by the Cantons.

C. DUTIES INCUMBENT UPON THE FEDERAL ASSEMBLY.

ARTICLE LXXIII.

The National Council and the States Council have the management of all affairs, which, according to the contents of the present Constitution, come within jurisdiction of the Confederacy, and are not assigned to other Federal Authorities.

ARTICLE LXXIV.

The subjects which the business department of the two Councils embrace, are, in particular, as follows:

1. Laws and Decrees to carry into effect the Federal Constitution, especially Laws for the establishing of Election Districts, concerning the manner of voting, in regard to the organization and business routine of the Federal Authorities, and the formation of Juries.

2. Salaries and compensation of members of the Federal Authorities, and Federal Secretarial Department, (*Bundeskanzlei*), creating permanent civil offices and determining their emoluments.

3. Election of the Federal Council, of the Federal Tribunal, (*Bundesgericht*) of the Secretary, (*Kantzler*) of the General, of the Chief of the Staff, and of the Federal Representatives.

4. Recognizing Foreign States and Governments.

5. Alliances and Treaties with Foreign Countries, as also the approving of Treaties concluded by Cantons with each other or with Foreign Powers. Such Treaties of the Cantons, however, only come before the Federal Assembly when the Federal Council or a Canton enters protest against them.

6. Measures for security against foreign aggression, for maintaining the independence and neutrality of Switzerland, declaring war, and concluding treaties of peace.

7. The guarantee of the Constitutions of the Cantons and of their territory; intervention consequent upon the guarantee; measures for domestic security, for the maintenance of tranquillity and order; amnesty and pardon.

8. Measures whose object is to secure a proper observance of the Federal Constitution, of the guarantee of the Cantonal Constitutions, the fulfilment of Confederate obligations, and the protection of rights guaranteed by the Confederacy.

9. Ordinances concerning the organization of the Confederate Military System, the instruction of troops, and the contributions of the Cantons; the disposal of the Federal Army.

10. Determining the Confederate quota according to which troops and funds are to be furnished; legal provisions regarding the administration and disposition of the Federal War Fund; levying direct contributions upon Cantons; Loans; Estimates and Accounts.

11. Laws and ordinances concerning Duties, Postal System, Coinage, Weights and Measures, manufacture and sale of Gunpowder, Arms, and Ammunition.

12. Erection of public works and institutions, and the consequent expropriations.

13. Legal provisions regarding the relation of settlers; regarding persons destitute of any citizenship, (*Heimathlose*;) Foreign Police, and Sanitary Regulations.

14. Supreme supervision of the Federal Administration and Courts of Justice.

15. Complaints of Cantons or citizens against enactments of the Federal Council.

16. Disputes among Cantons in relation to States Rights.

17. Contentions in regard to legal power, as, particularly:

a. Whether a subject is under the jurisdiction of Federal or Cantonal Sovereignty.

b. Whether a question should properly go before the Federal Council or the Federal Tribunal.

18. Revision of the Federal Constitution.

ARTICLE LXXV.

The two Councils assemble once a year in regular session, on a day to be determined upon in their rules.

They are convened for extra session by resolution of the Federal Council, or by request of one-fourth of the members of the National Council, or of five Cantons.

ARTICLE LXXVI.

In order that their transactions may be valid, the presence of the absolute majority of members of the Council in question is required.

ARTICLE LXXVII.

In the National and States Councils a majority of the votes cast decide.

ARTICLE LXXVIII.

Federal Laws and Decrees require the concurrence of both Councils.

ARTICLE LXXIX.

The members of both Councils vote without instructions.

ARTICLE LXXX.

Each Council deliberates separately. At elections, (Article LXXIV, No. 3,) in the exercise of the pardoning power, and decisions in regard to legal authority, the two Councils, however, unite, under direction of the President of the National Council, for joint deliberation, so that the absolute majority of the vote cast by the members of both Councils effects a decision.

ARTICLE LXXXI.

Each of the two Councils, and each member thereof, is privileged to offer propositions.

Cantons are at liberty to exercise the same privilege by correspondence.

ARTICLE LXXXII.

The sessions of the two Councils are generally public.

II.—FEDERAL COUNCIL.

ARTICLE LXXXIII.

The highest Executive and Directing Authority of the Confederation is the Federal Council, which is composed of seven members.

ARTICLE LXXXIV.

The members of the Federal Council are appointed for the term of three years from among any citizens of Switzerland who are eligible as members of the National Council. Only one member, however, is allowed to be chosen from the same Canton. A total renewal of the Federal Council takes place after each total renewal of the National Council.

Such vacancies as may occur during the intervening time are filled for the remaining term of office by the Federal Assembly next in session.

ARTICLE LXXXV.

Members of the Federal Council are not allowed to hold any other office, be it in the service of the Confederacy or of a Canton, or be in the pursuit of any other vocation or business.

ARTICLE LXXXVI.

The President of the Confederation is the presiding officer of the Federal Council, who, as well as the Vice President, is elected from among that body, for the term of one year, by the Federal Assembly.

The retiring President is not eligible, either as President or Vice President, for the succeeding year. The same member cannot officiate for two successive years as Vice President.

ARTICLE LXXXVII.

The President and remaining members of the Federal Council draw an annual salary from the Federal Treasury.

ARTICLE LXXXVIII.

Not less than four members of the Federal Council constitute a quorum for the transaction of business.

ARTICLE LXXXIX.

The members of the Federal Council may enter into consultation at

transactions of either branch of the Federal Assembly, and also have the right to submit propositions in behalf of subjects under deliberation.

ARTICLE XC.

According to the intent of the present Constitution, the following duties, in particular, are incumbent upon the Federal Council :

1. It directs the affairs of the Confederacy in accordance with the Federal Statutes and Decrees.

2. It sees to the proper observance of the Constitution, Federal Statutes and Decrees, as also of the provisions contained in Federal Concordats; it issues, of its own accord, or on rendered complaints, the requisite orders for their enforcement.

3. It exercises surveillance over the guarantee of the Cantonal Constitutions.

4. It suggests to the Federal Assembly Laws and Regulations, and pays due regard to the propositions which are communicated to it by the Councils of the Confederacy or by Cantons.

5. It executes the Federal Laws and Decrees, the sentences of the Federal Tribunal, (*Bundesgericht*), as also the compromise or arbitration decrees concerning disputes between Cantons.

6. It is to determine upon such provisions and appointments as are not delegated to the Federal Assembly or Federal Tribunal by the Constitution, or have not been by legislation entailed upon some other subordinate Authority.

It makes the appointments for missions at home and abroad.

7. It examines the treaties made by Cantons between themselves or with Foreign Powers, and approves of the same, provided they are admissible, (Article LXXIV, No. 5.)

8. It protects the interests of the Confederacy abroad, particularly its international rights, and attends to its Foreign Affairs in general.

9. It provides for security against dangers threatened from abroad, and takes measures for asserting the independence and neutrality of Switzerland.

10. It provides for the security of the Confederation in the interior, and for the preservation of quiet and order.

11. In cases of emergency, the Federal Council is empowered, when the National and States Councils are not in session, to call out the requisite number of troops, and make disposition of the same, with the proviso of an immediate convening of the Federal Assembly, should the call

for troops exceed two thousand in number, or continue longer than three weeks.

12. It attends to the Confederate Military Affairs, and all branches of Administration connected therewith, which are within the province of the Confederacy.

13. It examines the Statutes and Ordinances of the Cantons which require its approval; has surveillance over those branches of Cantonal Administration which are placed by the Confederacy under its supervision, such as military affairs, duties, roads, and bridges.

14. It provides for the proper disposition of the Finances of the Confederacy, for a plan of computation, and the auditing of accounts concerning the receipts and expenses of the Confederacy.

15. It supervises the management of affairs by all officials and employees of the Federal Administration.

16. It renders an account of its transactions to the Federal Assembly at each of the latter's regular sessions, as likewise a report in regard to the condition of affairs of the Confederation at home and abroad, and will recommend to its notice such measures as it deems would conduce to the advancement of the general welfare.

It has also to render special reports, should the Federal Assembly, or a part thereof, make such request.

ARTICLE XCI.

The business of the Federal Council is divided into Departments among the respective members. This division, however, has only in view to expedite the auditing and transaction of business. Each decision emanates from the Federal Council as authority.

ARTICLE XCII.

The Federal Council and its Departments are empowered to call into requisition, for special business, the aid of individuals versed in affairs of the kind.

III.—THE FEDERAL SECRETARYSHIP, (*Bundeskanzlei*.)

ARTICLE XCIII.

A Federal Secretarial Department, (*Bundeskanzlei*), which is presided over by a Secretary, (*Kanzler*), attends to the Secretarial business of the Federal Assembly, and to that of the Federal Council.

The Secretary is elected by the Federal Assembly for the term of three years, simultaneously with the Federal Council.

The Secretarial Department is under special supervision of the Federal Council.

The details of organization of the Secretarial Department remain subject to Federal legislation.

IV.—THE FEDERAL TRIBUNAL, (*Bundesgericht.*)

ARTICLE XCIV.

In order to facilitate the Administration of Justice, so far as it lies within the jurisdiction of the Confederacy, a Federal Tribunal of Justice is established.

For trials of Penal cases, Juries are empaneled.

ARTICLE XCV.

The Federal Tribunal consists of eleven members exclusive of deputies, whose number is fixed by Federal Legislation.

ARTICLE XCVI.

The members of the Federal Tribunal and their deputies are appointed by the Federal Assembly. Their term of office is three years. After the total renewal of the National Council, also an entire renewal of the Federal Tribunal takes place.

Vacancies which may occur during the intervening time, are filled for the remaining term by the Federal Assembly at its next session.

ARTICLE XCVII.

Any citizen of Switzerland who is eligible to the National Council, is eligible to the Federal Tribunal.

The members of the Federal Council and its appointees cannot simultaneously be members of the Federal Tribunal.

ARTICLE XCVIII.

The President and Vice-President of the Federal Tribunal are chosen from among the members thereof, by the Federal Assembly, for the term of one year.

ARTICLE XCIX.

The members of the Federal Tribunal are remunerated *per diem* from the Federal Treasury.

ARTICLE C.

The Federal Tribunal appoints its own clerks.

ARTICLE CI.

The Federal Tribunal decides on such civil cases :

1. As disputes which do not pertain to public law.

a. Between Cantons themselves.

b. Between the Confederacy and a Canton.

2. As disputes between the Confederacy, on the one part, and corporations or individuals, on the other, when such corporations or individuals are plaintiffs, and the object in dispute is of considerable importance, which latter Federal legislation determines.

3. As contentions in regard to homeless persons, (*Heimathlose*.) Cases comprised in No. 1, let. *a* and *b*, are presented to the Federal Tribunal through the Federal Council. Should this Council pronounce an application to be beyond the jurisdiction of the Federal Tribunal, then the Federal Assembly decides thereon.

ARTICLE CII.

It is obligatory upon the Federal Tribunal, also, to accept other cases for trial, when the same is appealed to by both parties, and the object in dispute is of considerable importance, which latter is determined by Federal legislation. In such cases, however, the costs accrue exclusively to the account of the parties.

ARTICLE CIII.

The co-operation of the Federal Tribunal in trials of penal cases will be determined by Federal legislation, which fixes the details regarding the transfer of bills of indictment, and concerning the organization of the Courts of Assizes and Appeals, (*Kassationsgericht*.) Art. CIV.

The Court of Assizes, having empaneled a jury which pronounces upon the matter in question, tries :

a. Cases where the appointed officials of a Federal Authority are bound over to be adjudged for some penal offence.

b. Cases of high treason against the Confederation ; of rebellion and acts of violence against the Federal Authorities.

c. Cases of transgression against and breaches of international law.

d. Cases involving political offences and transgressions, which are causes or consequences of such disturbances as have necessitated an armed intervention of the Confederacy.

The Federal Assembly is empowered, in regard to such offences and transgressions, to grant amnesty or pardon.

ARTICLE CV.

The Federal Tribunal, in addition, passes judgment upon the violation of rights guaranteed by the Federal Constitution, if complaints of this kind are referred to it by the Federal Assembly.

ARTICLE CVI.

It remains optional with Federal legislation to place, exclusive of those cases denoted in Articles CI, CIV, and CV, also others within the jurisdiction of the Federal Tribunal.

ARTICLE CVII.

Federal legislation will determine the details :

- a.* In regard to the establishing of an Attorney Generalship.
- b.* As to the crimes and transgressions which come under the jurisdiction of the Federal Tribunal, and in regard to the penalties which are to be inflicted.
- c.* Concerning the proceedings, which are to be verbal and public.
- d.* Regarding court charges.

V.—MISCELLANEOUS PROVISIONS.

ARTICLE CVIII.

Everything relating to the seat of the Federal Government officials is a subject for Federal Legislation.

ARTICLE CIX.

The three prevailing languages of Switzerland, the German, French, and Italian, are the national languages of the Confederacy.

ARTICLE CX.

The officials of the Confederation are responsible for the faithful performance of their duties. A Federal Statute will define this accountability more particularly.

CHAPTER THIRD.

REVISION OF THE FEDERAL CONSTITUTION.

ARTICLE CXI.

The Federal Constitution can at any time be revised.

ARTICLE CXII.

The revision is performed according to the manner prescribed by Federal Legislation.

ARTICLE CXIII.

If a portion of the Federal Assembly determines upon a revision, and the remainder do not acquiesce, or if fifty thousand Swiss citizens legally entitled to vote, demand a revision of the Federal Constitution, then, in either case, the question *whether or not* a revision *shall take place*, must be subjected to the vote of the Swiss People.

Should, in either of the above cases, the voting citizens of Switzerland express themselves in the *affirmative*, then both Councils are to be elected anew, in order to take in hand the revision.

ARTICLE CXIV.

The revised Federal Constitution goes into effect when accepted by the majority of the voting Swiss citizens and by a majority of the Cantons.

TRANSITIONARY PROVISIONS.

ARTICLE 1.

In regard to the acceptance of the present Federal Constitution, the Cantons are to express themselves according to the prescribed regulations of the Cantonal Constitutions, or, where such Constitutions contain no provisions in regard thereto, in a manner to be determined upon by the Supreme Authority of the Canton in question.

ARTICLE 2.

The results of the balloting are to be transmitted to the seat of government, in order to be placed in the hands of the Diet, which decides whether the new Constitution is adopted.

ARTICLE 3.

If the Diet declares the Federal Constitution accepted, it immediately adopts the necessary measures for carrying it into effect.

The duties of the Federal War Council, and of the Council administering the Confederate war funds, devolve upon the Federal Council.

ARTICLE 4.

The provisions contained in the Preamble and letter *c* of Article VI of the present Federal Constitution do not apply to Cantonal Constitutions already in force.

Such articles of Cantonal Constitutions as conflict with the remaining provisions of the Federal Constitution are annulled from the day of the adoption of the latter.

ARTICLE 5.

The collection of Swiss Frontier Duties continues until the new tariff of the future frontier duties is established.

ARTICLE 6.

The Resolutions of the Diet and the Concordats continue in force, so

far as they do not conflict with the Federal Constitution, until they are cancelled or altered.

On the other hand, those Concordats become void, whose contents have been declared a subject of Federal legislation, and that from the time the latter dates its existence.

ARTICLE 7.

As soon as the Federal Assembly and the Federal Council are organized, the Federal Compact of the 7th of August, 1815, ceases to exist.

PREAMBLE AND RESOLUTIONS

Concerning the formal declaration of the adoption of the New Federal Constitution of the Swiss Confederation.

THE FEDERAL DIET,

After examination of the Records (*Verbalprozesse*) and other Acts forwarded to the Seat of Government by all of the Cantons, concerning the balloting upon the Federal Constitution of the Swiss Confederation, which Constitution was the result of the deliberations of the Diet from May 15th, to June 28th, 1848 inclusive:

Whereas, in consequence of these official communications, all the Cantons have expressed themselves concerning the acceptance or rejection of the aforesaid Federal Constitution, in the manner explicitly prescribed in the transitional provisions annexed thereunto:

Whereas, from a rigid examination of all the Records concerning the balloting which took place in each one of the Cantons, it appears that the Federal Constitution of the Swiss Confederation here alluded to, has been accepted by fifteen whole Cantons and one Half-Canton, which jointly represent a population of 1,897,887 inhabitants, consequently the decided majority of the inhabitants of Switzerland.

In conformity with Article 2 of the transitional provisions previously mentioned, according to which the Diet is empowered, after examination

of the results of the ballotings to decide whether or not the New Federal Constitution is adopted,

R E S O L V E S :

ARTICLE 1. The Federal Constitution of the Swiss Confederation, as it emanated from deliberations of the Diet, from the 15th of May until the 27th of June, 1848, inclusive, and submitted to the popular vote in each of the Cantons, according to the manner prescribed in Article 1 of the appended transitional provisions, is hereby formally adopted and declared Fundamental Law of the Swiss Confederation.

ARTICLE 2. The present authenticated Declaration, in connection with the adopted Federal Constitution in its original form, is to be deposited among the Federal Archives, and moreover, a sufficient number of copies be printed, which the Federal Authority is immediately to forward to the various Cantonal Governments for general promulgation.

ARTICLE 3. The Diet will immediately adopt, by virtue of its own powers, the requisite measures for carrying into effect the Federal Constitution.

Done at Bern, the 12th of September, in the year of our Lord one thousand eight hundred and forty-eight.

The Federal Diet :

In whose name,

The President of the Executive Council of the Canton of Bern,
as Federal Seat of Government,

President of the Diet :

[L. S.]

ALEX. FUNK.

The Secretary of the Confederation :

SCHIESS.

RESOLVED:
ARTICLE I. The Federal Constitution of the Swiss Confederation as it emanated from deliberations of the Diet, from the 15th of May until the 25th of June, 1848, inclusive, and submitted to the popular vote in the appended Constitution, is hereby adopted and declared Fundamental Law.

ARTICLE 2. The present Convention, in connection with the adopted Federal Constitution, is to be deposited among the Federal Archives, which the Federal Government is immediately to forward to the various Cantonal Governments.

ARTICLE 3. The present Convention, in connection with the adopted Federal Constitution, is to be deposited among the Federal Archives, which the Federal Government is immediately to forward to the various Cantonal Governments.

CONVENTION

BETWEEN THE

UNITED STATES OF AMERICA

AND THE

SWISS CONFEDERATION.

[FRIENDSHIP, RECIPROCAL ESTABLISHMENTS, COMMERCE, AND FOR THE SURRENDER OF FUGITIVE CRIMINALS.]

Concluded November 25, 1850; Ratified November 6, 1855; Ratifications exchanged November 8, 1855; Proclaimed November 9, 1855.

By the President of the United States of America :

A PROCLAMATION.

Whereas a General Convention of Friendship, Reciprocal Establishments, Commerce, and for the Surrender of Fugitive Criminals, between the United States of America and the Swiss Confederation, was concluded and signed by their respective Plenipotentiaries, in the city of Berne, on the twenty-fifth day of November, eighteen hundred and fifty ; which Convention, as subsequently amended by competent authorities of the respective Governments, and being in the English and French languages, is word for word [the English only is here given] as follows :

The United States of America and the Swiss Confederation, equally animated by the desire to preserve and to draw more closely the bonds of friendship which so happily exist between the two republics, as well as to augment, by all the means at their disposal, the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of friendship, reciprocal establishments, commerce, and for the surrender of fugitive criminals.

For this purpose, they have appointed as their plenipotentiaries, to wit :

The President of the United States ; A. Dudley Mann, special agent of the United States on a mission to the Swiss Confederation ; and the Swiss Federal Council ; Henry Druey, President of the Swiss Confederation, Director of the Political Department ; and Frederick Frey-Hérosée, member of the Federal Council, Director of the Department of Commerce and of Tolls ; who, after a communication of their respective full powers, have agreed to the following articles :

ARTICLE I.

The citizens of the United States of America and the citizens of Switzerland shall be admitted and treated upon a footing of reciprocal equality in the two countries, where such admission and treatment shall not conflict with the constitutional or legal provisions as well federal as State and cantonal, of the contracting parties. The citizens of the United States and the citizens of Switzerland, as well as the members of their families, subject to the constitutional and legal provisions aforesaid, and yielding to obedience to the laws, regulations, and

usages of the country wherein they reside, shall be at liberty to come, go, sojourn temporarily, domiciliate or establish themselves permanently, the former in the cantons of the Swiss Confederation, the Swiss in the States of the American Union, to acquire, possess, and alienate therein property, (as is explained in article V;) to manage their affairs; to exercise their profession, their industry, and their commerce; to have establishments; to possess warehouses; to consign their products and their merchandise, and to sell them by wholesale or retail, either by themselves or by such brokers or other agents as they may think proper. They shall have free access to the tribunals, and shall be at liberty to prosecute and defend their rights before courts of justice in the same manner as native citizens, either by themselves or by such advocates, attorneys, or other agents as they may think proper to select. No pecuniary or other more burdensome condition shall be imposed upon their residence or establishment, or upon the enjoyment of the above mentioned rights, than shall be imposed upon citizens of the country where they reside, nor any conditions whatever to which the latter shall not be subject.

The foregoing privileges, however, shall not extend to the exercise of political rights, nor to a participation in the property of communities, corporations, or institutions of which the citizens of one party, established in the other, shall not have become members or co-proprietors.

ARTICLE II.

The citizens of one of the two countries, residing or established in the other, shall be free from personal military service; but they shall be liable to the pecuniary or material contributions which may be required, by way of compensation, from citizens of the country where they reside, who are exempt from the said service.

No higher impost, under whatever name, shall be exacted from the citizens of one of the two countries, residing or established in the other, than shall be levied upon citizens of the country in which they reside, nor any contribution whatsoever to which the latter shall not be liable.

In case of war, or of expropriation for purposes of public utility, the citizens of one of the two countries, residing or established in the other, shall be placed upon an equal footing with the citizens of the country in which they reside, with respect to indemnities for damages they may have sustained.

ARTICLE III.

The citizens of one of the two republics, residing or established in the other, who shall desire to return to their country, or who shall be sent thither by a judicial decision, by an act of police, or in conformity with the laws and regulations on morals and mendicity, shall be received at all times and under all circumstances, they, their wives, and their legitimate issue, in the country to which they belong, and in which they shall have preserved their rights in conformity with the laws thereof.

ARTICLE IV.

In order to establish their character as citizens of the United States of America, or as citizens of Switzerland, persons belonging to the two contracting countries shall be bearers of passports, or of other papers in due form, certifying their nationality, as well as that of the members of their family, furnished or authenticated by a diplomatic or consular agent of their nation, residing in the one of the two countries which they wish to inhabit.

ARTICLE V.

The citizens of each one of the contracting parties shall have power to dispose of their personal property within the jurisdiction of the other, by sale, testament, donation, or in any other manner; and their heirs, whether by testament, or *ab intestato*, or their successors, being citizens of the other party, shall succeed to the said property, or inherit it, and they may take possession thereof, either by themselves or by others acting for them; they may dispose of the same as they may think proper, paying no other charges than those to which the inhabitants of the country wherein the said property is situated shall be liable to pay in a similar case. In the absence of such heir, heirs, or other successors, the same care shall be taken by the authorities for the preservation of the property that would be taken for the preservation of the property of a native of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the cantons of the Swiss Confederation, in which foreigners shall be entitled to hold or inherit real estate.

But in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property in the State or in the canton in which it may be situated, there shall be accorded to the said heir, or other successor, such term as the laws of the State or canton will permit to sell such property; he shall be at liberty at all times to withdraw and export the proceeds thereof without difficulty, and without paying to the government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which the real estate may be situated.

ARTICLE VI.

Any controversy that may arise among the claimants to the same succession, as to whom the property shall belong, shall be decided according to the laws and by the judges of the country in which the property is situated.

ARTICLE VII.

The contracting parties give to each other the privilege of having, each in the large cities and important commercial places of their respective States, consuls and vice-consuls of their own appointment, who shall enjoy the same privileges and powers, in the discharge of their duties, as those of the most favored nations.

But before any consul [or vice-consul] shall act as such, he shall, in the ordinary form, be approved of by the government to which he is commissioned.

In their private and business transactions, consuls and vice-consuls shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

It is hereby understood that in case of offence against the laws by a consul or a vice-consul, the government to which he is commissioned may, according to circumstances, withdraw his exequatur, send him away from the country, or have him punished in conformity with the laws, assigning to the other government its reasons for so doing.

The archives and papers belonging to the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate, or other functionary, visit, seize, or in any way interfere with them.

ARTICLE VIII.

In all that relates to the importation, exportation, and transit of their respective products, the United States of America and the Swiss Confederation shall treat each other, reciprocally, as the most favored nation, union of nations, State, or society, as is explained in the following articles :

ARTICLE IX.

Neither of the contracting parties shall impose any higher or other duties upon the importation, exportation, or transit of the natural or industrial products of the other, than are or shall be payable upon the like articles, being the produce of any other country, not embraced within its present limits.

ARTICLE X.

In order the more effectually to attain the object contemplated in Article VIII each of the contracting parties hereby engages not to grant any favor in commerce to any nation, union of nations, State, or society, which shall not immediately be enjoyed by the other party.

ARTICLE XI.

Should one of the contracting parties impose differential duties upon the products of any nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products, destined to enter the country by which the differential duties are imposed.

ARTICLE XII.

The Swiss territory shall remain open to the admission of articles arriving from the United States of America : in like manner, no port of the said States shall be closed to articles arriving from Switzerland, provided they are conveyed in vessels of the United States, or in vessels of any country having free access to the ports of said States. Swiss merchandise arriving under the flag of the United States, or under that of one of the nations most favored by them, shall

pay the same duties as the merchandise of such nation ; under any other flag it shall be treated as the merchandise of the country to which the vessel belongs.

In case of shipwreck and of salvage on the coasts of the United States, Swiss merchandise shall be respected and treated as that belonging to citizens of the said States.

The United States consent to extend to Swiss products, arriving or shipped under their flag, the advantages which are or shall be enjoyed by the products of the most favored nation arriving or shipped under the same flag.

It is hereby understood that no stipulation of the present article shall in any manner interfere with those of the four foregoing articles, nor with the measures which have been or shall be adopted by either of the contracting countries in the interest of public morality, security, or order.

ARTICLE XIII.

The United States of America and the Swiss Confederation, on requisitions made in their name through the medium of their respective diplomatic or consular agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other : *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found.

ARTICLE XIV.

Persons shall be delivered up, according to the provisions of this convention, who shall be charged with any of the following crimes, to wit :

Murder, (including assassination, parricide, infanticide, and poisoning :) attempt to commit murder ; rape ; forgery, or the emission of forged papers ; arson ; robbery with violence, intimidation, or forcible entry of an inhabited house ; *piracy* ; embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE XV.

On the part of the United States the surrender shall be made only by the authority of the Executive thereof ; and on the part of the Swiss Confederation by that of the Federal Council.

ARTICLE XVI.

The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

ARTICLE XVII.

The provisions of the foregoing articles relating to the surrender of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character.

ARTICLE XVIII.

The present convention is concluded for the period of ten years, counting from the day of the exchange of the ratification ; and if, one year before the expiration of that period, neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

ARTICLE XIX.

This convention shall be submitted, on both sides, to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratification shall be exchanged at the city of Washington as soon as circumstances shall admit.

In faith whereof, the respective plenipotentiaries have signed the above articles, under reserve of the above mentioned ratification, both in the English and French languages, and they have thereunto affixed their seals.

Done, in quadruplicate, at the city of Berne, this twenty-fifth day of November, in the year of our Lord one thousand eight hundred and fifty.

A. DUDLEY MANN, [L. s.]

H. DRUEY, [L. s.]

F. FREY-HEROSEE [L. s.]

And whereas the convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Washington on the 8th instant, by William L. Marcy, Secretary of State of the United States, and John Hitz, Consul General of the Swiss Confederation, on the part of their respective governments:

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the city of Washington, this ninth day of November, in the year of our Lord one thousand eight hundred and fifty-five,
 [L. s.] and of the independence of the United States of America the eightieth.

FRANKLIN PIERCE.

By the President :

W. L. MARCY, *Secretary of State.*
