

Heidelberg faculty, deeming the catalogue better than nothing at all, have honored the Pope's messenger equally with the other delegates.

Of these delegates there was a most imposing array, as was shown especially at the reception tendered them in the newly decorated Aula, which is now the finest in Germany. Every civilized country had sent delegates to represent one or more of its universities. Paris was represented by Oppert, Du Camp, and Zeller, who were made especially welcome by the hosts; and the Frenchmen present in Heidelberg, including the correspondents of the *Figaro* and *Voltaire*, commented with great satisfaction on the fact that Prof. Zeller was the only one of the speakers whom the Grand Duke of Baden honored by a congratulatory hand-shake after his neat address in behalf of the Académie Française. Of well-known German professors there were present Haeckel of Jena, Kussmaul of Strassburg, Helmholtz, Gneist, Mommsen, E. Zeller of Berlin, and a hundred others whose names are familiar wherever the sciences are cultivated; all of them in their official garb, thus presenting a picturesque variety of costumes and colors. Among the speakers were the Crown Prince of Germany and the Grand Duke of Baden, his brother-in-law. The procession of dignitaries had marched in to the stately strains of Wagner's "Meistersinger" march; and the next afternoon almost the same company assembled for a dinner in the "Museum," on which occasion Helmholtz delivered a short but magnificent address, in which he tried to account for the fact that Heidelberg has become so famous for the scientific discoveries made within its walls. He attributed it largely to the vital energy and the inspiration given by solitary walks in the pure and bracing air of the Neckar hills. The man of science, as well as the poet, requires the faculty of a suggestive imagination; and it could hardly be regarded as accidental that from these green hills human sight for the first time penetrated the mysteries of the universe, and discovered what before had seemed impossible—the chemical composition of stars. Had the speaker's modesty not forbidden, he might have added, as another delightful coincidence, that the mysteries of the human eye, too, were first revealed in Heidelberg, where that organ for ever revels in scenic luxuries.

Helmholtz also was the man who first explained the mysterious charm of tone-quality in diverse human voices and musical instruments. But although this discovery was also made in Heidelberg, the town itself can have suggested it only on the principle of contraries. A few centuries ago there was hardly any difference between German students and highwaymen. Not only did they engage in fatal duels on the slightest provocation, but they plundered and murdered peasants and tradesmen, and were in continual conflict with the military and with the police, who had a special apparatus for catching them and making them harmless. At the present day the murderous propensities of German students have apparently all been concentrated on the sense of hearing. There is a case on record of several hundred students leaving a German university in a body because a law had been made forbidding their singing and howling in the streets at night. Those who have been in Heidelberg this week have been able to sympathize with the townspeople who made that law. Such incessant singing and playing till four or five in the morning, such howling and clashing of glasses in beer-gardens, have never before been heard even in a German university town. The climax of the noise was not reached at the great Commers in the Festhalle, at which 5,000 students and ex-students finished the "salamanders" with a thunderous simultaneity of setting down their glasses, executed with marvellous military pre-

cision; it was reached in the old Schloss, the quasi-subterranean rooms of which were crowded with students and Philistines, cheering and howling at the top of their voices, until even the waiter girls—who had been selected for their beauty from among all the neighboring restaurants, and beer-halls, and who are used to the ways of students—put down their wine-pitchers to stop their ears. But then the wine which they dispensed had a truly antique Bacchanalian flavor; it was wine such as can only be found on special occasions like this—wine like the liquid Hungarian gold sold in the Esterházy cellar in Vienna. It was taken ostensibly from the great tun in the adjoining room; but a man in charge informed me that it was an optical illusion: that there was no wine in the historic tun, for if it had been filled, even the thirsty legion of the jubilee days would have required weeks to empty it. Its contents are forty-nine thousand gallons.

These scenes in the vaults of the *grosses Fass* were enacted every afternoon, and were open to all. But there was one "Fest" in the Castle which was open only to invited guests. Little lamps had been placed in the evening in lines at every accessible place of the inner façades, making the court-yard a fairy-like abode. But these rows of lights were quite thrown in the shade, as regards number and attractiveness, by rows of beer and wine-kegs the contents of which were free to all. It seemed like the old days when emperors were crowned and the populace treated to a grand picnic of free beer and roast oxen on toast.

Three important features of the programme remain to be mentioned: First, a torchlight procession, in which many of the academic dudes ruined their gaudy costumes because the professors, in their zeal for antiquarian realism, had decided that old-fashioned pitch torches must be used, and these were continually falling to pieces. They disinfected the town for a century to come, and blackened the faces of the students so much that their hideous scars—which are greatly honored, though the signs of unskilful fencing—for once became invisible. Second, grand illumination of the ruined Castle—a most imposing spectacle, the red light suffusing the whole castle, and showing every detail of the ruin, making it seem as if the French had just been at their work of destroying this "architectural poem," the work of three centuries of princes and artists. Third, the historic procession, which took just half an hour, in passing any given point. It was unanimously pronounced the finest thing of the kind ever seen, as regards not only extent, but historic accuracy, realism, and splendor of every detail, for the attainment of which no expense had been spared. The procession represented characteristic scenes and important personages in the history of the University from 1386 to 1803. To describe it is impossible. It included princes, knights, huntsmen, monks, nuns, soldiers, musicians with the instruments of their period, devils and other masks, lecturing professors; the great tun drawn by two superb oxen; citizens, boys and girls, a Venus, ambassadors, and a score of other characters. This was the climax of the Heidelberg festival. How great was the crowd that witnessed it may be inferred from the fact that Mannheim alone, a city of about 50,000 souls, sent 22,000 visitors.

H. T. F.

#### THE DUC DE NOAILLES ON THE AMERICAN REPUBLIC.

PARIS, August 11, 1886.

CONSTITUTIONAL law is not much the fashion in our time, and the Abbé Sleyès, who wrote so many contributions, would not, if he were still

living, be much appreciated. We have ceased to believe that humanity can be made much better by clever rules and well-devised arrangements; we are inclined to believe that institutions are worth only as much as the men who undertake to give life to these institutions. This reaction against the old constitutional school is owing to many causes; it is in great part the work of the modern historical school—a school which is very realistic, very hostile to all preconceived theories, to all generalizations. We have become more materialistic than our fathers: "Tant vaut l'homme, tant vaut la chose." We care less for the monarchy and more for the King; less for the empire and more for the Emperor; less for the church and more for the Pope. We are also more sceptical, and we see the inconveniences as well as the advantages of every kind of human arrangement or solution. We are, in consequence of our scepticism, less enthusiastic, and few causes would find among us blind partisans, because we secretly deem that there are few causes worth fighting for. There is a certain sort of pessimism which underlies all our judgments, all our opinions, and consequently all our acts. There are few among the members of the present generation who would not be ready to say with Musset:

"Je suis venu trop tard dans un monde trop vieux."

Compare the present republicans in France with the republicans of the old school, with the men of 1848. The modern republicans (I speak of the most notorious, of such men as Gambetta and his lieutenants) have chosen for themselves the name of opportunists; they have in this name compressed their principles, or rather their want of principles. Their only real principle is a negative one: they do not admit a monarchy, they are hostile to the hereditary principle. But on all other points they have no theory; they are the slaves, and the willing slaves, of circumstance; they do not even care to have their institutions fixed in a written constitution; they are contented with constitutional laws, and they can change these laws as easily as any other law. No obstacle has been placed in the road; the constitutional laws of 1875 have already been twice revised. The new republican school is fully imbued with the idea of development; it looks upon a constitution as the mere epidermis of a living, growing nation. I will not here discuss these new theories; I only allude to them in order to show that it is just now somewhat an ungrateful task to write in France on mere constitutional law.

The Duc de Noailles has nevertheless had the boldness to do so; he has written a volume on the American Constitution, under the title of 'A Hundred Years of Republic in the United States.' One of the ancestors of the Duc de Noailles was among the Frenchmen who fought in America during the war of independence. He has himself not been in the United States, and those who read his volume will regret it, as it is not possible to understand any country thoroughly without entering, so to speak, into its life. The Duc de Noailles says himself: "To pretend to be a prophet in speaking of a great country which you have never inhabited or visited would be a temerity without excuse." If you are not and cannot be a prophet, you may try to be a judge. The task is easier, but the political judge cannot form a perfect judgment if he sees not what the past has accomplished. The history of the debates of Congress, of the struggle of American parties, is one thing; the spectacle of the great American community is another. Let us take the title of the Duc de Noailles's book, 'A Hundred Years of Republic,' and ask ourselves, What have these hundred years produced? How much has the republican

constitution counted in the result, and how much has the natural work of civilization? This is in reality the sense of the inquiry made by the Duc de Noailles; his study is, so far, conceived in the same spirit as Tocqueville's 'Democracy in America.' But fifty years have passed since the work of our great constitutional writer appeared, and Tocqueville had already on some points entertained some apprehensions. The Duc de Noailles complains that "the public obstinately refused to see anything in his work but the eulogy of American institutions and the continuation of the transatlantic legend brought back by Lafayette. All reserves and criticisms disappeared in the midst of a great current of superstitious enthusiasm. Nobody had a right to point to a single spot on the sun of the model republic."

The Duc de Noailles is right when he says that there was a time when the American republic could flatter itself by ignoring social discords, pauperism, socialism and its dangers. Nobody foresaw that the socialists or communists of the great cities or industrial centres would some day try to defend with arms in their hands what they call the rights of labor. It seemed as if misery was the special plague of aristocratic and monarchical communities. People forgot that "the poor you have always with you." The situation of America, says the Duke, was privileged. "No dangerous neighbor obliged it to keep numerous armies at a great cost. . . . Nature gave it sources of wealth of which the least would have assured the fortune of a people; an extraordinary abundance of earthly goods—iron, coal in larger strata than those of England, 'the nerve and sinews of industry,' cotton, gold mines, silver mines, petroleum; every ten or fifteen years a new source of prosperity. . . . This concourse of happy incidents or of privileges more or less durable cannot be attributed to this or that political system. Free space, endless prairie, fertile desert, facilities of subsistence, high wages, are not institutions." Assuredly they are not, but they cannot, either, become arguments against institutions. I do not believe, with the Duc de Noailles, that "if Louis XVI., when he opened the States-General, could have declared that on all the frontiers and in the interior of France, without robbing anybody, he would bestow on whoever wanted it excellent land at five francs an acre, we should have seen, instead of 1793, the triumph of monarchy. Popular enthusiasm would not have failed to proclaim paternal and royal absolutism as the best of régimes." This is too materialistic a view of history; the French Revolution ended in a great confiscation of land, but it was not made by the hungry peasantry, it was made by the intellectual classes; at any rate, it was begun by them.

The American Constitution must be judged by itself and in itself. As the Duc de Noailles justly observes, the framers of the Constitution attempted to conciliate two principles: the sovereignty of the people and the supreme authority of law. In the preamble of the Constitution, the people declares its desire to establish the reign of liberty and of justice. "A noble design, surely, but how can we prevent popular sovereignty from resolving itself, in America as elsewhere, into the brutal law of numbers?" It must be noticed that the law of numbers is always taxed with brutality by the party which is excluded from power. It seems difficult, however, to evade it in a democracy; all we can hope for is to place a certain number of rules, of traditions, of institutions, out of the immediate reach of the "brutal" majority. The Duc de Noailles confesses that "America possesses a very powerful preservative against the transformation of Congress into a single omnipotent convention. The Federal Senate has nothing in common with those

factitious institutions which are condemned to vegetate in obscurity. It represents the individual States; and this special origin gives to it a vitality and a credit of which many upper chambers are often devoid." The Duke praises also the Supreme Court, but his praise is two-edged. "The judicial power," he says, "offers the strangest contrast. While it attains at its summit a high degree of honor and of power, it touches at its base the lowest term of infirmity. The Supreme Court of the United States, appointed by the President himself, and unremovable, has known how to maintain itself above the quarrels of parties. On the other hand, the local magistrates, who are almost all elected by the people, for a short term, have lost all independence."

One of the indispensable conditions of stability in the American democracy has been found in the sacrifice of ministerial responsibility. The Ministers do not form a cabinet, in the English sense of the word; they depend solely upon the President, who is alone responsible for all executive acts. The Duc de Noailles says that this method is just now much criticised. The isolation of the various departments may have its inconveniences, but it is difficult to reconcile in practice Presidential responsibility with a new responsibility; we can hardly imagine a prime minister taking a constant and active part in the Congressional debates if the President did not condemn himself to complete apathy, and did not accept freely the function of a constitutional monarch. Two responsibilities, one before the people, the other before Congress, could not run long in two parallel lines; there would be constant conflicts between the nominee of the people and the favorites of the legislative chambers.

It would be very difficult to give a succinct analysis of the work of the Duc de Noailles. The subjects which are treated in succession by him are these: the principle of popular sovereignty; popular sovereignty and the law of numbers; the right of suffrage in the United States; the limits of the sovereignty of the people; the guarantees against the omnipotence of numbers, and the mission of minorities; the Federal Constitution and the work of the Philadelphia Convention; the Federal system and liberal institutions: the limits of legislative power; the House of Representatives; the origin of the Senate—its organization, its legislative and judicial attributions, its executive attributions. This is a very extensive programme. The Duc de Noailles is not an admirer of democracy; he tries to prove that the executive power and the Senate owe much of their excellence to a percentage, if I may so express myself, of aristocratic and monarchical ideas, while the greatest imperfections have revealed themselves in the House, where the democratic percentage is the highest. He strongly criticises the short term of the legislative mandate, the standing committees, the lobby, the suspension of the rules of the Chamber, which prevents all discussion and allows the Representatives the right to pronounce themselves by an immediate and single vote, without any amendment. This hasty legislation is, in his eyes, all the more dangerous in that the deputies can be classed in two categories, viz., those who have no experience of legislation, and a few old stagers, the favorites of universal suffrage, who are constantly reelected, and who have become in fact deputies for a long term, and are the real masters of the situation. The Duc de Noailles cites on this point, as on many others, the *Nation*, which has often denounced the politicians, the wire-pullers, who use their long experience of Congress for the most selfish motives. His criticism of the Presidential power is interesting, but seems to me tinged with too much severity. The last Presidential election showed

that there is no desire in the American nation to reduce the President to an insignificant rôle; that character, honesty, firmness are not a bad note for a Presidential candidate. We may fully agree with the Duc de Noailles when he denounces plutocracy as the great danger of American democracy, as well as of any democracy; but we will not go as far as to say that the constitutional powers have become in the United States a mere curtain, and that behind this curtain are the real powers, the financial powers. There are many other forces at work, and these forces are not yet preparing to abdicate. It would be difficult to find a country where the rights of intellect, of virtue, and, I may say, of birth, are more highly appreciated than in the United States. The Duc de Noailles could easily have a proof of it if he crossed the Atlantic.

## Correspondence.

### GRIMM'S LIFE OF RAPHAEL.

GEEHRTE REDACTION :

Indem ich Ihnen für die freundliche Aufmerksamkeit Dank sage, welche Sie meinen Arbeiten zu Theil werden lassen, erlaube ich mir in Betreff des 'Leben Raphael's' (*Nation*, July 8, 1886) zu bemerken, dass ich, so wohl was Vasari als was Passavant anlangt, in der zweiten Auflage des Buches meinen Standpunkt nicht geändert habe, sondern denselben einnehme, auf dem ich in der ersten Auflage stand. Von Passavant wird Seite lxxiii der ersten Auflage mit beinahe den gleichen Worten gesagt: "Sein zweiter Theil ist ein Muster- und Meisterwerk deutscher Arbeit. Er bildet die Grundlage unserer Kenntniss Raphaels," etc., während Vasari's 'Vita di Raffaello' als das, wovon alles Studium Raphael's auszugehen habe, der Arbeit vorangestellt worden war.

Hochachtungsvoll der Ihrige,

HERMAN GRIMM.

BERLIN, MATTHÄIKIRCHSTRASSE, 5, d. 6 August, 1886.

### GEN. MÜHLENBERG.

TO THE EDITOR OF THE NATION :

SIR: I find in the *Nation* of July 15, on page 54, a correction concerning the birthplace of J. Peter G. Mühlenberg, Major-General U. S. A. The same article introduces statements which again call for amendment and amplification. He was born October 1, 1746, at New Providence or Trappe, Montgomery Co., Pa. With his parents he moved in 1761 to Philadelphia, and in 1763 with his younger brother, Fr. Augustus C., and Henry Ernest, on the same ship which carried W. Allen, Chief Justice of Pennsylvania, was sent to England, and by the way of London and Hamburg to Halle, there to receive his education. Peter was, however, already, in October, 1763, apprenticed to a Mr. Niemeyer, a druggist in Lübeck. Finding his position unprofitable and disagreeable to his taste, two years later he joined a military troop passing through the town; soon afterwards, through the influence of friends, he received an honorable dismissal and found his way back to America in 1766 (not 1772, as the article of July 15 states). Here he was introduced by his father, Rev. H. M. Mühlenberg, D.D., and the Rev. M. Wrangel, D.D., Provost of the Swedish congregations on the Delaware, and pastor of Wicaco or Gloria Dei Church in Philadelphia, to the study of theology, began pastoral work in vacant charges in Pennsylvania, and, after being examined and properly acknowledged by the Lutheran Synod, he officiated in Lutheran churches in Hunterdon Co., N. J. Here in 1771 he received a call to congregations in Dunmore Co., Va. To have a legal standing as a clergy-