

THE FOUNDING
OF THE
GERMAN EMPIRE

BY WILLIAM I.

BY
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TRANSLATED BY HELENE SCHIMMELFENNIG WHITE

VOL. VI.



Wir dürfen uns nicht täuschen : die Entwicklung Deutschlands auf dem Wege der Einigung schreitet *langsam* vorwärts.

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PREFACE.

IN the two following volumes the events from the end of the Austrian to the beginning of the French war are related. It is desirable that a brief explanation should precede their narration.

A few months after the retirement of Prince Bismarck, the permission to consult the documents of the Foreign Office for use in my work was withdrawn.

At first this appeared to be fatal to the continuation and completion of my undertaking. However, upon further reflection, I took courage to make an attempt to possess myself of a certain amount of authentic knowledge of the historic events from 1866 to 1870, in spite of the disadvantage of being debarred from this important source of information.

Fortunately, consultation of this material was not so essential to the study of these four years of peace, owing to the nature of the subject, as it had been to the preceding period of conflict and war. In addition, the literature already in print, both at home and abroad,

offered an abundant supply of authentic material to which comparatively little attention had been paid.

The principal incentive, however, lay in the fact that I had myself shared in the events to be related, and had been so favorably situated, both during and after their occurrence, that many of the prominent participants in these historically important transactions, Prussians and non-Prussians alike, from the beginning of my research to its close, manifested a readiness to acquaint me with the incidents of every decisive moment that has placed me under greatest obligation to them; and I may add with truth, that their willingness was in proportion to the extent to which they themselves had been participants.

Written records made at the time, and of greatest advantage, were also placed at my disposal; such as diaries and journals, the highly interesting correspondence of many who were no longer among the living, private or as yet unpublished autobiographies. The documents denied me would probably have afforded a greater knowledge of detail; but in so far as a correct conception of the essential course of events is concerned, their place was fully supplied.

Thus equipped, a certain degree of confidence in the success of these volumes was justified. Had I, how-

ever, had any further doubts, they would have been eventually set aside by the simple fact that in 1881 I had given the publisher of the book, an esteemed friend of long standing, the promise of a history of Prussia from 1850 to 1870, without any further definite agreement. He desired the fulfilment of my part of the contract, either with or without recourse to the State papers. I had no lawful excuse by which to avoid this perfectly just demand, and so I set to work.

Whether the publisher did wisely or not is a question which must be left to the competent public for decision.

HEINRICH VON SYBEL.

November, 1894.



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BOOK XXI.



NORTH GERMAN CONFEDERATION.

NORTH GERMAN CONFEDERATION.

CHAPTER I.

PREPARING FOR THE REICHSTAG.

THE preceding volume closed with the words: In the fall of 1866 the German Empire was founded.

In truth, the ground was cleared and a massive foundation laid; and now there remained the task of raising upon it the edifice, stately and proud of structure, but of comfort to those whose habitation it was to be. Herewith numerous problems presented themselves whose solution would require very different means from the victorious conflicts of the past years.

Since 1863 the vigor of Prussia's political power had manifested itself, first in the encroaching energy of its diplomacy, and then in its advancing armies, whereas the internal politics during the period of conflict over the Constitution were at a complete standstill. At the close of the war these conditions were utterly reversed. The domestic questions immediately crowded to the front upon the political arena. The reorganization of Prussia consequent upon its recent great annexations, the adjustment of its relations with the other members

of the North German Confederation, as well as of its affairs with the South German States—all this occupied simultaneously and under manifold conditions the attention of the Prussian statesmen. Their great leader confined his diplomatic effort to placing beyond hazard the ground upon which the new structure was to be raised. Of far-reaching progress there could at this time be no thought; and Prussia's foreign policy was necessarily limited to that of a watchful, strongly armed defensive.

To be sure, the European situation was of a nature to warn Prussia into an attitude of systematic cautiousness and resolute firmness. A careful examination of the temper and aspirations of the other Great Powers revealed quite as many threatening conditions as pleasing ones. Austria, weakened by her internal contentions even more than by the consequences of her late defeat, was not to be feared for a year or more; but as yet a friendly spirit was hardly to be looked for in the Hofburg, especially since Emperor Francis Joseph had intrusted the reins of government to Prussia's old enemy, Herr von Beust.

Wholly different, however, were the relations between Berlin and St. Petersburg. We have seen how displeasing to Emperor Alexander had been the overthrow of the three German dynasties; it was evident that a vigorous reorganization of Germany would not meet with favor in Russian political circles.

Nevertheless, the traditional friendship of the two monarchs as yet overbalanced these difficulties, espe-

cially as the immediate object of Russian diplomacy, the setting aside of the conditions imposed by the Peace of 1856, would naturally meet with greater opposition in Paris, Vienna, and London than in Prussia. Here, then, friendship was to be found, but whether in case of need effective co-operation would be forthcoming was yet to be seen.

Entirely free from such uncertainties were the relations with England. There, after much vacillation, public opinion had hailed with unbounded acclamation and enthusiasm the Prussian victories and German exaltation, which had naturally not failed of its impression upon Berlin. To be sure, the fact remained that, in case of new conflicts upon the Continent, England would aid none of the contending parties, but would assure each and all of its utter neutrality. The political doctrines of Pitt and Palmerston were extinct, and democratic had superseded aristocratic tendencies. England, strong at sea and foremost in the commerce of the world, by which its wealth was increasing enormously, did not wish to be disturbed by participation in any political transactions, unless, indeed, as Lord Palmerston had said, a grasping hand should be extended toward Belgium or Constantinople.

Finally there was Italy, Prussia's ally in the last war. Without doubt it was well known here who had grudged Venetia to United Italy, and who had placed it within her grasp. But in the code of nations a debt of gratitude, being detrimental to national glory, is much more likely to lead to secret enmity than to en-

during friendship; and here there was the additional circumstance that Venetia was by no means the limit of Italian aspirations, and that for the fulfilment of her supreme desire, the possession of Rome, Italy was obliged to look to the favor of France. Therefore, in spite of the alliance of 1866, it was probable that Italy would willingly ally herself with France against Germany if in return Rome were gained.

Thus everywhere appear divided opinions, vacillating ill-humor, and very little good-will upon which dependence could be placed.

Clearly Prussia's immediate position in European affairs was dependent upon the question whether an understanding with Napoleon could be reached — by what means, therefore, the negotiations begun by him in August could be brought to a favorable issue. It was well known that in Paris the various parties were contending for ascendancy over the irresolute Emperor; that France was still backward in the equipment of her army; but that on the other hand the national vanity had been greatly offended by Prussia's successes. No one would have been willing to guarantee against a sudden outbreak. Too unendurable was the thought that France no longer held sole control of European affairs, but was obliged to tolerate upon her frontiers a neighbor of equal power. Thus in many thousand hearts ill-will was being fostered even now against the North German Confederation, though as yet it extended no farther than the River Main. What might not be expected when the German nation's desire for

complete unity should break through all restraint, and North and South should unite in a single empire!

At that time, however, late in the fall of 1866, the consummation of such hopes was still in the uncertain future. We are familiar with the transactions in the Chambers of the four Southern States in regard to the treaties of peace, and the attitude of their respective Governments as revealed thereby. Though at that time, under the stimulus of the lately won Prussian triumphs, the desire for nationality was in the ascendency, yet at the return of peace, and with the settling back into former habits, the old sentiments reasserted themselves, and with them the predisposition towards particularism and the disinclination towards Prussia.

Again the Ultramontanes of Bavaria complained of the expulsion of Austria and consequent dismemberment of the German fatherland; anew were heard in Swabia all the democratic watchwords of 1849. Everywhere were sounded the praises of the Constitution resolved upon in the Cathedral of St. Paul, and the highly prized fundamental rights therein granted; yet with equal zeal the federative independence of each individual German race and State was demanded.

Prussian tyranny was loudly stigmatized for having deprived the people of Schleswig-Holstein and Hanover of the sacred privilege of themselves, by a free vote, deciding their political future. The Prussian military constitution was vehemently rejected;

and for the protection of right and liberty a system of defence patterned after that of Switzerland, at a minimum of expense, and requiring the shortest possible time of service, was proposed.

Whether the Southern Confederation foreshadowed in the Treaty of Prague would be consummated or not was a question upon which public opinion widely differed; but all the more unanimous was the sentiment against union with the North German Confederation, whose promises of personal freedom none would trust.

It must, however, be admitted that this hostility was not wholly due to clerical or radical convictions. Entirely aside from church or politics the Prussian, and especially the Berliner, as the epitome of all that was Prussian, was at that time thoroughly distasteful to the Bavarians and Swabians. As the Germans now fare in Europe, so fared the Prussians then in Germany. They had compelled the respect of all, but the germs of friendship are desperately slow of development.

Only very few Bavarians at that time had any adequate idea of North German conditions. In personal intercourse they were constantly offended by the wholly different social manners, which they attributed to an insufferable haughtiness.

The short, business-like demeanor of Prussian officials and officers contrasted too strongly with the customarily slow and easy ways of the South. The Bavarian, taciturn by nature and often made more

so by calculation, was unpleasantly affected by the constant loquacity of the Berliner, who, ready of speech and vivacious of expression, was ever quick to criticise, but not always correct in his judgment. The Berlin custom daily to annihilate by criticism or wit all the acts of City or State was wholly foreign to the South; even to a greater degree did the naïve self-complacency with which many a North German tourist asserted, or rather took for granted, the superiority of all Prussian to South German arrangements rouse the resentment of the chance acquaintance from Munich or Stuttgart.

Neither one could suit the other, and ridicule and criticism were constantly passing back and forth. The favorite illustrations of *Kladderadatsch* were big-paunched Bavarian staff-officers, whilst in *Fliegende Blätter* tightly laced Prussian lieutenants-of-the-guard figured largely. Prussians looked upon the tremendous consumption of beer in Bavaria as indicative of native vulgarity, whereas the people of Munich scoffed at the cup of tea upon the northern tea-table as an effeminate, wishy-washy drink, neither party realizing that the cause of these different customs was wholly climatic, and that nevertheless before another generation both customs would be general in United Germany. These all appear as trifles; but they touched the daily life of the people, — the natural aversion to all that was new and strange, — and as affecting the individual comfort became important factors in the political domain.

This was not Prussia's experience in the South German States alone, but in the annexed territory of the North she fared likewise. This does not refer wholly to geographical position, but to the difference in the disposition of the people.

In Nassau and Electoral Hesse all went smoothly enough. In both of these small States the people had suffered so much from the arbitrary control, partly of the police, partly of the clergy, that any event which would rid them of these two elements of oppression, even though replaced by a momentarily dictatorial but discerning and well-meaning authority, was hailed with joy by the great majority. To be sure there remained, even after the removal of the Elector, the remembrance of the thousand years of independent sovereignty of the famous Chattic House; and the leading men of the Prussian Party, especially the old champion of the Constitution, Friedrich Ötker, wished earnestly to preserve to the Province in a measure its provincial autonomy and popular representation, the administration of the Hessian State funds, and the absolute competence of its courts.

The transactions regarding these matters were slow of completion, and not free from violent excitement. But opposition on principle was shown in Electoral Hesse only in the political circle of the party organized by Hassenpflug and Vilmar, whose lack of strength we have before observed. To this party had been added as active members a number of zealous parsons, whose fanatical orthodoxy in spite of their openly

displayed hatred of Prussia excited in the Prussian Minister of Education, Herr von Mühler, a patient sympathy.

Immediately after the annexation, the Elector, in order to arrive at an understanding with the King in regard to the maintenance of his private fortune, had absolved his former subjects from their oath of allegiance, and leaving Stettin had retired to his Bohemian estates. Soon thereafter it was rumored in the immediate circle of the King of Hanover that the Elector maintained agents amongst the soldiers with the intention of inciting the latter to revolt against the new *régime*. If this was the case, though it does not seem at all probable, it was without result.

The condition of affairs in Schleswig-Holstein remained as we found it at the beginning of the war. Outwardly the country appeared perfectly tranquil, as though it had for centuries been under Prussian dominion. About one-third of the population welcomed with pleasure the union with Prussia, or at least did not oppose it; the great majority, however, with silent enmity and the tenacity peculiar to their race clung to their sentiment for the House of Augustenburg, even after the Hereditary Prince, in a proclamation on January 2d, 1867, had absolved his faithful adherents from their oath of allegiance. This feeling was so general amongst the officials, that the High-President felt constrained, as had once been the case with General Manteuffel, to select for his nearest advisers men who under the Danish sway had held offices

of importance, but now willingly submitted to all the requirements of the Prussian service.

In the frontier districts of North Schleswig, however, there was violent opposition. There the people had stood firm and true to Schleswig-Holstein in opposition to the Eider-Danes as long as the Duchies had remained united with Denmark. Since the Peace of Vienna, however, they cast longing glances towards Copenhagen, and with increasing impatience desired that the Article of the Treaty of Prague according to which they were themselves to decide their political future should be carried into effect. This would of course involve the Courts of Berlin and Copenhagen in probably quite complicated negotiations as to the fixing of the limits of the section which was to cast the deciding vote, as to the regulations controlling the vote and the districting or grouping of the votes, and lastly as to the guaranties for the resulting minority.

But in the ancient free-city of the Main, the upper classes were filled with a sullen rage. The people of Frankfort had always been Austrian in sentiment, and could never tolerate the haughty Prussians; and now their city, the scene of the ancient elections of the Emperors, and which had been the chief city and seat of government of the most celebrated German Union, was to be degraded to a place among the common municipal towns of Prussia, nay, almost to a level with the country communities once so submissive. It was atrocious!

Until now the old customs, not greatly disturbed by

the events of 1848, had continued; the municipal government was in smooth running order, and was regardless of the welfare of the citizens; the entire condition of affairs was protected by a system of manifold privileges, ensconced behind which, through mutual connivance, the privileged classes found themselves very comfortably situated. And now there appeared before this exclusive, well-contented class the bugbear of Prussian freedom of migration, liberty of trade, equality before the law, and universal liability to military duty; it was as though three destructive inundations were threatening simultaneously to sweep a carefully tended garden.

Senators and citizens were intensely enraged, but at the same time felt their utter impotency, especially as the lower classes, journeymen, peasants, — all those who did not enjoy the privileges of citizenship, — though not inclined toward Prussia, were yet not imbued with the spirit of ancient Frankfort. The future was therefore regarded with a feeling of utter hopelessness.

But not so passively did the disaffected elements in the largest of the annexed countries, in Hanover, intend to submit to the new condition of affairs. It lay in the nature of things that the greater the importance of the former State, the more did the desire for its sovereign independence assert itself. Except in East Friesland, where the prosperity enjoyed under Frederick the Great and the maltreatment endured under George V. were still vividly remembered, only a small minority would willingly have consented to annexation. Never-

theless, now that this was an accomplished fact, a considerable part of the population, those who at the declaration of war had urgently desired of the King the union with Prussia and the new German Confederation, even though coupled with restriction of the prerogatives of the Crown, not only accepted it with resignation, but welcomed it gladly as the first step toward the approaching German Unity. At the same time they endeavored, like the people of Electoral Hesse, to retain as provincial peculiarities all the arrangements of the former State government which might prove of practical advantage under the new conditions.

On October 1st a large assembly of notables petitioned the Prussian Ministry to grant a voice in the provision to be made for the new *régime*, not only to the local officials, but also to a deputation of representative citizens. Then followed the admission that the mistakes of the former Government had made annexation unavoidable, to which was added a series of requests looking toward the future welfare of the country, the preservation of the regulations regarding city and country communities, of the laws regarding the peasants or landed proprietors, and the laws governing public officials; the establishment of a provincial representation for the control of local affairs, with a dotation from the former State exchequer.

These concessions to the advantage of the future province were advocated by the Party of the National Association at whose head were the old leaders, Rudolf

von Bennigsen and Johannes Miquel, both of whom under the new conditions found a field of usefulness opened to them corresponding to their eminent ability.

Bennigsen had as a party and parliamentary leader shown himself a man of unusual power, firm of character and true to his convictions, seemingly always the obedient servant to the will of the majority of his colleagues, but always sure in the decisive moment to hold them with a strong hand to the straight road leading to the desired goal; as a public speaker, well equipped as to subject and form, sparing of the exercise of his power, but at the critical moment, through his versatility of thought, clear-headedness, and tremendous energy, able to cope with every adversary.

Miquel, somewhat younger than his associate, was a thoroughly trained jurist, historian, and political economist, for many years a much-sought attorney, but above all, well posted, as few others in Germany, upon municipal and agrarian affairs; in short, an administrative officer of unusual ability to organize, of a quick and practical perception, and never-failing insight. No wonder that with such qualifications he could at once claim a prominent position as a public speaker and a representative of the people.

But in spite of the great power and influence of these men and their friends, about one-half of the population of Hanover refused to be brought to their mode of thinking. This could be traced to a combination of manifold causes; the aversion to all that was Prussian, or, as was here said, that savored of Berlin, was as

general among the Low Saxons as among the South Germans. On the other hand, the inclination to particularism accorded well with the loyalty felt for the King, sympathy for whose tragic fate had blotted out the remembrance of the days when he had broken his word and violated the law. Constant allusion was made to the thousand years during which the country's history had been associated with the ancient House of the Guelphs, though in reality none could have been ignorant of the fact that George V. was not a Guelph at all, but the descendant of an Italian nobleman, the Margrave Azzo von Este, whose family did not attain to sovereign power in Low Saxony until the twelfth century.

To these causes were to be added others affecting the industrial, local, and class interests.

The nobility and landed proprietors had long ceased to hold, as in olden times, the complete control of the administrative power, but in conjunction with a number of patrician burgher families had enjoyed all the benefits to be derived from this source, such as the numerous higher offices at Court, of the administrative departments and the embassies, and in the army, together with all manner of other royal favors. In addition they had possessed an important and often deciding influence upon legislation. And now all these advantages were, although not wholly denied them, to be reduced by at least nine-tenths of their former extent if Hanover became the province of a State ten times its own size.

The same fears agitated the inhabitants of the former capital city, who beheld in the removal of the Court the immediate prostration of all business. The members of the various guilds dreaded the Prussian liberty of trade, the wealthier peasant classes dreaded the universal liability to military duty, and every one dreaded the higher rate of taxation. Finally, too, the majority of the clergy of both confessions of faith, the one with the usual zealotry of the Ultramontanes, the other with the fanaticism of Lutheran Orthodoxy, were loud in their protestations against what they termed the creedless Prussian union.

All this would not, however, have led to any disturbance of the public peace had it not been for two additional causes, — the call to arms issued by the dethroned King, and the disposition manifested by the Hanoverian regiments disbanded after the battle of Langensalza. To be sure, by far the greater number of the higher officers regarded the warlike proceedings of their King as impossible of result and therefore foolish, and the majority of the others had but little inclination to link their destiny to a lost cause. But still there remained a considerable number who according to their conception of the demands of honor and patriotism felt constrained to stand firmly by their King and his cause, and to defend him against the foreign oppressor under any conditions and by any means at their command.

For the attainment of this end they found ready material in the soldiers dismissed to their homes, and

in the peasants subject to the influence of the latter. These brave warriors were filled with the proud consciousness of having beaten the everywhere-else victorious Prussians, and were therefore convinced that only the darkest act of treason could account for the immediately following surrender. They ground their teeth at the remembrance, and spread their views amongst their relatives, their friends, and their neighbors. When one of their former officers appeared in their midst to proclaim to them the early return of their King and a general uprising of the people, to this end requesting them to join in a secret union, they assented with secret exultation. Such unions quickly sprang up in all parts of the country; distinguished people of rank aided them financially, and induced many of the citizen classes to join them. Gradually they became associated under a common leadership, so that finally the organization was spread throughout the entire Kingdom.

These zealous Royalists took advantage of what could be learned from the methods employed by the Polish National Committee of 1863, and by the Carbonari of 1820; namely, the strict discipline existing amongst the members, the unlimited power of the always unknown heads, the ever-present spies in the enemy's camp. Since under the Prussian administration the civil departments of government had been left nearly undisturbed in their *personnel*, the rendering of the oath of office having constituted the only condition to retention in the service, it now became

an easy task for this party of Royalists to gain zealous accomplices among the officials of these departments. Especially large was the number of these disaffected officials in the police and railroad departments, who by giving timely information of any measures to be undertaken against the union made it possible for the conspirators to frustrate them. The object of the union was stated simply and concisely to be the creation of a Hanoverian Legion as soon as the time to strike had come. That they might not fail of this, their chief aim, the directors and members carefully refrained from every kind of public demonstration.

There were others, however, who saw to it that these should not be wanting. At the capital the patriotic ladies appeared in yellow and white toilets, as those of Poland had worn black in 1863; in the mornings the pavements of the streets were frequently found strewn with yellow and white sand. At sight of the Prussian soldiers the populace yelled "Bismarck" or "Cuckoo" (a derisive allusion to the eagle on their helmets), and rows and fisticuffs often followed.

Toward Herrnhausen, and later toward Marienburg where at the King's command the Queen took up her residence, a sort of pilgrimage of devotees took its way; long processions of men and women wandered thither to lay trifling gifts at the feet of her Majesty, or in some other way to give expression to their devotion. Upon the occasion of the Crown Prince's birthday an address with thousands of signatures affixed

was forwarded to him at Vienna. When King George replied to the Prussian decree of annexation by a defence of his rights in the form of a manifesto whose style was a happy imitation of the papal bull of excommunication, his faithful adherents succeeded in having copies of the original placarded in all the cities and towns in a single day, or else had them taken into the houses.

That a political party programme might not be wanting to these proceedings, one hundred and ten members of the landed nobility drew up and signed resolutions on November 7th, in which they expressed deep regret at the annexation, declared the Constitution of Hanover to be still in force, and any alteration of it to be null and void without the consent of the Assembly of Estates and Provinces of the Kingdom. These agitations were conducted with cheerful unconstraint, and became more and more widespread during the whole of October and November; since the Prussian Government so far had refrained from taking any severe preventive measures, and indeed did not lay hand upon the estates and domains of King George until long after the appearance of his abusive proclamation.

King William, with characteristic mildness, had said to some of the distinguished opponents of the annexation that he honored their loyalty to their hereditary Royal House, and in the same spirit had urged upon General von Voigts-Rhetz, the Governor General, to deal most leniently with the disaffected element. Therefore, after the decree of annexation had put an

end to hostilities, the freedom of the press granted by the Prussian Constitution was in no way denied to the local press, of which some of the organs of the Guelph Party immediately took advantage to circulate throughout the country the most offensive calumnies against Prussia. The local authorities were inert; the street conflicts increased; and in a number of cities the insulting of the Prussian troops came to be the daily sport of the rabble, in spite of the earnest remonstrances of several of the nationally inclined notables against such ill-advised conduct.

In the mean time important steps were being taken by the central Government in the internal organization of the new provinces. The first measures undertaken were relative to the army,—the proclamation of universal liability to military duty, the formation of three army corps (of Schleswig-Holstein, Hanover, and Nassau), the introduction of the Prussian military penal and disciplinary code, and the transferring of the former officers and troops to Prussian regiments.

Only in Hanover was the last of these measures attended by difficulties; since King George, desiring to keep his army in condition to make it available against Prussia in the future, refused to absolve his officers and soldiers from their oath of allegiance, in consequence of which the transactions in regard to it were not concluded until toward Christmas, when he finally yielded sufficiently to grant each one who wished it his discharge. The result was so bitterly disappointing to the King that a serious illness was

the consequence; four hundred and twenty-five officers immediately entered the Prussian army eighty-three were enrolled in the service of the different smaller States, seventy swore allegiance to King William for the sake of securing a Prussian pension, and only eighty-one refrained from connection of any kind with Prussia so that they might continue their efforts for the restoration of the House of the Guelphs.

Another effective measure toward amalgamation of the new with the older provinces was the ministerial ordinance of November 20, 1866, by which it was announced that since the individual political existence of the newly annexed territories had ceased, and with it the legality of the several constitutions which had been in force until now, the special laws pertaining to citizenship likewise ceased to be in force; therefore all laws relative to the privileges granted Prussia's own citizens to settle and to engage in a trade were, without further notice, to apply also to the citizens of every other Prussian province. This was not yet the full Prussian freedom of emigration, but it was a decided step in that direction, as well as a preparation for the future general blending of the population; but for that very reason it was momentarily the cause of intensest displeasure to a large proportion of the people of Frankfort and Hanover. It was their desire to remain apart, and they had no wish to see all sorts of people from every direction enter their country, and crowd into their towns.

Thus the new provinces presented a shifting scene,

at times pleasant, at times discouraging, to the Prussian Government.

Though perfect confidence was felt in the ability to hold the different elements together, yet there was very little evidence during these first six months of domination that they were really beginning to unite. Whereas the friends of Prussia bore themselves very quietly, its antagonists raised such an outcry in all the streets and byways that the sound of it was heard throughout Europe, and called forth, especially in Paris and Vienna, malicious doubts as to the stability of the newly born Prussian greatness.

Even in the originally Prussian domain all was not as could be desired by the Government. In the Representative Assembly, which resumed its session on November 12, the rupture in the former majority between the nationally inclined and radical elements led to the open formation, on September 27, of the National Liberal Party, whose programme was to support the German policy of the Government even though requiring heavy sacrifices, but in internal affairs to follow with unyielding energy the liberal principle. That here, too, a new era had dawned for the larger and greater interests was evident when the Government asked an appropriation of one and a half millions, to be divided, in token of national gratitude, amongst the generals who had most distinguished themselves in the last war. The Committee in charge of the bill added, by unanimous consent, the name of the President of the Ministry, Count Bismarck; and

when, in opposition to this, the Party of Progress proposed to exclude Bismarck and Roon (the old antagonists of the Constitution) from the donation, the House, without further debate, passed the motion as presented by the Committee with a vote of 219 against 81.

But in matters of detail there was no end to the friction. In various ways the Ministers of the Interior, of Education, and especially the arbitrarily inclined Minister of Justice, Count Lippe, were made to feel the hostility of the Liberals. Though these agreed to the separate items of the military budget, yet in combination with the Left they insisted upon the demand made during the conflict period, that the peace-establishment, and therefore the numerical strength of the cadres of the army, should not be determined by the King, but by a law requiring the consent of the Assembly, which was passed by a large majority. It was evident that there was but one method by which all these diverging paths of opinion could be made to lead to one central point of union; this was advance upon the way leading toward nationality, which meant, first of all, that the completion of the North German Federal Constitution must be hastened. Therefore, on November 2, the Allied Governments were invited to send plenipotentiaries to meet at Berlin on December 15 to discuss a draft constitution which should be submitted to the Reichstag.

Such were some of the numerous and diverse problems which awaited Count Bismarck on his return to

Berlin from Putbus on December 1, 1866. Rest, country life, and sea-air had refreshed his nerves, though not wholly restored his health; and now, with characteristic promptness and assurance, he immediately took hold of all these matters. The objective point toward which at this time all his activity was directed can be stated in one word: PEACE. For three years he had persistently upheld the view that a war with Austria was unavoidable, and therefore should be accomplished as quickly and as vigorously as possible. Now every act was controlled by the desire to consolidate and complete the interior of his mighty structure by well-directed and, it was hoped, uninterrupted labor. To this end it was necessary, not only to avoid every collision with foreign opponents, but also to stimulate the national sentiment in Prussia as well as in the North German Confederation, and as far as possible to be forbearing toward the particularist tendencies, but at the same time, wherever it was necessary, to suppress with a grasp of iron every attempt at open opposition.

In regard to the foreign policy, which with anxious cares immediately demanded his attention, information will be given later as occasion requires.

The relations with the South German States remained passive; for previous to the adoption of the Federal Constitution of North Germany every occasion for negotiations regarding closer relations between Berlin and Munich, or Berlin and Stuttgart, was wanting.

For the organization of the annexed provinces, Bis-

marck had at first entertained the idea, by obliteration of the former State boundaries, to form of the now Prussian territory lying between the Elbe and the Moselle four large provinces by following the lines of the ancient historic race distribution of Rhine Franks, Thuringians, Low Saxons, and Westphalians. This, doubtlessly, was desirable as a means of eradicating the Hessian, Guelph, and Nassau preferences; had not France in 1790, by the formation of the new Departments, blotted out in one generation every remembrance of the old provinces? But it appeared at once that so complete a revolution of affairs would greatly increase the difficulties besetting the new Government; for to solve the problem by this means, even Bismarck found would require a greater number of officials of intelligence and executive ability than were at his command.

In addition, it happened that the leaders of just the parties inclined toward Prussia in the annexed territory were the very ones who declared to him that it was the earnest desire of their compatriots, as well as of themselves, that the old States might become Prussian, but by no means should be torn asunder. They urged that the people held to their old accustomed conditions, and that by severance from their political past a large number of their present interests would be disturbed, and deep indignation take possession of all hearts.

This is truly indicative of the real source of German Particularism. A hundred times had been raised the

cry that the individuality of the German races must be respected, whereas here it appears that a political organization according to the distribution of the old RACES was most energetically rejected because it did not follow the boundaries of the formerly existing STATES.

The tendencies engendered by association in a common State entirely overbalance those arising from a common descent. The Germans became Particularists, not because Franks or Saxons were made of different stuff than were the Swabians or Bavarians, but because their Dukes each gradually withdrew his territory from the higher authority of the Empire, and formed it into a separate State. When the restoration of the Empire has been realized, in spite of all the dissimilarities of the races, the very fact of the German Nation's existence will give the German the power to restrict his natural predisposition toward individualism within normal bounds.

Bismarck, true to his principle never to expect greater concessions from the opposing elements than were absolutely necessary to the preservation of unity, relinquished his ideal plan. But immediate and decided steps to suppress the riotous Guelph agitation could be delayed no longer. Two days after his arrival Bismarck made a report regarding it to the King; and at once, on December 3, the Governor General received royal instructions to suspend from office all officials upon whose absolute good faith he could not rely, and to report to the Minister regarding the advisability of

dismissing them from the service. All persons connected with the army of Hanover who had in any way participated in the agitations against the Government were to be sent to Minden, there to be tried by court-martial; all persons who had insulted the Prussian troops were also to be conveyed to Minden, and to be detained there until further notice. The result was, that all officials who had signed the resolutions of the landed proprietors of the nobility on November 7, among them members of the best families of the land, were suspended; and a large number of persons from every station in life, — dukes, bankers, army officers, peasants, and laborers, — because of participation in some way in the Guelph demonstrations, were confined in the fortress at Minden. This decided step had at least the result that the street disturbances ceased, and the public peace was not further disturbed.

Order being thus restored throughout the country, Bismarck, without further hesitation, addressed himself to the task of solving the vital question of German politics, the completion of the draft for the future Constitution of the North German Confederation. There were now but a few days intervening between the limit of the time fixed by the Allied Governments for this purpose; and there was still a great deal, in fact, nearly everything, to be done. Bismarck, it is true, had two completed drafts at his disposal, — one prepared by Max Duncker, the other by Savigny; but neither one of these embodied his intentions, even in so slight a degree as would allow it to become the foundation for further

deliberation. He therefore set them entirely aside, ostensibly because they infringed too deeply upon the independence of the individual States.¹ Then on the afternoon of December 13th he dictated to his confidential counsellor, Lothar Bucher, without reference to notes of his own or other matter of any kind, the essential Articles of the Constitution, those regarding the Federal Council (as he re-baptized the old Confederate Diet), the Presidency of the Confederation, and the Reichstag, and outlined his views concerning the subjects of the other sections. Bucher, and, if I mistake not, Delbrück, then elaborated the whole. On the morning of the 14th the Draft was completed; and on the afternoon of the same day it was approved by the Ministerial Council, presided over by the King himself, and was then ready to be submitted to the conference of the Allied Governments.

On the following day, December 15th, the plenipotentiaries promptly appeared. Bismarck opened the session with a speech in which he emphasized the two chief defects of the old Confederation, — the lack of outward security, and its inability to advance the internal welfare by means of institutions of common utility. He then submitted the draft Constitution by which these faults were to be obviated.

“The independent sovereignty of each State in its own sphere,” said he, “was the real cause of the political impotence of our great nation; because, in conse-

¹ It is so stated by Benedetti. The Drafts have been so far kept strictly secret. Compare, further, Köpper, “Fürst Bismarck,” p. 385.

quence, it lacked the efficacious organs necessary to conclude decisions in common. The fact that each integral part was wholly separated from all the others constituted in itself an effective hinderance to the conduct of those interests which can alone find their legislative furtherance in a larger national sphere." "The Prussian Government," he continued, "has in the Draft before us restricted itself to making provision for the needs everywhere felt; beyond which it has, however, allowed the Federal authority in no way to encroach upon the autonomy of the individual States. We do not fail to appreciate the fact that the introduction of the unavoidable changes in accustomed conditions will give the several Governments difficult problems to solve, and that the sacrifices necessary to the realization of rights and obligations equally distributed will be heavily felt by those States which until now have had lighter burdens to bear. But the Prussian Government has no doubt that the hearty co-operation of its Allies, stimulated by the desire of the German nation to see its security, welfare, and position of power amongst the nations of Europe permanently established, will overcome every difficulty."

His listeners were prepared for such communications and admonitions; but, nevertheless, when they read and re-read the Draft their surprise was intense. By the treaties of alliance signed on August 18th they had been led to expect "a Constitution based upon the outline proposed on June 10th." Very well, upon this basis the Draft was truly constructed; their idea of the

structure to be raised had, however, until now been a wholly different one, a sort of adequate remodelling and internal finishing of the low-studded Assembly Hall at Frankfort; instead, they now beheld a towering pyramid of wonderful construction, with an apex both lofty and strong.

In it, it is true, the Confederate Diet under its new name of Federal Council reappeared as the most eminent bearer of the legislative as well as of the executive power; indeed, the competence of the former, owing to the oft demanded "institutions of common utility," had been extended. Of the founding of an empire with responsible Ministers to which the sovereign Princes were to be subject, no mention was made; they all stood upon an equal footing, side by side. That highly prized jewel of the Crowns, the right to international representation, was not even alluded to, nor were the powers of the Reichstag so extended as to threaten the monarchical principle in the Confederation.

But in the Federal Council there appeared one member, having not, as at Frankfort, four votes out of seventy, nor one out of seventeen, but controlling seventeen out of forty-three, and thus enabled, by combination with some of the smallest States, to command the majority in all decisions. There appeared a Presidency of the Confederation invested not only, as in the old Confederate Diet, with the right formally to preside over the transactions of the legislative body, but fully empowered to represent the Confederation

abroad, to control all diplomatic and consular affairs, to declare war and make peace, to conclude treaties; with the right to nominate all the functionaries of the Confederation, in urgent cases to ordain execution against a recalcitrant member of the Confederation, and entrusted with the duty of overseeing the execution of the Federal laws.

In other Articles provision was made for a Commander-in-Chief of the Army having supreme command in peace and war over the united Federal forces into which all the contingents of the several States of the Confederation were to be merged, an army whose strength and expense, whose laws, regulations, and administration, patterned exactly after the Prussian, were prescribed by the Constitution itself. In another section it was provided that the North German war marine should be under Prussian authority, and its Commander be appointed by Prussia.

It is unnecessary to state that this associate having seventeen votes, this Presidency, this Supreme Commander of the Federal army and navy, were all to be united in one person, the King of Prussia, who by the union of all these manifold rights and duties was to guide, according to his own judgment, the destiny of North Germany, and to embody in his sovereignty the coming German Unity.

In consideration of Prussia's valiant triumphs and its preponderant strength (twenty-five million out of the thirty million inhabitants of the Confederation), a strongly emphasized position of its King as leader could

but be expected. Still, it was with evident consternation that the reading of the Draft was received by the representatives of the Allied Governments. To be sure, for all the administrative branches assigned to the Presidency standing committees of the Federal Council were to be appointed, securing to the latter a permanent influence over the executive power. Yet how little was this in comparison with the degree of power vested in the Presidency! Especially true was this of the authority with which the Federal Commander-in-Chief was endowed, leaving but little of military dignity to the sovereign Princes; and they who until now, according to the slipshod ways of the old Confederation, had sustained their armies upon a most economic basis, would now, as they feared, in consequence of the introduction of the Prussian military system, be compelled to impose heavy burdens upon their subjects.

Furthermore, the Constitution assigned to the legislative power of the Confederation the institutions of common utility, the establishment of which would still further infringe upon the administrative power formerly reserved to the individual States. First of all, there was the institution of a common citizenship for all subjects of the Confederation, a principle which threatened to revolutionize all existing municipal institutions, together with the present regulations in regard to them.

Reserved for future Federal legislation were laws relative to freedom of migration, liberty of trade, pro-

tection of intellectual property, and patents for inventions; relative to river navigation and railroads, to paper money and general banking regulations, and to the procedure in civil and bankruptcy suits.

It was hereby sufficiently shown that the dividing line between the province of Federal authority and that of the individual States was not to be drawn according to the administrative departments (as for instance to the former to be assigned that of foreign affairs, commerce, war and navy, to the latter, that of the interior, justice, ecclesiastical affairs, and education), but instead, wherever in these departments a common German interest existed, there the power of the Confederation in some form, legislative, executive, or judicial, appeared; to offset this, however, wherever such was not the case, the sovereignty of the individual State was left wholly untrammelled. In consequence the army was to be organized according to the laws of the Confederation, but the appointment of the officers was in a great measure the privilege of the sovereign Princes. The expenditure for the army was to be determined by a Federal budget law, but the mode of raising it was left to the decision of the individual Governments. In diplomatic affairs, with the exception of the principal embassies, each State was to be allowed individual representation in the interest of its own subjects. Each State was to be permitted to build and manage its railroads according to its own plans, with the reservation to the Confederation of a special right of inspection, together with the privilege to build

railroads on its own account whenever required for the defence of the country.

It was evident throughout the whole Draft that a master mind had sought to make practical provision for existing needs without regard to theories and doctrines; it were impossible, complained a famous professor of political science later, to assign this production to any of the recognized Constitution forms. All the more obvious, however, was it, that by the adoption of such a system all existing institutions would be affected and manifoldly jeopardized.

Consequently objections were raised on every side, and soon a long list of proposed amendments was submitted to the Prussian Government for consideration. At the present day it were a useless task to discuss these individually; suffice it to indicate the tendencies which they revealed.

Oldenburg and Coburg would have preferred a radically different Constitution. Oldenburg deplored the absence of an Upper House composed of the reigning sovereigns, and proposed that the powers of the Federal Council should be abridged in favor of the President of the Confederation, to whom, by means of a responsible Federal Ministry, the administration of the Federal Government might then be assigned; to insure the security of the individual States a Federal tribunal should be established, and for the purpose of increasing parliamentary influence, in the place of a fixed sum total to be appropriated for the army expenditures, a military budget requiring the concurrence of the Reichstag might be substituted.

Coburg was also in favor of the establishment of a House of Princes having equal power with the Reichstag, and would have liked the dividing line between the competence of the central Government and that of the individual States to be drawn according to the affairs of the several ministerial portfolios. That to the individual States were preserved certain rights in outward affairs, in military matters, etc., appeared not as an advantage, but, on the contrary, as an oppressive burden; whereas the rights of the Federal power in affairs of internal administration seemed to undermine entirely the individual independence of the States.

Like apprehensions made the heart of the Weimar plenipotentiary, Watzdorff, heavy. "I had thought," said he later, "that, in consequence of the great results of the war, something better might have been produced. However," he then added, "upon closer investigation I have finally come to the conclusion that the relation between the Federal Government and the individual State is most excellently adapted to the existing circumstances."

Darmstadt, in consequence of its peculiar position, by reason of which it was half Federal, half alien territory, had a long list of proposals to make. The other smaller States directed their attention chiefly toward questions concerning citizenship and related matters, toward the restriction of the right to levy taxes for Federal purposes, the abatement of the terrible military burden, and toward making certain acts of the Presidency of the Confederation dependent upon the consent

of the Federal Council. As was natural, their individual demands were frequently divergent and in opposition one to the other. Material for endless discussion was abundantly at hand.

However, the political situation at that time was such as to enable the Prussian Government to take summary and effective measures. What Austria had fruitlessly reiterated at Dresden in 1851, and at Frankfort in 1863, — “Something must be accomplished,” — was in 1867 the earnest conviction of every German heart.

In the conference for deliberation upon the proposed changes opened on January 18th by Herr von Savigny, and continued on the 28th, the Prussian plenipotentiary announced that his Government would accept eighteen of the proposed amendments, but must refuse consent to any of the others. At a third session, on February 2d, the Articles, reserved until then, relating to the army, the navy, and the postal service, were discussed, and every material change in these refused by Prussia. Hereupon the other Governments decided to leave the demands embodied in a number of these amendments on record, as a statement of their desires and expectations, but accepted the Draft as amended in so far as to allow it to go to the Reichstag as submitted by common consent.

During these weeks still other negotiations of not so vital consequences as those concerning the draft Constitution, but yet highly important as imparting additional strength to the foundation of the future existence of the Confederation, approached a favorable issue;

namely, the surrender of the Thurn and Taxis posts to Prussia, thus making it possible for the latter to place the entire postal service throughout the territory of the Confederation under Federal authority.

As early as July, 1866, while the war was still in progress, Privy Councillor von Stephan, at that time reporter of postal affairs to the Prussian Ministry of Commerce, and later Postmaster General, one of the most highly gifted and energetic men of the times, proposed and secured the adoption of an immediate and effective measure against Thurn and Taxis, the confiscation of the entire postal system, and the establishment of a temporary administration of it. This he believed to be the only way in which it could be quickly and lawfully turned over to Prussia, and become completely incorporated with the Prussian system.

Stephan himself was in consequence sent to Frankfurt to put the measure into effect. He dissolved the Taxis general directory, assumed their duties himself, allowed the other officials, upon willingness to render an oath promising implicit obedience, to continue in their positions, and very soon restored the usual order which had been everywhere interrupted by the war.

The Prince of Thurn and Taxis had become convinced, in consequence of the great changes wrought by the war, that in Germany the days of the Confederate Diet and of Austrian supremacy, together with everything connected with it, were numbered, and, therefore, those of his imperial feudal postal service also. Since Prussia had expressed a willingness to in-

demnify him for its surrender by a money payment, he sent one of his ablest post officials, Baron von Gröben, to Frankfort as early as September, 1866, for the purpose of arriving at an agreement with Stephan regarding the sum to be paid. This transaction would have been quickly accomplished had it been developed exclusively upon the basis of the receipts of the past few years; for the books, registers, and cash account of the former management were found to be in excellent order. Stephan, however, held that indemnification should be rendered, not for the income under formerly existing circumstances, but for that which would be probable under the new conditions, provided the postal service were continued; and notwithstanding the evident fairness of this position, its realization proved most difficult and complicated.

The imperial feudal grant, by which, many hundred years ago, the entire postal system of the Empire had been transferred to the Prince, had, in the course of time and in consequence of the increasing independence of the individual States, been manifoldly encroached upon. The larger States had themselves established posts within their own domains; the others had in various ways restricted or altered the legal rights of Thurn and Taxis; for instance, the officials of the latter had been made subject to the regulations of the local administration, which, after the usual German fashion, were alike in no two States. Stephan gave unstinted praise to the wisdom and energy of the Taxis management, by which, in spite of such adverse

circumstances, an honorable stability had been secured to the enterprise. Nevertheless, sooner or later, the evil consequences of such conditions could not fail to appear.

The Prince had insisted upon his usual profits; more and more, therefore, the directors had felt compelled to abandon a policy of wise economy for one forced upon them by the financial exigency. In consequence much that was really essential was left wholly undone, or was indefinitely postponed, to the serious injury of the whole system. The post-offices, even at the most important stations, were not at all adapted to the greater demands consequent upon the increase in business; nor were the generally modest salaries at all in proportion to the equally increased labors of the officials. Taking all this into consideration, Stephan estimated that the outlay required immediately would amount to several millions, for which a corresponding reduction in the sum to be paid should follow.

On January 7th, 1867, Stephan was ready to submit the draft of the contract, as agreed upon by himself and Gröben, to the Prussian Department of State. Here it had been previously decided, in consequence of a report submitted by Stephan, and based upon an estimate elaborated for the Department of Finance by Privy Councillor Hoffman, to fix the sum to be paid by way of indemnification at three million thalers; and this figure was maintained, although Prince von Taxis himself appeared in Berlin for the purpose of securing an increase in the sum. The King, however, granted

him no audience. Consequently the Prince decided to accept the Prussian offer; and on January 28th the contract of indemnification, requiring the surrender of the Taxis postal privileges to the Crown of Prussia by July 1st, 1867, was concluded.

Here it may be well to anticipate by stating that Stephan had, in the meantime, made such thorough preparation for the entire reorganization of the Taxis postal service, upon the principles of the Prussian system, that within the year his plans were fully realized. With equal promptness he obtained from the ten Governments within whose domains the Taxis postal system was still used their consent to its surrender, whereupon that of the Prussian Assembly was also obtained with but little difficulty. The Prussian Government was now enabled to announce to its fellow-members of the Confederation that throughout the extent of the Federal territory the postal service would, after January 1st, 1868, be in the control of the Federal Government.

Thus all the internal affairs were in readiness for the action of the Reichstag when, with the 12th of February, 1867, arrived the day everywhere expected with suspense, — the day of the election for the Reichstag, to be conducted according to the electoral law of 1848, providing for universal, equal suffrage by direct ballot.

After a spirited and closely contested election, the result in the main was similar to that of the last election for the Prussian Representative Assembly, with a

slight shifting in favor of the Government and its national undertaking. Of votes upon which the Government could count with certainty, there were 59 Old Conservatives and 36 Free Conservatives, together with the group of 27 so-called Old Liberals. In certain opposition appeared a motley company of most heterogeneous elements, — the 19 members to which the Party of Progress had dwindled, an “Independent Party” of 14 members, a “Constitutional Federative Union Party,” made up of Ultramontanes and strait-laced Particularists from Hanover and Holstein, numbering in all 18 votes, at their side as the only Socialist Democrat, August Bebel, and finally 12 Poles and 2 Danes. Highly pleasing to the Prussian Government was the result of the elections in Hesse and Nassau, indicating, as they did, a dominating national sentiment. Even in Hanover, in spite of all the Guelph demonstrations, and to the great surprise of every one, only 129,000 voters declared themselves Particularists, as against 144,000 who evinced their national tendencies by their votes.

With these results, the deciding vote lay everywhere within the grasp of the National Liberal Party, which, even in Old Prussia, had added greatly to its numbers, and, with the contingents from the other States of the Confederation, numbered 79 members. These were all determined to see the Constitution safely through to its conclusion, therefore to accept the draft Constitution of the Government as the foundation for future deliberation, with the reservation, however, that

the parliamentary and personal liberty rights, for which, according to their views, the Draft failed to make adequate provision, were to be decided in every instance according to liberal principles in spite of all opposition, even that of Bismarck himself. Consequently a session, rich in desirable results, though in all probability a most exciting one, was to be anticipated.

However, with the many reasons for concern in matters of internal interest, such as the spirit which the annexed provinces would manifest, the intentions of the Prussian Assembly, the draft Constitution, and the result of the election for the Reichstag, — with all these momentous considerations, he who would venture to foretell the auspices under which the Germany so lately reborn would take its first steps into life would be rash indeed.

Though the victory at Königgrätz had solved the German question, it had at the same time established a European question. The Austro-Prussian dualism was ended, but in its place a Franco-German rivalry announced itself with a threatening growl. Whilst Savigny was consulting with the German Princes in regard to the Constitution for the North German Confederation, a most urgent claim was being made upon Bismarck's attention by Count Benedetti. France offered both friendship and alliance if Prussia in return would procure for her a considerable increase of territory; if this, however, were refused, the irritated condition of public opinion in France would, it was

feared, force the peaceably inclined Emperor to a rupture with Germany.

It must here be recalled that in August, 1866, at the first intimation of these expectations, Bismarck had entered into an explicit discussion of each of the French demands, emphatically declining to consider under any conditions whatsoever the surrender of German territory, and had referred every other point in discussion to the King for decision. In consequence, Benedetti now desired to be informed of the King's conclusion regarding the plan as outlined by himself in writing during the August conferences, according to which France would recognize the new political formation of North Germany, and would offer no opposition to a federative alliance between the North German Confederation and the South German States, if Prussia in turn would facilitate the French acquisition of Luxemburg, and to that end open negotiations with the King of the Netherlands, offering him a suitable indemnification for its surrender; should a money payment be required, France would assume it. Furthermore, should France take advantage of favorable circumstances to occupy Belgium or to conquer it, Prussia would be expected to the full extent of her power to lend France armed assistance against any adversary. To secure the fulfilment of these stipulations, the two Powers should enter into an offensive and defensive alliance for any occasion whereby either of them should find the integrity of its territory, which they reciprocally guaranteed to each other, threatened.

This was, as is evident, at once a proposal and a demand of the most comprehensive nature. In consequence, the two Powers which, since the days of the First Napoleon, had stood in distrustful and jealous opposition to each other, would now in a close union, and consequently overpowering strength, together undertake the direction of a newly constituted Europe.

In the first pages of this chapter it was shown how uncertain the condition of European affairs was at this time; therefore an alliance with France, if of honest purpose, would for the present greatly strengthen the position of the North German Confederation in Europe; to refuse such an offer without due deliberation, even after achievements such as those of the German war, appeared to Bismarck to be imprudent. But what could be expected from these negotiations? And, if a result were attained, how much faith could be placed in the new friendship?

In Paris the feeling prevailed that under any circumstances the tremendous growth of Prussia was prejudicial to the national glory of France and to its position of influence in Europe. Therefore, ever since the Danish war, Bismarck had felt convinced that the development of Germany then begun could not be consummated without a struggle with France. At the time when he first suggested the acquisition of Schleswig-Holstein, in December, 1863, he had expressed the opinion that it would have to be defended by a great struggle, just as had that of Silesia. And now, after the completed reorganization of Germany

in 1866, he considered the event of an encounter with France to be a mere question of time, in connection with which he felt it to be his especial duty to delay the conflict until as late a day as possible, and to this end momentarily to appease France with apparent compliance.

Any gain in time meant additional strength for Germany through introduction of the Prussian military system in the other States of the Confederation, and diminished the probability of an Austro-French coalition, which was not to be left out of consideration at a time when Austria could hardly have forgotten her recent irritation.

In addition to these considerations of a military nature, there were other, general reasons for deferring any decided action in regard to the French proposals, and which, in spite of the evident danger of war, still inspired a last remnant of hope that by means of these negotiations a permanent peace might be established. "Who will deny," Bismarck was often heard to reiterate during the continued discussions of the subject, "who will deny that with every year of peace the likelihood of a further prolongation of harmony will increase, that the angry feelings will gradually become calmed, and that the material interests, so dependent upon peace for their development, will gain the deciding influence?" By a still further glance into the future he felt convinced that, under the present condition of excited national passions and with the tremendous military force on either side, without

doubt, a war under these circumstances would not, as in the times of Louis XIV., continue for years, shifting back and forth across the frontier; but that, on the contrary, from its very first day each antagonist would seek to aim a death-blow at the heart of the other, and whatever the issue, the vanquished would in hatred and despair cherish the desire for revenge, and thus for more than a whole generation endanger the peace of Europe.

In Paris the incorporation of Luxemburg was considered to be no more than a proper compensation for Prussia's previous acquisitions, and the Prussian alliance for the subjection of Belgium as a fitting price for Prussia's future leadership of South Germany. In regard to both, Bismarck had raised objections during the conferences in August, 1866. He had called the attention of Benedetti to the fact that the conclusion of an offensive alliance would excite throughout Europe apprehension of a colossal disturbance of the peace in the near future.

In so far as Luxemburg was concerned, he was quite willing to commend to the King the withdrawal of the Prussian garrison, stationed, according to treaty, in this former stronghold of the old Confederation, should close relations of friendship be established between Prussia and France. Under no consideration, however, would Prussia, as proposed by the Paris plan, assume the initiative at The Hague in any negotiations having for their object the cession of the desired territory to France, and most certainly would

not surrender any other German territory to the King of Holland as indemnification for Luxemburg.¹ Prussia, no less than France, he declared to be obliged to take into consideration the excited condition of public opinion; by compliance with the French demands its national leadership would be placed in jeopardy throughout Germany. "You are the ones who desire to incorporate Luxemburg," he said, "therefore it is incumbent upon you to assume the first risks; after which we will do what we can. You have good friends amongst the notables of Luxemburg; endeavor through their influence to instigate an agitation for the withdrawal of our garrison; then, without our knowledge, open secret negotiations with The Hague, and when you can point to an accomplished fact, its recognition on the part of Germany can probably be secured. In one word, any active support of this step is impossible to us. All that is within our power is to allow it to be done; and to that end, in the interest of our friendship, I will confer with the King."

There the matter rested until Bismarck's departure to Putbus early in September. On December 1st he returned to Berlin; and immediately, on the 3d, the French Ambassador was announced, desiring to learn the King's decision in regard to Luxemburg and Belgium. Bismarck, to his surprise, found that all his

¹ Compare Rothan (according to Benedetti's reports), "Affaire de Luxemburg," p. 29; Bismarck, according to the French reports seized at Cercey, also mentions the cession of territory to Holland, *Preussischer Staatsanzeiger*, October, 1871.

former arguments had been to no purpose whatever, and that France, as heretofore, expected Prussia to assume the initiative in the negotiations with Holland, still desired the offensive alliance with Prussia for the furtherance of its Belgian aspirations.

He made no endeavor to conceal his surprise from the Ambassador. He stated that he had been absent from Berlin since September, therefore it was quite impossible that he should know the King's opinion upon questions of so great importance, neither could he have had opportunity to influence him to a favorable decision, nor to remove the besetting difficulties. As yet, he said, the King had not been fully acquainted with the matter, although the solemnly intrusted secret had been broken to him. On the preceding day the Crown Prince had addressed him upon the subject, and had received the response, "A Franco-Prussian alliance has been mentioned to me; against whom is it to be directed?" — "Is the Prince opposed to the alliance?" asked Benedetti. "He fears, amongst other considerations," replied Bismarck, "that it will be displeasing to the Government of his mother-in-law." Bismarck was himself apprehensive of a repetition of French indiscretions in London, such as those of August, 1866, and therefore was most guarded in his conversation. Benedetti urged the necessity of arriving at a conclusion, and Bismarck assured him that he would do all in his power to obtain an answer for him.

In three long months, then, Benedetti complained, no steps had been taken in the matter; and he must there-

fore conclude that Bismarck had changed his mind, intended to delay, and eventually break off negotiations altogether. In that case it would be better for France immediately to put an end to so fruitless and even dangerous negotiations.

The Minister of Foreign Affairs, Moustier, never friendly to Bismarck, was of the same opinion. Napoleon, however, still controlled by the desire to make some sort of territorial acquisition, and thus, by appeasing the French Chauvinists, secure peace, gave orders to be patient for a while, and to await further overtures from Bismarck.¹ He was the more decided in this resolve, since, to make provision for the worst, he had ordered the preparation of a plan for the increase of the French army to twice its former numbers; but, when this was made public, immediately such a storm of indignation swept the country at so insufferable an increase in the military burden, that he hastened to withdraw the proposed plan. The contrast between the clamorous demands of the Chauvinists, and their rejection of the only means by which these could be realized, was most glaring.

In the meantime in North Germany the organization of the three new army corps from the annexed, and of a fourth from the Allied States, was rapidly approaching completion; and Bismarck submitted the French proposals to the King. The result was as he had foreseen. The King manifested no inclination toward a French alliance of any sort, but especially did he

¹ Compare Rothan, "Luxembourg," p. 94.

look upon the protection of Luxemburg as his particular duty, imposed upon him by European treaty.

First of all Moltke was commissioned to render an opinion regarding the value of the fortress from a military point of view; and, as may be imagined, the General advised its retention, an opinion which one submitted by Roon a few weeks later did not dispute. Bismarck, on the other hand, believed that under existing conditions the narrow, rocky aerie was by no means of as great importance to us as it had been a hundred years ago, when it had served as the eastern defence for Austrian Belgium; therefore, as the point at issue, he put the question as to which would be more prejudicial to Prussian interest — withdrawal from Luxemburg, or the premature outbreak of a war with France. He, too, considered the evacuation to be detrimental, and simply looked upon it as the less evil in comparison with an immediate conflict.

Thus December passed, and very soon after the beginning of the year 1867 expectant patience came to an end in Paris.¹ The Minister of State, Rouher, declared to Count Goltz: "In a short time the Chambers will be convened, and I shall then have to appease public opinion in regard to the relations between our two countries. These discussions, prolonged for months, must now be concluded; and we must be informed whether Prussia intends to continue its garrison of Luxemburg, whether Count Bismarck will relinquish his policy, inspired, no doubt, by greatest wisdom."

¹ Compare Rothan, p. 115.

Of like tenor were Moustier's instructions to Benedetti: "We do not wish to urge or to threaten, but the approaching opening of the Chambers compels us to insist upon a definitive decision." Benedetti, not without apprehensions as to the result, hastened to execute his commission, and on January 10th had the final interview with Bismarck.

Benedetti began with the Luxemburg question. He desired to know whether it would not be possible to persuade the King of his own free will to recall his troops from Luxemburg at the time of the change in the German Constitution. Bismarck's reply was a categorical negative. "The King," he said, "is a slave to his sense of duty, and he esteems it as such to defend a charge intrusted to him by the European Powers." He then reminded the Ambassador of the proposal made five months ago, that France should arrange for a free vote in Luxemburg through which the King could ascertain to what extent the withdrawal of his troops was really desired. "Or better still," he continued, "instigate an action on the part of a number of the notables or of the city's board of trade resulting in the request, not only for the withdrawal of the garrison, but also for the razing of the fortress as a pledge of peace."

Benedetti raged internally that France should suffer the indignity of being asked to destroy one of the fortifications of the great Vauban, concealed his indignation, however, and inquired the fate of his second proposal, the defensive and offensive alliance. But here, too, he

met with but little encouragement. Bismarck was obliged to announce the King's unwillingness to enter into an offensive alliance by which he would be bound to lend armed assistance in the event of a French occupation of Belgium. "Under the most favorable circumstances, although as yet by no means assured," said he, "the King may be persuaded to a merely defensive alliance by which Prussia will guarantee to the Emperor Napoleon its friendly neutrality in any event."¹

In every direction the same standpoint was maintained: For us any active co-operation in the French designs upon Luxemburg and Belgium is impossible; but we can, for our part, let much pass unnoticed, if, in turn, France will in honest friendship allow the natural reconstruction of Germany to be completed.

Had the offer of neutrality here discussed been at the time one upon which reliance could be placed, having the formal approval of the King, it would have been of the greatest value to France, since under the existing conditions it would have precluded the possibility of a European coalition of any kind against France. But it was made without the royal sanction, and with no assurance as to the earnestness with which Bismarck would commend the proposed neutrality to the King, and maintain it in case of a French attack upon Belgium; in addition, there was Prussia's unwillingness to propose the cession of Luxemburg at The Hague, and, to cap the climax, the supposition that

¹ Rothan, p. 124, extract from Benedetti's despatch of twenty pages, written immediately after the interview.

France would, of its own accord, cause the Luxemburg fortifications to be razed. All this could not fail to work mischief in Paris.

Napoleon was indignant. He wished to obtain Belgium without a conflict with any one of the Great Powers; this the offensive alliance with Prussia would have enabled him to do. But this uncertain prospect of Prussian neutrality gave him no security against England's opposition. Therefore he discontinued negotiations at once. "I do not care for Luxemburg without its fortress," he declared. "The unwillingness to form an offensive alliance is a proof that Prussia has no real desire to enter into a close and effective union with me; and I, for my part, am not disposed to associate myself with an ally who evinces such uncertain sentiments towards me; therefore let the great question of an alliance be dropped." And this was indeed the end of it.

A few weeks later, by Moustier's orders, it was once more announced in Berlin that France was, as heretofore, inclined toward an alliance. It was much as though a visiting-card had been left at the door of an acquaintance at a time when he was certain not to be at home.

In consequence of the advices from Berlin, Napoleon's views underwent a complete transformation. At this time, as will be seen later, he decided upon a radical change in his internal policy, as well as upon the fixed determination, in spite of all obstacles, to increase the military force of France as much as might

be possible. For by no means did he relinquish the intention of acquiring Luxemburg, which he, as well as his Ministers and Count Benedetti, regarded as the first station on the road to Brussels. It was decided, since Prussia would not undertake the matter at The Hague, that France must take it in hand, and, indeed, in precisely the manner indicated by Bismarck, — first of all a popular agitation in Luxemburg, then secret negotiations with The Hague.

The contrast between Bismarck's latest statements and the hopes held out by him in August roused a strong feeling of distrust against the Minister in Paris, though, in fact, he had made no promises whatever. But even now it was hoped that, since the French action was but putting into effect Bismarck's own advice, he could impossibly interfere, and that he would, therefore, do as he had said, simply "allow it to be done," and that, accordingly, Prussian neutrality in this affair was practically assured, even without a formal alliance. Marquis Moustier at once sent agents to Luxemburg to prepare the way for annexation to France.

The French disposition toward Prussia, therefore, remained of a mixed and variable nature. All prospect of a joint leadership in European affairs by means of the great alliance of the two nations was gone; but there still remained hopes of a friendly, even though not helpful, attitude of Prussia toward the French scheme of annexation.

When, early in February, the material for the "yel-

low book" was being put in readiness to be submitted to the Chambers, this clause friendly to Prussia was inserted: "It is the unqualified right of the South German States themselves to decide the nature of the relations to be established between these several States, as well as between them and the North German Confederation." It appears, therefore, that in this quarter the idea had as yet not arisen that this "unqualified right" had in any way been restricted by the stipulations of the Treaty of Prague.

Not nearly so friendly a ring, however, had the speech from the throne of France at the opening of the Chambers on February 14th. The Emperor Napoleon was highly offended by the fact, that, at the convening of the Prussian Assembly during the past autumn, King William had not by a single syllable alluded to the French mediation. Napoleon now sought complete satisfaction for this slight by announcing to the representatives of the French people, on February 14th, that the word of France had sufficed to frustrate the Prussian design to enter Vienna, as well as to bring the great war to a close within a few weeks after its beginning, and in a manner satisfactory to all concerned.

As a consequence King William, in his speech from the throne on the 24th, did not feel it incumbent upon him to withhold the promise regarding these matters which was eagerly expected by the Reichstag, simply because it was likely to irritate the French susceptibility in its most vulnerable spot. He announced to

the Reichstag that, as soon as possible, steps would be taken toward the negotiation of treaties with South Germany on the basis of the Treaty of Prague, according to which the adjustment of the international relations between the North and the South had been left to the unbiassed mutual decision of the contracting parties.

In Paris no objection could be made to this, but all the stronger grew the feeling of apprehensiveness and of aversion toward the reconstruction of German affairs now begun. It was clear to all that the action of the two parliaments would be controlled by the great, and at that time still undecided, question of the attitude which the new Germany would assume toward the French Empire. Upon its answer, both on this side and on that, depended the future of the two nations and the peace of the world.

CHAPTER II.

THE FIRST WEEKS OF THE REICHSTAG.

AT the impressive opening of the Reichstag on Sunday, February 24th, 1867, the speech from the throne, read by King William, declared the stand taken by the Allied Governments.

It stated that the former greatness of Germany had been destroyed by internal dissension; that the desire for that which had been lost had, however, never ceased, — our times were filled with such aspirations. Until now these had but increased the disunion, because the ideals entertained had been allowed to interfere with the appreciation of the true significance of existing facts. Unity must be sought by taking advantage of the actual conditions, and not by sacrificing the attainable to the desirable. Therefore the several Governments had, according to custom, come to an understanding in regard to a number of limited and decided, but practically important measures, which were not only unquestionably necessary, but were also immediately possible of achievement. By them the independence of the individual States had been sacrificed only where this was absolutely necessary to the preservation of peace, to the

security of the Federal territory, and the development of the national welfare.

To the several members of the Confederation much gratitude was due because of the readiness with which they had made these sacrifices; especially had this been appreciated as, during the process of the negotiations, it became evident how many and serious were the difficulties which beset the task of bringing into harmonious action so many individual Governments, each of which felt constrained by the expectations of its own Assembly. It was, therefore, greatly to be feared that the whole undertaking would be jeopardized should the Reichstag attempt to effect changes for which the unanimous consent of the Governments could not be hoped.

The King concluded with the declaration regarding the future relations to the South German States which has already been stated.

The speech was received with coolness by the majority of the House. The substance of the draft Constitution had been previously made known to the public by the press, and had called forth both praise and adverse criticism; but especially had it roused much questioning surprise by its departure from all the usual constitution forms.

After a few days devoted to the usual number of examinations of election returns, the business of organizing the House was begun on March 2d, by the election of the presidents and the secretaries, whereby it immediately became manifest of how mixed a character was the constitution of the assembly.

No one party held complete control of the majority; frequently even by the combination of several allied groups the point was carried by but a few votes. National Liberals, Old Liberals, and Progressists all united to call to the presidential chair, as a demonstration in favor of the National Assembly of 1848, the man who, as its President, had signed the Constitution framed by it. But it required a second vote to gain this victory for Simson; and then it was secured by but 127 votes (only a margin of seven above the absolute majority), against the 95 cast for the Conservative candidate. As First Vice President the Duke of Ujest (Free Conservative) was chosen by but three votes above the absolute majority; whilst to the Second Vice Presidency the old leader of the National Association, Herr von Bennigsen, was elected by but two to spare. These elections made it clear at once that the great majority of the members most earnestly desired the success of the Constitution as a whole, but that the decisions regarding the separate clauses of the Draft submitted by the Governments could hardly as yet be foretold.

On March 4th, Bismarck, as President of the delegates of the Allied Governments, formally presented the draft Constitution for consideration by the House. He reminded its members that the treaties of alliance of August, 1866, were binding but for one year, that, therefore, by the same date in 1867, the Constitution would have to be agreed upon by the Governments in conjunction with the Reichstag, and receive the

sanction of the several State Assemblies. He therefore urged speedy action.

He then remarked that in the German character there lay a tendency toward resistance, an over amount of manly self-reliance, which in Germany had led the individuals, both persons and races, to rely more upon personal effort than upon the strength of united action, — a certain lack of the subordination of the individual to the welfare of the whole, through which other nations had achieved unity sooner than had we. He concluded by saying that the Governments of the several States had in this instance set a good example; for not one of them all had failed to make important concessions, and to sacrifice perfectly just claims for the sake of attaining the common object.

He was soon to discover how well founded were the apprehensions which led him to utter these admonitions.

As illustrative of the rapidity of parliamentary action, immediately there arose a lengthy discussion as to whether, before any other business could be transacted, the rules of procedure would each have to be individually considered and decided, which would have taken several weeks. It was chiefly due to the efforts of Georg Vincke that this delay was avoided, and the provisional rules of procedure were as a whole definitely adopted. But on March 6th a new dispute arose, this time upon the question whether the draft Constitution should be considered by the whole House at once, or whether it should first go to a committee for a careful examination. It was the Democrats who

insisted upon the latter course. Waldeck declared that it was wholly without precedent to act upon a Constitution in any other way than by first submitting it to the preliminary criticism of a committee; nevertheless, he thought a brief general consideration by the House as a whole might prove of advantage, after which, however, it would certainly have to be referred to a committee, for so abnormal a production as this Constitution could hardly be found in all the annals of history. He characterized it as a compromise between a Constitution and a Compact, between a Federal Act and a Federal Constitution or Constitution of a Federative State, and stated that, by the provisions of several of its Articles, it threatened to undermine completely the constitutional institutions of Germany. Therefore, action in regard to it should be based upon a most thorough and accurate examination.

He received the short reply, that consideration by the whole House would insure just such a result, the criticism which it would receive in that case being of a more general and comprehensive nature than any it could get by passing through the hands of a committee; and immediately upon motion of the President, the following order of procedure was adopted: First, a general discussion of the Draft, then a special consideration of each of its Articles, and, in conclusion, its final adoption, all by the House as a whole. In compliance with the rules of procedure, the general discussion could be begun on March 9th, just two weeks after the opening of the Assembly.

The general preliminary deliberation occupied four days, until March 13th. It was characterized by the peculiar circumstance, that during its progress two struggles for the support of a principle went on side by side, one constantly interfering with the other; since in the one the self-same parties opposed the demands of the Government who in the other upheld them, even exceeded them. The principles involved were the achievement of unity as well as liberty; or, to be more explicit, to secure the rights of the future central power as against those of the individual States, and within this power the rights of the representative body as against those of the Allied Governments.

Whereas in the conflict over the latter question the dividing line between Conservatives, Liberals, and Democrats was closely drawn, in defence of the former the most heterogeneous elements combined, — on the one side all the moderate and radical advocates of unity, on the other all the democratic, feudal, and clerical Particularists. In addition, the bitter recollections of the but recently ended Constitution struggle became an active influence on the Prussian Left, whereas the Catholic speakers felt impelled upon their part to express their deep grief at the separation from Austria, and the Poles and Danes from the outset would have nothing to do with a German federation of any kind.

It will be profitable to follow the remarks of at least a few of the leading advocates of the different theories advanced; thus we will be enabled to recognize the

strength and motives of the opposition, and gradually, too, what were the rallying points around which it became possible to gather a majority favorable to the Government.

The discussion was opened with an exhaustive speech by Deputy Twesten, a man of most pleasing manner as well as of sterling worth, true to his liberal principles, but by no means a strait-laced theorist, always willing to take into consideration the demands of practical needs, and wholly free from any feeling of personal bitterness on account of past conflicts. He admitted that it was not without some misgiving that he approached the examination of the Draft. He feared that unavoidable friction between the Federal power and the Prussian Government might result in crippling the efficiency of the Constitution, and that discord between the Reichstag and the Prussian Assembly might paralyze the parliamentary system. Nevertheless, he would loyally address himself to the consideration of the Draft, **FOR SOMETHING MUST BE ACCOMPLISHED.** The glorious results achieved by Prussia had prepared the soil for it; and the Draft seemed to meet the present needs of North Germany, as well as to smooth the way toward a closer union with the South, which would not be likely to submit itself to a less flexible central power. In his opinion nothing was of greater importance than the speedy union with the South, both in the interest of internal development and of outward security; for it was only too evident what unfriendly neighbors there were, eager to interfere with the German aspirations.

Then the speaker called attention to the fact that, though the term nowhere occurred in the Draft, a strong Federal Government was really provided by it.

This led him to the demand, though admitting that the central power must be vested with strength and liberty of action sufficient to guide the Confederation, that nothing, however, be permitted to become a part of the Constitution which might prove a future stumbling-block to the development of liberty; namely, to the rational, influential participation of the people in the decisions affecting their own conditions.

Regarded from this standpoint, it might appear of questionable wisdom that the Federal Government was wholly free from responsibility to the Reichstag. It was, however, wholly impossible in a Federative State to create a responsible Ministry. The Prussian Government could not at one and the same time be responsible to the Reichstag and to the Prussian Assembly; moreover, it was not only bound by the decisions of the Federal Council, but was afforded protection by them as well. This, however, the speaker continued with increased earnestness, made it all the more desirable that all legislation with reference to the army and the navy should be the function of the central power, thus insuring the co-operation of the Reichstag; that, in response to the old demand, a law regulating the organization of the army be submitted to the Reichstag; and above all, that the Reichstag be granted full budget privileges, or at least the right to decide in regard to all expenditures, without the ex-

ception in favor of a fixed army budget to continue indefinitely.

At this point, evidently influenced by his recollections of the Prussian conflict period, this usually well-balanced man allowed his loyalty to the principle of nationality to be crowded into the background by his Liberal sentiments. In direct contradiction to the introductory sentence of his speech, he now cried, "Should in this respect no change of the submitted plan be effected, I shall be compelled to hope for the rejection of the entire Constitution by the Prussian Assembly, even should thereby the danger be incurred that once more nothing be accomplished."

Before the close of his address, however, Twosten returned to the subject of the European situation and the evident ill-will of France, and at the same time to a calmer view of the budget question. "I realize," he said, "that during a time of uncertainty such as the present, it may be advisable, in preference to incurring any possibility of endangering the military organization, to grant an appropriation in a lump sum for a definitely limited period, during that time, therefore, to waive the right of the Reichstag to control the budget."

Further developments will show that these words held the key for the solution of the chief difficulty encountered by the Constitution.

For the present, however, they roused the angry opposition of the distinguished leader of the Party of Progress.

Since 1848 all the Prussian Democrats had tendered

Waldeck their deepest homage, well earned by his spotless integrity of character, and unwavering fidelity to his political convictions. He was an avowed convert to the French doctrine of equal rights for all men, consequently to the belief in the sovereign rights of the people. As a Prussian patriot he was willing to honor the King, but believed that his sole duty lay in executing the laws enacted by the representatives of the people. In this maxim he beheld the measure of all political activity; and in consequence it was much easier for him to be inflexibly consistent than it is for those who not only fix their aspirations upon the theoretically correct model, but also take into consideration its adaptability to existing conditions, interests, and passions.

Waldeck began his speech by giving expression to the indignation which filled his Prussian heart because, according to the Constitution here submitted, the representatives of the twenty-five million Prussians could be outvoted in the Federal Council by those of the smaller States, though representing but five million inhabitants. His objection was identical with that which his political antipodes, the Old Prussian Feudal Party, had raised against the Erfurt Constitution, that Prussia would not be strengthened through the Confederation, but on the contrary become weaker. Waldeck's method of avoiding such an injury to Prussia was a most simple one: "It would have been far better had Prussia annexed all these smaller States," he declared.

But more than for any other reason did the pro-

posed Federal Council meet with his disapproval, because, unlike the Erfurt Council of Princes, its function was not restricted to a participation in legislation, but, in conjunction with the Presidency, it was to conduct the Government of the Confederation. Bismarck had observed that it had been through this very provision of the Constitution of the Union that the entering wedge had been driven into the structure of the Union to scatter its parts asunder, and because of that reason had decided upon the change. Waldeck, however, failed to see this connection, and condemned the new Federal Council because, by its participation in the administration, it made a Ministry responsible to the Reichstag an impossibility, and therefore, in Waldeck's opinion, violated the first principle of liberty. Again his proposed remedy was of the simplest: the King of Prussia, together with a responsible Ministry, is the head of the central power; the Reichstag, however, has not only legislative functions, but also the right annually to decide in regard to the yearly receipts and expenditures of the administrative departments. "Should the estimates for the army and navy not be submitted to its criticism, we would have a customs, postal, and telegraph parliament," he argued, "but a parliament in the true sense of the word we would not have. Only by complying with this demand," he protested, "can we hope for the consent of the Prussian Assembly; it will not be granted should the Reichstag not be given the complete control of the budget. For years the Assembly has striven for just

this end, and will certainly not permit itself to be defeated now, even though in consequence this third attempt at a reorganization of Germany should prove a failure." "It is asked," said he, "'What shall we do in that case?'" Here, too, the answer is simple: make secure our means of defence by military conventions, promote prosperity by the continuation of the Customs Union, — more is not necessary if we but preserve our liberty."

In answer to every question regarding a future union with South Germany, Waldeck had but one reply, that expressed in the maxims of the radical theory: "The South German States are constitutional; they will join us when we can assure to them constitutional liberty; there is no other way to allure them."

The lesson taught by the experiences of 1849 and 1859 was again wholly disregarded, and a total ignorance of the conditions prevailing in South Germany in 1867 displayed. Waldeck had not the least idea how general the spirit of Particularism still was in the South, how much less the majority of the people there cared for the organization of the government of the North German Confederation than for their own independence of it, nor that his project of a parliamentary, unitary government would have repelled rather than have attracted them.

Prince Hohenlohe, President of the Bavarian Ministry, although in general most favorably disposed toward Prussia, had, immediately after the North German Draft Constitution had been made public, de-

clared to the Bavarian Chamber that entrance into such a Confederation would be impossible to Bavaria, since thereby the independence of both State and Crown would be sacrificed; this important fact had, however, no existence in so far as any influence upon Waldeck's views was concerned. On the contrary, he even hoped for much greater things through the realization of his ideal.

"A perfectly liberal Constitution," he asserted, "will not only bring about the union with the South, which is more essential to us now than ever before, since Prussia has come to be Germany's outer bulwark against France, but will also procure for us, when shortly the dismemberment of Austria will come to pass, Bohemia and Moravia, which rightfully belong to Germany. It is true that we constantly hear of the enmity existing between the Germans and the Slaves in these countries; but all these difficulties could be readily removed if only we had a liberal, democratic Constitution."

Accordingly, it was to be expected that just as soon as Germany should possess a fine democratic Constitution, the Czechs would fall submissively at the feet of a German parliament, and the Austrian Government would dutifully consent to the annexation by Germany of two of her Crown lands. And all this was asserted with the greatest earnestness, as a perfectly natural consequence, and as though, amongst sensible people, there could be no difference of opinion in regard to it.

No greater dissimilarity can be imagined than ex-

isted between this radical Prussian idealist and the practically minded, nationally inclined Liberal, Miquel, who now took the floor. The contrast was the more marked, since the doctrinaire, devoted to his ideals, was a white-haired old man, and the alert politician, recognizing and weighing well the actual facts, was a young man.

Miquel, with a few terse sentences, set aside Waldeck's rejection of the entire Constitution. "I shall," he began, "have less to say of the Prussian Assembly and the Prussian Constitution than of Germany and the German Constitution. The plan submitted," he then declared, "is well adapted to the actual conditions and needs of the day. In it the central power appears weaker at some points and stronger at others than in the ordinary conception of a Confederation. But we believe that the Draft will meet all practical demands."

He then proceeded at once to the discussion of the relations to South Germany. "The line of the Main, we admit," were his aspiring words, "is but a stopping-place at which to take on coal and water, to take breath before going farther. At the present moment, however, we are here to frame a Constitution for North Germany alone; we must therefore fit it to the needs of North Germany to-day, and not to future combinations not yet in view.

"That we will 'allure,' as the previous speaker expressed himself, allure the South Germans by embodying one or the other right or privilege in the

Constitution is most improbable. Only a mighty State, commanding respect abroad and insuring safety in all directions to those within its boundaries, a stronghold, guarding not only those within its own walls, but even now affording protection to its neighbors also,—only such a place of strength can win for us South Germany. That this will be recognized in the South, and there awaken the desire to join our Confederation, we must await with patience and without any action on our part to urge the South to such a step.”

Nevertheless, Miquel criticised the Draft in that its closing Article made mention of treaties to be entered into by the Southern States and the Confederation of the North after its establishment. This, he said, tended but to emphasize the separation of the two sections, whereas the patriotic sentiment in the heart of every true German made their future union a certainty. The Constitution should therefore positively express our willingness to throw our doors wide open to the South as soon as it desired to enter; for Germany in time would as surely transcend the limitations of the Nicolsburg Peace, as Italy had overstepped those of the Peace of Villafranca, and attained its present condition.

“No foreign Power,” he continued, “can hinder a people, practically already bound together in an economic union, from establishing for themselves a united political State also. We trust that the Emperor Napoleon and the more discreet element in

France will be strong enough to suppress the passions which have never failed to result in final disaster for the French people themselves. Should it, however, befall otherwise, why, then, we have weapons and strength with which to defend our rights and assert our principles." Here the speaker was interrupted by great applause from all parts of the House.

He now gave his attention to those parts of the Constitution over which there was so much dispute. First of all he resented the contempt with which Waldeck had spoken of the future Reichstag, should it fail to be empowered with full control of the budget, even to the extent of the military expenditures, and then enumerated the important functions of national legislation to which its power would extend according to the provisions of the Draft, functions which would perhaps be still further increased by clauses which might be added.

Then, addressing the representatives of the Governments, he warned them with impassioned earnestness not to exasperate the Reichstag and the nation by curtailing the budget right, for in that event unlimited and revolutionary demands would be made; whereas a Reichstag invested with full control would be conservative and ever ready to grant all that might be required for Germany's security. On this point he evidently agreed fully with Twesten and Waldeck in their demands. But even here there was a marked difference; for his was an expression of de-

sires and hopes, upon which he, however, did not make the adoption of the Constitution dependent.

But little confidence in his predictions was felt by the representatives of the Governments, whose hopes that this part of the Draft might be accepted without alteration were growing less and less.

Bismarck's confidant, Wagner (Neustettin), made but little impression upon the House by the argument that, if the Reichstag were given the right annually to decide the military expenditures, a like privilege could not be withheld from the Federal Council, whereby the union would be transformed into a compact annually to be renewed. In vain he appealed to the Left to follow the example of the Right, who for the sake of unity had willingly sacrificed a long list of cherished desires. (Cries of "Correct" from the Right.)

As a reply to his earnest appeal, more than one speaker of the Left arose to declare with great pathos that every Prussian deputy, having sworn to support the Prussian Constitution, became guilty of a violation of that oath if he here cast his vote in favor of infringement of Prussian constitutional rights. It was evidently forgotten that in this Constitution itself could be found an Article providing for lawful changes, and that the oath therefore could be violated only by participation in any illegal alteration. Even such men as the parliamentary veteran, Bockum-Dolffs, formerly the leader of an influential party during the conflict period, became entangled in this strange theory regarding the

oath of allegiance; and a Catholic chaplain defended it by a misquotation from the Bible: For what doth it profit a man to gain the whole world and forfeit his Constitution?

In an entirely different strain were the remarks, both sensible and effective, of Germany's youngest virtuoso in her parliamentary orchestra, Edward Lasker, who, rising steadily from this day on, was destined to become one of the great political leaders. In the main he shared Twesten's views, expressing approval of the general structure of the Draft Constitution, but with an approach to Waldeck in his declaration that, though at present the smaller States commanded but an insignificant majority in the Federal Council, yet with the admission of the South, some new plan would have to be adopted, securing to Prussia the preponderating influence for all time. Twesten's demand for parliamentary control of the budget he supplemented with still others providing for parliamentary privileges for which the Draft had made no provision.

As Lasker had seconded Twesten, so Braun of Nassau supported Miquel. Though he took the Liberal view of the disputed questions regarding the rights of the Reichstag, he nevertheless reminded the Prussian Particularists that they were in duty bound to make concessions to the general welfare, and by his utterances cast the weight of his influence upon the national side of the question, reiterating, with increased emphasis, Miquel's view of the relations to the South. In conclusion he said, "By taking it for granted that the

Southern States already desire to unite with us, we should commit a grievous error; on the contrary, the more eagerly we pursue them, the more certainly will they seek to elude us. We must confine ourselves to an expression of willingness to receive them, and boldly claim our right to do so in the face of all foreign opposition."

He was followed by Groote, deputy from Rhenish Prussia, a highly intellectual but most eccentric individual, who tried the patience of the House with a long speech in which he endeavored to prove the utter fallacy and impracticability of the Draft.

At length, eagerly expected by all in the House, Bismarck took part in the debate. He began with a second elucidation of the stand taken by the Allied Governments, declaring that the Draft before them was not the embodied ideal of a theory by which German unity would be placed forever beyond hazard, and at the same time an unlimited degree of freedom be secured to the individual States. The endeavor to approach this quadrature of a circle by a few more decimal places had been left to the future. For the present it had been deemed wisest, in recollection of the objections by which the Frankfort and Erfurt attempts had been wrecked, to avoid provocation of the old spirit of resistance; therefore the sacrifices expected of the smaller States had been reduced to a minimum, without which, however, the stability and security of the Confederation would be impossible.

"Objections have been raised from two sides," he

continued, "by those in favor of unity, and by the Particularists. The former would prefer a constitutional monarchy with a responsible Ministry. But how shall twenty-two Governments appoint such a Ministry? Exclude twenty-one of these from any participation in the executive, and they are mediatized; but as yet the German Princes have shown no desire to exchange their present position for that of an English Peer. It may be suggested that we are strong enough to compel them to submission. But the foundation upon which our relations are to rest shall not be one of force, either toward the sovereigns or toward their people; it shall be that of confidence in Prussia's unswerving fidelity to the agreements she enters, therefore this confidence must not be shaken so long as others do not break faith with us."

With still greater vehemence he addressed himself to the task of confuting the objections raised by the Particularists, especially by the Prussian deputies who at every proposed change, even every perfectly legitimate change in Prussian constitutional rights, threatened rejection by the Prussian Assembly of the Constitution here agreed upon by the representatives of thirty million Germans. Every one of the twenty-one sovereigns of the smaller States, every one of the other twenty-one Assemblies, he declared, had exactly the same right to object as had the Prussian. "What would you say," he asked, "if the declaration were here made, that, by the veto of one of these, this Constitution should be made impossible if it did not contain some de-

sired clause? Do you really believe," he cried, "that the great movement which in the past year stirred the people from the Belt to the waters of Sicily, from the Rhine to the Pruth, and led them to war, to that game of iron dice in which the crowns of kings and emperors were the stake, or that inspired the millions of German heroes, who, facing each other, fought and bled, as it did the thousands upon thousands who remained upon the field or succumbed to disease, and by whose death this national decision was sealed, — do you really believe that a movement such as this must await the decree of a parliament before its results can be recorded as history? If so, you surely have no conception of the spirit of the times, but picture to yourselves a wholly impossible situation." "I am glad," he continued, "to turn away from these fantastic impossibilities to the sphere of reality, to reply to objections made to certain parts of the Constitution." At this point he made those important declarations which were so conducive to a desirable termination of the deliberations.

First of all, there was the general one "that we believe this Draft to be perfectly adapted to our needs; that we shall, however, not refuse consideration to any proposition made with the earnest desire to facilitate the achievement, or to improve the structure, of this Constitution."

Then followed the refutation of the imputed purpose of the Governments to destroy constitutional existence by setting one parliament against the other in the hope that the consequent friction might prove fatal to them.

“What would it profit us?” he asked. “Is it conceivable that a Government can endure which, in an extreme reactionary spirit, systematically opposes every innovation not originating with itself, and is constantly at variance with its own subjects?”

To this declaration were added those decisive sentences by which so many were influenced to a favorable consideration of the entire project: “We DESIRE the development of liberty to the extreme limit compatible with the security of the whole. It is but a question of degree; how much—what is PERMANENTLY consistent with this security? What is AT PRESENT compatible with it? Is a period of transition advisable; and if so, how long should it continue?”

This ended the struggle over the principle of complete control of the budget; and, according to Twesten’s last suggestion, the question now became one of how much or how little should be conceded. Bismarck did not actually say that Twesten’s final suggestion would be accepted by the Governments, but he admitted such a possibility by outlining the probable results of its adoption.

With great earnestness, however, he counselled against allowing the Reichstag such a degree of influence over the military affairs, that in the end the stability of the army would be dependent upon fluctuating majorities; since the Governments would never allow the foundation of national safety to be thus undermined. All the more conciliatory, however, was his attitude toward the other adverse criticisms of the

Draft which had been offered during its discussion, admitting several to be perfectly just, in regard to others promising favorable consideration either at once, in connection with the present deliberation upon the Constitution, or upon the occasion of later legislation.

Then, prompted by his constant desire to prevent possible European complications, he strenuously advised against extreme solicitation in regard to the future of South Germany. Waldeck's suggestion he believed to be the surest means to deter the States of the South from seeking admission to the Confederation, whereas the impending negotiations, with respect to the Customs Union treaties, constituted the very best opportunity for a nearer approach of the two sections; in the mean time that which was, after all, of chief importance, the vigorous co-operation of the South with the North in case of threatened danger from without, was already assured. "Therefore," he concluded, "we can quickly come to a decision. Let us but help Germany into the saddle, and we shall find that it can ride."

By these declarations a complete, fundamental transformation of the Draft Constitution was vigorously rejected, a number of the impediments were removed, and for the most serious difficulty, the army budget, the way to an agreement was definitely outlined. The material for general debate was herewith exhausted; and, in spite of the brilliance and ability with which the leading representatives of the Party of Progress, Schulze-Delitzsch and Franz Duncker, who were still

to be heard, sought to gain converts to their views, they found it impossible to present new arguments, or to prevent the mutual approach which was evidently in progress between the majority and the Governments. The complete failure of their endeavors was largely due to the fact that the deputies from Saxony, who, judged by the events of 1866, were at the outset supposed to be obstinate Particularists, took almost an identical stand with Miquel, proposing a number of desirable changes in the text of the Constitution, but above all else holding the achievement of a result to be indispensable, and therefore directing all their efforts to that end.

In unpleasant contrast to this spirit of concession appeared the rage of the Particularists at the entire situation as created by the events of 1866, which now broke forth from various directions in a torrent of violent denunciation. Baron von Münchhausen from Hanover, though he began by protesting his intention loyally to co-operate in the work upon the Constitution, and closed by counselling others not to add to the difficulties of the situation by its rejection; yet between these two utterances, in his closer criticism of the structure, left not one stone upon the other. He condemned the lack of a definite limitation and restriction of the functions of the central power as opposed to the Governments of the individual States, and, in surprising contradiction to this, criticized the deficiency in Federal organs responsible to the Reichstag, and finally the absence of a Federal court for the protection of the

individual liberty and specific interests of the several States.

This led him to a portrayal of the situation in Hanover, the sentiments entertained by its people, and the Prussian proceedings there. He stated that from the outset the people had been thoroughly averse to annexation, in the first place, because the sense of justice, and with it the feeling of fidelity to the hereditary dynasty, was more strongly developed in Hanover than elsewhere; and secondly, which was highly characteristic of the patriotism of the smaller States, because every Great Power must dissipate a large part of its strength in securing itself against foreign attack, whereas a smaller State can use its revenue exclusively for the development of its local interests, and it must therefore, without doubt, be better and more comfortable to live in a smaller State. More especially was this true, he said, when, as was here the case, the Great Power developed its defensive forces to such a degree that of necessity it must impose an unendurable burden of taxation upon its people at home, and abroad must be regarded as a constant menace to the peace of Europe.

In addition, Prussia's despotic control of Hanover by means of the sword was held up for the execration of the House. It is to be hoped, for the excellent Baron's honor, that he was ignorant of the great military conspiracy in Hanover which had called forth and made justifiable a more rigorous control.¹

¹ Just before the close of the discussion another Hanoverian, Burgo-master Grumbrecht of Stade, stated that the views expressed by Herr

How bitter a feeling of resentment had been roused by Prussia's great achievements was still more clearly manifested by the speech of the Ultramontane, Herr von Mallinckrodt. "*Justitia est regnorum fundamentum,*" he cried. "Justice, however, did not stand at the cradle of this North German Confederation."

He then proceeded to demonstrate that Prussia had been doubly guilty in her unlawful manner of gaining possession of Schleswig-Holstein, beginning by assuming the *rôle* of protector and ending by taking forcible possession; further, that Prussia had not had sufficient cause for war either against Austria or against the Confederate Diet, therefore had been wholly actuated by greed and lust of power when she dissolved the former Union, thrust out Austria, deposed three dynasties, and seized the City of Frankfort, and that through these deeds of violence a true Federal Union had become impossible; finally, that the present endeavors were in reality preparatory to a greater Prussia rather than to a united Germany. Bismarck had alluded to a period of six hundred years during which the spirit of the German nation had lain crushed, he said, and then, with bitter irony, added, he could hardly conclude that Bismarck dated this period from the time when the rob-

von Münchhausen prevailed only in a portion of the highest and of the lowest stratum of the population, especially in the old Guelph districts of Lüneburg, Kalenberg, and Göttingen. The sense of justice so highly extolled by Münchhausen, he said, had received a serious shock through the violations of the Constitution of which the last two Kings had been guilty; these had prepared the way for annexation, which had finally become unavoidable through the unwise policy of the Government.

ber barons had been crushed by Rudolph of Hapsburg. Bismarck, he thought, must agree with certain historians (here his glance sought the author of this book, who was present) in the assumption that the history of the German Empire had been a play at cross-purposes, because it had not led to centralization, whereas the rest of the world recognized in the very multiplicity of the royal Courts of Germany the stimulus to that great and fruitful intellectual activity which had pervaded the whole country.

Every one, he said, was aware of the meaning of the word Liberty, and also of what Prussian discipline and uniformity mean. Should the German West and South be forced into an inflexible union of the Prussian type, there could be but one result, — despotism opposed by revolution.

It is not necessary to call attention to the fact that in a State where, in an assembly elected by the people, such a speech is possible, liberty can hardly be said to be suppressed, and also that there can be no lack of diversity of interest in a community comprising at once those who in common with the last speaker claim Rhenish Westphalia as their home and those who dwell in East Prussia and Posen.

In answer to Mallinckrodt's allusion to the historic past, Bismarck made the brief but crushing retort, "If accuracy is desired in regard to those six hundred years, I will state that their beginning dates beyond the time of Rudolph of Hapsburg, back into the years of anarchy in which the robber barons originated. But

what was the cause of this state of anarchy? The overthrow of the House of Hohenstaufen. And what caused the overthrow of the Hohenstaufen? The success of the Guelphs and Ultramontanes."

In the same strain as Münchhausen's address was the speech of a retired Hanseatic minister-resident, Schleiden, now deputy from one of the Holstein districts. He was too short-sighted to look beyond the advantages offered by a small State in which a nation's first duty, to secure itself against attack from without, is neglected with greatest complacency, for fear its fulfilment may give offence abroad. As Münchhausen had advocated a reduction of the land forces, so Schleiden opposed the establishment of a German navy. "Had we possessed an extensive marine," said he, "never would the commerce of the Hanse towns have reached the proportions it did."

Very true; possessed of a strong naval force, Germany would probably have carried on wars at sea which would doubtlessly have interfered with the peaceful traffic of the Hamburg merchants. To be sure, measured by this standard, the great founders of the Hanseatic League must appear rather imbecile; for, sparing neither trouble nor expense, they created so powerful a fleet that they were enabled to control to their advantage the entire commerce of northern Europe for more than a century, until a German Emperor, Charles V., lent himself to the destruction of Germany's maritime strength.

Seeking a new field for his efforts, Schleiden turned

to Schleswig-Holstein, entangling himself in the statement that never had an established monarchical Government done so much to undermine the monarchical principle as had Prussia in depriving the Prince of Augustenburg of his hereditary throne, and by annexing the Duchies. Evidently to this diplomatist the London Protocol and the transactions at Frankfort in 1852, as also the Danish law of succession of 1853, were wholly unknown.

But in spite of such evidences of violent ebullition in a number of groups, the Particularists had no better success than the Democrats at changing the course which matters were taking, or in frustrating the purpose of the majority. In a speech by Bennigsen, both convincing and spirited, the situation was excellently portrayed in these words: "During this discussion diverging views have been modified, and now give evidence of approach to each other; the way leading to an agreement has been cleared."

Georg Vincke followed with a speech scintillating with scathing wit and glowing with patriotism, in which he reviewed and controverted the objections which had been raised; and in reply to certain remarks expressing the fear that by accepting the Constitution or by admitting the States of the South the displeasure of other nations might be incurred, he replied, with scornful zeal: "In a French or English parliament such words would have called forth a storm of indignation; is there less of self-esteem in Germany?"

His words voiced the deep conviction of the great

majority. They, like the German people whom they represented, entertained no ill-will toward any one of their country's neighbors, yet were unflinchingly determined not to allow any foreign interference in affairs purely German; and though, in the interest of internal politics, the widening of the Confederation limits so as to embrace all Germany had to be temporarily abandoned, the enthusiasm which greeted Miquel's words that German unity must be achieved, whether it roused feelings of pleasure or of anger in other nations, proved the desire for it to be as great as ever. Only the Prime Minister, whose patriotic devotion to Germany was second to none, advised, in the interest of peace, that no step should be taken which might be looked upon abroad as a violation of treaty.

The Assembly was soon to discover that there was good cause for such counsel. On March 13th the first reading of the Constitution was ended; on the 14th the legislative body in Paris began a no less excited discussion of the foreign policy of France, especially regarding the relations to Italy and Germany. Here, it was evident, Prussia's past achievements had given rise to a deep feeling of mistrust and bitter vexation; and now any further development of German unity was met by a protest bristling with threats of war. Great wars have frequently ensued from a selfish policy of the Ministry; but here the case was reversed, and the inflamed passions of the people threatened to involve the two nations in a bloody conflict, unless

by the skilful diplomacy of the two Cabinets it could be avoided.

As it had been in May of the preceding year, so it was again Thiers who gave the occasion for the present outbreak of arrogance, by presenting an interpellation of the Government regarding its future attitude toward Italy and Germany, occupying the entire session of March 14th by his speech upon this topic. It was all of a piece with the old French tradition, that France must be united and therefore strong, whilst its neighbors through internal discord must remain weak. In a diffuse dissertation, in which he went back to the days of Francis I., Richelieu, and Mazarin, the course pursued by the Government was unsparingly criticised because the earlier and truly advantageous policy had been abandoned to uphold a visionary principle of nationality, resulting in unity for Italy, and making possible a United Germany under Prussian hegemony.

It had been intended, he declared, to send France a-fishing in turbid waters; and to that end Prussia had been permitted, by means of the war upon Austria and the German Confederation, to add to her territory, that France in turn might be allowed to do likewise. This he stigmatized as a base betrayal of the vital interests of France for the sake of a paltry tip. The mischief was done, he said; and any attempt to destroy the newly acquired greatness of Prussia now, by a resort to arms, would be highly inconsistent, and would but hasten the complete unity of Germany, driving South

Germany into the arms of Prussia, and forcing Prussia into an alliance with Russia.

He therefore opposed the new military measure by which the French army was to be doubled, and the whole of France turned into a military camp. In his estimation everything now depended upon the frustration of Prussia's, as well as of Russia's, schemes of ambition; he believed there was but one way in which this might be accomplished, — a great alliance of all the conservative Powers for the purpose of maintaining the present territorial limits. By such an alliance these two great disturbers of the peace could be held in check without a resort to arms. The first step in this direction must naturally be, that France in its outward policy should conform to this conservative idea, and cast to the winds every thought of self-aggrandizement. In this way the great alliance might be achieved; and, in reliance upon it, France would be enabled to prevent the farther advance of Russia in the Orient and of Prussia in Germany.

Though the speech was a most able one, it made little impression upon the majority, who were wholly in sympathy with the Ministry. It was well known that the Government cherished hopes of annexation; and, far from being opposed to these, the majority entertained them also. Therefore Thiers's conservative programme was received with coldness and evident disapproval, though naturally no expression was given to the thought which prompted them.

The only objection made to Thiers's plan came from

one usually associated with him in the Opposition, Émile Ollivier, a highly gifted son of Southern France, a man of a vehement and excitable temperament, without native firmness sufficient to withstand the varying impressions of the moment. At present he was controlled by the hope to raise himself to a place of power by means of a fruitless opposition, and to that end had established himself in the confidence of the Emperor, whom he hoped to convert to a constitutional system of government. With his democratic convictions he found it incomprehensible that Thiers should advance his theory of European balance of power as the safeguard of national independence, since by it every nation was prohibited from doing exactly what it most desired to do. In addition, he was aware of the Emperor's predilection for peace, and therefore with redoubled energy sought to stay the current of hostility toward Germany.

He declared German unity to be the inevitable result of a historical and perfectly reasonable process of development, which would not cease until the end had been attained, and the union of all the German races had been consummated. He admitted Bismarck's annexations to be an inexcusable deed of violence, but held that the North German Confederation rested upon a perfectly legitimate foundation, upon the voluntary agreement of the sovereign Princes, supplemented by the approval of a representative body elected by the popular vote. He could see no evidence of an unfriendly spirit toward France in the German endeavor

for unity, with respect to which France must now render a most important decision; should this be in favor of a generous recognition of this German movement, peace for a long time would be assured; should, on the contrary, its abandonment be demanded, France would thereby take the first step upon a course leading toward a series of terrible conflicts, whose end could not be foreseen.

These prophetic words were allowed to pass unnoticed by the majority.

“It is as unwise for us to allow Russia to gain possession of Constantinople as to sanction Prussia’s mastery over South Germany, and perhaps over German Austria also,” exclaimed Count Latour; “for our own security would be jeopardized as seriously by the one as by the other.”

He was followed by the Minister of State, Rouher, who warmly defended the past policy of the Government against Thiers’s attack. He admitted that the calamity at Sadowa had been a fruitful source of humiliation to the Government; although by the plan of mediation upon which it had at once resolved, it had nevertheless achieved all that could be desired. Upon the subject of the present aspirations of the Government he preserved a discreet silence. In reply to Thiers’s apprehension that Prussia would in the near future stretch out an eager hand toward Holland or South Germany, he wished to state that Prussia had given the most binding assurances against such intentions. Should, however, the temptation prove too

great to be resisted, France and England would soon teach her that the days of unbridled ambition were past.

Notwithstanding the French Minister's sharp reply to Thiers, and his silence in regard to the schemes of annexation, yet, so far as Prussia was concerned, he, too, made no attempt to conceal his vexation at her increased power, nor that it was his fixed purpose to prevent the union of North and South Germany.

He was as far removed as possible from a participation in Ollivier's ideas. Against these further hostility was displayed in the ranks of the Opposition.

Jules Favre agreed fully with Thiers in his objection to the pursuit of a warlike policy, and consequently to the proposed military law also; with him he denounced Bismarck's annexations as flagrant acts of violence, and beheld in the consummation of German unity an ever-threatening peril to France. He, however, hoped to indicate a better way to avert this Prusso-German danger than by following Thiers's plan of forming a powerful alliance. "It has been told us," he said, "that in Germany the impulse toward unity cannot be restrained. Very good; in this great country there are doubtless a number of races having much in common; there are, however, many others distinguished by dissimilarities through which they are mutually repelled. Germany is manifestly better fitted to become a Confederation of States than a Federative State. The former offers immense advantages, the chief and foremost of which is that the appre-

hension of the neighboring Powers will not be excited thereby." (How pleasing to the Herren von Münchhausen and Schleiden must have been this approval of their views from the lips of a French orator.) Under these circumstances he believed it to be the safest course for France not to make warlike threats against any of these German races, thereby stimulating the passion for nationality in the hearts of the people throughout Germany; but, on the contrary, to pursue another and unfailing method to break up the German, or more correctly Prussian, unity. This unfailing method he declared to be protection of the deposed sovereigns, re-establishment of the States which had been annexed, and liberation of the subjected people.

Thiers had spoken like a statesman, these were the utterances of a demagogue; and, to create confidence in them, Favre felt compelled to return to the position taken by Thiers, declaring that France must abandon every thought of aggrandizement. (Evidences of agitation in the House.) "No annexations!" reiterated the speaker. "This occasion is a solemn one. Would you be willing to annex?" (Noisy demonstrations.) "Could Belgium be occupied, Luxemburg be annexed, would you desire to occupy or to annex?"

The only answer vouchsafed by the House was a noisy demonstration of indignant disapproval. At once from the centre arose Granier de Cassagnac, a zealous Bonapartist of no special renown. He began in a tone of moderation: "It is my opinion that France should arm herself, should threaten no one, and await

events. She should threaten none — therefore criticise none. I do not find fault with Prussia; for I do not wish to criticise our forefathers, who created the France of our day by the conquests of Roussillon, Franche-Comté, Alsace, and Algeria. With Ollivier I believe that Prussia will continue that which she has undertaken; with Thiers, that this may prove a source of peril to France. Still, I confess, my patriotism inclines toward certain prejudices. It has, for instance, a predilection for a natural boundary; it believes that mountains or rivers lend greater security than a Prussian boundary post. It believes further in the right of intervention where and whenever French interests are at stake. These prejudices, sirs, appear to me as national rights!" (Great applause.)

This was the plain declaration that Prussia would be allowed to achieve the projected German unity if, in return, France would get the Rhine Provinces. If not, not.

The debate was drawing to a close. Once more Thiers and Rouher fenced with lengthy arguments; no new points, however, were revealed, and after Rouher's speech the Chamber, by a vote of 219 to 45, resolved to proceed to the order of the day.

A definite resolution had, therefore, not resulted; yet there could be no doubt in regard to the conclusion.

Even were it admitted that the Minister of State, Rouher, had been brilliantly successful in confuting the attacks of both Thiers and Favre upon the past

policy of the Government, nevertheless reproaches such as these must in themselves have been a spur to Napoleon's desire by positive results to place the valor of France beyond reproach. That plans for the annexation of Belgium and Luxemburg were entertained there could be no longer any doubt.

On all sides had been shown quite the reverse of a neighborly spirit toward Prussia, whose right even to that which was already accomplished had been disputed. With the single exception of Ollivier, the Ministers and the representatives of the people had shown themselves equally determined not to make a single concession beyond the actual requirements of the Nicolsburg Treaty without due compensation. The Prussian braggarts and the German unity enthusiasts would have to accept the situation.

In the German Reichstag, however, not the least evidence of any such intention was perceptible. The conviction that the efforts to achieve unity were perfectly just was so strong that this exhibition of French displeasure was hardly considered as seriously intended, in addition to which there was a feeling of confidence that actual hostility could be speedily crushed. Therefore the Reichstag addressed itself to the consideration of various internal questions concerning certain rights and privileges rather than to the threatening attitude of a neighboring nation. It was almost by pure accident that on March 18th the attention was diverted to a question of foreign policy.

Article I. of the Draft, in which the States forming

the North German Confederation were enumerated, was under consideration. A protest was at once entered by the Polish deputies from the Province of Posen, and another by the Danes from North Schleswig, who by reason of their nationality refused to be forced into a German Confederation. After a lengthy and at times heated debate upon these two questions, a Democrat from Saxony, named Schrap, arose to criticise the omission of a purely German State, the Grand Duchy of Luxemburg, from this roll of the confederated States. By pursuit of the present system, Germany, he said, was growing smaller and smaller; first Austria was separated from it, then the South German States were left out, and now the relations with Luxemburg in the north-west were to be severed, and with them those toward the Netherlands.

Bismarck replied that he welcomed the occasion here publicly to announce that the foolish and mischievous rumors that Prussia entertained a hope of annexing the Netherlands were utterly false. It was well known, he said, that the King of the Netherlands had long desired to withdraw at least Limburg from the German Confederation; therefore Prussia, upon the dismemberment of the old Confederation, had not sent the King an invitation to join the new one, neither had a corresponding application been received from him. Prussia, he continued, had desired nothing and had resigned nothing, but was as far removed as possible from harboring any designs prejudicial to the independence of the Netherlands.

Here Herr von Carlowitz took up the debate, with renewed complaints at the omission of Luxemburg. That the Grand Duke, who was also King of Holland, should become a member of the Confederation, he admitted to be unadvisable; since the evil consequences of including among its members a foreign sovereign had been fully demonstrated in the old Confederation. The province, he insisted, was, however, a part of Germany, and was now in danger of falling into the hands of a powerful neighbor who might prove dangerous to Germany also. Though the speaker claimed not to be in favor of urging the South German States to an immediate entrance into the Confederation, still he questioned the wisdom of the failure to place them under obligation not to conclude an alliance whereby the safety of Germany might be threatened, as had been the case in the old Confederation; as, for instance, should Würtemberg to-day form an alliance with France, which, though doubtless a deed of abomination, it still had a perfect right to do. He hoped therefore, that Count Bismarck, ever ready of resource, would devise a way of avoiding this evil.

Bismarck's reply was, that Herr von Carlowitz possessed a special gift for bringing up perplexing questions. So far as Luxemburg was concerned, however, there could be no third course; either the King-Grand-Duke would have to be received as a member of the Confederation, or else all claims to Luxemburg must be surrendered. If Carlowitz desired to press the Lux-

emburg question farther, perhaps he would succeed in providing a European question. Regarding the right of the South German States to form alliances, he, Bismarck, had already made a statement, which, however, Carlowitz either had not heard or had not understood. He would, therefore, repeat explicitly that ever since the ratification of the treaties of peace, the fact that the Southern States would stand with us against every foreign foe had been assured to us by agreement.

The impression made upon the House by this discussion was such as to influence Bismarck to publish the offensive and defensive alliances with Baden, Würtemberg, and Bavaria on the following day. He did this with the greater readiness, since he had himself, but a short time before, fully informed Count Benedetti in regard to them, and at the same time had made the discovery that the fact had long since been no secret to the French diplomatists. Nevertheless, its publication, as will soon be seen, was followed by most unpleasant consequences for Napoleon.

On that day the deliberation upon the functions of the Federal legislative power was begun in the Reichstag. The Draft provided that the laws enacted in pursuance of this Constitution should take precedence of those of the individual States; that the majority of the votes of both the Federal Council and the Reichstag should be necessary and sufficient for the passage of a law; that there should be a common citizenship, in consequence of which the members (citizens or sub-

jects) of each State of the Confederation should be entitled to all privileges and immunities of citizenship in every other State thereof. In another Article were enumerated the matters to be placed under the supervision and legislative control of the Confederation; they were restricted almost entirely to matters of trade and commerce, and to material interests in general; accordingly the Confederation should levy customs and indirect duties, consequently no direct taxes.

To the various parties and in various directions these restrictions appeared to be too closely drawn. First of all Schulze-Delitzsch desired the appointment of a committee to formulate the fundamental rights of the German people, in which he was joined by the Catholic group in a demand that the right to freedom in matters pertaining to religion and the church should also be determined by the Constitution. In the minds of the majority, however, there lingered too vivid a recollection of the loss of time which had been occasioned in the parliament of 1848 by the endless deliberations regarding the fundamental rights, and they felt no inclination to suffer shipwreck upon the same rock. Therefore, and since these fundamental rights were already embodied in the Constitutions of most of the States, both propositions were rejected by a large majority.

No better fate awaited a motion, offered as a compromise by the National Liberals, to the effect that the minimum of the fundamental rights of which no Government would be allowed to deprive its subjects,

should be fixed by a Federal law to be enacted in the future. From the Left came the objection: "In that case, should we, on some future day, have a servile Reichstag, how quickly, on the strength of such a law, could this minimum be converted into a nothing." The Right took little interest in fundamental rights of any kind; from the direction of the Governments was heard a vigorous objection, and the motion was lost by a vote of 130 against 128.

The National Liberals had better success with a proposal to omit the word "indirect" (duties), whereby the right to collect direct taxes was left open to the Federal power. In spite of the counter motion in favor of its retention, made by the Hessian deputy, and dutifully, but not at all enthusiastically, seconded by the Prussian Minister of Finance, the motion was carried by 125 against 122 votes.

Quite as important a step in another direction, toward the achievement of unity in the province of the law, was also made. Miquel and Gerber moved that the whole domain of civil law, criminal law, and legal procedure be subject to Federal legislation. Another legal authority, Herr von Wächter, though agreeing in all other respects, desired that the criminal law be excepted. The National Liberal fraction, after prolonged deliberation, decided in favor of including the criminal law and judicial proceedings, but of the civil law only that part concerning the giving of bonds; and Lasker was commissioned to present a motion to that effect. The House took the same view, and decided

in their favor. A few years later, as is well known, Miquel's view carried the day, whether wisely or not, cannot be decided until after the new civil code of Germany has been completed and gone into effect.

Finally, upon a motion presented by Twesten, the army and navy were also made dependent upon Federal legislation. For the present, as provided by the Draft, the Prussian military code should prevail throughout the Confederation, but with the understanding, as was natural, that all future change in it must be through Federal action. To insure a controlling influence to the Federal Commander-in-Chief, Twesten, in spite of vigorous opposition by the Left, added a clause providing that no change in these laws should be effected without the consent of the Commander-in-Chief. Bismarck declared in favor of the motion as amended by Twesten, and it was so passed by the House.

The assembly then proceeded to the most important part of its task, the deliberation upon the functions to be exercised by each of the organs of the central power, the Federal Council, the Presidency, and the Reichstag. The general features of the Draft have already been presented; in it the Federal Council appears as the real bearer of the sovereignty, both in matters legislative and administrative. The Presidency is invested with the right of representing the Confederation abroad, with the sole exception that treaties touching upon matters subject to Federal legislation require the consent of the Federal Council; to the Presidency is given the supreme command of the land and sea forces,

as well as the management of the postal and telegraph systems; with the provision, however, that for each of these administrative branches, as also for matters pertaining to duties and taxes, to commerce and trade, for affairs of justice and for accounts, a committee be appointed by the Federal Council, thus securing to that body a permanent influence upon their administration; regarding the extent of this influence no further provision is made. The President has the right to appoint a Federal Chancellor, who presides in the Federal Council, supervises the conduct of its business, and countersigns the decrees and ordinances of the Presidency issued in accordance therewith; the Chancellor may delegate the power to represent him to any member of the Federal Council. Every member of the Federal Council has the right to appear in the Reichstag, and be heard there at any time he shall so request (like the Ministers in the State Assemblies). The President convenes, adjourns, and closes the Reichstag, which cannot, however, be dissolved without the consent of the Federal Council. Upon the Presidency is conferred the right of execution against a recalcitrant member of the Confederation in a case of urgency; in all other cases the right to order this execution is reserved to the Federal Council.

It is plainly to be seen that a sharp line of demarcation between the powers of the Presidency and those of the Federal Council has been systematically avoided. Without doubt upon all matters within its province the Presidency is in every instance given the superior

power, but the activity of the Council also appears in one form or another. Certain principles are established, but much opportunity is left for greater development in the future.

It is evident that in such a system there is no occasion for a Ministry responsible in a legal sense. All the conservative members of the House were heartily in sympathy with this view, but just as decidedly were those of the democratic Left opposed to it.

“If the duties of the Federal Council are such as make a responsible Ministry impossible, there is but one course to pursue,” exclaimed Schulze-Delitzsch; “the Council must be divested of its executive functions, and its activity be confined to the sphere of legislation.” It was in exactly the same spirit that his fraction proposed that the Committees of the Federal Council be entirely omitted, and the declaration be then made: To the Crown of Prussia rightfully belongs the executive power of the Confederation, and it shall exercise it through a responsible Ministry.

With pessimistic zeal Waldeck prophesied that if this palladium of political freedom were wanting in the Constitution, the new Confederation would be but a pitiful prolongation of the old one, impotent abroad and reactionary within. The world can testify how utterly the actual result has in every respect proved him a false prophet.

Because of the insignificance of the fraction presenting the motion, it would have been quickly disposed of, had it not been that just at this juncture the opinions

of the National Liberals were undergoing a remarkable change. At the outset this party, as demonstrated by Twesten's speech of March 9th, fully recognized a responsible Ministry to be incompatible with the functions of the Federal Council. But to their number was added a new member, Planck from Hanover, Counsellor before the Supreme Court, one of the cleverest jurists of the day, highly respected as a politician, and at the same time so intellectually gifted and of so charming a personality that his influence at once made itself felt wherever he appeared. He now admitted that within the sphere of activity assigned to the Federal Council a responsible Ministry was inconceivable, but reasoned that, since the Draft assigned the conduct of the principal administrative branches to the Presidency of the Confederation, the Federal Council could not here conflict with a responsible Ministry; but on the contrary, all the usual arguments offered in support of the latter—the elevation of the Crown beyond the possibility of party attack, the protection of the rights of the people against unlawful and arbitrary action of the Government—were as much to the purpose as ever.

By this argument Planck convinced the majority of the fraction; and it was consequently concluded, since the Chancellor of the Confederation could impossibly alone assume so great and varied responsibilities, that for these different administrative branches under the control of the Presidency responsible representatives of the Governments in the Federal Council be ap-

pointed. Since it was intended to make their responsibility a legal one in its strictest sense, in case of necessity to be enforced by law, it appeared wholly impracticable, owing to the very limited time at the disposal of the Reichstag, to make an attempt at present to define wherein lay a breach of this trust, and to determine upon the consequent proceedings. It was therefore decided to propose the additional motion, that, following the example of the Prussian Constitution, the enactment in the near future of a Federal law to that effect should be promised.

Bennigsen and Lasker undertook the task of proposing and upholding these motions. Three times they were provocative of a flood of speeches approving and disapproving, of which, however, owing to the limited space of this book, only the essential parts can be repeated. The leading feature of the motions, Planck's distinction between the administrative branches under the sole control of the Presidency and those requiring the concerted action of both President and Council, was looked upon as a mistake, particularly so in consideration of the Committees to be appointed by the latter; the Federal Council with more or less power was still everywhere in evidence.¹ The provision for legal responsibility, Gneist remarked, presupposed the existence of a completed administrative code and legal regulations regarding the official duties of Ministers, whereas in reality there was no such thing to be found in a Confederation as yet not fully upon its feet. At-

¹ Vincke against Lasker.

tention was also called to the precedent given by the action of the Prussian Assembly, where the effort to pass the intended law, thrice made, had thrice failed; there was no reason to suppose that the Reichstag would have better success.¹ In addition it was agreed that this was, after all, not so much a question of law as of power, to be decided by the great political bodies rather than by the law.² On the other hand, it was declared to be but just that a demand be made for perfect clearness in respect to the assumption of responsibility for every act of the Government; who therefore, morally as well as historically, should be held accountable for it at the bar of public opinion, the verdict of which would be of far greater effect in this sphere of activity than that of any court, even of the highest in the land.³

Upon several occasions Bismarck took an energetic part in the discussion, always with a view to the uncompromising rejection of all of these motions. A Federal government through a responsible Ministry he declared to be contrary to the treaties made, and to be impossible without utter exclusion of the Federal Council from the executive power. A government in which the Minister of Foreign Affairs is responsible to the parliament, and the Minister of Commerce is not, he regarded as an anomaly. The colleagues with whom they were so anxious to provide him, he must beg to decline, he said; since Prussia's position in the Confederation would be weakened if her interests,

¹ Sybel.

² Braun (Wiesbaden).

³ Weber (Stade), Sybel.

instead of being represented by one, should be represented by many. The whole question in regard to this point he declared to be idle; since provision for the protection of the rights of the people was elsewhere made, the Ministers of the individual States being responsible to their several Assemblies for the instruction imparted to the delegates in the Federal Council.¹

At the close of the debate, its result appeared in the large majority of voices in favor of rejecting the motions proposed by the democratic Left.

To the Article, "The President shall appoint the Chancellor of the Confederation," was added the clause, "as well as the heads of the administrative departments," proposed by Bennigsen, and accepted by a small majority. When, however, the Article thus amended was put to a vote, Bennigsen's conservative opponents had gathered a few of their reserves to the support of their cause; and the whole Article was rejected by a vote of 127 against 126, the Chancellorship being thus entirely excluded from the Constitution.

Of course such a result could not be final; and, in an Article proposed later by Count Bethusy-Huc, this office was restored to its place; and when Bennigsen this time proposed the addition of his clause, his motion was rejected by an increased majority, 140 votes against 124.

¹ Miquel claimed that this theory would result in the dissolution of the Confederation. Practically, however, it has frequently occurred that an Assembly has adopted resolutions regarding instructions to be given a representative in the Federal Council, without the consequence of a dissolution of the Confederation.

To a later Article, reading, "The decrees and ordinances of the President shall for their validity require the countersignature of the Federal Chancellor," Beningen proposed the addition of the clause, "who thereby takes upon himself the responsibility for them," and had the satisfaction of seeing it adopted by a considerable majority.

But the gratification was not of long duration; for his next proposition, to make this responsibility a legal one by means of a law to be enacted in the future, was lost by a majority quite as large, indicating the sense of the House to be that the Chancellor's responsibility, as fixed by the Constitution, should be a moral one only, to be judged by public opinion and the developments of history.

On March 28th, 29th, and 30th, the deliberation of the House was directed to the Article concerning the functions of the future Reichstag. A number of the usual parliamentary privileges not provided for by the Draft were added without special opposition, such as the privilege of making truthful reports of the proceedings of the Reichstag, and the right of the Reichstag to receive petitions, and to present them to the Government.

The greater, however, was the interest manifested in the deliberations upon the provisions to be made for universal suffrage, and regarding the conditions constituting eligibility to government positions. To the clause of the Draft providing for general and uniform elections by direct ballot, Fries proposed to add the

provision for the secret ballot, since, he claimed, under the existing social conditions, a free choice could be guaranteed to the great majority of voters only by means of secrecy. This argument was met by Windthorst's convincing counter-argument, that, if the social conditions were really such as portrayed, the remedy should be found, not by introduction of the secret ballot, but in the rejection of the provision for universal suffrage. Brünneck offered as a substitute the householder's right of suffrage (an established household forming the condition to the right to vote). To these motions was added one by Zachariä, who desired an Upper House in addition to the Reichstag.

Regarding universal, equal suffrage, this strange discovery was made, — the majority of those who took part in the debate held it to be a doubtful, even dangerous measure, whose consequences could not be discerned. As evidence, the elections in Posen were referred to as demonstrating the blind dependence of the Catholic laboring classes upon their clergy; the numerous and decided indications of a socialistic agitation against capital and wealth which had been induced by the stand taken by Lassalle were also cited. When all was said, it was clearly evident that for the majority it was no pleasure to swallow this bitter pill of universal suffrage; but swallow they did, nevertheless.

With many of the Conservatives the expression of Bismarck's decided approval, together with their own desire to complete the Constitution as speedily as pos-

sible, prevailed; with many of the Liberals it was the preconceived notion that the political rights of the people were not to be gauged according to their ability, their position in or value to the community, but that the more liberally inclined a man was, the more readily would he concede equal and complete rights to every other man. Any secret misgivings were silenced by certain favorite formulas, such as: "Universal suffrage is an established fact, it has come to stay, therefore it is useless to debate it;"¹ or: "Under cover of universal suffrage many dangers lie concealed, but we put our trust in the wisdom and virtue of the German people;"² or: "Universal suffrage is, we admit, a menace to the rights of the middle classes, who, however, uphold it as a matter of principle, even though it results to their disadvantage;"³ or: "There may be doubts as to the wisdom of establishing universal suffrage; but this is neither the place nor the time to reject it, since by means of it the people of every class and of every rank are called upon to forego their foolish inclination toward individualism, and to identify themselves with the national Confederation."⁴ Thus it was sought to set at rest the apprehensions which, in spite of the speaker, asserted themselves in many a speech. The impossibility of a rational basis, the corruption to which it had led in France during the time of Napoleon, the events in Posen and Hanover, the great mass of dependent and ignorant persons who, without the ad-

¹ Fries, Windthorst.

³ Meyer (Thom).

² Weber (Stade), Grumbrecht.

⁴ Miquel.

vice of others, stand helpless before the problem, and in themselves constitute an invitation to bribery and every other form of undue influence, — all these objections to universal suffrage were referred to before the vote by which it was to be established was taken.

Under these circumstances the defence of the Draft was no difficult task for Bismarck. The Prussian Three-Class System, which the author of this book preferred to the right of universal suffrage, he pronounced to be the most absurd of all imaginable systems; since, according to it, of two citizens, otherwise on a perfect equality, one paying, for example, a tax of 100 thlr. and 1 groschen, would be placed in the first class, whereas the other, paying 100 thlr. less 1 groschen, would be comprised in the second class of voters, — an argument which, as is obvious, applies with equal force to every other method of restriction, making it appear quite as absurd.

No more convincing was his argument against the system of indirect elections, in which the method of gradation might easily result in the election of one representing a minority. This in itself is indisputable; but even at that time such a result had been practically obviated by the appointment of election committees, by whom the adherents of certain candidates only were placed upon the list of electors. Brünneck's proposed householder's right of suffrage he disposed of in the simplest manner, not only most effectually silencing him, but declaring most positively, "We have accepted what was submitted to us; I know of no

better election law; until now it has been opposed by no other." No one interposed, and Brünneck's motion was swept out of sight forever.

In the long array of speakers, only two can be found, Herr von Below and the author himself, who without reserve opposed with a searching criticism the universal and equal right of suffrage, as constituting the first step toward the enthronement of the democracy; and only three, the Prebendary of the Frankfort Cathedral, Thisen, Wagner (Neustettin), and Schulze-Delitzsch, who enthusiastically defended and lauded it. It is notorious that the views entertained by Wagner at that time closely approached those of the Socialists. Schulze-Delitzsch, on the contrary, had opposed Lassalle's views in many a literary encounter, in which, it must be admitted, he was no match for his adversary in scholarly research, dialectic keenness, and adroitness of style, though he far excelled him in love of true liberty and practical ability; whilst his honest enthusiasm and devoted activity, ready for any sacrifice, had won for him unqualified recognition, even outside of his own party. In the right of universal suffrage he beheld an ideal attainment of advancing civilization; the principle in which it was rooted he believed to be that of freedom of labor, and that this, having once asserted itself, naturally led to the right of equal, universal suffrage. "A perfect political equality," he cried, "is the only just and effective counterpoise to that socialistic tendency toward equalization of all men so far as their outward lot and position in life is concerned; there-

fore this great principle is the most conservative for both State and community which can be conceived." The tremendous growth since that day of the socialistic demand for equality of all men with respect to outward conditions is a sufficient refutation of the assertions made by this well-intentioned man, who could as little foresee the consequences of his theory as could Waldeck those of his.

Besides the right of universal suffrage, the Draft contained the provision that government officials should be ineligible for election to the Reichstag. Hardly a single voice was heard in defence of this proposal, though it was assailed by a volley of objections. Never before did civil officials receive such enthusiastic praise, even from the lips of Liberals, extolled as the class in whose ranks could be found a larger number of men of scholarly attainments than in any other, and who were therefore indispensable to the Reichstag. Windthorst thought he could count not less than one hundred and ninety government officials in the Reichstag of that day, a circumstance which not only accounts for the number of speeches made against the provision, but was also a sufficient evidence of the justness of the opposition.

The result was, that, after Zachariä's motion for the establishment of an Upper House had been rejected, the provisions for equal, universal suffrage, direct elections, and the secret ballot were all resolved upon. Instead of excluding government officials from eligibility, the motion of Count Henckel-Donnersmarck was

accepted, reading: "Government officials shall not require leave of absence in order to enter the Reichstag." In regard to the provisions for suffrage therefore, the Reichstag, contrary to all apprehensions, showed itself more liberally, or rather more democratically, inclined than Bismarck himself.

Of less importance were the transactions which immediately followed, regarding the length of time for which the Reichstag should be elected. The Draft designated three years, instead of which the Conservatives desired a period of six years, according to one motion offered by them, and according to another, one of at least five years. In support of these motions chiefly, two arguments were brought forward, which, as presented by Vincke, the Counts Schwerin and Eulenburg, and Prince Solm, were that the Reichstag would thus be less dependent upon the ever-changing opinions of the voters, whereby a more constant and therefore abler management of affairs would be insured. This argument was supplemented with the one that the shorter period hardly allowed the country an opportunity to recover from the excitement accompanying an election, and in consequence the political sense of the people would in time become callous.

Miquel and Waldeck, in opposition, claimed to see in this proposal a desire to strengthen the executive power, which they thought wholly unnecessary in this Constitution. Gneist and Lasker counselled caution; since the results of the next election could not be foreseen, and it might happen that the Particularists would

command the majority in the Reichstag, and that the Federal Council would then refuse to consent to its dissolution.

The motions were lost by a vote of 138 to 127. As is well known, the actual experience of the following years brought about the realization of the desires entertained by the minority on that day.

On March 30th the House completed the Section concerning the Reichstag. Upon this occasion only one Article gave rise to a diversified and animated debate; it was the one stating: "The members of the Reichstag shall not be allowed to draw any salary or be compensated as such." On the one side it was candidly admitted that this Article constituted the counterpoise to the dangers threatened by the right of universal suffrage. It was also argued that jurymen receive no allowance, and that in general the system of gratuitous service in positions of honor or trust ought to be extended. In opposition it was declared with great vehemence that to refuse the compensation for each day's service meant the exclusion of the educated classes, — public officials, literary men, doctors, — and would create an odious purse aristocracy. If unrequited positions of honor were deemed so desirable, it would be but consistent, it was argued, to include the Ministers in this most worthy class also; as also that, by restricting the membership of the Reichstag to men of wealth, the antagonism of the unmoneyed classes would naturally be roused. This called forth from Bismarck the definitive declaration that upon no condition would the Govern-

ments have anything to do with daily allowances; and the Minister from Saxony, Von Friesen, confirmed this statement. But the opinion of the House remained unaltered upon this point, as it had in regard to the eligibility of government officials. A motion providing for daily remuneration for loss of time was passed by 136 voices in its favor to 130 against.

With this the structure of the organs of the central power, in other words, the organization of the legislative and executive power, was completed.

Before the House found time to consider the adjustment of the different administrative branches, an event occurred which demanded that its immediate and earnest attention be directed to the consideration of the foreign policy. In the debates of the last few days, there had been occasional flashes announcing the approach of a storm. It was the Luxemburg question in whose development the Reichstag now felt called to interfere. We shall therefore find it advantageous to review the previous events in their relation to one another.

CHAPTER III.

LUXEMBURG.

It has been told how in January, 1867, the French Minister, Moustier, sent political agents to Luxemburg for the purpose of instilling into the minds of its inhabitants the desire for incorporation by its powerful neighbor, and if possible to elicit from them the expression of a wish to that effect. Their reports were favorable; and though but a few months previously Baudin, the French *chargé d'affaires* at The Hague, had declared that the people of the grand duchy entertained no other desire than that of preserving their independence,¹ still Moustier found occasion during the month of February to send thither a diplomatic agent, who with the greatest freedom discussed the agitations, which were increasing daily, with the Luxemburg authorities.

It happened that at just this time the Government of the Netherlands, always apprehensive of Germany's desire for aggrandizement, was endeavoring to sound the Paris authorities as to the probable course which France would pursue in case of so untoward an event. Moustier's answer, transmitted through Baudin toward

¹ Minister Rouher to the legislative body, July 15th, 1867.

the close of February, was to the effect that in dealing with a Power as quick to act as was Prussia, it was always advisable to exercise caution; but in any event the Netherlands could feel assured of the sympathy of France.

Very soon after this, Baudin was instructed to sound the Dutch Minister, Van Zuylen, regarding the possibility of concluding a secret treaty of alliance, the negotiations concerning which would serve as a convenient occasion to broach the Luxemburg matter.

But here Baudin found a most intricate situation, and a host of difficulties to solve.¹

The relations of Luxemburg to Holland were simply those arising from a personal union; the King of Holland being also Grand Duke of Luxemburg, the grand duchy being entirely distinct from Holland in its government, which was under the administration of Prince Henry, brother of the King, as Governor, and Baron Tornaco as Premier. Their theory of political wisdom was one of patient submission to the inevitable at the hands of their stronger neighbors, and of careful avoidance of everything which might possibly affront any one of these; therefore their chief ambition was to do absolutely nothing.

The Dutch Ministers would have been glad to be rid of this Luxemburg, which threatened to embroil them in a European quarrel. However, when Baudin

¹ In regard to what follows compare, besides Rothan, the work by Servais, based upon the Dutch and Luxemburg State documents, "La Question du Gd. Duché de Luxembourg."

informed them of Napoleon's desires with respect to the little State, at the same time assuring them that Prussia would do nothing to thwart these wishes, Herr van Zuylen exclaimed: "It is very well to tell us all this, but we must have proofs." The chief obstacle, however, was the unwillingness of both the King and his brother Henry to surrender the grand duchy, and their desire to secure to it its former independence under the House of Orange. The King summoned Baron Tornaco to The Hague, and with great emphasis instructed him that this, his Majesty's decision in the matter, should be imparted to the French Minister by the representative of Holland at Paris, Baron Lightenfeld. At the same time Prince Henry directed that the royal decision should be publicly and emphatically proclaimed throughout the country, that the sentiment in favor of independence and nationality might be strengthened.

With a heavy heart Baron Lightenfeld broached the matter with which he was commissioned to the French Minister, who, to be sure, left him not the shadow of a doubt regarding the French intentions. "Of course," said he, "it is only natural that the people of Luxemburg should desire to continue in their present condition; but should they be called upon to decide with which country they preferred to become identified, I have no doubt the great majority would decide in favor of France." To this he added that Napoleon was most eager for the annexation, which he felt, after the events of the past year, to be indispensable to him.

Baudin was therefore instructed to lay before the King two secret but inseparable propositions, — a defensive alliance with a French guaranty against any Prussian pretensions, and, in return, the surrender of Luxemburg. Prussia, he assured him, would, if the annexation were a completed fact, submit to it, as she could then evacuate the fortress with a good grace, which otherwise she could hardly do. Napoleon, he protested, was not prompted to this course by the desire for aggrandizement, but was compelled to it by Prussia's increased strength, together with her present arbitrary occupation of the fortress. From a strategic standpoint he could not possibly allow a fortress of such strength and so near the French frontiers to remain in control of Prussia, which now had ceased to have a claim upon it. From a political point of view he could not permit so serious a menace to the safety of France, since he would thereby offend the self-respect (*amour propre*) of his people. This sense of national self-respect, already seriously offended, would force him to a war in which it would be of little consequence to the King-Grand-Duke who would be the victor, since in either case it would be he who would have to pay the damage.

Lightenfeld concluded his report with the words: "I am obliged to confirm that the general feeling here is, that a conflict is inevitable if Prussia will not consent to a withdrawal of its garrison from Luxemburg."

With respect to the Prussian right to occupy the fortress, now disputed by Napoleon, the following may

be stated: By treaty of May 31st, 1815, between the Netherlands and the four Great Powers then allied, the town of Luxemburg was made a fortress of the German Confederation, the Governor and the Commandant to be appointed by the King of the Netherlands with the consent of the Confederate Diet, under such general conditions as the future Constitution of the Confederation might impose. This was embodied in the Acts of the Vienna Congress. By a protocol of November 20th, 1815, in which not only Luxemburg, but Mainz and Landau also, were designated as fortresses of the Confederation, Russia, Austria, and England engaged to obtain for Prussia and the Netherlands the right conjointly to occupy Luxemburg, as also the privilege of appointing its Governor. This was accomplished by a treaty between Prussia and the Netherlands on November 8th, 1816, according to which the Netherlands were to furnish one-fourth of the garrison to be stationed at the Confederate fortress of Luxemburg, whilst Prussia was to furnish the other three-fourths, and have the privilege of appointing the Governor and Commandant. This agreement received the sanction of the four Great Powers by a treaty concluded with the Netherlands on March 12th, 1817, and that of the German Confederate Diet by one concluded October 5th, 1820.

Accordingly, there is no doubt that Prussia had received the right to garrison Luxemburg simply as a fortress of the Confederation; and Napoleon was therefore justified in his assertion that, by the dissolution

of the Confederation, Prussia's position had become untenable. After that event, there were no more Confederate fortresses; and therefore all previous rights of the ruling sovereign over town and fortress were again established.

For that very reason, however, Prussia might have replied to Napoleon's demand, that not France, but the King-Grand-Duke alone, had the right to ask that the Prussian garrison be withdrawn; and since this had as yet not been done, Prussia was fully justified in retaining the position granted to it by European treaties. It was equally true, that, should the King-Grand-Duke cede his sovereign rights over Luxemburg to France, the right to demand of Prussia the evacuation of the fortress would go with these.

There was, however, still another resort to which, in case of necessity, the question could be referred; namely, the Great Powers of Europe, by whom Luxemburg had been designated as a fortress of the Confederation and Prussia had been authorized to garrison it, and who in the year 1839 had adjusted the relations between Belgium and Luxemburg. Their decision in the matter could be binding only through unanimous action; yet it was not likely that one Power would offer opposition to the united opinion of all the others; but, on the contrary, influenced by such a state of affairs, it would be enabled to yield without detriment to its honor.

Marquis Moustier at once endeavored to learn what the probable attitude of the Great Powers would be

toward the French annexation of Luxemburg. The English Ambassador was indifferent, the Russian urged toward action, but from Vienna came an anxious warning from Baron Beust. "Here is a State," he wrote, "having a German population, at one time a member of the German Confederation, still a member of the German Customs Union, and its chief fortress in the possession of Prussia, — to demand that this State shall be surrendered to France is synonymous to placing in Bismarck's hand the torch with which he can inflame the national passions throughout Germany." Baron Beust, therefore, offered the Court of France his good offices at Berlin.

Moustier, who had looked to Beust for energetic support of his views at Berlin, was deeply disappointed and irritated; he criticised Beust for calling Luxemburg a German State, which he said even Bismarck had never done, and declined the good offices of Austria, especially since an encouraging report had just been received from Benedetti, containing Bismarck's latest expressions of opinion upon the subject.

Benedetti reported that Bismarck had regretted that his sovereign delayed arriving at a decision regarding the evacuation of the fortress, now that the Crown Prince was more favorably inclined; since for the sake of maintaining peace, and making secure that which had been recently won, it was most desirable that harmony should be established between France and Germany. He reported further, that Bismarck had admitted Prussia's right of occupation to have become somewhat

questionable, and had remarked that a request from Holland for the withdrawal of the garrison would greatly simplify matters.

In a later despatch Benedetti reported that he had put these statements into writing, and had then submitted them to the Prussian Minister, who had not only declared them to be correct, but had added that the King regarded his action as rather hasty, but had not demanded that his statements should be retracted. Benedetti had then inquired, "May I report this to the Emperor?" and had received the reply, "Yes, you have my authority for it. The King is most favorably disposed; it was but yesterday that he said to me, 'If Luxemburg be surrendered to France, I have nothing wherewith to reproach myself so far as the German people are concerned; they must hold the King of the Netherlands responsible.'"

The result was, that Baudin received instructions from Paris to open formal negotiations with the King-Grand-Duke, who granted him an audience on March 18th. Baudin submitted the two secret treaties to him, at the same time holding out the prospect of a money indemnity (in the neighborhood of four million or five million francs) for the surrender of Luxemburg, and requested that the King leave the negotiations with Prussia in the hands of the French Government.

This produced a decided turn in the course affairs were taking. The King emphatically reiterated his desire which he had transmitted through Lightenfeld, that the independence of the grand duchy should be

preserved, and expressed himself as unwilling to accede to any propositions to which the people of Luxemburg, the Great Powers, and especially Prussia, had not previously consented. Therefore, there could be no secret alliance, no agreement, and no communication to be made to any one. "I do not say 'No,'" he concluded, "but reserve my decision until I have given the matter further consideration."

This conversation occurred on the very day on which, in Paris, Thiers delivered his speech, and in Berlin, Carlowitz interrogated Bismarck as to the policy of the South German States, resulting in the publication, on March 19th, of the existing offensive and defensive treaties of alliance.

Bismarck, as we have seen, took this step for the purpose of allaying public excitement; but the King of Holland looked upon it as a threatening demonstration against France, and therefore definitely declared to the French representative his intention not to surrender Luxemburg before the expressed consent of Prussia, as well as that of the other Great Powers, had been secured.

As early as March 19th, directly after Baudin had made his first report in the matter, Benedetti received instructions to prepare Bismarck for the anticipated event, and to ascertain whether Prussia's consent could be obtained. But now Bismarck's attitude was one of coldness and reserve. "We will let matters take their course," said he; "but I cannot assume the responsibility to the King, the Reichstag, and toward public

opinion of authorizing the statement that the surrender of Luxemburg is consequent upon Prussian agreement." In a later conversation, which took place after Baudin's report of the 22d, he showed no disposition to waver, and concluded it with the sentence, "It is to your own interest that I advise France to influence the King of the Netherlands against making any communication regarding the matter to Prussia."

But the warning came too late. Before such influence could be brought to bear upon the King, the dangerous step had been taken. On March 26th, he sent his son, the Prince of Orange, to Paris bearing a letter to Napoleon. In it he declared it to be his intention to surrender Luxemburg to France, in the hope that this would be conducive to a more firmly established European peace. That this end might be achieved, he felt compelled to insist that Prussia should become a party to the formal agreement, and that Napoleon must undertake to bring this about.

At the same time he summoned the Prussian Minister, Count Perponcher, informed him of Napoleon's plans and of the response which he had made to these, and also of the condition which he had set, that nothing be done without the consent of Prussia. He then requested him to communicate all this to his sovereign. Perponcher, of course, immediately sent a despatch to Berlin, reporting what had been imparted to him.

Judging by all that had been said and done, war was now inevitable. Again and again Bismarck had declared to the French Ambassador that Prussia could

under no condition positively consent to become a party to the cession of Luxemburg; public opinion in Germany would not permit it. Quite as emphatically Marquis Moustier had made the statement to Baron Lightenfeld, that, if the plans of annexation proved fruitless and the Prussians continued in possession of Luxemburg, war must be the consequence; public opinion in France demanded it. Apparently the step just taken by the King of Holland had made the surrender dependent upon the very condition declared to be impossible of fulfilment.

In Holland, after the Prussian conquests and annexations of 1866, the most exaggerated ideas of Prussia's immoderate ambition and covetousness were entertained by the authorities. They were possessed by the fear that they themselves were destined to be the next victim of their rapacious neighbor; and, as is usual in such cases, their fear interfered with the calmness of their judgment. Their anxiety to prevent the outbreak of a devastating war prompted them to the very act which was surest to bring it about.

In Berlin there was no intention to abandon the position taken. Immediately on the evening of March 27th, Bismarck again repeated his declaration to the French Ambassador, that the King of Prussia could allow the cession to be consummated, but could not give his formal consent to it; since this might result in the accusation that he had been a party to the transaction.

The reason must at the time have been evident to Benedetti. Napoleon's intentions with respect to Lux-

emburg had long ceased to be a secret; and the angry indignation of the people was increasing from day to day throughout Germany, therefore a support of the French plans would have been fatal to Prussia's prospects in the Reichstag. The German and French press had taken up the battle with equal ardor; from both sides came the cry that no weak withdrawal would be tolerated. From Paris, Count Goltz reported that there the army was being equipped with unflagging energy; and Rothan, the French Consul General at Frankfort, sent his Government agitating accounts of the hasty formation of new army corps in Prussia.

In spite of all this the Prussian Government did not yet relinquish all hope of continued peace. The King, as distasteful as the evacuation of Luxemburg was to him, had nevertheless, after a careful survey of the situation, come to the conclusion that this was the only just solution of the difficulty. Since it was desirable that Prussia should not express an opinion either for or against the cession of Luxemburg, there was but one course to pursue, to refer the question elsewhere for decision; consequently the King telegraphed the following reply to Holland: "I can arrive at no decision until I have heard the opinions of the Great Powers who signed the treaty of 1839."

Later, however, still another course was suggested, by which, even without the formal consent to the cession of Luxemburg, the King of the Netherlands might become assured of Prussia's peaceable intentions. On October 12th, 1866, the Luxemburg Government,

fearful as ever that Prussia might be harboring intentions inimical to it, sent a communication to Berlin declaring that, consequent upon the dissolution of the German Confederation, the Prussian right to occupy the fortress had become null and void, to which was added the desire that an international alliance with Prussia might be formed providing for the continuance of the joint occupation of the fortress. This overture had as yet remained unanswered; now, however, on March 27th, Bismarck telegraphed to The Hague declining the offer.

The Luxemburg historian of the time, Servais, makes the assertion that this refusal to enter into an agreement by which Prussia would have gained a renewed and indisputable right of occupation was in itself a convincing argument that Prussia intended in no way to interfere with the cession of the grand duchy to France.

This was, in fact, the case. At the same time Bismarck decided to make an attempt to appease the ever-increasing dissatisfaction and indignation in Germany. He invited Herr von Bennigsen, the leader of the National Liberals, to his house; and together they decided upon a plan according to which Bennigsen should interpellate the Government regarding Luxemburg, emphasizing the popular sentiment against its cession, thereby giving Bismarck the opportunity for a reply intended to allay the popular excitement, after which no further action would be taken.¹ From this Napo-

¹ According to information given the author by Bennigsen.

leon was expected to draw the double inference, that Prussia was not to be regarded as an enemy, but that in the event of an encounter at arms the whole German nation would be found rallied around Prussia.¹

Whereas the despatch of the 27th did not fail of its effect at The Hague, the interpellation intended in the interest of peace not only utterly failed of its object, but produced precisely the opposite effect, forcing the agitation of the public to a climax.

On March 28th, the Prince of Orange delivered the letter of the King-Grand-Duke into the hands of Napoleon, who regarded it as the confirmation of the surrender of Luxemburg. He immediately summoned Baudin to Paris by telegram, gave him verbal instructions, as also a letter to the King-Grand-Duke, in which he accepted Luxemburg, and assumed all responsibility in the matter so far as Prussia was concerned. Baudin returned with all speed to The Hague, the King-Grand-Duke declared himself as agreed,² the text of the

¹ Rothan, p. 466, quotes a despatch sent by him to Paris on April 12th, in which he confirms, in consequence of communications received from Berlin, the peaceable tendency of the interpellation.

² Rothan, who upon other occasions frequently cites Servais's book, makes no mention of the despatch of March 27th, strange to say, and in its place states that the consent of the King-Grand-Duke had evidently been gained through the influence of *diplomatie occulte*, after all the attempts of official diplomacy had proved of no avail. This innuendo probably refers to Madame Musard, the mistress of the King, who, it was said, had been bribed by French gold. I am neither prepared to confirm nor to contradict this statement, but will take advantage of this opportunity to say that the assertion made by Rothan that Queen Sophia had been a chief promoter of the Luxemburg affair is erroneous. The Queen was the intimate friend of Napoleon, and antagonistic to Prussia, but at that time lived apart from the King, neglected by him, and possessed of no political influence.

treaties was prepared, and Baudin sent the message to Paris that on the 31st they would be signed.

Moustier then telegraphed to Benedetti: "The decisive moment has come; take all necessary steps in Berlin; the Emperor regards the matter as settled, and considers a retreat as impossible."

But as the signatures were about to be affixed at The Hague, the Minister, Van Zuylen, declared this not to be his duty, but that of the Minister of Luxemburg, Tornaco, and advised that he be summoned at once, saying that the brief delay occasioned thereby could be of no moment.

This occasioned another telegram from Moustier to Benedetti, sent on the night of March 31st, and reading: "Tornaco has been summoned to The Hague to sign the treaties. The King is most favorably disposed; the cession will be a completed fact before another day is past."

Napoleon's wish seemed about to be realized; but again the truth of the old adage, "There's many a slip 'twixt the cup and the lip," was to be exemplified.

On the morning of April 1st Benedetti called upon Bismarck, whose birthday it happened to be; and after expressing the felicitations usual to such an occasion, he said he had an important announcement to make.¹ Bismarck, who was quite well aware of what was to follow, interrupted him at once by saying, "Lack of

¹ These statements are according to Meding, III. 206, who is usually very reliable. When he and Rothan differ, the account of the latter is at variance with Bismarck's attitude otherwise, and as confirmed by Bismarck himself.

time will not permit me to enter into a discussion of official business, for I am expected at the Reichstag to reply to an interpellation by Bennigsen, asking: 'What information has the Government regarding the reported cession of Luxemburg to France? And does it entertain the firm intention to support the claims of Germany to this German State?' If you will accompany me, we will discuss the subject further."

As they walked, he then unfolded his plan of reply, which was in effect that the German Government was indeed aware that such negotiations were pending, and that, in reply to an inquiry made by the King of the Netherlands regarding the attitude which Prussia would probably assume in such an event, the answer had been made that this must depend upon the action of the Great Powers, as also upon the influence exerted by public opinion. He would also state that the Government was not informed whether or not a final result had been reached at The Hague, and therefore he could not reply to the second question by a definite yes or no. He would then add, that it was hardly expected that any foreign Power would infringe upon the well-established rights of any German State; should this, however, be contemplated, the Government felt confident that such rights could be fully maintained by peaceable means.

"You perceive," he then observed to Count Benedetti, "that in this way every occasion for a rupture will be avoided, and you also understand that my entire plan of reply presupposes the fact that I have

not been informed of the result of the negotiations. It will doubtlessly be quite as evident to you that, should you now make this result known to me, I should be compelled to give this information to the Reichstag, which, in the present state of tension in that body, would inevitably result in an explosion whose effect cannot be foretold."

The two men had by this time arrived at the door of the Reichstag; and Bismarck asked, "In the face of such a probability and the consequent responsibility, have you still a communication to impart to me?"

Benedetti was not a man inclined to war; he reflected a moment, and then replied in the negative, made his adieus, and departed. Bismarck entered the Reichstag.

Immediately Bennigsen arose to present his Interpellation. He began by stating that the conviction was daily gaining ground that the negotiations ceding Luxemburg had been concluded; if this were true, a State, German in all its associations, which had furnished more than one German Emperor, and over which Holland had never had dominion, had now been sold to a foreign Power by a prince of German lineage, one of whose race had in the past worn the German crown. The German Reichstag could not let this pass in silence. "It is most fitting," he declared, "that the interpellation should come from the Liberal Party, which is as yet at variance with the Allied Governments regarding certain constitutional questions not yet decided, since an opportunity is thereby afforded

us to declare that, when unjust claims from abroad are to be met, this House is not divided against itself; we know no parties, and will not allow differences of opinion upon questions of internal policy to influence our determination to uphold the energetic policy of the Government and the President of the Ministry." The applause with which the House received these declarations increased with every sentence. Bennigsen continued: "The dissolution of our former Union no doubt offers great temptations to our neighbors to follow the example of an earlier day, when our land was divided through dissensions, by attempting to rend one piece of German territory after another from the Fatherland. If we do not meet this first attempt by an energetic repulse, our organization will not result in a firmly established Union, but only in continued weakness and disunion as of old. We must show our confidence in the energetic Prussian policy by our unflinching firmness; for thus alone can we secure the enduring peace we desire, though we will not seek to avoid war when we are in danger of being wronged." Shouts of approval from all sides rang through the House.

Bennigsen then reviewed the deliberations of the Representative Assembly at Paris, where the remnants of the old parties, under leaders grown old, sought to inflame the passions of the army and the people, perhaps not only to the end that France might win glory through conquest, but also that difficulties might be placed in the way of the present French Government. "Let us meet all such attempts by a quick and fitting

response," he cried, "and we will stifle them whilst still in the germ. If we, however, allow this to pass in silence and without opposition, how indelible a blot will stain the honor of Germany! What a stigma of German weakness will be branded upon our policy, if, at the very moment in which we are to realize our national unity, we put forth no effort to prevent a German province from being torn away! We do not seek war; should it result, with France lies the responsibility. It is possible for the two nations to exist side by side as friendly neighbors, in mutual respect, furthering the interests common to both, promoting and developing European civilization and culture. Should, however, an attempt be made from abroad to interfere with our work of organization, that attempt will be met by such resistance from the closed ranks of our nation as will leave no doubt that, as all parties in it, so all parts of it, are one in the determination to uphold, in spite of every danger, any energetic policy with which the Government may see fit to meet hostility from abroad." A veritable storm of applause, which seemed as though it would never end, followed these closing words of the speaker.

There could no longer be any doubt regarding the Reichstag's opinion upon the question. It considered the surrender of Luxemburg to France as deeply prejudicial to German nationality, and earnestly desired that the Government should prevent it, if necessary by an appeal to arms.

Bismarck began his reply by the calm statement that

the House would appreciate the fact that, in answering a question of so far-reaching consequences, he must for the present confine himself to a statement of the simple facts of the case, so far as these were known to the Allied Governments.

He first unfolded the reasons which had led to the omission of the grand duchy from the membership of the North German Confederation, — the expressed desire of the people of Luxemburg to continue in their present state of perfect independence; a like desire on the part of its Government, by whom the Prussian right of garrison was regarded as having become untenable; and finally, the disagreeable consequences which in the old Confederation had sprung from the fact that one of its members was at the same time the sovereign of a foreign State. To these reasons, he said, must be added that of the geographical position of the country, which required the exercise of special caution. “It was but justice which was rendered the Prussian policy,” he continued, “when recently it was asserted by one in authority that the Prussian policy sought to spare the sensitiveness of the French nation, of course only in so far as is consistent with the preservation of its own honor. The Prussian Government has found, and still finds, a motive for the adoption of such a policy in the proper estimation of the influence which friendly and peaceful relations to a mighty neighboring nation, our equal in power,¹ can exert upon the

¹ Bismarck intended this as an expression of friendliness, whereas it was received by French authorities as almost an insult.

development of German interests." This consideration, he declared, was sufficient to deter him from giving a definite reply to the second question.

With respect to the first, he would say that the Government had as yet no reason to assume that an agreement regarding Luxemburg had been concluded (evidences of excitement in the House), neither could the Government assert the contrary to be true, nor did it even positively know such an event to be impending. The only facts which had induced the Government to take official notice of the matter, were the following, he said. The King of the Netherlands had asked Count Perponcher how his Majesty's renunciation of his sovereignty over Luxemburg would be regarded by Prussia. Count Perponcher had been instructed to reply that the Government did not feel it to be incumbent upon Prussia to express an opinion upon that question, and, if pressed to do so, would deem it necessary, before complying, to obtain the opinion of the other members of the Confederation, as well as that of the Great Powers who, together with Prussia, had signed the treaty of 1839; in addition, it would have to seek an expression of the public opinion of Germany, which, at this particular time, could be given through this august assembly. (Cries of "Bravo.") The Government of the Netherlands, he continued, had then tendered its good offices in the negotiations between Prussia and France concerning Luxemburg. (Laughter.) "We replied," said Bismarck, "that existing circumstances prevented the Prussian Gov-

ernment from accepting this offer, since no such negotiations were pending." (Bravo!) "Under these circumstances," he concluded, "you will not demand of me that I should, as might be expected of a representative of the people, declare the plans with which the Government may meet one or the other possibility of an exigency as yet unknown." (Cries of "Very true!")

"It is the opinion of the Allied Governments that no attempt will be made by a foreign Power to infringe upon the indisputable rights of any German State; it is further confidently expected that such rights can be fully maintained through friendly negotiations, a hope which is likely of realization in just such a proportion as are realized the conditions which the interpellator, to my great gratification, has just foreshadowed, — that through our deliberations here we shall gain the unwavering confidence and establish the indissoluble union of the German people with and under their several sovereigns."

The Reichstag received this explanation with an expression of hearty approval, and, after a few closing remarks by its President, proceeded to the order of the day.

It may seem strange that, after the conversations with Benedetti during the past three months and especially in the face of the last one, which had but just ended at the door of the Reichstag, Bismarck should make the statement that no negotiations were pending between Prussia and France relative to Luxemburg. A fortnight later the French Government

made a similar official announcement, in spite of all the conferences which had taken place between Marquis Moustier and Goltz. Both are justifiable for the reason familiar to every statesman and diplomatist, that a distinction exists between an official conference according to diplomatic form (presentation of notes, communication of despatches, etc.), and the preliminary transactions which, through a friendly and confidential exchange of opinions between Minister and Ambassador, either by letter or in conversation, prepare the way to a formal interview. This distinction will be referred to again in connection with a highly important occasion.

Bismarck's hope that his explanation would have a pacifying effect upon the excited condition of public opinion throughout Germany was by no means fulfilled. His closing words, that every well-established claim of Germany should be defended, made a lasting impression upon his hearers; whereas his previous statements, which plainly demonstrated that no such claim existed in the case under consideration, were allowed to pass unnoticed, simply because he did not himself specifically state this inference; for they, like Bennigsen, as his speech from beginning to end bore witness, presupposed the unquestionable claim of Germany.

Reasoning from the storms of applause which had accompanied Bennigsen's speech, Bismarck was to be congratulated that, in the negotiations with Napoleon, he had unfalteringly maintained the position expressed in his words, "We will not interfere, but we will

assuredly not consent." What an outcry would have been raised against the Prussian Government, jeopardizing the prospects of the new Constitution, had Prussia acceded to the wish of the King-Grand-Duke, and consented to the cession of Luxemburg, or even gone so far as to sign the treaty!

Bismarck, who had hardly expected so ardent a patriotic demonstration, hastened to suggest, both at Paris and at The Hague, that it would be wise to exercise discretion in consideration of the prevailing intense excitement. His warning had, however, but little effect. At both ends his action was misconstrued, though in entirely different directions.

In Paris, quite late in the evening, on April 1st, Count Goltz called upon Marquis Moustier for the purpose of stating that Bismarck intended strictly to adhere to his former attitude. He then vividly portrayed the violence of the popular excitement in Germany, in consequence of which he asked that the conclusion of the treaty be postponed until after the close of the present session of the Reichstag, which would continue for about a fortnight longer. This roused the vehement indignation of Moustier, and inspired him with a deep distrust of Bismarck. "The King-Grand-Duke," he cried, "has, through a letter delivered by his son, pledged his royal word to the Emperor; that makes the compact valid, even without diplomatic formalities, and Luxemburg already belongs to France. To-morrow a French commissioner will be sent there to make the necessary arrangements for the future authorities.

Count Bismarck," he added, "cannot complain if his desire for a delay awakens the suspicion here that his purpose is to lure us into a position without retreat, and make us the laughing-stock of Europe!" This was indeed throwing down the gauntlet most fiercely, with hand on hilt.

At The Hague, on the other hand, the very first telegram referring to the occurrence in the Reichstag had caused the King to return to his former position. He reasoned: Bismarck says that his sovereign in his decision must take the disposition of the Reichstag into consideration; the Reichstag violently denounces the cession of Luxemburg, consequently Prussia will oppose it.

On April 2d a despatch from Prussia was received, saying that, though it was not desired to influence the King's decision, yet it was hoped that he would be considerate of the present agitation of the German public. This removed the last doubt left in the mind of King William; and now he reasoned: My agreement with Napoleon was conditional upon the stipulation that Prussia would accede to it; this condition has not been fulfilled, therefore the agreement is void.

In the mean time Bismarck had submitted to the Great Powers the question whether in their opinion the cession of Luxemburg to France would violate the treaty of 1839; whereupon Lord Stanley, in conversation with the French Ambassador, expressed it to be his personal opinion that the cession was in every way legitimate. Immediately after this the communication from the King-Grand-Duke was received in Paris,

declaring that, since Prussia had refused to consent, Luxemburg could not be surrendered.

As was quite natural, this announcement raised the feeling of exasperation to its utmost in Paris, which then found its vent, not in denouncement of the faint-heartedness of Holland, but of the now perfectly evident duplicity of Prussia.

“Bismarck,” exclaimed Napoleon,¹ “has tried to dupe me; the Emperor of France cannot allow himself to be made the dupe of any one!”

The first consequence was a redoubled effort toward equipment of the army, which was still far removed from a state of readiness for war, though all appearances indicated that this was imminent; for as yet the French Government still held to its assertion that the communication of March 26th from the King-Grand-Duke, together with Napoleon's reply to it, placed the cession of Luxemburg beyond recall, and therefore the Prussians would be driven out.

In addition, there were daily reports from the Consul General at Frankfort that preparations were being made in every part of Germany for an invasion of France upon a grand scale; that through military convention with Darmstadt the whole Hessian division had just been incorporated with the Prussian army—another instance in which the line of the Main had been overstepped; that the Prussian Government was at the present moment raising large sums of money to be spent in supplying necessary war material; that

¹ In conversation with the author.

careful inquiry in Berlin had revealed the war party to be getting the upper hand. The note of alarm was sounded upon every side, and it seemed impossible that peace could be maintained without detriment to the national honor of France.

Of all these rumors two only were based upon fact, those regarding the military convention with Hesse, and the raising of a government loan; but neither was any wise indicative of warlike intentions. The loan, as we have seen, was authorized by the Prussian Assembly in the summer of 1866, for the purpose of renewing the material exhausted in the Austrian war; the convention with Hesse was simply an arrangement consequent upon the anomalous condition whereby half of this little State belonged to the Confederation and the other half did not, by which the Government found itself hampered and interrupted at every turn in its military affairs. In truth, not the least step toward mobilization had as yet been so much as thought of throughout the length and breadth of the Confederation; not one member of the reserve had been called in, not one horse bought, nor a fortress armed. Moreover, any talk at that time of the growing influence of a Berlin war party showed little knowledge of the Prussian corps of officers and of old King William.

Consequent upon his strong sense of duty, every act of the King was based upon deliberate conviction, at which he, however, never arrived without consultation with the official head of the department concerned. In his long reign he never had, in addition to his official

advisers, a confidant or favorite to whom an influence upon public affairs, or even so much as an expression of opinion for the purpose of biassing his judgment, would have been allowed. Most assuredly then, would his strict ideas of military discipline have prevented any officer, even of the highest rank, from making any such attempt. He once said that he had two very dear friends, whose friendship dated from the days of his early youth, who in all that time had never asked a favor at his hands.¹

At this time, the critical moment in the Luxemburg affair, nearly all of his generals, Moltke at their head, ardently advocated the assertion of the right of occupation, and were therefore in favor of war; whereas only Roon and Steinmetz shared Bismarck's desire for continuation of peace until the German army should be increased by the tremendous accessions which within three years would be added to it, as the result of the new military organization of the North German Confederation. The others believed that, with the present unperfected condition of the French army, the Prussian needle-guns would in a fortnight drive the French muzzle-loaders back upon Paris; but if war were delayed long enough to allow France to complete the arming and equipment of its army, victory would have to be purchased by a much greater sacrifice. But not one of them, not Moltke himself, dared to offer this advice to the King.²

¹ Schneider's "Leben Kaiser Wilhelm I.," p. 123.

² A statement made by Moltke to the author.

On April 20th the Librarian to the King said to him that everybody in Berlin was talking about the impending war against France, when the King replied, "I have not mentioned the word war to anybody. I have not even allowed myself to harbor the thought a moment. Bismarck and Roon throughout all our deliberations regarding this unpleasant occurrence have not mentioned the possibility of war, nor have I asked Roon whether he has completed the replenishment of the ordnance and supplies exhausted by the last campaign."¹

It is quite evident, therefore, that the Prussian Government was not at all desirous for war. But the tide of popular excitement in both North and South Germany ran higher and higher, though the motives were entirely different in the two sections. Many were the enthusiastic resolutions drawn up by nationally inclined popular assemblies, or adopted by the majority in the various Chambers, declaring that in defence of Luxemburg all the German races would rally around Prussia. On the other hand, the anti-Prussian parties, inspired by the highly patriotic hope that Prussia would be vanquished, declared, with an enthusiasm quite as noisy, that it was Prussia's most sacred duty to meet the encroachments of France by armed resistance, in which, however, it was the intention of the Southern States, by denying the validity of the treaties, not to participate.

In view of this double ferment, Bismarck deemed it wisest to give the excitement time to spend itself, and

¹ Schneider, p. 306.

therefore under no condition to enter into negotiations of any kind concerning Luxemburg until after the adjournment of the Reichstag.

Meanwhile in Paris the unrestrained fervor of the first enthusiastic ebullition was gradually subsiding. The more emphatic had been the demand that the French national self-respect must not be offended, the less could the French Government resent the idea that Bismarck should demand a like regard for public opinion in Germany. Perhaps, it was thought, the desire for a short delay was, after all, prompted by the honest purpose to allow France sufficient time to allay the apprehensions of Holland regarding the possible hostility of Prussia. It was therefore decided not to yield to any irritation or provocation, no matter how great; and on April 6th Benedetti received a letter directing him to inquire of Bismarck the real motive of the speech delivered on the 1st, since it could not be assumed that Bismarck's friendly words on that occasion were wholly without practical significance. The gist of the message was: "Will Prussia participate in the endeavors to establish the peace of Europe upon a firmer basis? This is our chief desire, and we have no wish to interfere in the internal relations of Germany."

An inconvenient interpellation made by Jules Favre on April 8th was, at the hint of the Government, after a short explanatory statement by Moustier which Thiers pronounced wholly insufficient, quickly disposed of by referring it to the Bureaux, where it was lost to sight.

In the first ardor of excitement, Moustier had set on foot inquiries at Vienna regarding the possibility of a close alliance against Prussia, holding out as its incentive the Austrian acquisition of Schleswig. Now the reply was received that Austria was much in need of long-continued peace, therefore must decline any alliance by which this might be jeopardized. In addition, it was stated that it would be impossible for the sovereign of ten million German subjects to take up arms in support of a foreign annexation of German territory,¹ as would be the case in the question under consideration.

As was natural, this communication had a cooling effect upon the ardor for war, which was entirely quenched by the stand now taken by the King of the Netherlands. He had from the first consented most reluctantly to the cession of Luxemburg, to which he had been influenced only through a fear of France, and had hailed with joy the refusal of Prussian concurrence as a reason for withdrawing from the obnoxious agreement, and now entertained no thought of relinquishing the ground so fortunately regained.

When the French commissioner previously alluded to, Monsieur de Boigne, appeared in Luxemburg, introducing himself to the authorities there as the authorized agent of the new sovereign of the land, and announcing the form of the future French administration, as also the withdrawal of the State from the German Customs Union, Baron Tornaco shrugged his shoulders, and the Governor, Prince Henry, immedi-

¹ Beust, in his "Aus Dreivierteljahrhunderten," II., p. 337.

ately gave orders that the French announcement of the cession of Luxemburg should be everywhere officially contradicted, and the authority of the King-Grand-Duke upheld. A cry of relief and joy was uttered by the population in every part of the little State.

In Paris it was now fully recognized that further effort would be useless. It had been a most pleasing conceit that through the annexation of Luxemburg a long stride forward upon the road to Brussels could be taken. For a last attempt Benedetti was instructed to allude once more at Berlin to the old proposals for an alliance whereby Prussia should gain control of Southern Germany, in return for its support of the French schemes for the incorporation of Belgium.¹ There was now, however, less thought than ever before of accepting these proposals; and the Paris Cabinet was obliged, for the time at least, to abandon all further attempts, were France not to appear in the light of a lawless transgressor before the tribunal of Europe, to which it was intended to make appeal. Monsieur de Boigne was accordingly recalled from Luxemburg.

All this had but stimulated the desire to oust the Prussians from the fortress of Luxemburg; and since this could no longer be attained through the King-Grand-Duke, it was purposed to appeal to a higher authority, to the Great Powers of Europe. Accordingly on April 15th a circular note was sent to St. Petersburg, Vienna, and London, accompanied by a

¹ Bismarck, in the famous disclosures of July, 1870, places this occurrence in time immediately after the failure of the Luxemburg negotiations.

proud protestation of French disinterestedness, asking whether Prussia were still entitled to the right of garrisoning the fortress of Luxemburg. Moustier had little doubt regarding the verdict which this tribunal would render; Prussia could then see to it that she righted herself in the eyes of Europe.

The Cabinets of the Great Powers had little inclination to meddle with this troublesome question. The English Prime Minister, Lord Derby, had, upon the receipt of a corresponding inquiry from Bismarck, announced to the Upper House on April 5th, that the Government intended to make no reply. Emperor Alexander of Russia now also declined to interfere in the matter.

So far as Austria was concerned, there were at this time negotiations of a peculiar nature pending between the Court of Vienna and the Courts of Berlin and Munich. After the public announcement of the treaties of alliance, offensive and defensive, between Prussia and the South German States, Beust had sent a despatch to Munich, stating that, though it was not his intention to protest, yet he wished to announce that Austria felt entitled to make such a protest, since these treaties must of necessity interfere with the independence of the South German States to a degree sufficient to be in violation of the Treaty of Prague; to which, during the first part of April, the Bavarian Minister at Vienna had replied that Bavaria could not possibly continue indefinitely under mere treaties of alliance with Prussia, but hoped to effect the establishment of an interna-

tional federal union of States between the North German Confederation and the South German States ;¹ if achieved, this federal union would then submit to the Vienna Cabinet a proposal for an international alliance with Austria. Beust had answered with much coolness, that, though the proposal of such an alliance must be a question of prime importance to Austria, its consideration could involve motives of self-interest alone ; neither sentiment nor the memories of past relations would be permitted to influence Austria's action in the matter, but only the security and advantage which might be gained thereby, — for every possible danger incurred, a most substantial guaranty must be given in return ; this, however, he declared to be beyond the power of Bavaria, and within that of Prussia alone.

The Court of Munich now hastened to send Count Tauffkirchen, a member of the Ministerial Council, to Berlin to discuss the possibility of an Austrian alliance. On April 12th, the same day on which Tauffkirchen was announced to Bismarck, the Austrian Ambassador also called upon him for the purpose of offering Austria's good offices in the Luxemburg matter, as also to obtain the Minister's opinion regarding two proposals which the Vienna Cabinet intended to lay before the Powers as the means to an adjustment. These were that Lux-

¹ Beust's despatch of April 5th to the Austrian Minister at Munich represents it to be Hohenlohe's intention to make the establishment of a confederation of the Southern States to be his first step toward the proposed combination. According to Hohenlohe's own statements, made to the Lower Chamber at Munich on January 19th and October 8th, Beust must have misunderstood the Bavarian representative at Vienna.

emburg should either remain independent as a perpetually neutral State under European guaranty, or else it should be ceded to Belgium, which, in turn, would surrender Philippeville and Marienburg to France; in either case Prussia would be required to evacuate the fortress.

Bismarck's reply was, that he would gladly accept the good offices of Austria, and that the second one of the proposals seemed to him to offer a most happy solution of the difficulty; however, out of regard for the present state of public opinion in Germany, he must reserve his decision.

This latest step on the part of Austria could, under any circumstances, be but indicative of a friendly spirit; therefore Bismarck without any hesitation authorized Count Tauffkirchen, in the name of Prussia and Bavaria, to propose to Herr von Beust a defensive alliance for the security of the peace of Europe, whereby these two German States would render the Empire of the Danube a perpetual guaranty of its German territory, and of its Hungarian possessions for a limited period of time as yet undetermined.

This was just what Austria had always desired, and had twice achieved; it was what Bismarck, on the field of Königgrätz, had indicated to the King as most desirable. But Beust now had different plans. It was evident that, by concluding the proposed treaty of alliance, Austria would at the same time give its sanction to the establishment of a closer connection between South Germany and the Northern Confede-

ration, whether by combination as a Federation of States as desired by Hohenlohe, or in the manner urged by the Unity Party, through the admission of the Southern States into the North German Confederation. Beust beheld in either a menace to Austrian interests. It was his wish that the Southern States should remain sundered, so that gradually each and all of these would be drawn into the circle of Austrian influence, to the end that the Empire of the Danube might not have to face Prussia on its western as well as on its northern frontier.

When the proposals for an alliance were laid before him by the two representatives, he remarked: "You assert that by this alliance the peace of Europe will be secured. Granted this to be the case, Austria, which is at present in no wise threatened, would thereby incur the ill-will of France, thus becoming wholly dependent upon Prussia. But would peace be indeed secured? It is quite possible that the very word coalition will provoke France to war. To be conquered would be far from pleasant; but should we conquer, what would be our reward? Shall we run the risk that Prussia will then present us with a copy of the Treaty of Prague, accompanied by Prussian thanks for our defence of it?"¹

Upon hearing these words, Werther and Tauffkirchen expressed regret that the proposed alliance was declined. Beust interrupted them by exclaiming that

¹ Quoted from Beust's despatch to Count Wimpfen at Berlin, April 19th.

he must not be understood as having made any such statement, nevertheless, he gave the proposed guaranties not the slightest further consideration. He had not the remotest idea of entering into an alliance with Prussia; on the contrary, as much as he desired peace, not only for Austria alone, but also for Europe in general, he yet hoped fully as much to succeed in isolating Prussia, and to win the favor of Russia by offering to bring about the abrogation of the provisions of the Treaty of Paris, so irksome to that Power,¹ as also to conclude a defensive alliance with France, which he hoped Napoleon could induce Italy to join as well.

With this idea in view he related to the Duke of Gramont how emphatically he had declined Tauffkirchen's offer.² "There are transactions," he told the Duke he had said to the Bavarian envoy, "to which it is impossible to become a party without suffering dishonor in the eyes of Europe. Hardly ten months have passed since Napoleon saved Vienna, and preserved to us the integrity of our Empire; and to-day they have the hardihood to ask us to conclude an alliance against France. Nothing can tempt Emperor Francis Joseph to so atrocious an act of ingratitude; he will be indignant that he should have been held capable of such a deed."

So brave an expression of friendship could not fail

¹ He had, as early as January 1st, 1867, suggested to Gortschakoff the possibility of a revision of this treaty of peace, but had received no encouragement, since his proposal was one of revision only by means of a new agreement between the Great Powers, instead of an offer to uphold Russia in its own self-interested efforts.

² Rothan, p. 338.

of its effect upon Napoleon, whose state of mind was daily changing from indignation to resignation and back again, and who, since his renunciation of the hope of aggrandizement, was looking forward with ever increasing impatience to the time when the crisis should be relieved by the evacuation of the fortress.

On April 15th, controlled by the desire for peace, he had willingly grasped at this solution of the difficulty; but when, on the 17th, Austria's formal proposals for mediation were submitted to him, he declared any solution acceptable by which the Prussians would be compelled to evacuate the fortress. "But," he added, "a decision must be made at once, for I cannot longer endure the presence of the Prussians in Luxemburg." The warlike mood had again mastered him.

With no great anticipations of advantage to be gained, yet with decided satisfaction, he at this time received the communications made by two agents of King George of Hanover, proposing a defensive alliance with the deposed monarch against Prussia. They informed him of the great military conspiracy which had spread to every part of Hanover, and had filled soldiers and peasants with eager desire for revolt. King George, they said, had allied himself with the Prussian-hating Democrats of Southern Germany; and if Napoleon would put money and arms at their disposal, immediately after the declaration of war twenty thousand soldiers would cross from the frontiers of Hanover into Holland, King George himself at their head, ready to enter Germany as the vanguard of the French

liberators. Napoleon's confidence in this source of help was, as has been said, but limited; the possibilities suggested were, however, of a most pleasing aspect.

Bismarck, under pressure of repeated demands from England for a reply, sent a communication to London on April 18th, stating that the Austrian proposals would meet with no opposition from him; that, however, public excitement in Germany had as yet not sufficiently subsided to permit an official reply. This decided Napoleon to assume a threatening attitude. The Minister of War, Marshal Niel, summoned all the commissioned and non-commissioned officers who were on furlough to their regiments; a few days later a muster of all the reserves took place, and an official gazette, *The Constitutional*, announced that the political situation had become serious.¹

Since it was neither King William's nor Bismarck's habit to cringe before a threat, war seemed for a second time to be imminent.

It was Alexander, the Czar of Russia, who now interposed vigorously in behalf of peace. He had received a favorable reply from Berlin in response to an informal inquiry; and though at first he had been as little disposed to interfere as had been England, he now made the announcement at the London Court that the only means by which a terrible European war could be avoided was through the concerted ac-

¹ Marshal Niel announced to the Chambers on July 16th, 1867, that France on April 1st had 385,000 men in active service, on May 15th, however, 455,000, an increase, therefore, of 70,000 men, if the figures were correct.

tion of the Great Powers. The neutral Courts, it was stated, were all agreed that by the dissolution of the German Confederation, Prussia had lost all right to garrison the fortress of Luxemburg. Should the Powers declare this to be the verdict of Europe, public opinion in Germany would have to accept it.

Accordingly Russia proposed a conference of the Great Powers, to be held in London, upon the following basis, the neutrality of Luxemburg under European guaranty, in consequence of which Prussia would, of course, withdraw from the fortress. It was the first step toward an adjustment, on the way to which many obstacles were, however, yet to be encountered.

CHAPTER IV.

THE NORTH GERMAN FEDERAL CONSTITUTION.

IMMEDIATELY after the Government's reply to Beningen's interpellation, the Reichstag, on April 1st, began its deliberation upon the individual administrative branches which were to be controlled by the central power.

The first one of these sections, relating to customs and commerce, was quickly disposed of. Its central thought—the blending of all the commercial interests of the confederated States in a firmly established customs union, with the single exception of the Hanseatic Towns, whose position as free ports should remain unchanged until they themselves should desire its discontinuance—was not only a popular idea, but seemed perfectly reasonable. Neither did the specific provisions of the Draft regarding customs, indirect taxes, and the functions of the Presidency and Federal Council within this sphere, create any difficulties.

The next section, that regarding the railways, was soon reached. The Draft empowered the Federal Government with the right to build and manage railways when necessary to the military interests, but otherwise

committed all such rights to the individual States, reserving to the Confederation only a general right of supervision, such as the exertion of its influence to bring about uniformity in the tariff of charges, etc.

A long list of desired improvements appeared in the form of proposed amendments, such as more definite provisions for the prevention of arbitrariness in railway administration, concerning all of which an agreement was quickly reached with Ministerial Director Delbrück, who represented the Governments in these matters. A proposition to extend the rights of the central power in this domain was persistently rejected by Delbrück, as being contrary to the treaties of alliance concluded by the Governments.

Quite as harmonious were the transactions of April 2d with respect to posts and telegraphs, which throughout the entire territory of the Confederation were placed under the supervision of the Presidency. An amendment aiming at the complete abolition of this rigorous government control and general monopoly of the posts was rejected; and all the Articles of the Draft were accepted.

The following section, making provision for marine and consular affairs, also met with no opposition of significance. An interesting debate, however, was occasioned by the claim that the security of the Confederation absolutely demanded the maintenance of a powerful German navy; an assertion which was as emphatically defended by Meier of Bremen, head of the North German Lloyd, as it was vigorously denied by Chapeau-

rouge of Hamburg, whereupon Schleiden delivered a long speech, of which Minister von Roon subsequently remarked that he could not at the time decide whether it was intended to support or assail the motion in favor of a navy.

For the merchant marine the Draft designated the black, white, and red flag; and the House decided upon the same colors for the war navy. This action impelled Franz Duncker to a doleful eulogy of the romantic black, red, and gold standard of 1848, which, however, remained without response or consequences of any kind. The Article regarding the expenditures of the navy occurring in this part of the Draft was omitted here, as belonging more correctly to the section dealing with the finances of the Confederation.

This brought the House, on April 3d, to the important heads, Military Affairs, and Finances; and now the calm which had recently prevailed was broken by the violence of a storm gathering from many sides, and threatening to wreck the Constitution, though its haven was almost reached. The Prussian Liberals made this occasion serve them as the field upon which to fight a desperate after-battle of the war which from 1862 to 1866 they had waged against the military reforms. It is therefore advisable, as the means to a better understanding of what follows, to recall and supplement what has been said upon this subject in the second volume of this book.

As we know, the Opposition sought to frustrate the new organization of the army through the budget.

They refused to consent to the necessary appropriations, and then awaited propositions from another source for the disbanding of the newly formed battalions. They were doomed to disappointment, however, since, instead, the Upper House rejected the whole budget; in this predicament, the Government was forced to conduct the administration without a budget, and therefore, according to the views of the Opposition, in defiance of the Constitution, until, in 1866, the Government secured for its expenditures the sanction of the Prussian Representative Assembly through the adoption of the indemnity bill.

Two other objections brought forward by the Opposition during this struggle were not disposed of in 1866; but, on the contrary, were now upheld with greater energy than before. Briefly stated, these objections were, that, aside from the expenditure which it necessitated, the new military organization was contrary to two existing laws, therefore could not become lawful by action of the King alone, but required the consent of the Assembly.

As early as 1860 the criticism had been made, that the two years of service in the war reserve required of the men who had served their time in the line according to the law of September 3d, 1814, were by the new military constitution replaced by a period of four or five years, thus exchanging a service of two or three years in the militia (*Landwehr*) for a like period of service in the reserves of the line. The Government argued that the reserves are called into active service

only in case of a mobilization, and that, by this very law of September 3d, a mobilization of the army is indicative of a war establishment, in which event the Government has sole control of all classes of the service. It is evident, therefore, that the position maintained by the Opposition was untenable.

Until the year 1863 it had never been doubted, that, according to the law of 1814, aside from the financial point, it was the King's prerogative at any time to effect such changes in the strength and formation of the army as he deemed advisable. In that year, however, Rudolf Gneist had thought to discover that Frederick William III. had by a ministerial ordinance himself fixed the formation of the troops of the line with respect to the strength, the number, and grouping of the divisions. Consequently, Gneist argued, a change could be effected only by the enactment of a new law, which now required the consent of the Assembly, and that therefore, until this should be obtained, the military organization of 1861 must be unconstitutional. To this assertion Gneist added some general remarks upon this subject, in which, with brilliant eloquence and a clear political insight, he demonstrated it to be a matter of supreme importance to both state and people that at all times the organization of the army should be fixed according to law, to the end that so important an institution might not be subject to arbitrary action, either on the part of the Ministry or the legislative body.

The truth of this general deduction (*de lege ferenda*)

no one will to-day dispute, but it is a question whether at that time there was sufficient historic foundation for its assertion (*de lege lata*).

The question was, therefore, whether the decree issued by the King in 1819 was in fact a LAW, and therefore any change in it dependent upon legislative action, or whether it was simply an administrative ORDINANCE subject to change at any time at the royal pleasure.

Its publication in the code is by no means a conclusive proof of the correctness of the former theory, since in the days of the absolute monarchy the distinction between a law and an ordinance was not very carefully observed. At that time a large number of ministerial ordinances found their way into the code, to which, however, to-day no one ascribes the character of a law claiming a legislative decision to be required for their alteration. Some of these were merely appointments of certain persons to particular positions, orders regulating the internal service of some of the administrative departments, unimportant measures of administration, such as the fixing of the toll to be collected at a certain bridge, etc.

Granted that the ordinance of 1819 partakes of the character of a law because it ordains certain changes in an older law, the militia law of 1815, we should nevertheless be not one whit nearer the solution of the real question; namely, the formation of the troops of the line as fixed by law, for the ordinance prescribes a new organization of the militia, but not of the troops

of the line. The latter had been fully regulated by two ordinances, one issued in May, 1817, the other in September, 1818, neither of which, however, found its way into the code; and though the appearance of a certain measure in the code does not prove beyond doubt its nature to be that of a law, yet there is nothing more certain than that its non-appearance there excludes it from the possibility of being such.

The principal provision made for the militia by the ordinance of 1819 was that its infantry in the eight army corps of the provinces should, in the number of its battalions, regiments, and brigades, as also in the strength of these, correspond to the troops of the line of the preceding year. It is evident that, even though the ordinance were to be regarded as a law, the conclusion does not at all follow that a law regulating the formation of the regiments of the militia is to be construed as applying equally to the regiments of the line. The only possible inference to be drawn from the prescribed similarity is that in the future there should always be as many battalions of the line as of militia, or *vice versa*, that an increase in the former must be followed by a corresponding augmentation of the latter. The ordinance of 1819, therefore, offers not the slightest ground for the assertion that every reorganization of the troops of the line, or any increase in their number, is dependent upon the enactment of a law.

Certain it is that the King himself was not of that opinion in 1819. This is attested by the fact, that, in the two years immediately following, he created several

new regiments and reorganized others, and that he decreed a new formation of the militia guards, differing materially from that prescribed by the ordinance of 1819. This was all accomplished by ordinances which were not received into the code, therefore must have had simply the nature of an administrative measure. Frederick William III. was far removed from the belief that after December 22d, 1819, he could make no alterations in the military constitution except by means of legislation.

However, during the years of strife over the Constitution, this assertion having been once made, took so firm a hold upon the minds of the Opposition that they could not possibly give the contrary view the least consideration. To be sure, the Opposition did not stand undivided upon these questions. The radical Democrats remained true to their conviction, that the House of Deputies has the right, by reason of its budget privileges, annually to decide the expenditure, and consequently the strength, of the army. They could not, therefore, consistently advocate, as did Gneist and his associates, the enactment of a law which would set limits to their privilege of making budget changes quite as much as it would to the privileges of others to increase the military forces at will. As long as the conflict over the Constitution continued, however, the two groups held firmly together in their opposition to the Ministry, each upholding the demand of the other. Conversely, the Ministry rejected the budget theory of the Opposition as well as the establishment of the

strength of the army by statute, and advocated the unrestricted right of the King to determine the latter.

With the birth of the North German Confederation, and the submitting of the draft Constitution, the situation was, however, radically changed. Now it was the Prussian Government which, for the sake of securing the Confederation against danger, first procured the formal sanction of the Allied Governments for the military organization of 1860, and then endeavored to gain that of the Reichstag. Consequently Gneist and his party beheld their principle, the establishment of the military constitution by legislation, adopted by the Government, and were now called upon to decide upon the advisability of accepting the very law once proposed by themselves.

Further, the Draft provided for the absorption of all the land forces of the Confederation into one Federal army, determined the duties and privileges of the Federal Commander-in-Chief, the number of the army in time of peace, the composition and division of the contingents, and the organization of the militia. It prescribed the introduction of the Prussian system of military legislation, both statutes and regulations, throughout the Confederation; provided for universal obligation to serve without the privilege of furnishing a substitute, and fixed the time of service at seven years in the standing army (the first three years in the active service and the last four in the reserve, as was decided by the House), and five years in the mi-

litia. It fixed the peace establishment of the army for the next ten years at one per cent of the population, and provided that for defraying the total expense of the military service the sum of two hundred and twenty-five thalers for each man in the army when on the peace-footing should be placed at the disposal of the Federal Commander-in-Chief, but that for the expenditure of the navy a financial estimate properly classified should be submitted to the Reichstag for approval.

The remaining provisions contained in this section dealt with the finances: all the other expenditures were to be determined by Federal legislation; the general expenditures were to be determined for a period of three years, and were to be defrayed from the revenues arising from the customs duties, from the common excise duties, and from the postal and telegraph service. In so far as these expenditures were not covered by the receipts, they were to be provided for by assessments levied by the Federal Commander-in-Chief upon the several States of the Confederation according to their population. The Commander-in-Chief was required to render an account of the expenditure of all the receipts to the Federal Council and the Reichstag.

This whole plan was immediately attacked by Waldeck in the name of the Party of Progress, with the intention first of all to preserve to the people that most precious of all their rights, the right of their representatives to determine the budget, to which, it

must be admitted, the Draft, after the appropriation for the army should be disposed of, set rather narrow limits in the other administrative branches. Without entering into a nearer discussion of the plan, he turned to the National Liberals, and exclaimed that he who yielded this point sullied the fame of the Liberal Party, and therefore forfeited the respect of the nation. This Reichstag, he cried, had been assembled for the sole purpose of deliberating upon a Constitution; how could it dare to assume the responsibility of enacting a law regarding the army? Such, he declared, was really the nature of the provision laid before them, a provision which at one stroke would sweep aside all the demands made by the Prussian people for the past five years, and which their representatives had manfully championed, — the demand for a service limited to two years in the reserve, for the continuation of the militia in its former historic position, and for the retention of the valuable laws of 1814 and 1819, — a provision which, so far as it concerned the army, was nothing less than an out-and-out sanction of the illegal reorganization of 1860, so long opposed.

All this, he continued, was to be enacted by a Reichstag whose non-Prussian members had no knowledge whatever of these intricate and most important matters. Such a thing was unexampled. Finally, he pronounced the proposal to fix the peace establishment of the army at one per cent of the population, and the expenditure at two hundred and twenty-five thalers for each man in the service, to be synonymous with

the abrogation of the budget right.¹ This, he urged, turning to the National Liberals, was no subject for compromise or mediation; unswervingly, as the people demanded, the Reichstag ought to defend its right, annually by a budget law, to determine the strength, as also the expenses, of the army for the ensuing year. "We want a national army, not a standing army!" he exclaimed in conclusion.

In the ensuing debate, occupying a whole week, Waldeck's associates simply amplified some of the points he himself had presented. Waldeck had repeatedly declared that even without the Constitution Germany could be made secure against attack from without by means of military conventions between Prussia and the smaller States; fear of a foreign foe, therefore, need not be the incentive to the adoption of a Constitution inimical to the welfare of the people. Schulze took up this thread of argument, proclaiming it to be his opinion that the people who, in spite of surrounding dangers, esteemed and protected their rights, gained for themselves the admiration of the world, and impressed their foes as being invinci-

¹ During the progress of the debate, Wiggers made the calculation that, after the expenditure for the army and the navy had been deducted, a sum of not more than one million thalers would be left for the Reichstag to dispose of in the budget, though he added, that in the future this might be increased by a surplus from the customs receipts.

The budget of the German Empire for 1892-1893 amounted to twelve hundred million marks, of which four hundred to five hundred millions were devoted to the expenditure of the army. Had, therefore, the Draft of 1867 remained unchanged, the Reichstag would still have had the imposing sum of seven hundred to eight hundred million marks to be disposed of in the budget.

ble. Again Bockum-Dolffs developed his theory that every Prussian deputy who in the Reichstag consented to an abridgment of the rights of the Prussian House of Deputies thereby became guilty of perjury. Franz Duncker declared that to-day, as much as ever before, he looked upon the war of 1866 as a monstrous game of chance played by the Prussian Government; and if his former associates, the National Liberals, with hypocritical excuses, were ready to betray the cause of the people and of liberty, it was not in his power to prevent this; but he could and would publicly brand their cowardly backsliding from the sacred principles they had once professed.

This vehement attack was, to say the least, an extreme exaggeration; for the National Liberals were deeply imbued with the desire to emphasize the budget privileges of the Reichstag, and to make the military appropriation as dependent upon parliamentary approval as were those for the other administrative branches. As dependent, but not MORE so.

Never before had it been claimed that the Prussian House of Deputies should have the privilege, for instance, to do away with half of the district authorities legally provided for, or of the provincial tribunals, by a simple refusal to appropriate the funds necessary for their maintenance. Exactly parallel was the right which the Party of Progress were now advocating, — the right by means of the budget annually to determine the number of the recruits, which practically meant the decision regarding the strength of the en-

ture army. A policy of so much uncertainty concerning an institution of the most vital importance to the state was rejected most emphatically by the National Liberals. They desired that the essential groundwork for the army, just as that for the Departments of Finance, of Justice, of Education, etc., should be determined by law, leaving only such details as required change from year to year, as well as any advisable innovations, to be determined by a budget law.

This necessarily suggested the question as to which provisions were to be classed among the essentials and which among the details requiring constant change, — which, therefore, were to be fixed by law, and which were to be subject to annual budget decisions. Before a decision in regard to the former could be reached, the amount which this permanent burden to be carried by the people could reach without becoming a detriment to the public welfare would have to receive careful consideration.

There was a decided difference of opinion upon these matters among the members of the party, though it led to no rupture. The one side, on which were to be found Forckenbeck, Lasker, and Miquel, stood in defence of the greater parliamentary rights; whereas the others, Bennigsen, Braun, Sybel, Vaerst, advocated an agreement between the Reichstag and the Governments.

Under these circumstances some of the members of the party adopted the suggestion made by Bismarck during the first general consideration of the Draft,

regarding the possibility of a period of transition, which soon found general favor. Even Forckenbeck and his friends admitted that at this time, when every day might bring a declaration of war from France, it would be most inexpedient to take any action by which the stability of the existing army might be imperilled; and that therefore it was advisable to defer their endeavors toward a realization of their wishes to a later day.

"We desire," declared Lasker, "to close the past in peace, to endow the present most bounteously, and to leave the future uncompromised." It is evident that the fulfilment of this intention necessarily entailed the positive recognition of the military organization of 1860 to be the established order. "Waldeck's assertion that hereby we exceed the instructions given us by our constituents is erroneous," said Lasker. "I have been questioned in regard to this point by my constituents; and I made answer, that, if I should become convinced of the excellence of the military reorganization, I should vote for its approval. Very well," he concluded, "I have become convinced."

Forckenbeck stated that he had come to the conclusion that, under the existing circumstances, it would be most unwise in any way to weaken the present condition of the army, and that he, therefore, fully approved the new organization. However, to fix the number of the army in time of peace at one per cent of the population, and the annual expenditure at two hundred and twenty-five thalers for each man in the

service, he considered to be equivalent to a destruction of the budget privileges such as the Prussian Assembly now possessed, and as should be preserved to the Reichstag. In his opinion, therefore, a period of transition was absolutely indispensable, and its duration must be decided by the following data. Three years would be required to complete the introduction of the Prussian military system into the new provinces and into the other States of the Confederation; it was desirable, too, that the army question should not be the one at issue in the elections for the next Reichstag, consequently it should be the subsequent Reichstag into whose hands the definite settlement of this matter should be placed. Therefore, Forckenbeck proposed that the provision of the Draft placing the peace establishment at one per cent of the population, and the expenditure at two hundred and twenty-five thalers yearly for each man in the army, should not be decided upon as a permanent arrangement, but only for a period of four years, hence until December 31st, 1871. After that date provision regarding these two matters should not be a part of the yearly budget, but should be fixed by a Federal law. He had been questioned, he continued, as to the probabilities which would arise should such a law fail to be enacted; for this would result in a deficiency which might precipitate another Constitution struggle. Forckenbeck pronounced this fear to be groundless; since three most important measures—the universal liability to military duty, the period of active service fixed at three years,

and the strength of the battalions in time of war — had all been established, leaving only certain measures of minor importance to be fixed by the budget; the stability of the army could not, therefore, in any event be seriously imperilled.

The plan thus outlined met with no fundamental opposition from the more conservative element in the party, with the exception that the period of transition was regarded as somewhat too short. On the other hand, they felt confident that in 1871, as in 1867, the army would find favor with the people as well as with the Reichstag. Bismarck's suggestive words, too, made them hopeful that their plan would be ultimately adopted by the Governments.

This expectation was, however, not to be realized at once. Bismarck spoke not a word in its favor; his participation in the debate being confined to an occasional defence of himself against the personal attacks made upon him by members of the Progressist Party, or to a brief refutation of unfounded assertions on the part of certain members from North Schleswig. In the principal debate he left the defence of the views embodied in the Draft in the hands of the Ministers of War and Finance, the Generals in attendance, and to the representatives of the Conservative Party. By them Forckenbeck's plan was received with no greater evidences of favor; though it was given a more respectful consideration and earnest criticism than it had been by the little Democratic fraction which had made such short work of it.

When the demand for a period of only two years of active military duty was again brought forward, as it had been in 1861, General von Moltke, in clear and terse though convincing sentences, showed how, in the experience furnished by the last war, the great advantages of the existing organization had been fully demonstrated. "We took fifty thousand prisoners," said he "against a loss of three thousand missing on our side, all of whom were not captured by the enemy. How can this tremendous difference be accounted for? I can ascribe it only to our longer period of military service. The Austrian soldiers were quite as brave as ours; but whenever they were confronted by a complication of difficulties, such as when the enemy had to be met in a village or closely wooded tract, order was not well preserved amongst them, and whole squads were made prisoners. Our men always kept together. This cannot be quickly drilled into men; it must be acquired by long practice." He urged greater permanence in all military measures; since in a system of twelve years service, either in the line or in the militia, the consequences of every change made in the recruiting service were felt along the line for twelve years to come. Such a change might be undertaken in a year when the European situation was one of utter tranquillity, but its results might have to be faced at a time of greatest danger. It was wholly impracticable, he declared, to make such important provisions dependent upon ever-changing majorities in the Reichstag. If it were not deemed advisable to adopt the proposal of the Govern-

ment that the provisions for the army should find a place in the Constitution, making them liable to change only by the usual process of amending the Constitution, then he would suggest that the present provisions should remain in force until altered by the enactment of a Federal law.

Moltke's companions in arms, Generals Vogel von Falkenstein and Steinmetz, did not remain inactive during this parliamentary tilt. "You expect us to achieve victories for you; give us, then, a sufficient number of able soldiers with which to win them!" exclaimed Falkenstein. His speech rattled down upon the Opposition like a shower of well-directed musket-shot, so that even his opponents were compelled to admire the energetic old veteran.

Steinmetz, as he took the floor, remarked that he felt less at ease here than when exposed to the cannon-balls at Nachod and Skalitz; but there was no evidence of timidity in his words after he had once begun. "The Left," he thundered, "is jealous of the army. In its midst I see the very ones who in 1866 crawled into a hole when the King determined to do what the honor of Prussia demanded."

Many members of the Assembly were willing to concede a point to the Opposition, and expressed their readiness to agree to a period of transition if it were extended beyond the time designated by Forckenbeck, for instance, to a period of six or seven years. It was in vain, however, that Prince Solms-Lich proposed, as a permanent measure, that at the end of every seven

years the number of the army in time of peace should be determined anew by means of a Federal law; his words produced not the slightest impression upon the House, and no one had the least idea then how eventful for the future this proposition really was.

The deciding question everywhere was to what extent it would be safe to leave the military arrangements in the hands of the future Representative Assembly. Those who were inclined toward placing greater confidence in its decisions sided with Forckenbeck; those who doubted the advisability of doing so stood with Moltke.

“I am glad to hear so many friendly words from your side of the House,” said the Minister of War, Von Roon, to a representative of the National Liberals at that time, “and am grateful for them; but they cannot secure us against the events of the future. Who can guarantee to us that those who in time will take your places will share your opinions, or that,” he added, “those who will take our places in the Ministry will be as unyielding as are we?”

When the vote was taken upon the question, it resulted in the adoption of Forckenbeck's motion by 137 voices against 127.

But this by no means ended the struggle; for it was continued upon a larger scale when the money question was discussed, the two hundred and twenty-five thalers of the army budget, and the finances of the Confederation in general. Miquel now became the champion of the Opposition. With a convincing clearness

and brevity he pointed out that the provisions of the Draft involved much uncertainty; that it was absolutely necessary that a yearly estimate of all the receipts and expenditures should be made the basis of a budget law to be enacted for the ensuing year; that without such a measure the several States of the Confederation could never feel secure in the administration of their revenues against unexpected demands, since any deficit arising in the Federal finances would have to be covered by a general assessment levied upon the States; that at the close of each fiscal year a report of all the receipts and expenditures should be rendered to the Reichstag, not only for its information, but for the purpose of examination and discharge.

He also demanded that the right of the Confederation to levy direct taxes, to contract loans, and to assume guaranties, should be explicitly recognized. With much earnestness he reiterated his former admonition, that the customary budget privileges of the Reichstag should not be curtailed simply because of unfounded suspicions, and its resentment and distrust be thereby roused. So far as a fixed sum for the army budget was concerned, he pointed out, that, in spite of such a provision, the influence of the Reichstag must sooner or later assert itself in this sphere. Only too soon the two hundred and twenty-five thalers would not suffice; then, at the first demand for an increase, the Reichstag would naturally stipulate for the privilege of a close examination into the circumstances, to determine whether by greater economy in the admin-

istration of affairs the expenditure could not be made to conform to the former budget limit, thus by precedent establishing its right of scrutiny. Such, he said, had been the experience of Hanover and Nassau, with the additional circumstance that the right obtained in this way had been less generously exercised than if it had been conceded willingly. Upon this point too, therefore, he agreed with Forckenbeck, that the fixed sum total should be granted only until the end of the year 1871.

He was answered by Wagner from the Conservative side. He declared it to be without precedent that a provisionary arrangement should be made regarding the most important item of the State exchequer, without specifying the definite arrangement to which it should lead. Frequent allusion had been made to the moral obligation of this assembly to preserve to the Reichstag budget privileges equal to those enjoyed by the Prussian Representative Assembly, which possessed the right to sanction the expenditures, but not to decide in regard to the receipts, which, having once been authorized, cease to be liable to constant interference. With good reason he asked the assembly to bear in mind that this difference had been of greatest moment in the final result of the conflict over the Constitution. And now it was even proposed to make the revenues of the Confederation dependent yearly upon the action of the Reichstag; it would be utterly impossible for the Governments to agree to this. The German army, he said, would by the proposed measures be placed in as de-

pendent a position as the English army now held in consequence of the Mutiny Acts, by which its very existence was annually dependent upon the favorable decision of the Parliament.

His exposition was followed by a new proposal offered by Moltke, with the object of securing to the Federal treasury at least sufficient revenue to cover the expenditures of the army. To this end he proposed that the present measures for raising revenue should remain in force until the enactment of a Federal law decreeing other provisions.

A peculiar position between these two contending parties was assumed by the two former Hanoverian Ministers, Windthorst and Erxleben, who declared themselves in favor of the proposition made by the Governments whereby the budget should cover a period of three years; but otherwise agreed with Miquel, excepting only that they thought the Reichstag should not have the privilege to refuse the appropriations for the army and navy expenditures after these had once been determined. They, however, objected to a budget form such as was provided by the Prussian Constitution, according to which none of the individual items of the budget could be granted unless the whole budget were passed. Instead, they suggested that, whenever there was a difference of opinion regarding the amount of an appropriation, the lowest figure should be determined upon, since both sides must be agreed as to the necessity of that amount.

The fallacy of this conclusion is obvious, for it may

readily be the case that a person who deems the greater sum necessary may believe the appropriation of a smaller amount to be a mere waste of money, and that it should, therefore, be refused. The concurrence upon this point is, therefore, only seeming, and not real.

Endeavors to effect a compromise between the two contending elements were not wanting. Bennigsen of the National Liberals, and Vincke-Olbendorf of the Old Liberal fraction, agreed upon the motion that after 1871 the organization of the army, as provided by this Constitution, should form the basis of the future military budget decisions. Thereby the way would still be left open to the Reichstag, in its future action upon the military budget, to exercise the right of criticising the special items; the number of the army in time of peace and its total cost would, however, be placed beyond the possibility of being lowered to such a degree as would result in the overthrow of the entire former system.

Georg Vincke and Gneist felt constrained upon principle to oppose such an immoderate extension of the budget privileges. Vincke declared that the Reichstag's budget privilege was not to be construed as the right, at its pleasure, to approve or reject already established arrangements, but only its right of decision in regard to NEW revenues and expenditures. In the matter under discussion the House, he said, would soon enough have an opportunity to exercise its authority in the management of the army through the new requisitions which the Minister of War would have to submit to its action.

The truth of this statement was not disproved by Miquel's denouncement of it as savoring of a perpetuity, whereas his previous reference to the experiences of Hanover and Nassau was but a confirmation of it.

In a speech as forcible as it was brilliant, Gneist demonstrated how misleading were the constant allusions made by the Left to the nominally unrestricted budget privileges of the English House of Commons. Though its action was circumscribed neither by the rights of King nor Upper House, it was most decidedly restricted by the existing laws. Four-fifths of all the yearly revenues and one-half of the expenditures in England were fixed by legislation, and therefore were placed beyond the arbitrary control of the Lower House. Though the composition of the army was there annually decided; yet this was regarded, even in England, as a mere formality, he said, and further, that a manner of proceeding which might be practicable in connection with an army of hirelings would not only be useless, but disastrous, to the German militia (*Landwehr*) system. In every respect the interests of both State and people demanded that the stability of the army should be provided for by law, thus removing it from the influence of vacillating parliamentary majorities. There would still, he thought, be sufficient opportunity left for criticism of individual parts of the army budget.

Notwithstanding the fact that these arguments were all practically irrefutable, they in no way affected the prevailing current of thought. It was in vain that Von

Friesen, Minister of Saxony, argued that this assembly was not framing a Constitution for a unitary State, but for a federation of States. Therefore not all the provinces of administration were here to be determined upon, but only such as could not be left insecure without endangering the very foundation of the Confederation.

When it came to a vote, Forckenbeck's motion was carried, and all the proposed amendments to it were rejected, after which Miquel's motion also passed unamended. The majority being so large, more than thirty votes, it was hoped that the Government would weaken. With good courage, therefore, the last sections were taken up, in which, however, there were still matters of utmost importance awaiting decision.

The provision of the Draft by which political offences against the Confederation were made punishable according to the laws pertaining to similar offences against the State to which the offender belonged, was adopted without lengthy debate. For all cases of high treason the Superior Court of Appeals at Lübeck was designated as the competent deciding tribunal in the first and last resort.

Many were the scruples of conscience, however, occasioned by the subsequent Article, which provided that disputes between the different States of the Confederation, so far as these were not of a private nature and therefore to be settled by the competent judicial authorities, should, at the request of one of the parties, be decided by the Federal Council. In disputes relating

to constitutional matters in those States of the Confederation whose Constitution does not designate an authority for the settlement of such differences, the Federal Council should, at the request of one of the parties, attempt to bring about an adjustment; and if this could not be accomplished, the matter should be settled according to Federal law.

A whole phalanx of renowned jurists — Wächter, Zachariä, Reichensperger, Schwarze, Windthorst — pronounced these provisions to be insufficient, dangerous, and opposed to the most inviolable conceptions of justice. They declared that, since these were all matters concerning judgment in disputed questions of law, they were not within the province of the legislator, but of the judge, since it was no more the business of the legislator to pass judgment than it was of the judge to make the laws; therefore a Federal tribunal should be established, to which all such matters of dispute could be referred for decision.

A Federal tribunal, said Reichensperger, had as early as 1815 been pronounced by Wilhelm von Humboldt to be the key-stone of every well-ordered Constitution. Such was to be found in the Federal Court of Arbitration established in 1834 by a law of the old Confederate Diet; such an one was provided by the Constitution of the Cathedral of Saint Paul, by the Union Constitution proposed by Prussia, and by the Austrian proposals of 1863; its necessity had, therefore, been recognized by all German governments. Zachariä immediately proposed seven special kinds of controversy

to be placed under the jurisdiction of this Federal tribunal, amongst these, one which had as yet not been suggested, disputes regarding succession to the throne, incapacity to rule, and regency in the individual States. All else—the establishment, organization, and procedure of the tribunal—should be regulated by future Federal legislation. To this last clause all those who had taken part in the discussion were agreed, expressing themselves as content for the present with the statement that a Federal tribunal would be established in the near future, and that until then the Lübeck Court of Appeals should exercise the functions mentioned. “The view that a judicial decision in disputes relative to constitutional matters is an infringement upon sovereign rights, is most extreme,” declared Windthorst. “It has never yet been an injury to sovereignty to bend the knee to justice!”

In the general discussion, the Prussian delegate, Von Savigny, was the only one who essayed an answer to these criticisms and propositions. He stated that in the duties here intrusted to the Federal Council the latter would in every instance endeavor to secure a decision which from a judicial standpoint would be unassailable; for example, whenever advisable, disputes would be referred for decision to a court of *Austrägal Instanz*.¹ The precedents which Reichensperger

¹ TRANSLATOR'S NOTE.—When two confederate States had disputes between each other, they chose the highest court of justice of some third State, which was then called *Austrägal Gericht*, to which was intrusted the settlement of the dispute.—“A Sketch of the German Constitution,” by A. NICOLSON.

had quoted he acknowledged to be historically correct; but at the same time he called attention to the fact that all these projects had remained fruitless endeavors, in so far as a Federal tribunal was concerned, which was not at all surprising, since it could hardly be expected that any State would of its own free will agree to subordinate itself in all future political disputes to a college of judges.

It was evident that the great majority in the House desired to bring the discussion to a close; but Zachariä did not allow this to deter him in the least from bringing his motion before the assembly, whereupon Braun (Wiesbaden) declared it to be absurd to expect disputes of a political nature to be judged from a judicial standpoint only. Thereby the judges would be transformed into involuntary politicians, and from this danger he earnestly desired to shield the excellent court at Lübeck. The great mistake in Zachariä's proposal he declared to be that provision whereby the Federal tribunal should decide disputes regarding succession to the throne. He, however, did not wish to aid in building the bridge over which some future pretender or deposed sovereign might reach the throne. The House agreed with him, the debate was closed, and the Draft was accepted without further amendment.

The next and final division of the Draft provided that amendments to the Constitution should be made by legislative enactment; but to become valid two-thirds of all the votes represented in the Federal

Council must be cast in their favor. Notwithstanding the vital importance of this clause, not the slightest attempt to debate it was made at this time; since it had been previously deliberated and decided upon by the Reichstag (Article VII. of the Draft), and had then been transferred to the end of the Constitution. It was Miquel who in the previous discussion had demonstrated the fundamental significance of such a provision; and it was he who, supported by Lasker, had been chiefly instrumental in bringing about its adoption into the text of the Constitution. His opponent had been Zachariä, who by several motions had endeavored to make all amendments to the Constitution, but especially those whose purpose it was to extend the authority of Federal legislation beyond the limits fixed in Article IV., dependent upon the unanimous consent of the Allied Governments. All his attempts, however, were unsupported, except by a few voices; and in the further discussion it was evidenced beyond a doubt¹ that the delegates of the Governments, as well as the great majority of the deputies representing the people, had a true conception of what is implied by "constitutional amendments," and that they regarded the possibility of extending the functions of the central power in spite of opposition from an individual State to be the most essential part of the provision.

¹ Prosch (deputy from Schwerin), "Die Kompetenz des norddeutschen Bundes," p. 48, reproduces the speeches made at the time upon this subject by Bismarck, Savigny, Hofmann, for the Government, as also those of Miquel, Lasker, and others.

To the argument of the Opposition, that in this way it would become possible by a two-thirds majority to transform the Confederation into a unitary State, and thereby entirely to destroy the independence of the individual States, the reply was made, that no Constitution would be of avail if those upon whom it should be binding were unreasonable, and disposed to violate the rights of others. It was further declared, that conceding to the demand that all national requirements arising in the future must depend for their fulfilment upon the unanimous action of all the Allied Governments would mean a return to the basis of the old Confederate Diet, against whose inevitable barrenness the last resort had quite as inevitably been revolution and civil war.

But, as has been said, this discussion was of the past; and at this time the debate was not reopened.

On April 10th the temporary provision to be added to the Constitution was considered: The relations of the Confederation to the South German States shall, immediately after the ratification of this Constitution, be adjusted by treaties to be submitted to the Reichstag for approval.

This was the last question of vital interest which the Reichstag was called upon to decide, — the great question of how, by the union of the North with the South, the high endeavor which for so long had been the noble incentive of German action, the founding of a great and united German Empire, could be achieved. In the heat of the debate which it induced, the temper of the

different political parties was again brought into glaring contrast.

On the preceding day Count Solms-Laubach had interpellated the Government, asking whether it were not possible to relieve the present intolerable position of the Grand Duchy of Hesse, only one-half of which as yet belonged to the Confederation, by a full admission into the latter. Bismarck had replied that he could not discuss that question until it had been officially presented by the Government of the grand duchy. In that event he would first endeavor to arrive at some understanding with Austria, which he hoped would result favorably for the desired end; at the same time, however, inquiry would have to be made at Munich whether such a step would be advantageous or disadvantageous to Bavaria's political interests. But for the present, he repeated, everything must await the action of the Government of Hesse. It was evident that he would gladly lend his support to such an expressed desire; but it was also plainly indicated by his speech, that, in any attempt to widen the boundaries of the Confederation, other factors besides the Federal Council and the Reichstag would have to be taken into account.

Not all the political parties, however, were willing to take this into consideration. The Democrats of the Left presented the counter motion: All former members of the German Confederations may at any time become members of this Confederation by signifying their willingness to subscribe to this Constitution; any

necessary changes in the Federal Constitution consequent upon their admission shall be made by a Federal law.

In still greater contrast to the provision of the Draft, was a motion made by a small fraction formed by a coalition of Ultramontanes and certain Particularists of Hanover, which read: Any South German State may at any time become a member of the Confederation by subscribing to this Constitution; no special treaty for this purpose shall be required.

On the other side, Miquel and Lasker, in the name of the National Liberals, offered for consideration this motion: The South German States, or any one of these, desiring to enter the Confederation, shall be proposed for admission by the Presidency of the Confederation, and then be admitted by Federal legislation. The intention here is evident — Prussia should be left free to select the moment most auspicious to such a proposal; when the time was really ripe for this much desired event, it would be quite safe to leave the necessary constitutional amendments to be decided by a simple majority in the Federal Council. For the opinion everywhere prevailed, that, with the admission of the South German States, it would become necessary to increase the number of Prussia's votes in the Federal Council. The conclusion was even drawn by Deputy Bebel that Bismarck was not at all in favor of the admission of the Southern States; since larger States, such as Bavaria and Würtemberg, would not allow themselves to be so absolutely controlled as would the

smaller States of North Germany, whose sovereigns, he said, would by this Constitution be forced into the position of prefects to a despotic military power. To this declaration he felt constrained to add that he was not a Socialist of the school of Lassalle, but a member of the radical Democratic Party.

He was met by Miquel, who, in a masterly speech, declared that Prussia had evinced not only a great, but an exaggerated, consideration for the rights of the smaller States, and that a State which had been the first in Germany to advocate religious tolerance, which had achieved the enfranchisement of the peasantry, which had brought about the regulation of municipal affairs, and had rent asunder the yoke of the First Napoleon—such a State he pronounced to be, not only a military power, but the eminent protector of national prosperity. “Our opponents,” he exclaimed, “as they stand ranged against us form a curious group—among them are Democrats rapt in visionary dreams of a republican Utopia, Ultramontanes who claim no fatherland except Rome, representatives of extinct sovereignty, of former rulers whose single interest is in the petty State in which they lived and ruled, and who have not yet learned to believe in the great German Fatherland.” To this he added, in explanation of his own motion, that the Prussian Government alone was enabled to judge by the European situation what moment would be most propitious, and therefore should not be exposed to unnecessary pressure; that it should, however, be declared much more explicitly than was

implied in the Draft, that this was a matter involving German interests alone, and that therefore no foreign power had the right to interfere.

Of like tenor was the speech made by Weber (Stade), who also referred to the Luxemburg affair by a vehement assertion that this State was linked to Germany by indissoluble ties, a sentiment which was echoed by Vincke and Lasker, who in this Reichstag were not often found united in their efforts.

Vincke gave the Particularists a stinging rebuke by demonstrating that their demand, which upon the surface evidenced so great a desire for unity, could but result in discord ("Parliamentary order forbids me to say 'in the DESIRED discord,' " he interpolated) and to the ultimate disadvantage of the national movement. He made this appear as so obvious that the previous motion was quickly withdrawn in favor of the one proposed by the Democrats.

Bismarck then took the floor to state that the Miquel-Lasker motion in no way antagonized the wishes and purposes of the Allied Governments, particularly so since it reserved to the Presidency, or, to be more correct, to the Federal Council, the right to assume the initiative in any action looking toward the admission of the South German States. But he declared himself still of the opinion that negotiations with Austria and the Southern States should not be anticipated.

The House then, by an overwhelming majority, accepted the Miquel-Lasker motion to add the proposed clause. This brought the second reading of the Consti-

tution to a close, whose results were to be considered by the Allied Governments before the House could proceed to the third reading.

We have no information as to the particulars of their deliberations; the result was announced to the Reichstag on April 15th by Bismarck. He stated that during the second reading forty amendments had been adopted, several of which the Governments recognized as decided improvements, but there were others to which the Governments found it hard to consent; they were, however, animated by so sincere a desire to bring about a favorable conclusion, that these points would be conceded; provided, that an agreement could be reached regarding two of them, which in their present form proved an insurmountable hinderance to the achievement of the desired end. These two obstacles lay in the granting of compensation to the members of the Reichstag, and in the want of permanence in the provisions made for the army.

Most definite limits were thus set to the deliberation of the House; there was, nevertheless, after the German manner, any quantity of amendments proposed to a variety of Articles, in spite of the exceedingly meagre chance of accomplishing anything against the very formidable combination of the Governments with the majority. That this was the fact was plainly evident throughout the deliberations. The interest centred entirely around the two points still in controversy. Upon all other matters no one cared to listen either to fine speeches or to well-intentioned amendments. With a

rush the first thirty-one Articles of the Constitution were adopted. Article xxxii. contained the provision for the time allowances to the members of the Reichstag; and at this point a lengthy debate was occasioned by a motion made by the Conservatives to replace this Article by the words: The members of the Reichstag shall not be allowed to draw any salary, or be compensated as such. No new arguments for or against this principle were developed during the discussion; each party maintained its former position, with the exception of the National Liberals, amongst whom there was a split.

“I am so thoroughly convinced of the justness of general and equal election rights,” declared Lasker, “that I cannot consistently vote for any measure whereby these would be restricted, even remotely, as by a limitation of eligibility.” Whereupon Bennigsen defined his position by the statement, “Much to my regret I am obliged to recognize the fact that there is not the slightest hope that the Governments will yield upon this point; and as I dare not for such a cause assume the responsibility of bringing to no avail the labors upon this Constitution, I must yield.” The majority was of the same opinion; and, by a vote of 178 against 90, a salary or compensation to members of the Reichstag was denied.

Bismarck’s hope that by such a measure a proper amount of influence in the Reichstag would be secured to property-holders and tax-payers in spite of universal suffrage, was based upon the idea that the actual

drawing of a money compensation would henceforth constitute an undue influence upon deputies prohibited by the law, and must involve a loss of office, not, to be sure, by a decision of the civil courts, but by that of the Reichstag itself.

It has been demonstrated that Bismarck erred in this conclusion. There has been no lack of deputies who have received compensation, but the Reichstag has never shown any inclination to extend its disciplinary authority to the punishment of this infraction of the Constitution.

All the Articles from XXXIII. to LIX. were accepted without interruption. Bennigsen then moved that the reconsideration of the provisions regarding the army and the finances be postponed until the following day, which was carried. There were plans afoot for a possible compromise, which had as yet not been completed.

Since the Governments had conceded all the other points, the only question still to be discussed was the one concerning the strength of the army in time of peace, so far fixed at one per cent of the population, and the appropriation of two hundred and twenty-five thalers for every man in the service, after the expiration, on December 31st, 1871, of the period of transition, as had been decided by the adoption of Forckenbeck's amendment. After that date, according to the decision arrived at during the second reading, the strength of the peace establishment should be fixed by a Federal law; and the question was now: What

will become of the army if such a law is not forthcoming? To which the Conservatives still replied, as they had answered before: "The established number shall continue until changed by law." The Liberals, however, desired that after 1871 the peace establishment should be determined by the appropriation made for it in the budget, just as until now had been done in Prussia. "Let us suppose," argued those who were antagonistic to this plan, "that no budget is passed, will the experience of the Confederation then not be a repetition of that which Prussia had in the Constitution conflict of 1862?"

It was, so far as we can judge, due to Bennigsen that a compromise was proposed. The argument made by Wagner during the previous deliberation must here be recalled. It was in effect, that, if the Liberals desired to establish budget privileges after the Prussian pattern, they must remember that in Prussia the expenditures, but not the receipts, were dependent upon the approval of the Assembly; whereas, according to the latest decisions, both these privileges were accorded to the Reichstag. Bennigsen now determined to yield another point to the Government by embodying at least the Prussian budget privilege of determining the expenditure of the army in the Federal Constitution. He then again brought forward the motion which he had offered in vain upon the previous occasion, that after 1871, in determining the budget of military expenditure, the lawfully established organization of the army should be taken as a basis, whereby the possibility

of diminishing the appropriation would be removed. He succeeded in gaining the support of the National Liberals as well as of the Free Conservatives for these concessions, so that, together with the Duke of Ujest, he was enabled, on April 14th, to present his motion to the House as one supported by one hundred and fourteen members of that body.

But most important of all for the final decision was the fact, that, as early as the evening of April 15th, the Governments had arrived at the determination to do their utmost to bring about the adoption of the conservative views already stated, but, if their efforts proved unsuccessful, to content themselves with the Ujest-Bennigsen motion. This was an open secret when, on April 16th, the deliberations were resumed. The House submitted, so to speak, to a few more speeches, but not Vincke's enthusiasm, nor Lasker's asperity, nor the pathos of Schulze, could quell the general spirit of restlessness and impatience.

Repeatedly Bismarck pleaded most earnestly for the adoption of the two motions of the Conservatives presented by Count Stolberg, so that at the last moment the fate of the whole Constitution might not be placed in jeopardy. When, however, Count Bethusy-Huc stated that he desired to vote for Ujest's proposition, but if Bismarck declared definitively that the Bennigsen-Ujest motion could not be accepted by the Governments, he would go over to Stolberg, Bismarck replied that he was not authorized to make such a statement; should Ujest's motion be carried, the Fedl-

eral Council would obtain the opinion of the sovereigns in regard to it. This dispelled the last doubt.

The motions made by Stolberg were rejected, after which, by a vote of 202 to 80, the Ujest-Bennigsen motion was carried. In the ranks of the majority were found, in addition to the party with which the motion originated, three-fourths of the Conservatives, amongst these Prince Frederick Charles and Bismarck's confidant, Wagner (Neustettin), as also Vincke with the Old Liberal fraction; but Minister von Roon was not amongst them. Bismarck, too, felt constrained to hold to the position once assumed, and with a little group of Conservative associates was counted with the minority, composed otherwise of Democrats, Ultramontanes, Particularists, Poles, and Danes.

With but little discussion and no serious difficulty the remaining Articles were accepted, and Simson was at last enabled to declare the great undertaking completed.

On April 17th Bismarck announced that the Allied Governments of the North German Confederation had accepted the Constitution, and then read a communication from the King, summoning the Reichstag to the royal palace for the formal closing of the session.

The speech from the throne paid a high tribute to the patriotic zeal which had guided the labors of the Reichstag, as also to the generous spirit of self-sacrifice which had actuated the Allied Governments and the representatives of the people alike, and to which it was due that the common goal had been attained, — a Con-

stitution resting upon a firm foundation and giving promise of future security had been established.

“This general spirit of conciliation, and willingness to adjust and overcome differences,” the King continued, “gives us the promise of further development and of greater possibilities for the Confederation, the fulfilment of which will bring us nearer the realization of those hopes which we share with our brothers in South Germany. The time has come when our German Fatherland through the strength of its unity is enabled to secure peace for itself, to defend its rights and assert its dignity. The feeling of national self-consciousness which was so grandly voiced in the Reichstag found a sturdy response in every hamlet of the German Fatherland. None the less, all Germany, its Governments as well as its people, speaks as with one voice the desire that the national power which has been regained shall first of all be exerted to secure the blessings of peace.”

Not only in every part of Germany, but in all Europe, these royal words were heard. They expressed with an unmistakable emphasis the wish to live in peace with every one, to allow the further development of Germany quietly to take its natural course, but under no consideration to permit foreign interference in the German national life.

With regard to the new Constitution, Bismarck's vigorous words of March 10th were fully realized. Notwithstanding the right to accept or reject the Constitution, which the Assemblies of Prussia and Meck-

lenburg had expressly reserved to themselves, not one of the twenty-two Assemblies dared to withhold its approval.

From this time forth, by virtue of the significance of the Constitution, and especially of Article LXXVIII., there would again be a central power established over all the States of the Confederation, notwithstanding the important share in political power which had, for the present, been preserved to the individual States. It is true that even to this day there is dispute amongst the learned jurists as to whether the creation of April 17th, 1867, is a State in its full sense, a Federal Union in its more restricted sense, or simply a Confederation of States; into which of these classes technically established it shall, judged from a scientific standpoint, be placed, — whether the nominally indivisible sovereignty is vested in the Emperor, in the Federal Council, or by right of treaty belongs to the allied sovereigns. The practical political life of the nation takes but little interest in this question. For almost a generation the Constitution has been tested, and has shown itself broad enough to admit of a full development of the peculiar interests of the several States, as well as of the constitutional rights of the people; neither the arbitrary influence of Prussia nor that of the Sovereign has been exercised to the detriment of either. On the other hand, the central power of the Confederation has, even after the decided restrictions placed upon it by the treaties of 1871, shown itself under Bismarck's guidance strong enough to weld all the different na-

tional elements into a firmly united German Empire, and to secure for it an enduring and glorious place among the nations of the world.

We cannot tell what the future holds in store for us, whether or not we shall always be preserved from grievous error on our own part, as well as from the overpowering strength of our enemies; but, be that as it may, even now our experience fully suffices to recognize that those who in 1867 labored upon the Constitution produced a work whose further development, in the words of King William, we can confidently intrust to the future. *Stat mole sua.*

CHAPTER V.

FOREIGN RELATIONS.

THE Constitution of the North German Confederation was finished, and the Prussian Government found itself free to consider its foreign policy. To be sure, the critical Luxemburg question had, on the very last day of the Reichstag session, again led to irritated excitement, and had demonstrated to Bismarck how dangerous to his national policy an unfavorable result might prove. Therefore, though the European conference proposed by Russia was most welcome to him, he nevertheless told the English Ambassador, Lord Loftus, on April 6th, that, though such a conference fully met with his approval, he would yet have to accommodate his action to the sentiment pervading the nation, whose final decision no one could as yet foresee. Therefore he felt that he could not agree to any definite basis for the action of the conference (Russia had, as we have seen, proposed as such that the fortress be evacuated, and Luxemburg be made a neutral State under European guaranty), nor could he promise in advance to abide by the decision of the conference. He suggested that it was very probable,

however, that Prussia, during the progress of the conference, would be quite willing to make concessions to the demands of the Great Powers or to Holland; to which, however, it could not bind itself beforehand, and could still less yield to the threatening demands of France.

On the other side, Marquis Moustier announced to Lord Cowley the French approval of both the conference and the basis proposed by Russia, but added, as he said, privately and confidentially, that it rested upon the presumption that Prussia would be obliged to withdraw her garrison from Luxemburg.

Lord Stanley, who hereupon had urged the matter a number of times at Berlin, was vexed at Bismarck's non-committal attitude. "To what purpose is a conference," he exclaimed, "before Prussia has signified her intentions regarding the fortress, or before the two parties have expressed their willingness to abide by its decision?" In the meantime the tide of excitement in Germany began to subside, especially after it was learned that France had agreed to the neutrality of Luxemburg under European guaranty; in that event, Bismarck thought, Prussia could agree to evacuate the fortress. He hoped, however, as he wrote to London on April 27th, that England would hasten the opening of the conference, so that Prussia would not be forced by the advanced state of French preparations for war to make corresponding preparations. The effect of these words was at once perceptible in Paris, where many and serious misgivings had tempered the ardor

for war. The *Moniteur*, on April 30th, declared the military measures¹ already taken to be perfectly justifiable, but at the same time announced the danger of war to be past.

Lord Stanley now also yielded. Although he refused to assume the initiative in the conference so distasteful to him, he yet was willing to request the King of the Netherlands, as sovereign of the State in dispute, to invite the Powers to the conference to be opened on May 7th. In Luxemburg this event caused great excitement. There all were united in the wish to continue in their state of independence; and many were the addresses presented to the King beseeching him to use his influence in the conference to that end. There was, however, yet another side to the question, which was presented by a deputation from the City of Luxemburg, sent to London to express regret at the departure of "the dreadful Prussians," and at the consequent lessening of the sources of support, and praying the conference to grant the city indemnification for this loss.

As soon as it was fully decided that a conference should take place, many applicants presented themselves craving participation in this council of the Great Powers,—Denmark, Portugal, Italy, Spain, and Belgium.² Of these only two could receive serious

¹ According to Rothan, "Luxembourg," p. 386, the troops stationed at Chalons were doubled, fortresses were armed, horses purchased in Hungary, Italy, and Switzerland, an "immense" park of artillery was formed at Metz, gunboats were sent to Strasburg, the reserves of 1864 and 1865 were called in, and the troops of 1860 were not discharged.

² Rothan, p. 368.

consideration, — Belgium on account of its position as a neighboring State, and Italy because of its political prominence. Neither France nor Prussia took exception to them, and the desired invitation was extended to the Governments of these two States.¹

Thus all preparations were most harmoniously made; and it appeared as though all that remained for the conference to do was that the seal of the Ambassadors should be affixed to the completed document, when at the last moment an unexpected difficulty arose.

Lord Stanley, as we know, had from the beginning hoped that Prussia, without further parley, would give way before the threats of France and withdraw from Luxemburg, and that he had eventually, but with little inclination, agreed to Russia's proposal of a conference, and in a general way to the basis upon which this should act; but he was not at all disposed to burden England with the proposed guaranty for the future neutrality of Luxemburg. On May 3d, therefore, he forwarded to the Powers, for the purpose, as he declared, of diminishing the labors of the conference, the draft of a treaty which, though it had the merit of providing in its first Article for the withdrawal of the Prussian troops, and by another forbade the cession of the town to any other Power, thus making its annexation by France impossible, yet contained not a word regarding the neutrality of the State, nor that this should be maintained under European guaranty.

¹ How Rothan came by the information that Bismarck would have preferred to exclude Italy is not known to the author; upon the first inquiry, the Minister at once gave his consent.

Bismarck immediately sent the reply that neutrality and its guaranty must be the first stipulation of the treaty as the indispensable condition to Prussia's evacuation of the fortress. Russia and Austria, he stated further, were agreed to this, and he thought the same demand would be made in Paris. Moustier did, in fact, reply, that though he did not wish to raise any decided objection to the draft, yet he was quite confident that Prussia would not accept it, since, without the established neutrality of the State, it would still be possible for foreign troops to pass through it. Evidently France had as great an interest in a guaranteed neutrality as had Prussia.

In the face of this concurrence of the parties concerned, Lord Stanley felt constrained, though much against his inclination, to take another step; and on May 6th he submitted a new draft, per telegram, to the Cabinets. Its first Article provided for the continued rule in Luxemburg of the House of Orange, and the second designated the State as perpetually neutral territory; the European guaranty had, however, shrivelled into a declaration on the part of the Powers that they would in no way violate the principle of neutrality. It was the wording which had been adopted by the Powers at the time the Ionian Islands were declared neutral, and, being thus established as a precedent, would, Lord Stanley hoped, suffice for Luxemburg also. But this pleasing delusion lasted but over night, being dispelled on the next day but a few hours before the opening of the conference. On the morning of May 7th, he re-

ceived a communication from the Prussian Ambassador, Count Bernstorff, stating that the latter had been instructed to announce that the mere promise on the part of the Powers to respect the neutrality of Luxemburg would not be deemed sufficient warrant by Prussia to permit the evacuation of the fortress, and that he could not participate in the proceedings of the conference until this most important point of the basis, as proposed by Russia and approved by all the other Powers, the efficient sanction of the neutrality under European guaranty, should also be accepted by England.

Now, indeed, Lord Stanley found himself in a most distressing dilemma: on the one hand he must face the violent displeasure of the English Lower House, if through his action England were bound to an armed defence of the Luxemburg neutrality; for ever since Lord Palmerston had entangled England in so many foreign difficulties, not always with brilliant results, no one there would listen to any interference in the disputes of other nations; on the other hand, if he refused to accept the required condition, the consequence would be a terrible European struggle, with its injurious effect upon British commercial interests, and a cry of indignant protest throughout the civilized world that England's stubbornness had wrought all this misery. Never, Lord Stanley some time later declared to the Lower House, had he faced so perplexing a question.

In this hour of trial, there appeared before him, like a delivering angel, the Russian Ambassador, Baron Brunnow, familiar to us from the part he took in the London

Conference of 1864, who proposed a compromise according to which the guaranty should not be assumed by each of the Powers individually, but by them collectively. It provided further, that in case of dispute it should first be determined through the concerted action of the Powers whether or not a violation of neutrality were really apparent, and then what measures should be adopted. Such a provision, it was felt, could not meet with unfavorable criticism in the English Lower House.

This was so obvious that the English Minister felt obliged to yield sufficiently to make an agreement upon this basis appear probable. Bernstorff telegraphed this result to Berlin, Bismarck accepted it by telegram, and so at last all was in readiness for the beginning of the important transaction.

After Lord Stanley had been unanimously called to preside over the conference, and the usual formalities had been disposed of, Stanley submitted his latest treaty draft for consideration. Count Bernstorff immediately rose to criticise the absence of a European guaranty for the neutrality of Luxemburg; and all the other representatives agreed with him that it constituted an essential provision of the basis as accepted by the Governments represented in the conference. Stanley then stated it to be his opinion that Luxemburg was already under European guaranty in consequence of the treaty of 1839; to which Bernstorff replied, that it was not the neutrality of the State, but the King-Grand-Duke's sovereign right, which that treaty sanctioned under European guaranty, constituting an essential difference

between the proposed guaranty and the former one granted to Belgium.

It was then decided to deliberate upon the several Articles of the draft separately. When Article I. was read: "The King-Grand-Duke retains the rights which attach Luxemburg to the House of Orange Nassau. The high contracting parties take cognizance of the present declaration," to the surprise of all, the representatives of Holland and Luxemburg announced that before final action could be taken in regard to it, they would have to communicate with their respective Governments. To Article II., which provided the future neutrality of Luxemburg, Bernstorff proposed the addition: "This principle is and shall continue under the sanction of the collective or joint guaranty of the Powers signing the present treaty," which received the support of all the other representatives. Stanley expressed his preference for the original text without this addition, but added that he would submit it in its amended form to his Cabinet, and hoped he would be able to report the result at the next sitting.

With regard to the subsequent Articles concerning the evacuation and razing of the fortress of Luxemburg, the two representatives, Baron Bentinck of Holland and Baron Tornaco of Luxemburg, again declared themselves to be without instructions, which subjected them to a sharp reproof from both the Russian and the French representatives. In Article IV. the time fixed for the withdrawal of the Prussian garrison was not stated, and Bernstorff promised to obtain the opinion of

his Government regarding this point as quickly as possible.

During the second sitting, on May 9th, Lord Stanley announced that the English Cabinet would agree to Bernstorff's amendment, whereby the last difficulty was removed. There now remained but a few matters, politically unimportant, to be decided.

Baron Brunnow, kind and sympathetic as in 1864, directed the attention of the conference to the loss which the citizens of Luxemburg would suffer in consequence of the withdrawal of the Prussian garrison; when, however, Tornaco moved that the high contracting parties who in the interest of Europe had decreed that the Prussian garrison should be withdrawn should pay an indemnity to the city for the loss suffered thereby, his request was unanimously refused. Another and similar amendment proposed by him, providing that the Powers themselves should defray the heavy expense to be incurred by the razing of the fortress, instead of allowing this burden to fall upon the poor little State of Luxemburg, met with a like fate. As the result proved, the city did suffer loss through the discontinuance of the garrison, but, on the other hand, realized several millions from the sale of the ground upon which the fortifications had stood.

Of much greater importance was the motion introduced by Tornaco, and adopted by the conference, stipulating that the neutrality of the State should in no way interfere with its right to enter into commer-

cial and customs unions. Accordingly Luxemburg continued a member of the German Customs Union.

But little of interest was accomplished during the third sitting on May 10th; but the fourth, on May 11th, brought matters to a close, Prussia having agreed to the text of Article IV., by which it was stipulated that the evacuation of Luxemburg should begin immediately after the ratification of the treaty, and that the artillery and other munitions should be removed as quickly as practicable. The treaty was then paraphrased, and two days later it was signed, though under date of May 11th, the day of its conclusion; and on May 31st the ratifications were exchanged. The withdrawal of the Prussian troops was begun at once, and thus the crisis by which for months the peace of Europe had been threatened was safely passed.

An unpleasant afterpiece took place in the English Parliament when the treaty was submitted to that body by the Government. In the Lower House the Radical, Labouchere, in his usual pompous and uncouth manner, criticised the Government because of its departure in this instance from the excellent principle of non-interference, as also because, without the previous consent of the Parliament, it had assumed the responsibility of a guaranty which for a foreign cause might involve England in an expensive war. The popularity of this view was at that time so great, that Lord Stanley under its influence endeavored to represent the collective guaranty as placing but a minimum of responsibility upon England. He declared

that through this treaty England had gained the right to take warlike measures against any Power by whose action the neutrality should be violated, but that England could be judicially compelled to such a step he declared to be out of the question; the obligation assumed could at the most be but a moral one, its fulfilment dictated by a sense of honor alone; it was, therefore, he reiterated, but a limited obligation which England had assumed.

The sophistry of the Upper House was still less to be admired. There the Prime Minister, Lord Derby, without being in the least abashed, argued that by signing this treaty the Powers had assumed but the obligation of a collective guaranty against a violation of the neutrality of Luxemburg by a third party; should, however, one of the contracting parties violate it by transgressing upon the rights of Luxemburg, the treaty would, according to the general interpretation of the law, by this act become null and void, and the other contracting parties would no longer be bound by it. It was in vain that Lord Houghton and a few other peers from the ranks of the Opposition made indignant protest against this unworthy jugglery of words, declaring that the very origin of the treaty, the basis proposed by Russia, the condition made by Bismarck, and the clause added upon motion of Bernstorff proved the general understanding to be that the collective guaranty was not an empty phrase, and that if Lord Stanley had entered into the agreement with the mental reservation which had just been expressed,

the whole treaty was an outrageous circumvention of the Prussian Government. In the opinion of the rest of the world the sole purpose of the treaty was, they maintained, the prevention of just such deeds as those which, according to the specious argument just made, would result in the abrogation of the treaty; namely, the violation of the neutrality of Luxemburg by one of the contracting parties. Who besides one of the Great Powers, they asked, would or could violate this neutrality? Would it be likely to be the Emperor of China, or perhaps the Sultan of Morocco?

But their efforts were of no avail. Lord Derby persistently upheld his view, and several of the Ministers who took part in the discussion expressed their admiration of the wonderful skill displayed by Lord Stanley in these negotiations. So servile a surrender of a just cause to a popular idea was not edifying; but it had no further ill result, since fortunately no one had any inclination to assail the neutrality of Luxemburg.

Of much sadder consequences, however, was another event closely associated with the question of which the conference had just disposed. In Hanover the prospect of a Franco-Prussian war caused great excitement among the officers who had associated themselves with the local conspiracy. They told the soldiers and peasants most fabulous stories of how King George, immediately after the outbreak of hostilities, would appear in Holland, there marshal his faithful followers, and, re-enforced by a French army, would sweep into Hanover, drive out the Prussians, and restore this realm

of the Guelphs to all its former greatness. Many converts to their cause were thus made among the young men, who awaited with impatience the signal of the King, to leave their homes for Holland. Twenty thousand of these self-constituted exiles, it was hoped, would gather at Hietzing as soon as actual warfare should have begun, a goodly army corps, to be placed at the disposal of the French Emperor, as the conspirators congratulated themselves. Meanwhile there were orders for red uniforms and Chassepot rifles.

In Hanover the excitement was becoming more and more intense; and the officers reported that the men could not much longer be restrained, nor could the secret be kept from the Prussian authorities. Several officers were sent to Paris to obtain information regarding the prospects, and received the assurance from the Emperor's political agent, Meding, that the declaration of war was not far distant. After their return, toward the end of April, they inquired by telegram whether the political situation remained unaltered; and Meding, either so illy informed or so careless, replied in the affirmative, although, as we know, the conference had at that time been decided upon, and peace was therefore as good as assured.

The result was, that the leading conspirators in Hanover gave the signal; and during the first days of May about seven hundred men passed over the frontier, and united in a Guelphic legion¹ at Arnheim. Eight days

¹ Meding himself makes this statement (*Memoirs*, III., p. 190). The Legion was in the following weeks re-enforced by a large number of

later the negotiations establishing the peace of Europe were concluded; and great was the anxiety now felt in Hietzing as to how these poor fellows, so lightly induced to leave their home surroundings, could, with the limited means at the disposal of King George, be kept from starvation.

The vigorous protests entered by the Prussian Government made their continued stay in Holland impossible; they were then transported to Switzerland, and in consequence of the remonstrances of the Prussian Minister there, were in January, 1868, conveyed to France. Here they were hospitably received as political refugees. The Government located them far distant from the frontiers, directed that they should be divided into small troops according to their former Hanoverian regiments, and be distributed among the different districts, where their officers daily put them through the usual drill, but without arms. The disturbances which occurred amongst the men as a result of idleness and the absence of any real discipline were allowed to pass unnoticed by the Government. It was evident that this could but lead to the utter ruin of the deluded men. But even yet King George would not renounce his visionary schemes, nor disband his Guelphic legion.

With the treaty of May 11th, the danger of a great war had been averted, and the peace of Europe for the present secured. For the past year, however, a little

fugitives consequent upon the discovery of the conspiracy by the Prussian police.

spark had lain smouldering in the extreme eastern corner of Europe, insignificant in itself, but, because of the vicinity of larger and more important combustibles, not to be disregarded. The Christian inhabitants of the Island of Crete had revolted against the Turkish Government, and ensconced in their mountains were tenaciously holding their own against the soldiers of the Sublime Porte. They were receiving vigorous support from Greece, — arms were sent them, and their ranks were replenished by Greek volunteers; upon all of which Austria and England looked with manifest displeasure, but to which the Russian Government extended the protection of its sympathy.

Prussia, so far, had avoided any expression of opinion. "The Orient," said Bismarck, "lies so far removed from us that I do not even read the reports of our representative at Constantinople." The attitude of France in this matter was as usual decided by its antagonism toward Prussia, by which, in this case, unfortunately, the difficulty of decision was greatly increased. Marquis Moustier was personally a sincere well-wisher of the Porte, and had, moreover, a due appreciation of the political advantages offered by an alliance with Austria; all this would have inclined him toward placing a check upon the secret assistance rendered the revolutionists. There was, however, another factor, which was his strong desire to interfere with the friendship and possible alliance between Russia and the troublesome Prussians, and, if possible, to establish sympathetic relations between the Cabinets

of St. Petersburg and Paris. We therefore behold him making alternate friendly obeisances, first to the one side and then to the other, whereby, to be sure, it was hardly to be avoided, that whilst he smiled upon the one, he trod upon the toes of the other.

By this policy, therefore, France gained no eminent results for the present, and the ill feeling and chagrin caused by the Luxemburg defeat rankled with increased bitterness in the hearts of the French. Though Marquis Moustier had with boastful words set forth to the Representative Assembly how the Government, wholly uninfluenced by motives of self-interest, had demanded that the fortress should be evacuated by Prussia for the sole purpose of making the French frontier more secure, and that this demand had been at once granted by the Powers, yet the Assembly received the announcement of this great victory with chilling coldness. It was too well known that the Government had confidently hoped to acquire this little State, a hope which all France had shared, and whose frustration was felt to be a disgrace to the French name, and a proof of the inability of the Government.

That the author of all this mischief could be no other than Bismarck was regarded as a matter of course. Had any one at that time made the perfectly truthful statement that Bismarck would really have consented to the cession of Luxemburg for the sake of evincing Prussia's friendly spirit, and of allaying the resentment roused in France by the victory at Sadowa, he would have met with derision, and perhaps even

with maltreatment. Although Bismarck had neither in August, 1866, nor in the winter of 1867, given Benedetti a promise of any kind, but simply had discussed very definite possibilities, there was yet not a French diplomatist who did not regard his action in the Luxemburg affair as a most flagrant breach of promise. But apart from this, it was wholly impossible for the French to understand the nature of this powerful man, in whom was found the rare combination of perfect fearlessness in his undertakings, with coolness of calculation, and a masterly power of discernment. In his calmness they thought to see lowering treachery; in his energetic activity, passionate excitement. His plea that he must be quite as mindful of the opinion of the German nation as was Napoleon of that of the French had no effect whatever. "We recognize the people of Saxony, Baden, Hesse, as nations," Thiers once exclaimed; "and we will not permit these to be welded into a German nation under Prussian hegemony!" Bismarck, however, as was notorious, desired above all else this German unity, had, in fact, declared its achievement to be his life-work; he would, therefore, it was felt, in spite of the combined opposition of the Powers, take the earliest steps possible toward its realization.

Since, however, France as well as Austria was at present engaged in reforming its military system, and therefore could not possibly offer armed resistance, it was decided in Paris that the existing *status quo* would have to be endured for a while, with the reservation

that any further attempt on the part of Prussia to cross the line of the Main would be regarded as a *casus belli*, and that France would, if possible, act accordingly. The view expressed in the "Yellow Book," and thus submitted to the Chambers but a few months previously, regarding the rights of the Southern States and the provisions of the Treaty of Prague, was under the present conditions wholly forgotten. What was now read between the lines of that treaty was that Prussia had pledged to the Courts of both Vienna and Paris that the independence of the Southern States should be preserved, and that therefore France and Austria would be fully justified in preventing any change in these relations by an appeal to arms.

As frequent reference will be made in this connection to the Treaty of Prague, it will be profitable to state the provisions made in its fourth Article.

After the formal recognition by Austria of the dissolution of the German Confederation, and Austria's consent to the formation of a new federation in which it should have no part, the Article reads: His Majesty the Emperor of Austria also agrees to recognize the closer Federal union which his Majesty the King of Prussia will establish north of the line of the Main, and further declares himself agreed to the combination of the States south of this line in a union whose international relations to the North German Confederation are to be determined by nearer negotiations between the two, and which shall have an independent national existence.

It is indisputable that these agreements could in no way be binding upon the Southern States, since they were not parties to the treaty. Neither had the two Great Powers, according to the explicit wording of the Article, entered an agreement with each other to establish a southern federation; they simply assumed the negative obligation not to prevent the formation of such a union. The States of the South retained perfect freedom upon this point. Should the suggested federation be formed, international relations could then be established between it and the North German Confederation at its own dictation, without a surrender of its independence in its international relations to foreign States. If, on the other hand, the formation of a southern federation failed of accomplishment, that clause of the Treaty of Prague in which reference was made to it must thereby become inactive, and it would be legally impossible to make its provisions binding upon the Southern States; for instance, that in consequence one or all of these States could be prevented from entering the North German Confederation. Consequent upon the dissolution of the old German Confederation, each State had regained all its former sovereign rights, and therefore the right of decision upon this point also.

But, in so far as Prussia was concerned, was it not bound by this agreement to refuse the South German States admission into the Northern Confederation? Upon this question opinions were divided, even in Germany. The Government of Baden drew the simple conclusion that since the Southern Confederation had

not been formed, the entire clause referring to it thereby had become void; therefore Prussia also could not be bound by it, and was free to enter into any agreement with any one of the South German States. There were others, however, who construed the clause more rigidly. They held that by the Treaty of Prague Prussia had agreed in no way to hinder the formation of a southern federation; and since the admission of one of the Southern States into the North German Confederation would constitute the greatest possible hinderance to this achievement, it was incumbent upon Prussia to refuse such a request so long as any possibility remained that the proposed federation might be consummated. It was further argued that should all of the Southern States, however, desire admission, this possibility would cease to exist, and Prussia would then be no longer restrained by the provisions of this Article. Accordingly, it was the opinion of the Bavarian Government, that negotiations undertaken by all of the Southern States jointly regarding common federal relations to be entered into with the Northern Confederation were perfectly lawful, whereas a like step on the part of any one of these States was prohibited by the Treaty of Prague.

It was greatly to the interest of the other European Powers that the Prussian Government also should adopt the latter and stricter interpretation, according to which none of the individual Southern States could be admitted into the North German Confederation without Austrian consent, but that the combined effort in

that direction on the part of all of these States could give no one offence.

France had no more right to object than had Austria. It is true that Napoleon, in the programme of July 14th, had been the recognized mediator, and in that *rôle* had himself proposed the clause accepted by the contending parties concerning a future southern confederation. But this did not read: the Southern States shall unite in a federation — but: *ils seront libres*, etc. Aside from this, the French monarch had forfeited all right to interfere by the fact that, as we have seen, he gave his representatives at Nicolsburg instructions to assume no further responsibilities of mediation, and therefore not to sign the preliminaries. It was obvious that since he had not been a party to the treaty he could not claim the right to supervise its execution, nor to guard against any supposed breach of good faith.¹

Finally, should the point be conceded that after the plan to form a federation of the Southern States had been abandoned, the stipulations of the Article relative to the proposed federation applied with equal force to the individual Southern States, Prussia had still given no cause as yet for a protest against violation of the treaty. The provision was made that the proposed federation of the Southern States should have the right to come to an agreement with the North German Confederation regarding their future international relations. Very good. Who can dispute that the first and most important step in that direction must be to arrive at an

¹ Rothan acknowledges this explicitly.

agreement regarding mutual protection against foreign foes? Beust's protest, that this would result in too great a restriction of the independence of the Southern States as stipulated in the Treaty of Prague, was the more unreasonable, since, in the first place, an alliance for purposes of defence can be of no avail if it fails to provide for one supreme command, and in the second place, because, according to the treaty of peace, the degree to which these States might become dependent should not be determined by the Great Powers, but should be decided by agreement between the two Confederations. These arguments apply with still greater force to Prussia's right to invite the Southern States to a vigorous reorganization of the Customs Union, which was done toward the end of May. Who will dispute that under the conditions then existing, a reconstruction of the Customs Union was one of the essential requisites of any national union upon German territory?

It will be seen that Bismarck's further attitude toward this German question was in every particular perfectly consistent with this interpretation of the Treaty of Prague: The reception of none of the South German States into the North German Confederation so long as all of these States did not desire admission; the establishment of no international relations with any of the Southern States which would not also have been permitted to a southern confederation by the provisions of the Treaty of Prague; but in every case an absolute refusal to allow a third party which had not participated in the treaty to interfere with its execution.

It is true the French interpretation of the document differed radically from this view. As though it contained not a word relative to an international alliance to be entered into by the Northern and Southern Confederations, the French Government, prompted by its own wishes in the matter, had become firmly convinced that the Treaty of Prague prohibited every form of Prussian influence or domination south of the Main. Count Beust, who, it must be conceded, was a man cognizant of affairs, did everything within his power to confirm the French statesmen in this error. Consequently, in Paris the treaties of alliance concluded in August, as also the invitation to a reorganization of the Customs Union, were regarded as so many flagrant violations of the Treaty of Prague; and since the Parisians were not well posted in the geography of Germany, and therefore were not aware that Mentz, like Frankfort, is situated north of the Main, they beheld in the Prussian garrison stationed there an intentional trespass beyond the line of the Main. "Prussia must be taught to keep its contracts," they declared with indignation.

Paris, during this time fraught with so many anxieties for its statesmen, was filled with splendor and rejoicing occasioned by the glorious success of its world's fair, which was indeed all that could be desired. No previous exposition had been conducted upon so grand a scale, nor had the arrangements ever before been so practical and yet so beautiful. The vast number and magnificence of the exhibits made by the different coun-

tries were without parallel. The seekers after pleasure and the curious, the producers and the consumers of all nations, were flocking thither in great crowds. The crowned heads of Europe had all signified their intention to visit it; and though the Pope had denied his presence, the Sultan of Turkey had consented to come. Indeed, Paris was again enjoying the consciousness of being the metropolis of the world, the source and centre of civilization.

Early in June, Emperor Alexander of Russia, with his Vice-Chancellor, Gortschakoff, arrived, followed on the 6th by King William, accompanied by Bismarck. They were received with the greatest pomp and cordiality; for, when the ambition characteristic of his dynasty had not been offended, no one knew better than did Napoleon, with his native suavity, how to delight his guests, whilst the charming *esprit* of the beautiful and gracious Empress Eugénie captivated all hearts. Diversions of every kind — banquets, balls, hunts, parades — followed one upon the other in rapid succession. Politics could receive but passing notice. King William had a way both dignified and courteous of avoiding every political discussion; he confined himself to an expression of his earnest wish that peace might be maintained.

Bismarck, however, was somewhat less reserved in his conversation with the Minister of State, Rouher, to whom he declared his good intentions in the Luxemburg matter, and assured him that the South German States had so far manifested no desire to be admitted

into the North German Confederation, and that he was quite as little inclined to urge them to such a step. Marquis Moustier in no way sought to engage him in conversation; he had not forgotten a short retort made by Bismarck at the time of the Crimean war when he was Ambassador at Berlin, and Bismarck happened to be there also. Moustier had criticised the vacillating policy of the Prussian Government at that time, and finally exclaimed, "It will result in a Jena for you!" Bismarck immediately responded, "Why not in a Leipzig or a Waterloo?" Moustier, who was of a quick and irritable temperament, took pains ever after to avoid him.

But all the more eagerly did he seek the company of the Russian Minister, Gortschakoff, whose friendly advances pleased him exceedingly. The latter commended the great devotion to liberty shown by the Bulgarians, Servians, and Greeks, back of which Moustier recognized the Russian desire to do away with the Pontus clause of the Treaty of Paris. To his regret he could make only the evasive reply that France was not the only party to this treaty, and could not therefore alone attempt to alter it. Their conversation then turned to the affairs of Germany and of the Orient. Regarding Germany, Moustier said, "We do not dispute Prussia's right to organize and add to its strength within the limits to which we agreed at Nicolsburg, but we cannot look passively on whilst Bismarck makes one attempt after another to overstep those limits." — "You do wrong," Gortschakoff replied, "to allow such

thoughts to enter your mind. I assure you that Bismarck fully intends to abide by the provisions of the Treaty of Prague. His position is an exceedingly difficult one; he cannot openly declare himself opposed to German unity, though in reality he does not desire it, since the consequent annoyances would far outweigh the advantages. The parliament for the consideration of the Customs Union is simply a means of appeasing the National Party, and has no further political significance."

So far as the Orient was concerned, Gortschakoff declared that Russia entertained no thoughts of aggrandizement, but felt great sympathy for the Christians of Turkey in their unfortunate situation. He admitted that Russia favored Grecian annexation of the Island of Crete, in which event, however, the maintenance of order in the future would be required of Greece under the surest of guaranties. Moustier agreed to everything, and committed the substance of this conversation to writing in a *pro memoria*, as a record of the delightful understanding existing between the two Courts.

Unfortunately, however, before this conversation took place, other events had occurred whereby this praiseworthy harmony had been deprived of its foundation. On June 4th loud cries of "*Vive la Pologne!*" had a number of times been shouted after the Czar; and on the 6th, as seated in a carriage with Napoleon he was returning from a military parade, a Pole named Berozowski shot at him, but fortunately missed his aim. Napoleon, in spite of the shock which he had received,

exclaimed with ready wit, "This, sire, has made us allies, for we have stood under fire together!" The unfavorable impression made upon the Czar could, however, not be dispelled, especially as upon the arrest of the would-be assassin forty lawyers of Paris immediately offered their services in his defence. Soon afterward Alexander left Paris, carrying with him unpleasant remembrances of France, and more favorably inclined toward Prussia than ever before. On his return journey he expressed these sentiments very emphatically to both the Duke of Nassau and the Queen of Württemberg.

On June 14th the Prussian monarch parted from his imperial host and hostess with hearty good-will, and on his arrival in Berlin sent them a cordial letter of thanks for the delightful days which they had planned for him. This could not, however, dissipate the shadow which the attempted assassination had cast upon this gala week; and unhappily another event was soon to follow whereby a still deeper gloom would be cast upon the ruler of France. He was expecting the visit of the Emperor and Empress of Austria, when suddenly came the news that Emperor Maximilian of Mexico, brother of Francis Joseph, had fallen into the hands of his republican antagonists, and, after trial and sentence by court-martial, had been shot on June 19th at Querétaro. Napoleon received the intelligence on July 1st, just as he was about to go to the exposition to take part in the formal awarding of the prizes. He was greatly shocked at the fatal termination of the

undertaking which he had begun with such ambitious plans. Though he could hardly be accused of having failed to fulfil the promises made to the unhappy Prince in the treaty of 1862, yet it was he who had been the originator of this ill-fated adventure.

The anticipated visit of the Austrian ruler had hereby become impossible; and the hopes, to the realization of which it might have led, the conclusion of a treaty of alliance between Austria and France against Germany, were frustrated. A fateful feeling was taking possession of those about Napoleon that his star was beginning to set, and that his every endeavor was doomed to disappointment.

The uninterrupted cordiality which marked the intercourse of the two monarchs during King William's visit in Paris had roused the hopes in Berlin that the ill-feeling in France had really subsided, and that after all it might be possible for the two nations to continue side by side in harmony. But only a few weeks passed before the old habit of criticism, and the desire to meddle in and control the affairs of others, which the French Government seemed to consider its rightful prerogative, once more asserted itself. The point at issue was again a provision of the Treaty of Prague, this time Article v., which, like the preceding one, Napoleon himself had proposed, but in whose fulfilment he had forfeited all right to interfere by his non-participation in the conclusion of the treaty. It was the Article by which Austria transferred her rights to the Elbe Duchies to the King of Prussia, under the

condition "that the populations of the northern provinces of Schleswig shall be ceded to Denmark if, by a free vote, they express a wish to be united with that country." It is obvious that this measure could not be executed without some preliminary action; since the expression, "northern provinces of Schleswig," was a very indefinite one, and no one could designate exactly how far to the south the north extended. It was the opinion in Copenhagen that this was the very point to be decided by the vote of the population; wherever the people expressed themselves in favor of Denmark, that should be regarded as northern or Danish territory. The Berlin view, however, was that the two Courts ought first to determine by an agreement what should be considered as the southern boundary of the northern provinces, after which the people to the north of this should cast the vote which should decide their future. This was the opinion advocated by the neutral Powers during the London Conference of 1864, when England proposed the cession of the southern part of Schleswig to Germany, and Prussia desired a decision by a vote of the entire population of Schleswig. The Powers declared in favor of a course of action by which the dividing line should first be agreed upon, and then the vote by the people of the territory to be ceded should follow.

In 1867, however, this was not the only difficulty to be surmounted; for scattered throughout the districts occupied by a Danish-speaking peasantry were many towns of German population, some of them close

to the boundary of Jutland, whereby the question whether the vote should be cast according to zones or according to communities became of great practical importance. In Berlin it had been firmly determined in any case to demand the preservation of their nationality to these towns under well-established guaranties, and not to leave them at the mercy of the democracy of Denmark, as had been the case during the dreadful years from 1852 to 1864. Another concession desired in Berlin was the assumption of a proportionate part of the Schleswig-Holstein national debt according to the extent of territory to be ceded.

When on May 8th, 1867, Prussia opened negotiations with The Hague upon this subject, it became evident at once that the question regarding the national debt would cause little difficulty, but the guaranties for the protection of the German communities could not be agreed upon. On June 1st a decided refusal of the German demands was sent to Berlin. The just disposition of the King, the liberal Constitution, and the existing laws, it was declared, all combined to make a special guaranty unnecessary; it was further stated that the demand must be absolutely refused, since by conceding to it, a foreign Power would acquire the right to oversee and interfere in the internal affairs of Denmark, which would constitute a serious menace to the independence of the State.

On June 18th Bismarck replied that in the days of the absolute monarchy such assurances would have been all-sufficient; now, however, the decisions of the Dan-

ish Crown were dependent upon the approval of a democratic Assembly, and Germany had witnessed how little disposed that body was to deal justly with the German population. Prussia, therefore, felt compelled to make the cession of territory conditional upon a formal guaranty.

To this the Danish Government made no reply, but, instead, knocked at the door of France, with the hope that here friendly support would be forthcoming. In the year 1864 Napoleon had himself, for reasons with which we are familiar, proposed the annexation of the grand duchies to Prussia; and his attitude at that time had roused general displeasure in France. Now his disposition toward Prussia had undergone a complete change, whereas that of the French statesmen had remained as before. He was, therefore, very desirous to do something for Denmark; and Moustier, still irritated by Prussia's recent action regarding the Customs Union, spoke with great indignation of the violations of the Treaty of Prague, which he declared were constantly increasing.

Immediate information of all this was sent Bismarck, and found him on the eve of departure for Varzin, there to enjoy a short outing. He at once issued a circular note to all the Prussian legations, directing that French diplomacy be carefully watched. "We are," he wrote, "decidedly opposed to a warlike policy; we can see no advantage to be gained by it. Nothing, however, can induce us to subordinate the dignity of our Fatherland to apprehensions of minor

importance, or to a consideration of foreign interests. The Danish demands will find us reasonable; but we will not permit ourselves to be hectored into making concessions, notwithstanding our disinclination to resort to extreme measures, and our desire, in so far as it is possible, to appease the Cabinet of the Tuileries."

He was as anxious as ever to preserve peace, but experience had taught him that it would be best served by a decided and undaunted refusal to allow any officious interference in German affairs.

Meanwhile St. Petersburg also had become suspicious of France. Gortschakoff criticised the exaggerated magnificence with which the Sultan had been received in Paris, to which Moustier made reply that the occasion had been utilized quite as Russia would have desired, to commend reforms for the amelioration of the condition of the Christians. "We have endeavored," he wrote, "to second your desires in the Orient, and can therefore expect that you will render us an equal service in the Occident. In the former there is a Cretan question; in the latter, a Danish one: if with respect to this you will use your influence with Bismarck, you will earn the gratitude of France, and greatly aid in preserving peace in Europe."

Gortschakoff was quite willing to do as suggested, and at once wrote a letter to Bismarck, so friendly, so polite, and so flattering, as to be well-nigh irresistible. His theme was, that Napoleon above all else wished for peace; but that, should the Danish question remain undecided much longer, he feared the excessive

irritation of public opinion in France would result in the deepest perplexities for him. That peace should continue, Gortschakoff wrote further, was also Emperor Alexander's greatest desire ; although it was the opinion of many that Russia could lose nothing, and might perhaps gain much, by a war between Prussia and France. What could be done, he asked ; and then assured Bismarck that he wished to avoid even the semblance of interference, and added that, better than all others, Bismarck himself must know the key by which this difficulty could be solved. Moustier, to whom Gortschakoff sent a copy of the letter, was delighted, and after this Russian prelude, at once addressed himself to his task with the full approval of Napoleon.

The Danish Minister had just at this time proposed a confidential discussion of the matter in Berlin to the Prussian Minister ; and to prepare the way for this, Moustier, on July 25th, sent a despatch to his *chargé d'affaires* at the Prussian Court, Monsieur Lefebvre de Behaine (Count Benedetti was on leave of absence), in which he expressed regret that the Prussian communication of June 18th had been of so unconciliatory a tone. Then he wrote, "Were the cession of North Schleswig an act prompted by a spirit of magnanimity alone, Prussia would of course have the right to make what conditions it pleases ; but Prussia acknowledges that it is to be done in fulfilment of the stipulations made by the Treaty of Prague, the fifth Article of which, without any reservation what-

ever, directs the restoration of this territory." Prussia, he argued further, had no right, therefore, to make the demand that certain German communities in the provinces to be ceded should remain under its protection, which would result to the injury of Danish independence. Count Bismarck, being aware of the conciliatory spirit France had always shown, would, he trusted, not misconstrue these remarks, remembering the moral obligations the two countries had assumed toward each other.

In receipt of this despatch, the *chargé d'affaires* called upon the Assistant Secretary of State, Herr von Thile, Bismarck being away. As soon as he mentioned his intention to submit a communication regarding the Prussian-Danish question, Thile stopped him with the remark, "That is a most serious subject; I cannot, therefore, listen to what you have to say until I have received instructions from the King." On the following day he was prepared for the interview, but confined himself strictly to the *rôle* of an attentive listener. Lefebvre believed himself to be acting within the spirit of his instructions by offering Herr von Thile the despatch to read, who, as he read, took a few notes. He, however, expressed no opinion regarding the contents, raised no objections, and only mentioned with much emphasis the fact that the parties to the Treaty of Prague were Prussia and Austria.

What this allusion to a historic fact was meant to convey, Lefebvre was soon to discover. The King and Bismarck were at once resolved to resent this first

French attempt at interference in German affairs with such energy as would dissipate any future desire of that kind in Paris.

In a few days the German public became acquainted, through the official press, with the events just related. It was reported that a communication had been received from France regarding Schleswig; that France was attempting interference in matters not subject to its criticism; and that it would not be permitted to make appeal to a treaty in which it had taken no part. These sentiments were echoed and re-echoed throughout Germany; from every side was heard the cry, "No foreigner shall presume to dictate to Germany regarding German affairs, nor to instruct Germany how to fulfil the provisions of German treaties." Of like tenor were the communications which Thile was authorized to make to the French *chargé d'affaires* at their next interview.

Moustier was shocked and surprised above all measure. What! France should be forbidden to impart to the other Powers good advice and earnest warnings regarding doubtful questions? Where, indeed, could a country be found with whose relations and aspirations France had NOT interfered, whether for its own advantage, or because of its superior judgment? Was the pre-eminence of France not a historic fact to which the centuries had testified? And now the upstart Prussia intended to forbid to it even a polite expression of opinion! Preposterous! In this predicament Moustier's first resort was to a question of diplo-

matic form. He wrote to Lefebvre: "Every one in Germany is talking about a French diplomatic communication; we have not sent any such to Berlin. Ask the Prussian Government to correct this mistake." Lefebvre did as he was directed. Thile answered, "It is true you submitted no communication, but you did hand me a despatch to read." — "But," exclaimed Lefebvre, "that was informal, wholly confidential, as I took pains to remark at the time." — "I cannot remember," answered Thile, "that you made any such qualification."

The English Ambassador, alluding to this question, remarked to the French representative that the FORM was of but little importance; it was the fact that France had interfered which had incensed Bismarck, since its effect would be the encouragement of all Prussia's enemies. Austria and Russia were silent. Why, indeed, had Napoleon himself at Nicolsburg cast from him all right to future interference? Now he could assert it by a resort to arms alone. Marshal Niel's reorganization of the army was, however, as yet far from complete.

To put an end to the ado, Moustier, with bitter resentment in his heart, decided to yield. He sent another despatch: "It was not our purpose to demand of Prussia a declaration of its intentions; we only wished to make our opinion known to Prussia. We sincerely regret that Count Bismarck has misapprehended the nature of our remarks. Assure him that we would under no consideration subject ourselves to

criticism for having offended the dignity of a neighboring Power.”

The French historian to whom we are indebted for these particulars again deplores Bismarck's nervous irritability upon this occasion, by which a wholly confidential message was magnified into an event of importance, causing sensational newspaper articles, and thereby endangering the peace of Europe. It evidently did not enter his mind to question whether it was the recipient or the author of the confidential message whose action endangered the peace of Europe. “It appears,” he continues, “as though Bismarck intends to establish for Germany, as the Ark of the Covenant, a sort of Monroe Doctrine.” The correctness of his deduction no one will dispute.

The occurrence (or according to the higher newspaper style, the incident) was herewith concluded, the negotiations between Prussia and Denmark were suspended, and again France had been irritated by a diplomatic defeat. Meanwhile an occasion presented itself from which consolation and encouragement could be drawn, and through which perhaps a future opportunity of retaliation for the present grievance might, by careful manipulation, be brought about.

Napoleon, in a letter of condolence to Francis Joseph, had expressed the deepest grief at the execution of Maximilian, whereupon Beust had remarked to Prince Metternich, that though the friendship between the two Courts had not suffered through this tragic event, still it seemed fitting that the first advance in

the personal intercourse between the two monarchs should come from the French side. This suggested to Empress Eugénie a delicate attention. "Our friends," she said, "were prevented from visiting us; let us, therefore, make them a visit of condolence." The suggestion made by the great lady met with the approval of the French diplomatists, and the announcement of the intended visit was sent to Vienna, where it was received with pleasure; the mother of Maximilian, the Archduchess Sophia, alone declined this manifestation of sympathy. It was arranged that the meeting should take place on August 18th at Salzburg.

From its very beginning this visit of condolence was unique of its kind. Napoleon and Eugénie, though ostensibly travelling *incognito*, everywhere accepted without reserve all the honors usually tendered royalty. In Karlsruhe they were received by the Grand Duke of Baden; in Ulm a formal greeting from the King of Würtemberg awaited them; not infrequently their hearts were gladdened by the cry, "*Vive l'Empereur!*" by which the Swabian Democrats gave expression to their anti-Prussian patriotism; from Augsburg, where Napoleon enjoyed reminiscences of his school-days spent at St. Annen-Gymnasium, he was escorted to the Austrian frontier by King Louis of Bavaria.

At Salzburg the preparations for their reception were most magnificent; the railway station and all the streets of the city were decorated with French colors and flags; everywhere were military escorts, music, and festive arrangements of every description. Strange to

say, the Austrian Emperor was accompanied by his Imperial Chancellor, Count Beust, and the President of the Hungarian Ministry, Count Andrassy, who a little later were joined by the Minister of Finance. The visit of condolence was suddenly transformed into a political congress, whose serious deliberations took place amidst scenes of pleasure and enjoyment. All the world looked on in surprise and wonder.

Beust was frequently closeted with Napoleon for hours at a time. The result was that reports, first of conjectured and then of assured negotiations regarding an offensive and defensive alliance between the two Powers, were spread through every land.

But here, as is so frequently the case, rumor greatly exaggerated the actual facts. Without doubt the two Emperors were sincerely in favor of a close friendship and a cordial understanding, but were far from the intention of a formal alliance; for neither of them was at present in a condition to undertake a great war, and both feared, though for different reasons, that a treaty of alliance might bring about such a result. Napoleon feared that no alliance, even though concluded with the utmost secrecy, could long be kept from the knowledge of Count Bismarck, and that upon its discovery this keen statesman, quickly resolved, would at once hurl his forces upon his illy prepared antagonists. In Austria, on the other hand, France, in its present condition of offended self-consciousness, was not accredited with sufficient power of self-restraint to delay for so much as a single day the declaration of war against the

hated Prussians after the alliance with Austria had been once consummated. Therefore, no alliance, but in its place the hope of a perfect mutual understanding. To serve as its basis, Beust submitted a memorial which in brief sentences presented the several issues of the German and the Oriental questions.

It began with the strongly emphasized maxim that the Treaty of Prague must be upheld. It stated further, that, in consequence of her liberal Constitution, Austria's influence in Germany would increase, and that the peaceful attitude of France would allay the German national excitement. A moral influence would therefore be exerted upon the South German States to prevent the departure from the present *status quo*. The combination between France and Austria would lead them to reflect, and to recognize the advisability of maintaining an attitude of independence and reserve. For the Orient also the memorial indicated, as the leading principle, a continuance of the existing *status quo*. England, it was hoped, could be induced to become a party to this agreement, and Russia would be interrogated regarding her plans for the Island of Crete. In addition, Beust suggested the possibility that Austria might feel compelled to take military measures to quell the turbulent spirit in Roumania (reference will be made to this later), which induced Empress Eugénie to exclaim, "Herr von Beust's imagination is most vivid!" and the subject was dropped.

Otherwise there was no difference of opinion. All the possibilities were discussed; and the views thereby

revealed coincided so exactly, and continued harmony seemed therefore so well assured, that it hardly appeared necessary to commit anything to writing. It was equally the wish of the two Powers that the *status quo* might be preserved, both in the Orient and in the Occident; that in the former the revolutionary efforts of Russia against the Turkish Government should be discountenanced, and in the latter the Prussian endeavor to found a German Empire should be thwarted.

On August 23d the royal guests departed from Salzburg, making no *détour* on their homeward journey. That Napoleon did not utilize this occasion to propose a meeting upon Prussian soil, for instance at Coblenz, to the King of Prussia, who had just visited him in Paris, had the appearance of an intentional unfriendliness, and gave a new impetus to the suspicious rumors afloat regarding Salzburg. The authorities at Vienna as well as at Paris felt compelled to meet the newspaper statements made with such assurance regarding an alliance concluded against Prussia, and the combination of the South German States under Austrian leadership and French protection, etc., by an official declaration denying them quite as positively as they had been asserted. It was stated that the visit of the Emperor and Empress of France had been prompted wholly by the desire to manifest their deep sympathy with the afflicted imperial family of Austria. It was admitted that the two monarchs during these days of friendly intercourse had exchanged opinions regarding the political situation, "But nothing has occurred," declared

the French circular note, "which is contrary to the principles expressed in our circular of September 16th, 1866 (the recognition of the great coalitions), and all our later declarations. Both monarchs have long since demonstrated their peaceful inclinations. At Salzburg they again assured each other that these sentiments would endure."

The first official counter-movement to the Salzburg episode from a German source was the speech from the Throne on September 5th by the stanch Grand Duke of Baden at the opening of the Representative Assembly. With the utmost freedom from constraint, and as though the two Emperors had no existence whatever, he began with the words: "The treaties of peace signed during the past year have placed Prussia at the head of the North German Confederation, and have reserved to the South German States the right to enter into an international alliance with this Confederation. It is my firm resolution to do everything within my power to realize this union; and I, as well as my faithful people, am prepared to make those sacrifices which are unavoidably associated with such a step."

Bismarck deemed it wisest to accept the imperial messages of peace without comment; to draw his own very definite inferences from them, however, and to use these as a background against which to outline his own views most clearly for the benefit of his antagonists. In a circular note of September 7th, he stated that the Prussian Government had with much

gratification received the assurances of peaceful intentions, "According to which," he continued, "the internal affairs of Germany were not the topic of discussion at Salzburg in the manner first reported. The cause for gratification appears the greater in view of the reception given these reports in Germany, wherein we witnessed a fresh evidence of how little the national sentiment can brook the thought that the development of the German nation's affairs is to be subject to foreign censorship, or to be governed by any other considerations than those of the national interests of Germany."

"We have, moreover," he continued, "avoided everything whereby the national movement might be precipitated, and have endeavored to quiet rather than to excite. . . . The South German Governments will bear witness that we have refrained from every attempt to exert a moral influence upon their decisions, an excellent opportunity for which was presented to us in the condition of the Customs Union, but of which we utterly refused to take advantage, as evinced by the treaties of July 8th of this year. The future will find us true to these principles. The North German Confederation will always be ready to meet every wish of the South German Governments to establish firmer and closer international relations between North and South Germany; but we will at all times allow the decision regarding the degree to which the two sections are to approach each other to rest with our South German allies."

“We regard the treaties of 1866,” the despatch concluded, “as well as the more perfect organization of the Customs Union, to be the real and legitimate foundation of the free development of the national interests of the German people.”

Had the contents of Beust's Salzburg memorial been known to Bismarck he could not have given it a more fitting reply. Here, clear and firm as though graven upon stone, appeared the true interpretation of the Treaty of Prague: We will exert no moral pressure upon any part of South Germany; as soon, however, as the South of its own free will expresses a desire to unite with us, we will with true German energy sweep aside every foreign objection, and the German Empire will be re-established.

BOOK XXII.

*REORGANIZATION OF THE CUSTOMS
UNION.*



REORGANIZATION OF THE CUSTOMS UNION.

CHAPTER I.

THE NEW CUSTOMS UNION TREATIES.

BISMARCK'S repeated declaration that Prussia would leave the initiative in the further development of German unity wholly in the hands of the Southern States, and that it would in no way urge them to a decision, but would resent most vigorously any foreign pressure brought to bear upon them, excited feelings of a mixed nature among the Governments of the South German kingdoms. They had not the least desire to be urged, but, on the contrary, expected for some time to continue in the enjoyment of as unrestricted sovereignty as possible. However, in view of the strong tendency in support of the cause of unity which was making numerous and influential converts even among their own subjects, they did not care to have the sole and public responsibility for the postponement of the work of national organization thrust upon them.

As a matter of fact, there were two sides to the question, even from the standpoint of the Particularists. The independence of the individual States, which

was so great a source of pride to them, was necessarily coupled with the disadvantage of isolation and consequent danger from abroad. In the principal one of these States, the Kingdom of Bavaria, where independence in matters of internal administration was more highly appreciated than in any of the others, the desire for outward security also found its strongest expression because of this very fact.

To understand the devious course of South German politics, we must return to the early events of 1867.

With the change of the year, Count Chlodwig von Hohenlohe-Schillingsfürst had taken Von der Pfordten's place as Prime Minister of Bavaria. He had the reputation of being the sincerest friend of Prussia among all the members of the Bavarian Upper Chamber, and even at that time doubtlessly owed his elevation to the Ministry to this fact. He was thorough and systematic in deliberation, circumspect and precautions in action, guided by love of humanity and of country, reliable and faithful to his duty in every office which he had filled.

The task which he had now undertaken was, however, a most difficult one. The young King, jealous of his sovereign rights, together with the great majority of the Bavarian people, was upon the German question wholly in sympathy with Beust's formula of September, 1866: Complete independence for Bavaria in matters of internal administration, and an alliance with Prussia for outward security. In fact, the Ultramontane Party, already of considerable size, would, in spite of König-

grätz, even now have preferred an alliance with Austria to one with Prussia. There was, indeed, a nationally inclined minority; but even here there was apprehension lest, in a Federal union under Bismarck's leadership, there would be too great a tendency towards centralization, resulting in complete destruction of Bavarian autonomy and individuality. Hohenlohe himself was not wholly free from this fear. None the less did he consider Pfordten's formula in every respect as too narrow. A mere international alliance with Prussia did not appear to him to be sufficient, either as security for Bavaria against foreign attack, or as a bond of union between the several German States.

With the hope of achieving the desired end, he invited the other three Southern States, but a few days after his appointment, to a ministerial conference to be held at Stuttgart for the purpose of determining upon some concerted action regarding uniform military reforms, to be patterned after the Prussian system. This, he felt, would give to the alliance true vitality. What he hoped to accomplish with reference to the German Constitution, was the union of the Southern States with the North German Confederation in a new federation, modelled after the former German Confederation, in which, therefore, all the allied rulers would retain complete rights of sovereignty, though he proposed to extend the province of the old Federal Diet with regard to the institutions of common utility.

In the first session of the Chambers in which he participated as Minister, on January 19th, 1867, a number

of matters referring to the German question gave him opportunity fully to present his political views. He began with the remark that the Treaty of Prague forbade Prussia to admit the Southern States into the North German Confederation, to which he added the declaration, laying great stress upon it, that in the later development of the North German Confederation such a tendency toward a unitary government had been evinced, that an attempt to gain unconditional admission into it was neither consistent with the dignity of the Crown nor with the loyalty of the State Government. In fact, the progress toward complete German unity, he believed, must of necessity be a slow one.

Otherwise he declared himself resolved to resist every attempt to prevent the realization of unity. Therefore, Bavaria would decline to participate in a southern federation under protection of a non-German Power. Such a federation, he declared, would at the present day be simply impossible. A union of the Southern States under Austrian leadership he considered hardly more feasible, since in that monarchy the non-German elements were now predominant. Moreover, he believed the formation of any south-western federation to be wholly impracticable; since, beyond doubt, it would be an utter impossibility for the Governments and the people to arrive at an agreement regarding it, and because the existence of such a federation would only serve to widen the gulf between the North and the South.

Since Bavaria, however, was a secondary Power, it

could not remain isolated, wholly without an alliance with some European Great Power; and the one with which it would most naturally unite in case of war, he declared, would be Prussia. Such an alliance would bring with it, against an assured guaranty of the preservation of his sovereign rights to the King, the circumstance that the Bavarian army in time of war would be placed under Prussian supreme command, and that therefore in time of peace it should be organized according to such a system as would make a common warfare possible. The Government, he said, was endeavoring to induce the other South German States to undertake a similar reorganization of their armies; it could, however, not regard its task as completed until action had been taken looking toward a constitutional union with the other German States, to be realized as soon and in so far as might be consistent with the preservation of Bavarian rights of sovereignty and with the independence of the State.

The Government was fully aware of the fact that no federal relation could adequately meet the national requirements, which would not at the same time demand sacrifices at the hands of the contracting parties. It would be the endeavor of the Government to remove the existing difficulties, and to render possible a united Germany upon a foundation reconcilable with the integrity of the State and of the Crown by means of treaties of alliance. Until this had been achieved, the duty which lay at hand was, he said, to create for Bavaria the strength which would command respect,

not only through the reorganization of its army, but also by a remodelling of its internal administrative institutions upon a liberal foundation, by stimulating its self-consciousness, and giving it confidence in its own existence.

The announcement in vague outline of such a union of all the German States, requiring, to be sure, certain sacrifices, but preserving to Bavaria its independence and sovereign rights, appeared at that time, — the January before the German Constitution had been concluded, and before the treaties of offensive and defensive alliance had been made public, — as quite reasonable. Count Hohenlohe, moreover, by his alternately negative and positive declarations had satisfied the various fractions of the Chamber, and their motions and counter-motions were all withdrawn as a result of their confidence in the explanations of the Ministry.

On the 3d, 4th, and 5th of the following February the Conference proposed by Hohenlohe for the consideration of a uniform organization of the armies of the four South German States took place at Stuttgart. How often had Prussia in former days vainly endeavored to bring about just such co-operation! Now the deliberations proceeded smoothly and quickly; there appears scarcely to have been a difference of opinion upon some of the most important points.

In imitation of the Prussian system, it was determined that in each of the States represented in the conference, military duty should be made obligatory; that the number of their armies in time of war should

be placed at two or one and a half per cent of the population, but that in time of peace the armies should be reduced to one-half this number; that the time of active service should be fixed at three years, after which an equal length of service in the war reserves should be required, and upon expiration of this time the men should be members of the militia until they had attained the age of thirty-two. It was further decided that the strength of the battalions in time of war should be one thousand men, that of an army-corps from thirty thousand to forty-five thousand men; that the proportion to be preserved between the three arms should be for every battalion of infantry one squadron of cavalry and three pieces of ordnance. It was concluded, that if later uniformity in the general military tactics was established, there would be no necessity for a joint decision regarding the drill regulations. It was further determined that as much uniformity as possible should be observed in the weapons to be used; but because of the continued improvements in infantry arms, it was deemed unwise to make any prescriptions regarding these.

Count Hohenlohe could, indeed, be well satisfied with this result; for whereas in the general outline there was a close approach to the Prussian military system, yet many particulars of importance were left to the judgment of the individual States, such as the strength of the yearly levies of recruits, the number of the cadres, the training and arming of the troops.

Everything now depended upon whether this general

outline would be approved by the Bavarian Chambers, as also whether the particulars reserved for later decision would in the immediate future be regulated by the conjoint action of Bavaria and the other three Southern States. Should the results all be favorable, it would follow, as a matter of course, that the position of leadership in the South would be assumed by the most powerful State. In the event of war, Bavaria could then be allied with Prussia, and yet the structure and individuality of the Bavarian regiments not be subject to Prussian control.

But the Bavarian Government was, after all, destined to disappointment. Hardly had the close alliance with its South German neighbors been agreed upon before it began to show signs of disintegration, and not for fear of Bavarian ambition, but because in this direction a combination with Prussia was preferred to one with Bavaria.

Notwithstanding the Stuttgart agreement, the Government of Baden, just eight days afterward, announced that it had adopted the Prussian needle-gun for use in its division, and that it must therefore abandon the intention of coming to an agreement with Bavaria regarding the use of like arms. In the wake of this decision followed a whole train of others. The adoption of the Prussian gun required the introduction of the Prussian drill system, which in turn necessitated the employment of Prussian instructors for a short time.

This action on the part of Baden amounted to an open avowal of an intended fraternity at arms with

Prussia, in time of peace as well as of war, and this without taking the roundabout way leading through Munich. The Bavarian diplomatists did not even have an opportunity to express their surprise; for the Government and representative body of Baden, in perfect harmony, continued at every opportunity to give evidence of their conviction that the only course to be pursued in Germany was the simple admission of the Southern States into the North German Confederation.

On April 7th, after the Prussian offensive and defensive alliances had been published, another of the Southern States followed the example of Baden, going even a step farther, although the incentive to its action was a wholly different one. Mention has been made of the serious difficulties encountered by Hesse-Darmstadt through its anomalous position; its one province, Upper Hesse lying north of the Main, being united with the North German Confederation, whereas the other two, Starkenburg and Rhenish Hesse, had been excluded. Though extremely inconvenient, this state of affairs could yet be endured in matters of internal administration, but with respect to military arrangements and customs it was simply impossible that it should continue. The separation of the Hessian Division into a Federal and non-Federal brigade would have been accompanied by difficulties impossible of solution in the levying of troops, preferment of officers, and construction of the budget. The only escape from the dilemma, and which notwithstanding Minister von Dalwigk's extreme aversion to Prussia had to be adopted, was through mili-

tary convention with Prussia, by which the entire Hessian Division became a part of the Federal army, being in every respect transformed according to the Prussian system, and assigned to a Prussian army-corps in time of peace as well as of war. As a result of this compact, the Grand Duke entered into an offensive and defensive alliance with Prussia, just as the other States had done in August, 1866.

When in May these documents, together with the Constitution of the North German Confederation, were submitted to the Estates of Hesse for approval, much to the discomfiture of Dalwigk not only did the Lower Chamber by an overwhelming majority express itself in favor of them, but at the same time a motion was introduced by the Conservative Deputies Goldmann and Hallwachs proposing the entrance of the entire Grand Duchy of Hesse into the North German Confederation.

Upon a former occasion, as we have seen, Bismarck had met an inquiry upon this point in the Reichstag by the reply, that, in the event of such a proposal from the Government of Hesse, his first step would be to inquire at Vienna and Munich how such action would be regarded there, though he doubted not that the desire of Hesse would be unopposed by the two Courts.

Consequently, upon hearing Goldmann's motion, Dalwigk immediately communicated with his old friend and former colleague, Beust, and received from him the hoped-for reply that the Treaty of Prague prohibited the admission of a South German State into the North German Confederation. Having assured him-

self of this support, the clever statesman could not deny himself the satisfaction of alluding to the motion in terms of scornful irony.

The proposition, he said, gave evidence of a most admirable spirit of patriotism. Unfortunately, however, through lack of statesmanly discernment, the originators had failed to perceive that there was not the slightest ground for it; since a dismemberment of the State would not, as they feared, be the inevitable consequence of the peculiar position of Upper Hesse and its subjection to the laws of the Confederation. The institutions of Rhenish Hesse were quite dissimilar to those of Starkenburg, nevertheless both sections were equally loyal parts of the Grand Duchy. "Moreover," he continued, "if the laws of the Confederation are desirable, what is there to prevent us from adopting them in the southern provinces also; and if undesirable, let us be thankful that at least these two provinces are exempt from them. It is the further opinion of the gentlemen that by the admission of the entire State into the North German Confederation a great step toward the achievement of German unity will be taken, wherein we have another evidence of their devoted patriotism as well as of their mistaken judgment." He then declared that through its present position, half in and half out of the Confederation, Hesse would be best enabled to become the pioneer of German unity, and that its influence upon the South for the furtherance of this end would be impaired were it simply to become an insignificant

part of the North German Confederation. In conclusion he announced that it was, however, of little consequence what were the opinions entertained; since the matter was already practically decided by the fact that Bismarck had himself in the Reichstag acknowledged¹ Austria's right of protest, but had been wholly in error regarding that Government's probable action. Austria, he declared, would not consent to the admission of the entire State of Hesse, but, on the contrary, would regard such a procedure as a formal violation of the Treaty of Prague; and this the Government of Hesse could not possibly expect of Count Bismarck.

The Chamber, however, was contrary-minded; it rejected the counter-motion providing that the Government should be asked to take steps toward the formation of a southern federation, and cast its vote by a large majority for Goldmann's motion. Though the Upper Chamber — mediatized princes, prelates, and representatives of the universities — all felt constrained to approve the three documents submitted by the Government, yet Dalwigk had the gratification of listening to its members vie with each other, because of their predilections either clerical or for the greater Germany, in expressions of grief and rage over the contents of the documents, as he also had the satisfaction of witnessing the indignant rejection of Goldmann's bill by a vote of all the others against only

¹ This was an exaggeration. Bismarck had simply said that he considered it desirable to arrive at an understanding with Vienna regarding the interpretation of the provisions of the Treaty of Prague.

one in its favor. "Much rather," exclaimed a Prince of Isenburg, "would I vote for the dissolution of this Confederation than for our entrance into it!" — "Never," wailed the learned Chancellor Birnbaum, "was Germany so divided as now!" — "I feel compelled to express my disapproval of this Federal Constitution, which toadies to the Prussian military *régime*, destroys political liberty, and thrusts Austria out of Germany," declared the representative of the pugnacious Bishop Kettler of Mainz.

The Lower Chamber, by way of retort to this expression of ill-will, rejected the usual appropriation of a certain contribution annually made by Dalwigg to a Jesuit community at Mainz.

One thing, however, was assured, — Darmstadt, like Baden, would not be a party to a South German military combination.

This was but what could be expected of Darmstadt since the event of April 7th; but most surprising was a very similar military measure adopted by the third of the South German States, Würtemberg. Here all the authoritative elements — the Court, the Ministry, the majority in the Chambers, and the powerful Democratic Party throughout the country — were all united in violent opposition to Prussia. In the corps of officers also there was an influential group strongly in sympathy with the popular party and directly opposed to the Prussian system, advocating the speedy adoption of the Swiss militia system, whereby a tremendous number of men for the shortest possible time would be

enrolled in the country's defence, and at a minimum of expense.

One of the leading advocates of this theory was General von Hardegg, who, through popular influence, became Minister of War in 1866, and later, as Commander-in-Chief of the Würtemberg army, commanded the brief campaign against the Prussian Army of the Main. We are aware of how lamentably his efforts at Tauber Bischofsheim, as also those of the following days, resulted, notwithstanding which he, like Dalwigk, after peace had been concluded, retained his position in the Ministry with utmost self-complacence.

Whereas the Prussian triumph inspired the Court and the Chambers with but an increased hatred of the victors, King Charles considered it his personal duty to search the causes of the misfortune, thus to learn his own mistakes, with the hope of avoiding them in the future. Though neither a man of exceptionally brilliant intellect nor of invariable firmness of character, he was, however, actuated by the best of intentions, was exceedingly industrious, unselfish, and upright.

Among his officers was one whom he remembered as the writer of a memorial upon the condition of the military educational system, in which he had recognized great merit. Albert von Suckow was a young major of the General Staff, an enthusiast of incontrovertible logic, undaunted energy, and a restless desire to be doing; a man whose principles were founded upon thorough investigation, an idealist whose inspiration for his ideals led him to a conviction as of iron that

the right must finally be triumphant, and who therefore was to be deterred neither by antagonism nor by doubts.¹

When at the close of the war he reported to the King, his orders were: "Write an account of your experiences during the recent campaign." Suckow asked, "Is it your Majesty's desire that it shall be perfectly truthful?" The King's reply was, "Yes, let it be the unvarnished truth; it is for my personal inspection alone." At the end of four weeks Suckow, delivered the writing, in which he exposed without reserve the inefficiency of the military system as well as the faults of Hardegg's organization and tactics. His experience during the past year of active service had convinced him that in general Würtemberg's political existence in the future could be possible only through closest connection with Prussia, and that in particular it was especially impossible to lend value to its army except by union with that of Prussia. He therefore advised that all the Prussian military arrangements be introduced *en bloc* or gradually, according to some systematized plan; that a Prussian General be placed in command, and the best Würtemberg Generals be ordered to Prussia to study the military system there; all with a view toward union with Prussia.

The King read, occasionally making exclamations to his adjutant, Herr von Spitzemberg, that it was hard to have to submit to such remarks from one of his subjects, but added each time that after all he ought to

¹ What follows is according to notes made by Suckow.

be thankful that there was one person fearless enough to tell him the actual facts. He expressed himself to this effect to Suckow also, and rewarded him with a decoration.

Thus encouraged, Suckow wrote an argument for the introduction of universal liability to military duty, which he delivered to the King in November, 1866, and in the accompanying letter suggested that Hardegg be replaced by the able and conservative Colonel von Wagner, then at Frankfort.¹ When in December the former submitted a counter-argument, elaborated upon the principle of the militia system (six years of service with but two months of active duty in each year), the King referred it to Suckow for criticism, with a result which it is hardly necessary to state.

But Hardegg also was not without influential friends, and the other Ministers were apprehensive of the angry disapproval of the Chambers. The King had apparently yielded, when in April, 1867, he took sudden action, called Colonel von Wagner to Stuttgart, and on April 27th nominated him as Chief of the Department of War, and made him Major-General, giving him Suckow, who had also been preferred, as adjutant and Chief of the General Staff.

With this change the inclination toward a Prussian Germany had gained a firm footing in the Swabian Ministry of War. That this was indicative of a general abandonment of the Particularist policy was, however, doubtful, especially as at the same time there was a

¹ Attending the Liquidation Commission of the old Confederation.

change in the Ministry of the Interior, the position vacated by Herr von Neurath, a political associate of Hardegg, being filled by Mitnacht, Counsellor before the Supreme Court, a statesman who, though not an enthusiast for the militia system, was yet decidedly in favor of the greater Germany; which, together with his Ultramontane tendencies, made him no lover of Prussia. He was, as attested by his ministerial career, a man of much more than ordinary ability, dominated by a strong ambition to rule, and possessed of a peculiar power of observation which enabled him to take advantage of every wave of popular excitement, whether at Court or among the people, allowing himself to be carried forward by it without himself assuming so decided a position as, in the event of a reversion of opinion, would compromise his future.

Now at the King's energetic and personal interposition in favor of Wagner, he, like the other Ministers, assured the King that their entire policy was one tending toward a loyal union with Prussia, but at the same time remarked that the introduction of the Prussian military system — for instance, fixing the peace establishment for a period of three years — would never receive the sanction of the Swabian Chambers.

The situation was therefore the following: It was the King's fixed purpose to maintain a competent army; and to this end he was willing to submit to a necessary dependence upon Prussia, even though in other respects this might be of doubtful desirability. In the opinion of Wagner and Suckow, both the means and

the end were desirable; the more complete the union with Prussia, the greater the advantage for both army and country. Lastly, there were Mittnacht and Varnbüler, who also greatly desired an able army, but only in so far as this was compatible with the maintenance of peaceful relations with the people, was supported by them, and was consistent with the individual independence of the State in its outward relations, just as Hohenlohe in his speech of January 19th had indicated.

Wagner, much to Suckow's disappointment, was willing for the time to desist from the demand that the strength of the army in time of peace should be fixed for periods of three years at a time, and was content with a period of two years instead; only upon condition, however, that a considerable increase be made in its number. He also decided, at Suckow's advice, upon the immediate introduction of the Prussian needle-gun. The King without hesitation sanctioned the change; the Prussian Minister of War supplied guns without delay, and was even willing to furnish them on credit until such a time as the necessary appropriation could be made by the Chambers.

The result was, as it had been in Baden, the adoption of the Prussian drill regulations, at first for the infantry only, but finally for the cavalry also. However, in consideration of the sentiments entertained for their northern brethren both by the Court and the people, Wagner did not dare to employ Prussian instructors, but contented himself for the present with their pupils of Baden.

Thus Bavaria, notwithstanding the decisions arrived at by the conference of February 5th, was left in a position of isolation upon the army question. Hohenzollern did not, however, allow this to deter him from submitting to the Cabinets at Stuttgart, Karlsruhe, and Darmstadt, during the first part of May, a draft of his plan for a federal union to be formed by the North German Confederation and the four South German States.

To appreciate this proposition in its full significance, it will be necessary to review the history of the Customs Union, since it dealt directly with customs and commerce.

The political influence of the Customs Union for the first generation during which it had existence has frequently been much overestimated. The immediate effect of throwing open a great domestic market was at once seen in the steadily increasing prosperity throughout the territory concerned. Without doubt it offered immense advantages to the majority of merchants and manufacturers; enormous quantities of merchandise passed back and forth unintermittedly between North and South. Personal contact between the inhabitants of the two sections continued, nevertheless, to be of rare occurrence, even after the introduction of railways; especially true was this of the people of Bavaria and Würtemberg, where those who were acquainted with North German conditions through personal observation could readily have been counted.

The Customs Union was therefore by no means effective in fusing the various political opinions into a com-

mon national sentiment, but, on the contrary, seemed to strengthen the sectional contrariety; for were not it and the old Confederate Diet chips of the same block? For the sake of outward security the German States established the Confederate Diet; to promote the internal prosperity, they founded the Customs Union; in both they exercised a jealous care for their own sovereign independence and absolute power. The Customs Union was devised because in commercial affairs a decision by the Federal authority was rendered simply impossible by the requirement of the prescribed unanimity of action, and behold! when the Customs Union stood complete, there appeared in it the same objectionable *liberum veto* which the States had carried with them into the new union, bestowing this privilege even upon the least one of their number. Therewith every possibility of change and development was destroyed in the Union as it had been in the Diet.

For this reason the treaty of union was never agreed upon for a longer period than twelve years at a time, which was certainly no advantage to the industrial interests; all proposed improvements were then discussed at the periodical reorganizations, which not only brought about a crisis each time, but created bitter and enduring discord.

Another great disadvantage was, that the contending interests were not represented by the various political parties whose members were to be found in every part of Germany, but by the Governments of the several States. The French commercial treaty of 1862 not

only led to a contest between free trade and protective tariff, but also to a quarrel between Prussia and Saxony on the one side, and Bavaria and its sympathizers on the other. Each such crisis ended in an agreement, usually dictated by Prussia; since none of the members were, after all, willing to forego the pecuniary advantages offered by the Union. But sentiments of resentment, ill-will, and distrust were harbored against Prussia because of its preponderance; especially was this true of the South German States, when in 1864 they were obliged to accept the Prussian tariff as unconditionally as they were compelled to accept the conditions of peace two years later.

Hohenlohe's proposed federation appeared at the first glance to be a decided step in the direction of the much-desired German unity. According to his plan, a long list of important matters besides those of customs and commerce, such as the indirect taxes for Federal purposes, the consular affairs, the banking-system, coinage, weights and measures, should be surrendered by the North German Confederation and the South German States alike to the control of the legislative power of the proposed federation, or entire Germany. This power should be vested in the Federal Council of the North German Confederation, increased in its numbers by the representatives of the South German Governments; in this body, thus augmented, a majority decision should be sufficient for the passage of a bill which, to become a law, should, however, be dependent upon parliamentary approval.

These measures would unquestionably have been conducive to real progress toward nationality except for one little final clause, which gave to the whole an absolutely reactionary character; for this parliamentary sanction should not be the function of a common representative body, but every measure should be submitted for approval to the Reichstag of the North German Confederation and to the several Chambers of the South German States. Herewith the old favorite, the *liberum veto*, was again enthroned, and not only empowered to control the affairs of customs and commerce, but also to interfere with the administrative branches enumerated above; an adverse decision in the Assembly of but one State would suffice to make a legislative measure impossible, not merely in that particular State, but in entire Germany. Accordingly every advance in the sphere of material interests, even when concerning the North German Confederation alone, would be impossible should the Würtemberg Protectionists or the members of the Upper House at Munich or Darmstadt refuse their consent. The new Confederation would thus have been but an abstract of the old Confederate Diet. And this was the proposition of the Bavarian statesman most favorably inclined toward Prussia!

To be sure, it was not destined to long existence. Varnbüler signed it without much hesitation, probably with the mental reservation that nothing would come of it, and that he would therefore incur no risks by thus obliging his friend. At Carlsruhe, however, Frey-dorf, together with other objections, at once pointed out

that the power of decision should not be vested in the several State Chambers, but in a common parliament.¹ He communicated the Bavarian proposition to Bismarck, and immediately, on May 17th, received a reply rejecting the whole plan.² Especially in the affairs of customs, Bismarck declared the only acceptable *modus operandi* to be, not by the decisions of eight South German Chambers, but by the action of a Customs Parliament; should this not meet with Bavaria's approval, the continuance of the Customs Union would be impracticable.

In this province the Bavarian Government had as little success in bringing about concerted action in South Germany as it had achieved in military matters.

But now Bismarck took hold most energetically. In the North German Confederation, ever since the close of the Reichstag, one step after another had been taken toward consolidation. The ratification of the new Constitution by the Assemblies of the several States had quickly followed, then the postal treaties had been accepted, and the military conventions with Prussia had met with no objections. Bismarck, now relieved from anxiety concerning Luxemburg, had as little thought as ever of a speedy admission of the South German States into the Confederation, and regarded as his next task, in addition to the offensive and defensive treaties of alliance, the reconstruction of the Customs Union. His first

¹ Freydorf, on October 14th, in an address to the Second Chamber of Baden.

² Poschinger, Bismarck als Volkswirth, I.

step was to announce, that, in consequence of the recent treaties of peace, the existing Customs Union treaties would cease to be in force on December 31st, 1867; then, on May 28th, he invited the South German Governments to a congress to be held in Berlin, beginning on June 3d, for the purpose of negotiating the new terms of union. The material interests of Germany were at once to be given an opportunity to declare upon which side the weight of their influence would be cast.

At a conference held on May 30th at Nördlingen, Hohenlohe made fruitless endeavors to hold his Stuttgart colleague to the path indicated in Bavaria's projected federation. Varnbüler, however, considered the situation as entirely changed by the announced termination of the Customs Union, and therefore regarded an agreement with Prussia as indispensable.

The Draft submitted by the Prussian Government on June 3d was diametrically opposed to Hohenlohe's scheme, which had just suffered shipwreck. In it the *liberum veto* ceased to be a factor in legislation relative to matters of customs and commerce, and regarding the taxation of salt, sugar, and tobacco. The legislative power was vested in the enlarged Federal Council, in which each State was entitled to as many votes as it had been allowed in the *plenum* of the old Confederate Diet; also in the North German Reichstag augmented by the deputies from the South German States, elected according to the prescriptions of the existing election laws of the North German Confederation, and who were to enjoy all the parliamentary privileges accorded to the

members from the North German Confederation. The agreement of the majority was requisite and sufficient for action in both these factors of legislation. The Presidency of the Union was an attribute of the Crown of Prussia, with the right to propose commercial and navigation treaties to supervise the execution of the laws, and to prevent by veto the alteration of any existing laws. The other special provisions of the Draft may be omitted here, since they were in a great measure but repetitions of those embodied in the previous treaties.

Herewith another advance, in addition to that resulting from the treaties of alliance offensive and defensive, would be made toward union between the North and the South, as had been anticipated in the Treaty of Prague. The advantages of the Customs Union, which to both sections had become a necessity, would, if thus freed from the cancerous defect of the *liberum veto*, be secured to all parties for all time.

Particularists of penetrating discernment were compelled, much to their sorrow, to recognize the incontrovertibility of the new turn in affairs, and were at the same time astonished that Bismarck should be disposed so soon and so willingly to relinquish this irresistible means to compel further concessions, for instance in military matters; it was really true, then, that he intended in no way to influence or urge the South German States to seek admission into the Northern Confederation.

The negotiations were soon concluded. A preliminary treaty covering the points just outlined was

signed as early as June 4th, not by Baden only, but by Würtemberg also, followed on the 7th by Hesse as well. The Bavarian representative alone declared that since his Government had until now been uninformed of the basis of the present deliberations, he could regard the draft treaty simply as a Prussian proposal, and must reserve to his Government all further action. Upon his consequent return to Munich he found that the Government there, like that of Würtemberg, considered rejection to be out of the question, but desired to make a last attempt to secure more favorable terms.

Count Tauffkirchen was therefore sent to Berlin, and found the Prussian Minister exceedingly gracious. On June 18th it was decided that Bavaria should be entitled to six instead of four votes in the enlarged Federal Council; that in concluding commercial treaties with Austria and Switzerland, the adjacent States should be granted a consulting voice in the negotiations, and that the popular representative body of the Customs Union should bear the name of Customs Union Parliament,—probably with the intention that its name should be a constant and deterring reminder that the extension of its influence beyond the province of customs and commerce was positively prohibited to it.

Bismarck may have shrugged his shoulders at these petty demands, but here, as always, remained true to his purpose, to set, so far as possible, no conditions which would make its relations to the North German

Confederation hateful to Bavaria. Perhaps it would not have been a bad plan, after all, to have given the people of South Germany an opportunity to discover the peril attending their haughty desire to remain apart; for at present Bismarck's conciliatory attitude did not so much give them the impression that they were dealing with a patriotic ally and powerful protector, as that, after all, those Prussians were obliged, in spite of themselves, to recognize the pre-eminence of the superior Bavarian race and the justness of its claim to particular distinction.

Meanwhile, matters were taking their natural course. On June 26th the representatives of the several States of the North German Confederation, those of all the Southern States and of the Grand Duchy of Luxemburg, assembled in Berlin, and after brief deliberations, on July 8th signed the formal treaty of the Customs Union, concluded on the basis of the preliminary agreement of June 4th, with the addition of the clauses proposed by Bavaria as stated. It was decided that this treaty should be binding for a term of eight years, from January 1st, 1868, until January 1st, 1876; if at the expiration of that time no objections were presented, it should continue for a term of twelve years more. It was agreed that ratification of the treaty should follow as quickly as possible, though this would necessarily have to be deferred until after the Reichstag in the North German Confederation and the Assemblies of the South German States had sanctioned it.

Although it was anticipated that in these several Assemblies it would meet with many objections, still, of its final acceptance there could be no doubt; and the effect could at once be discernible in the improved relations between the North and the South. So far, the treaties of offensive and defensive alliance had nowhere met with opposition; on the contrary, in Bavaria the Prime Minister had commended them to the Chamber as absolutely necessary, and in the other three South German States the resulting military measures were already being put into effect. And now the conclusion of the Customs Union treaty opened the prospect of co-operation between all the German Governments and races within a sphere of material importance which seemed better adapted than any other medium to eradicate the antipathies between the North and the South. Thus a tremendous stride toward attainment of the great object, German unity, had been made, notwithstanding the many difficulties in the way.

With a future of so much promise before him, King William felt encouraged to undertake the formation of the Federal Government. On July 14th Count Bismarck was nominated as Chancellor of the Confederation; on August 12th a Federal Chancery was instituted to assist the Chancellor in the duties of administration and supervision which by the Constitution had been assigned to this office, and Rudolf Delbrück was appointed as its President.

On August 15th the first session of the Federal

Council in conformity with the new Constitution was opened; and Bismarck at once submitted a number of important bills, relative to rights of domicile, to posts, and to the consular service. On the following day the Committees were formed, and August 31st was determined upon as the date for the general Reichstag elections.

Though the opinion was not confined to one party that this form of administration was incomplete and insufficient, as well as a menace to liberty, because of the absence of legally responsible Ministers, and in consequence of the very indefinite relation to exist between the Federal Chancellor and Ministers of the individual States, it cannot be denied that from the very day which saw its machinery set in motion, it worked with precision and regularity, rapidly developing an activity rich in manifold and desirable results.

At this point brief mention must be made of several agitations indicative of the Particularist tendencies within the boundaries of the Prussian State itself, and resulting from a number of administrative measures undertaken in the annexed provinces.

It had been decided, as we know, that the Prussian Constitution should not go into effect in these new provinces until October, 1867, and that previous to this date the Government should be free to take such measures as in its estimation would préparé the way for a complete blending of the old and the new political *régime*. The first step in this direction was, as has been related, the new military organization, — the forma-

tion of three army-corps, together with the introduction of universal liability to serve, of which no one complained. Then followed measures preparatory to freedom of migration, liberty of trade and industry, which in Hanover at first caused much dissatisfaction, but whose advantages soon became apparent to the people.

But the disfavor was complete with which the action of the Minister of Justice, Count Lippe, during the summer of 1867, was received. To the introduction of the Prussian penal code no real objection could be made, since within this sphere uniformity in all parts of the State is a most essential requirement of justice; and the superiority of the Prussian code to any other, for instance, that of Hanover, was fully conceded by those competent to judge. Very different, however, was the feeling roused by the simultaneous announcement of a new criminal procedure. It was not the one which until then had been in force in Prussia, and which was to be continued in the old provinces; therefore it could not be upheld by the argument that unity in this respect also must be established throughout the State. "That Berlin innovation is intended as an experiment *in corpore vili*," said the jurists of the annexed provinces, who had been perfectly satisfied with their former criminal procedure.

Still more severely, however, was the Minister of Justice criticised, when in Hanover he undertook numerous changes in the locally established civic procedure, which, in the estimation of the profession and of the people in general, were both disadvantageous and bur-

densome. Finally, the establishment at Berlin of a common court of appeals for the entire annexed territory was felt in both of these provinces to be a bitter insult. Had not Hanover for generations pointed with pride to the incontestible reputation of its highest tribunal at Celle, just as had Electoral Hesse to its equally excellent one at Cassel? Why should these time-honored tribunals be now degraded to appellate courts of second rank? Here, again, it was evidently not the desire for uniformity in the entire State which had prompted the step; since by the same ordinance a second highest court was instituted in addition to the one already established, although the Prussian Constitution expressly directed that there should be but one superior court of appeals within the State.

Widespread as was the discontent consequent upon these changes in the province of justice, it was yet mild in comparison with the storm of imprecations which greeted the measures undertaken at this time by the Prussian administration of finance, although the provocation was far less.

It was not so much the introduction on July 1st of the Prussian system of direct taxes and stamp duties with the resulting marked increase in the burden of taxation which caused the indignation; for this had been expected from the outset, since five different systems of taxation could not possibly continue side by side in one monarchy. It was also patent that though the State now demanded more, it also rendered more in return, and that by the approved system far the greater part

of the tax burden was borne by the wealthier classes to the relief of the poorer ones. Therefore, though many were the individual complaints, the general resentment soon subsided.

But the last drop whereby the cup of discontent was filled to overflowing was an administrative ordinance directing that all the available capital of the annexed provinces should be placed under the control of the Prussian treasury. This affected certain funds arising from the management of the domains in Hanover,¹ Nassau,² and Electoral Hesse,³ as also the State treasure of the last-named province and the surplus remaining to the administration in Schleswig-Holstein during the last years. Although the right to possess and administer these funds, unlimited by the right of persons or corporations, had in every case been indisputably conceded to the respective States, and therefore through their annexation had been transferred to the Prussian State, nevertheless public opinion, especially in Electoral Hesse, chose to regard the ordinance of July 5th as an act of violence and robbery. "These funds rightfully belong to Electoral Hesse, and should be preserved to the lawful owner," it was argued.

More than all else, however, did the absorption of the Hessian State treasure by the Prussian State chest rouse deepest indignation; for it comprised the millions which the Landgrave had once received as the price

¹ Domänial-Ablösungs- und Veräusserungsfonds.

² Capitalbestände bei der Domänenverwaltung.

³ Laudemialfonds (Aufgesammelte Ablösungsgelder).

of the soldiers furnished to England for its American war. This price of blood, over which later the Elector and the Estates had wrangled for decades, was finally, in 1831, equally divided according to agreement, one-half becoming the private fortune of the Electoral House, the right to hold and administrate the other half as a State fund being conferred upon the State Government. It was now asserted in Electoral Hesse, that through this transaction the State treasure had received the character of an inviolable Hessian State institution; and though the futility of this argument is obvious, it was but natural, in consideration of the manner in which the treasure had originated, that its diffusion should cause feelings of intense bitterness.

The Prussian Ministry, in a defence of its action published on July 15th, called the attention of the objectors to the position which the Government was obliged to assume in the matter out of consideration of its relation to the entire State. It was further declared, that though the Government's promise to preserve to the annexed provinces the institutions peculiar to them would surely be fulfilled, yet there must necessarily be a limit to the continuation of existing peculiarities, since nothing could be allowed to interfere with the uniformity indispensable in affairs of the State. In matters ecclesiastical and municipal, as also regarding personal rights and all that concerned local administration, the existing peculiarities might continue; but there was a sphere, it was declared, in which consent to any peculiarity of institutions must result either to the advantage or disad-

vantage of the other members of the State. This sphere was that of finance, in which the participation in the benefits accruing from the use of the State property, as well as the distribution of the national burden, must be equal throughout the State. Therefore uniform taxation had been decreed in all the provinces of the monarchy; therefore, the public debt of each of the annexed provinces would be assumed by Prussia; and therefore, in compliance with the same principle, the available funds of the lately acquired sections would without distinction be combined with the public property of the Prussian State. That the annexed provinces should reap equal benefit with the rest of Prussia from the accumulated property of old Prussia, and yet have preserved to them the exclusive use of their former State funds, would be contrary to all conceived ideas of justice.

In pursuance of the same principle, another ordinance made the necessary legal provisions for the State lands and forests of the recently acquired provinces, and provided for their administration.

From the standpoint of the law no objections could be made to the position assumed in these ordinances, and they received the hearty indorsement of public opinion in old Prussia. The only point upon which opinion here differed was in regard to the political results. The extreme parties, ultra-Conservatives and Democrats, unusually harmonious upon this question, declared that an end must be made of this presumptuous faultfinding with everything Prussian by a resort to doubly rigor-

ous measures; whereas the middle parties advised a conciliatory attitude, in the hope of appeasing this not wholly groundless discontent.

The Government's explanation, too, did not wholly fail of results in the annexed provinces. In Hanover, Nassau, and especially in Schleswig-Holstein, it could not fail to be perceived that it would be a very poor business policy to insist upon the retention of the liabilities together with the assets, as the peculiarity of the State carried over from former times. In Electoral Hesse alone the converse was true, though only to an insignificant extent, a difference in favor of assets to the amount in round numbers of a hundred thousand thalers annual interest.

Much more unfortunately, however, did the City of Frankfort fare, where a large part of the former tax was continued as a municipal tax, to which were then added those collected by the Prussian State without any abatement; and finally, in the adjustment of the debts between the City and the State, it resulted that the Prussian exchequer transferred to the municipality as its proportionate share of the public debt a burden amounting to three million thalers.

As important as this question of finance appeared to the new provinces, with its varying effect upon their debit and credit accounts, there was yet another and bitterer vexation at the root of their discontent. Immediately after the annexation, the Prussian or nationally inclined party had petitioned the Government not to intrust the unavoidable changes in existing insti-

tutions wholly to the Privy Councillors at Berlin, but before arriving at a final decision to consult with confidential advisers selected from among the citizens of the State concerned, and thoroughly conversant with the existing circumstances and needs. This request had so far remained ungranted. Nearly a year had passed; and though in that time the Government had inaugurated most important and radical changes, it had in no wise solicited the co-operation of the people concerned. It was not until after the ordinance decreeing the absorption of all the provincial funds, and which was regarded as so great a hardship, had been issued, that a number of confidential advisers from Hanover were invited to Berlin for consultation, in view of further reforms to be undertaken. Reasoning from the previous experience, great apprehension was felt lest these deliberations should result in still greater centralization and the eradication of all distinctions,—a fear which was communicated to every part of the annexed territory.

It happened better than was feared, however. The Minister of the Interior, Count Eulenburg, faithfully fulfilled the promises made in the declaration of July 15th. In municipal and ecclesiastical affairs, in personal rights and in the local administration by magistrates and officials, no important innovations were to be introduced. For the conduct of local affairs it was designed to establish as representative of the people provincial estates and a provincial assembly. When, however, the gentlemen representing the local interests

suggested that for the effective action of this provincial administration it would be very necessary that there should be some material means at hand, — namely, a proportional part of the State funds in a provincial treasury, — Count Eulenburg replied that the old German provincial assemblies had not had any funds under their control, and that he was therefore not prepared to give a definitive reply in the affirmative.

But even this desire was to be realized through the intervention of a higher authority, affecting in its consequences not only the annexed provinces, but entire Prussia.

King William was at this time, as was his custom, seeking benefit from the waters of Ems, and was therefore sojourning within the annexed territory. He was earnestly desirous to understand the new conditions, and was an excellent questioner. During his stay here he was waited upon by the Committee of the Hessian Assembly whose appointment dated back to the days of the Elector, to present for his consideration a memorial regarding the State exchequer of Electoral Hesse, and especially to petition him to preserve to the province the use of the treasure so dearly purchased with the blood of its sons.

The heart of the sympathetic monarch was touched; he consented to a discussion of the matter, and granted an audience for July 30th, when he informed them that the ordinance of July 5th had been rescinded, and that a reinvestigation, in which the claims of the province would receive full consideration, had been ordered.

A few days later, on August 4th, Bismarck arrived at Ems, and remained until the 9th. During this time there were daily interviews with the King, in which the interest in affairs of the North German Confederation did not exclude the discussion of those of the new provinces. Later, as we shall see, Bismarck vigorously upheld the King's view of the matter; certain it is that at this time he did not influence him to a change of it.

On his return journey to Berlin, on August 15th, the King made a *détour* through Frankfort, and there frankly declared to the deputation from the Senate that, in the arrangements made for their city, a mistake, the result of misapprehension, had been made, which he hoped to correct on his return to Berlin. On the evening of the same day he was greeted with demonstrations of delight at Cassel, where he reiterated the promise given at Ems, that the existing grievance could be remedied and therefore would find redress, and that Hesse's State funds should surely be devoted exclusively to the needs of the Hessian people.

This personal intervention of the King, whereby a ministerial ordinance issued with his sanction was suddenly revoked and a public criticism of his highest advisers implied, made a deep impression upon the whole country, especially as it so little coincided with the general conception of constitutional government. Upon his arrival at Babelsberg, the King exclaimed, "I have returned to undo the mischief wrought by my Ministers!"

"I saw," he wrote during the further transactions in

the matter, "that the numerous ordinances issued in June had greatly aggravated the disaffection in the newly acquired territory. When upon closer examination I became convinced of this, and realized the mistakes made by those in authority, it became my duty to take measures for the correction of these blunders. Prussia is not yet used to see her King a stranger to the measures undertaken by the Government. Therefore the King must at times himself take a hand when he detects mistakes in the reorganized body politic."

This did not end the matter, however; for Baron von der Heydt, Minister of Finance, who was directly responsible for the condition of affairs, immediately submitted his resignation, which troubled the King quite as much as had the disaffection of the annexed population. Subsequent explanations revealed that a compromise could be effected. The Hessian State funds were, to be sure, renounced beyond recall; the other public moneys could, however, remain in the hands of the central Government, which could then, under the King's direction, take steps toward a decision regarding the pecuniary resources to be placed at the disposal of Hanover, to be followed by a similar provision for the special interests of the other provinces. The controversy over the Frankfort finances the King quickly ended by repaying the sum, which in his estimation had been wrongfully required of the City, out of his private chest. Consequently Baron von der Heydt remained in the Ministry, and the Government

proceeded in the course determined upon during the conference with the confidential advisers from Hanover.

A like consultation with representative men from Electoral Hesse was soon followed by one with a representation from Schleswig-Holstein, with a result very similar to that accomplished for Hanover.

The attitude assumed by the King at Ems and Cassel had, in fact, produced the desired result at once. The anxious excitement immediately subsided, and a general desire for peace prevailed. On August 31st the elections for the Reichstag took place, a moderately large number of votes being polled, with the result that the majority friendly to the Government was, especially in the annexed provinces, considerably increased.

CHAPTER II.

THE CUSTOMS UNION TREATIES RATIFIED.

SINCE Bismarck, in his circular note of September 7th, 1867, had so plainly stated the character of the policy adopted by the Federal Government, King William, in his speech from the throne at the opening of the first regular session of the North German Reichstag, on September 10th, confined himself to a statement of the business to be transacted, and the announcement of a number of proposed laws, after which he submitted the yearly budget, and closed with the words, "It is to a labor of peace that you have been called, and I trust that under God's blessing our Fatherland will enjoy in peace the fruits of your toil."

The examination of the election returns was immediately begun; and by September 17th the election of one hundred and ninety-one members, a sufficient number to legalize the resolutions of the House, had been confirmed. Without further delay, the assembly proceeded to the election of its President; and at once the relative strength of the principal parties became apparent. Through combination of all the Liberals with the Free Conservatives, Simson of the Old Liberal

Party was elected by 132 votes, Count Eberhard Stolberg of the Conservatives receiving 53. In the choice of Vice-President, the Liberals and Conservatives united to elect the Liberal Conservative, the Duke of Ujest, with 158 against 27 votes cast by the Party of Progress for Löwe (Calbe). As Second Vice-President, Bennigsen was chosen by 99 votes of the Liberals against 44 of the Conservatives and 29 of the Party of Progress.

The last election had added but few, therefore, to the numbers of the Progressist Party. This had, however, but increased their determination to make every opponent upon every occasion feel the sting of their radical criticism.

Two motions were submitted to the House, proposing an address in reply to the speech from the throne, one by Miquel, in the name of the National Liberals, and another presented by Count Stolberg for the Conservative Party. In purport the two were very similar, their only difference being in the mode of expression. The tenor of both was "Progress as rapid and harmonious as possible in the direction indicated by the accepted Constitution." It was, therefore, an easy task for a committee composed of National Liberals, Conservatives, and Free Conservatives, to prepare a third draft based upon the two existing ones, for which, therefore, if unopposed by the Government, a large majority would be assured in the House.

Besides an expression of gratitude for that which had so far been accomplished toward the achievement of nationality, its chief characteristic was its hearty sup-

port of the circular note of September 7th. "We will," it was declared, "gladly meet every expressed desire of the Southern States for a union with the North; not until their admission into the North German Confederation will the great national work be completed."

"The Treaty of Prague," declared the Reporter, Planck, on September 24th, "can by no means be construed into a hinderance. In it Austria expresses consent to a reorganization of Germany (of entire Germany, not only of the northern part); it confers upon the Southern States the privilege to establish a certain federal union under given possibilities. The States of the South have, however, in consequence of the dissolution of the former Confederation, fully regained their independence and unrestricted sovereignty; and since none of them will have anything to do with a southern federal union, the entire clause of the Treaty, in which reference to such a union is made, is in consequence null and void. It is our duty, however," Planck continued, "to voice our sentiments regarding a union with the South, and to declare our approval of the circular of the 7th. In the South opinions are divided; it becomes us, therefore, to respond to the energetic advances made by Baden, and thus to encourage those in the other States who share our opinions."

The Progressist Party was the first to make an attack. In the face of all the actual occurrences in South Germany, the old tune, that the South could be won only by provision for greater liberty, was heard again and again in many variations. "Do not content yourselves

with empty words," exclaimed a deputy from Saxony "but proclaim the fundamental rights of 1849; that would be something tangible!"

Hohenlohe's warning against extreme centralization in the Northern Confederation, which had won the approbation of the entire Bavarian Chamber, had been wholly in vain; for now Deputy Günther declared that the only proposition which would find a response in the South was that of a federal union under one Constitution; namely, a responsible ministry, which was synonymous with still greater centralization.

This was followed by expressions of apprehension lest the invitation to the South embodied in the address might be regarded as a provocation by the Emperor of France, resulting in renewed rumors of war, interruption of trade, and a depression of credit. There was as little evidence of a national self-respect in these expressions, which could but stimulate the Parisian propensity to meddle, as there was of political foresight.

The Poles now took advantage of this opportunity to repeat their declarations that they neither belonged nor wished to belong to a German Confederation; after which Bebel criticised the Government for having allowed Luxemburg to be wrenched from the hold of the German Confederation. To this accusation Bismarck replied in even plainer terms than he had on April 1st, stating that the Federal relations of Luxemburg, together with the Prussian right of garrison, had terminated with the dissolution of the old Confederation. "Who of you all," he asked, "for this cause would

have been willing to assume the responsibility for a great war?"

Quite differently did he confute Hänel's reproach that the fate of Schleswig-Holstein had been made dependent upon the vote of the preponderating Danish element in its population. "There," he declared, "the German and Danish elements are so intermingled that the principle of nationality is not applicable. Moreover," he continued, "matters would have assumed a very much more favorable aspect had the attitude of the Schleswig people inclined less toward particularism,—had their dynastic predilections not led them to forget that they are Germans."

Against the address Bismarck raised no objections. "In it," said he, "the Reichstag makes it clear to the South, to the foreign Governments, and to the Allied Governments, what response may be expected of it." To which he added the reservation, "We, however, understand that the Reichstag does not hereby urge us to hasten the admission of the Southern States into our Union. Over haste is to no purpose in this matter. When the time is ripe, and the entire South desires to unite with the entire North, then no German statesman will possess influence enough to be *able* to hinder it, and none be either brave enough or mean-spirited enough to *try* to hinder it."

Hereupon all motions of amendment were rejected, and the address was accepted by a vote of 157 in favor against 54 contrary.

King William was at this time absent from Berlin, at

Castle Hohenzollern. There he received the address from the hands of Simson on October 3d. "It is with feelings of great pleasure that I receive it," he said, "for it is an evidence that the seed sown during the past year has taken root. The sentiments and hopes which it expresses are my own, and, I trust, will on some future day develop into a reality." The King, too, therefore, wished to proclaim to the world that he fully recognized the unrestricted right of the South German sovereigns to act, and that he himself was infused with the national idea.

In order more clearly to present the events in the Reichstag, it will be advisable to relate them not in their chronological order, but combined in three groups according to the matter in hand,—the deliberations relative to the finances, to the proposed laws, and finally to the Customs Union treaties, together with a glance at the attitude of the South German Chambers regarding these.

The financial estimates for 1868 engaged the attention of the Reichstag first of all. The opinion was general that at this time, only a few months after the founding of the Confederation, provisional appropriations were alone possible, and therefore a summary proceeding the only practical one. Nevertheless, the debate upon some points became quite heated. With reference to the estimate submitted by the recently created Federal Chancery, Delbrück called attention to the fact that within a short time the sphere of its activity would comprise the posts and telegraphs, the consular service,

supervision of the administration of the customs and indirect taxes, as also certain matters of commerce and trade. The responsibility of the Federal Chancellor would therefore extend to all of these affairs.

At once questions and doubts arose. The army, the navy, and the foreign affairs were all to be placed under Federal authority, and yet received no mention by the Federal Chancery in this connection. Was it therefore to be understood that they would continue under the administration of the respective Prussian Ministers under their former responsibility? If so, to whom were they to be responsible, — to the Federal authorities, or to those of Prussia? The speakers of the Progressist Party could, of course, not allow so excellent an opportunity to discuss the inexhaustible topic of ministerial responsibility to escape them without taking advantage of it. It was apparent that a limit must necessarily be fixed between the competence of the Federal authorities and that of the Prussian; yet it was equally obvious that the functions of the Federal powers were but upon the eve of their development, and that therefore it was most advisable that no definitive arrangements should be made until experience had proved them to be desirable.

Bismarck put an end to this useless debate by declaring that as Federal Chancellor he would assume the official responsibility for the acts of the Presidency relative to the army, the navy, and foreign affairs, and in so far as Prussian Ministers remained in authority within this sphere, he would act as their head.

According to the provisions of the Constitution, the military budget, as we are aware, should be submitted to the House merely for information, hence there could be no thought of special criticism. Nevertheless, the Opposition discovered a chance to break a lance for their favorite conception of the budget privilege.

We must here recall the military conventions between Prussia and the smaller States of the Confederation, whereby the contingents of the latter were placed under Prussian authority with the reservation of certain honorary privileges. In return Prussia had allowed these States an abatement of their share of the army expenditure as fixed by the Constitution (two hundred and twenty-five thalers per man), which was, however, to be gradually decreased until the year 1876, when the maximum payment would everywhere be reached. The smaller States had unanimously declared that without such a concession this sudden increase in the public burden would completely crush their finances; and when this arrangement was submitted to the Reichstag, not one dissenting voice was heard. The sum thus remitted was, however, not an inconsiderable one, amounting in round numbers to one million for the year 1868; so that the *pro rata* receipts for the army were reduced from sixty-seven to sixty-six millions, resulting also in a somewhat unequal distribution of the burden among the several States.

Therefore, according to the Constitution, these agreements required, in so far as the money question was concerned, the consent of the Reichstag. The Govern-

ment had thought, because of the inoffensive nature of the proposal, that a brief reference to the conventions, when the point in the budget concerning them should be reached, would suffice to receive the desired sanction; but was informed by Lasker, Planck, and Bennigsen that the agreements must necessarily be submitted to the Reichstag, and a formal motion for their approval be made, which would then doubtlessly be forthcoming.

There was, however, still another view of the matter. Waldeck declared that he would never consent to these agreements; since, once approved, they would bind the Reichstag until 1876 to sanction these *pro rata* contributions as stated in them. He was perfectly willing, he said, from year to year to approve these contributions, but only at the dictation of his own judgment, and not because compelled to do so by previous agreements. Hence he moved that the reference to these conventions in the budget be omitted, to the end that the budget privileges of the House might remain unrestricted and uncurtailed. This reawakened in the minds of the former Prussian National Liberals all the memories of the conflict period; there was a split in the party, and Waldeck's motion was accepted by 113 against 110 voices.

Their triumph was, however, of but short duration. A few weeks later the agreements were officially submitted to the House, and after a short debate, in spite of Waldeck's renewed protest, were sanctioned by an overwhelming majority.

The deliberations upon the estimates for the navy

took a similar course. The Government proposed so small an outlay for 1868 that the representatives of the Hanse Towns made vigorous complaint because of this frugality. At the same time, however, the Government submitted a plan for the establishment of a navy according to which the Confederation would within ten years possess quite a formidable array of battle-ships, corvettes, and smaller vessels, and would be provided with efficient coast defences. To defray the expenses, a government loan of ten million thalers was proposed. The majority looked upon the proposition with favor, but the Opposition seriously questioned the advisability of this measure also.

Although it had been found necessary, on account of the financial condition of the smaller States, to make a reduction of one million in the *pro rata* contributions, Herr von Kirchmann nevertheless recommended that the three and one-half million required by the estimates of the navy for 1868 should be provided for, not by a loan, but by a *pro rata* assessment, since in this way the budget rights of the House would be better preserved. Waldeck gave this motion his vigorous support.

On a former occasion in the Prussian House of Deputies the Opposition had refused its consent to certain appropriations for the navy, on the ground that no plan for the establishment of a war marine had been submitted, to the execution of which the Government would be bound for a number of years, but by which the House likewise, through its sanction of it, would have been correspondingly bound for a term of years

to make the required appropriations. Now the desired plan lay before the House, Waldeck, however, reversed his weapon: "We cannot surrender our budget privilege for a number of years; hence no ten-year loan, but only the appropriation for 1868 may be granted." He, moreover, did not deem it advisable to burden the infant Confederation with a debt, and considered Germany as entirely too weak to undertake the creation of a navy. With the same ingenuous optimism with which in March he had indicated the way leading to the annexation of Bohemia and Moravia, he now informed the House that the first condition to German maritime power must be the incorporation of Denmark and Holland by Germany, since geographically they were but a prolongation of Germany, and therefore ought to belong to it.

The difficulty regarding constitutionality was surmounted by Twesten, who proposed that the part of the loan to be expended each year should be determined by the budget, to which the Government readily consented. The loan was then sanctioned by a large majority.

Among the most important sources of revenue possessed by the Confederation were the postal system and the excise on salt, for both of which new regulations were to be devised. In Prussia the salt-trade was, up to this time, monopolized by the Government at a selling price of 2¼ thalers per hundredweight. In Hanover there was a tax of 2 thalers per hundredweight. A number of the smaller States reaped the benefits of like monopolies. In spite of the Customs Union, there

existed, therefore, a variety of customs frontiers in so far as salt was concerned, a disadvantage to trade, and no inconsiderable expense to the administration.

For this reason Prussia had, in the spring, proposed to the several States of the Customs Union a common excise on salt of 2 thalers, to constitute a common revenue of the Customs Union, provided of course that this Union were to be continued. The North German States at once agreed; those of South Germany, however, refused for some time, because, they said, a larger amount of salt was consumed within their boundaries than by the population of the North. Finally, however, they decided to yield, and on May 8th the treaty was concluded.

In the Reichstag the advantages of the treaty were generally conceded; namely, the reduction of the price of salt from 2½ to 2 thalers, and the establishment of a common frontier for the collection of duties on salt. The Progressist Party, however, declared that any duty whatever upon an article of consumption so necessary to the poorest classes was absolutely reprehensible; and Herr von Hoverbeck moved that the duty should be entirely discontinued after January 1st, 1877, the date upon which the new treaty of the Customs Union, as fixed in the draft, would expire. Delbrück explained that by a change in their text the treaties agreed upon on May 8th would be annulled; that the Southern States would then be glad of the opportunity to withdraw, thereby leaving to the North both the monopoly and the disadvantage of several frontiers. Moreover, he

desired to know by what means the resulting deficiency in the revenue amounting to eight millions could be made good. To this question Waldeck made the characteristic reply: "If Hoverbeck's motion is rejected, we will vote against the entire measure. Herein may be seen the difference between us and the other side of the House; when we cannot obtain a desirable measure, we at least reject the undesirable one, whereas, in such a dilemma, the others accept the latter."

To desire the unattainable, reject the attainable, and scorn every effort at compromise — that is indeed the true policy of radicalism.

There was, however, but a small group in the Reichstag willing to subscribe to this principle. Hoverbeck's motion was rejected by a vote of 148 against 52, whereupon the original measure was accepted almost unanimously, a large number of the Opposition voting in its favor.

Another reform which the Government had sought to bring about was a common postal system throughout the German States. This subject had been discussed with the States of the South at a conference held in July, in which the attitude of the two southern kingdoms had been wholly adverse; the entirely independent control of their postal revenues being evidently regarded by them as the inalienable right of the Crown. This simplified matters in the Reichstag, where the necessary measures for the new postal organization as based upon the treaties negotiated by Stephan were quickly adopted. The Committee of the House to

whom the bill had been referred had dealt so ably with it, that all the changes suggested by them, were at once adopted by the delegates of the Allied Governments. Only one point was debated with spirit, and that upon formal grounds alone. It was the clause added at the suggestion of Becker-Dortmund (Progressist) providing for inviolability of letters and the lawful exceptions. At the second reading the Federal Council, however, accepted the clause for the sake of peace; for, it was argued, the Council is as much in favor of inviolability of letters as is the House, and the House, like the Council, believes the exceptions to be just.

Another measure, which for years had been vainly striven for, was also agreed upon at this time, — the uniform rate of letter postage; namely, one grosch on prepaid letters weighing not more than one half-ounce, without distinction as to the distance within the limits of the Confederation, through which they were to be transmitted, a facilitation of intercourse most far-reaching in its effects. •

How thorough and efficient the postal system founded at this time, and developed under the administration of Phillipsborn and later under that of Stephan, proved itself, both in time of peace and war, every one is ready to testify; as well as to the great impulse given thereby to the advancement of intercourse, not only within the limits of Germany, but to that of the world in general.

Not less advantageous to the enduring strength of the Confederation was the favorable action upon a

measure which had been frequently proposed and hotly debated, — the law regarding obligation to military duty. Framed upon the basis of the provisions made for it in the new Constitution, it now passed through the several stages of parliamentary action without encountering a hinderance of any kind.

The Committee of the House had proposed twenty-two changes, and at the beginning of the first reading of the bill the delegate of the Government announced the Federal Council to be willing to accept nineteen of these. Waldeck took advantage of the general discussion again to extol the superiority of the militia system over that of a standing army as the nation's strong defence. Liebknecht praised the Swiss militia system, constituting, as he declared, the safeguard of the people's liberty both at home and abroad, whereas in 1806 the Prussian regiments of the line had been scattered in defeat by a foreign foe, and in 1849 had been the instrument used to crush the endeavors to achieve liberty in Saxony and Baden. In the French Revolution, he stated, the German troops of the line had been shattered by the French army of volunteers; after this army had, however, been gradually transformed into a standing army by Napoleon, it had succumbed in 1813 to the German people in arms.

It could not have been possible to distort the facts of history more than these two speakers succeeded in doing.¹

¹ A brief reference only can here be made to the fact that in Prussia the line, as well as the militia, is a part of the people, and that the militia,

During the consideration of the bill in detail, the provision made by the Government exempting Quakers and Mennonites from service was rejected, and a clause empowering the Government in time of apparent danger to call into active service a certain number of reserves even during time of peace, and which was antagonized by Hoverbeck, was accepted. Otherwise the bill was approved as presented by the Committee, whereby the chief ground for the great conflict regarding the army was removed for many years to come.

To improve the internal affairs of the young Confederation, three bills had been prepared relative to the nationality of the merchant marine, to the Federal consulates, and to provisions for the public debt, the last two of which had been distinctly patterned after the corresponding Prussian laws. After closest examination the first two were passed by the House. In connection with the last, Bethmann-Hollweg of the Free Conservatives effected the adoption of a provision of

as well as the line, is a part of a well-trained and disciplined army. The difference between the two lies only in the fact that the soldiers of the line are under, and those of the militia over, twenty-seven years of age, and that the former are commanded exclusively by officers of the profession.

In 1813 both the line and the militia were poorly organized, for which they paid dearly by terrible losses. The fact is frequently overlooked that in 1812 Napoleon's great army was ruined, and that by far the larger part of his troops in 1813 consisted of raw recruits, who had been forced into the service against their inclination, and therefore were no match for the Prussians, whose enthusiasm knew no fear of death.

With respect to the French "army of volunteers" in 1793, I refer to Volume III. of my History of the Revolution, as also to the excellent writings of Camille Rousset upon the volunteers of 1792, and the *levée en masse* of 1793.

rather doubtful advisability as viewed from the financial standpoint; namely, that any change in the rate of interest upon the public debt should depend upon the approval of the Reichstag. Miquel and his party effected the adoption of an additional clause, which provided that the officials charged with the administration of the public debt should, in consequence of any deviation from the requirements of the law, be liable to prosecution in the civil courts, the Reichstag being designated as the prosecutor. Delbrück at once pronounced it a measure of exceedingly doubtful expediency. Obviously the duty of prosecuting an official for such misdemeanor devolved legally upon his superiors in office, in this case, therefore, as a last resort, upon the Federal Chancellor. Hence, by the adoption of Miquel's motion, a legal responsibility would be placed upon this official, which was in direct opposition to the decision arrived at in the Reichstag in connection with the Constitution. The result was that the Federal Council for the present deferred action upon the bill thus amended, which was simply a considerate way of expressing its disapproval.

As a consequence, however, the realization of the ten million loan determined upon for the establishment of a navy was also delayed until the question of constitutionality raised by Miquel's proposal should be decided. As vexatious as this result of the disagreement was to the Governments, they yet remained true to their conviction that the existing constitutional law recognized neither a responsibility on the part of the Federal Chancellor, nor the Reichstag's right to

prosecute, as based upon this. They hoped further by their action to demonstrate that even in a government without a responsible ministry, the rights and privileges of the people may find a warm response.

Another bill, originating with the Federal Council, removed with a single stroke of the pen the galling constraint which the necessity of passports had for generations imposed upon all classes of the population, constituting an obstacle to travel; most burdensome, however, to the serving and working classes, who, at the slightest change from one place to another, were obliged to produce their passports. The widely different regulations of the several States, even of the towns within the same State, were an additional aggravation. In Prussia, since 1862, these regulations had in many ways been less rigorously enforced. In Berlin alone the police still retained the right, established through practice unfounded upon law, to expel from the city any person whom they considered suspicious. The Middle States had, in 1815, granted relief to the upper classes, but had allowed the obligations to remain unaltered for the lower classes. The most shining examples of the omnipotency of the police were to be found in Mecklenburg, where positively no citizen of the State could undertake a journey to any other part of Germany without ministerial sanction. By the new law this passport compulsion was transformed into a passport privilege for the entire population.

Liebknrecht, who in past years had suffered great loss in consequence of banishment from Berlin by the police,

offered an amendment, seconded by Lasker, whereby expulsion of foreigners was also prohibited, which, however, was unsupported by the majority, and the measure was adopted unaltered.

Closely related to this was another bill submitted by the Governments, proposing freedom of migration within the Federal territory. Delbrück was authorized at the very beginning of the deliberations to announce the consent of the Federal Council to all but one of the changes in the bill suggested by the Committee to which it had been referred. He characterized the intention of the proposed law as the first fruits resulting from the idea of a common citizenship throughout the Confederation, as provided by the new Constitution. Gladly would this purpose be carried still farther, he said, except for the reason that at present a complete transformation of the diverse regulations in force in the communities of the confederated States was practically impossible.

According to this law, as finally enacted, every subject of the Confederation had perfect freedom to sojourn and settle anywhere within the limits of the Confederation; in this respect all religious sects were placed upon an equality, which previous to this time had not everywhere been the case. He could acquire property, and enjoy the same liberty as a natural-born subject to engage in a handicraft.

The laws governing citizenship in the townships and municipalities, as also those relating to participation in the relief of the poor, and in the benefits derived from

the public property, were left untouched by this measure. To acquire a new domicile was facilitated in every way possible, and the right of the police to expel was restricted to a few specified cases. In this connection Liebknecht again offered the amendment previously mentioned; but, as this time it was presented with an introductory speech full of vindictive hatred of Prussia which he stigmatized as the land of slavery, its failure was more complete than before.

Action was unanimous in favor of the bill.

There are still two important measures to be reported in which the Reichstag assumed the initiative.

In the Prussian Representative Assembly, during its session of the past year, Lasker had introduced a bill for the abolition of the legal restrictions upon rate of interest, which was passed in the House of Deputies, but in the Upper House was delayed until made impossible by the close of the session. Now, in the Reichstag, Lasker presented anew the reasons for action which by this time had become common ground. Money, like other property, was of fluctuating value, he declared; and the impotent endeavor of the law to give it a fixed value simply increased the difficulty of the wise manager to obtain the needed capital without in any way intervening between the spendthrift debtor and the oppression of the usurer. The landed proprietors of the Conservative Party looked askance at the bill, in apprehension of the exorbitant interest which they might have to pay upon their loans, and therefore proposed that action be postponed until after provis-

ion had been made for the better protection of credit upon real estate by an improvement of the laws regulating mortgages, and by the establishment of mortgage banks. The Liberal Parties were quite willing to concede to this demand, but desired that it should not result in the indefinite postponement of their proposition.

At this point Bismarck arose to declare himself in favor of Lasker's bill, even though it might be impossible to combine with it the desired reforms in the provisions governing mortgages. He, however, pronounced these to be much needed, and said that he would persist in his endeavors to achieve through Federal legislation what for five years he had vainly sought to accomplish in the legislative body of the State. The restrictions imposed by the mortgage laws he considered much more injurious to credit than were those placed upon the rate of interest; and to get rid of them by the establishment of mortgage-banks — though without any advance of capital by the State — would, in his estimation, be the removal of a gross injustice, toward which the Confederation would probably not manifest as great leniency as had State legislation.

It was with evident gratification that Lasker heard the Chancellor's promise to withdraw the mortgage system from the "lifeless grasp of Prussian legislation," to place it within the influence of the Reichstag, and to labor there with renewed energy for the abolishment of the existing evils which had continued so long only because of their tenacious hold.

These deliberations are remarkable for yet another reason. In them a German parliament for the first time beheld the Socialist-Democratic banner fully unfurled. The number of Socialists present was not large, probably only four or five; and these were divided by bitter enmity, — the nationally inclined disciples of Lassalle, Schweitzer and Försterling; the Cosmopolitans, Bebel and Liebknecht; and the Christian-Socialist, Privy Councillor Wagener.

In reply to Lasker's motion, Schweitzer now took the floor. He proclaimed the Socialist principle of deadly antagonism between capital and labor, of the unjust advantage taken of the laborer by the capitalist, of the warfare waged between the capitalists themselves because of their remorseless competition. "Now it is even proposed," he exclaimed, "to lend the sanction of the law to the most shameless usury, and thus to deliver another weapon into the hands of the great capitalists, to be used in destruction of the smaller ones. I rejoice in the measure, since it will hasten the end of the whole system; and that I may work it mischief, I will cast my vote for this motion," he declared.

Lasker and Braun (Wiesbaden) with considerable sharpness demonstrated these remarks to be to no purpose whatever. Braun opposed the Socialist principle with that of the Liberals: To speak of contention between capital and labor is idle; for labor is convertible capital, and capital is labor amassed.

We shall soon hear more upon this subject.

The bill submitted by Lasker was, with a few un-

important amendments, passed by the House, and in a short time received the approval of the Federal Council. Twenty-five years later, however, it was found necessary to legislate in favor of severe penal measures for the prevention of usury.

Closely following the action of the National Liberal leader in behalf of the greater emancipation of capital, appeared another bill whose object was the greater emancipation of labor, proposed by Schulze-Delitzsch, Becker-Dortmund, and others in the name of the Progressists.

In Prussia and elsewhere the concerted action and combination in unions of employers as well as of the employed, for the purpose of enforcing more advantageous conditions of labor, especially by a refusal to work or the dismissal of employees, had for some time been prohibited. Provisions also existed for the criminal prosecution of such persons guilty of breach of contract, as also of those who through coercion sought to force others to participate in a strike.

The measure proposed by Schulze was practically an absolute repeal of all these laws, with the addition of a clause providing that every employer should have the right to employ any workman, and that every workman should have the right to engage with any employer; that therefore all efforts to enforce the prohibitory laws of existing labor unions would be in violation of law. In general the proposition was received with favor in the House, though regarded as rather extreme upon some points. It appeared doubtful, too, whether under exist-

ing circumstances its purpose were possible of achievement, — a question which the originators, in true radical fashion, had not deemed worthy of consideration.

It was met by a counter-motion introduced by the Free Conservatives, proposing that the Federal Chancellor be requested to direct the drafting of a carefully prepared bill, based upon one which in 1866 had been proposed in the Prussian Assembly but had failed of enactment. In it the privilege to unite in labor coalitions was granted, and provision made for the punishment of its abuse.

The National Liberals were more in sympathy with Schulze's proposal, and contented themselves with the addition of two amendments, — one presented by Bähr and associates, by which the law was made inapplicable to sailors and domestics; the other one by Lasker and others, providing that all members of unions to which this law might apply should have the right to withdraw from them at any time, and thereby be absolved from their agreement without consequent liability to prosecution or intervention by the union or its members.

The debate, as was quite natural, concerned itself much more with the rights of the employed than with those of the employers. Their condition and needs were fully presented; and above all else, it was claimed that the laborer, in so far as his personal liberty was concerned, should be placed upon an equal footing with the members of every other class of the population. Regarding the position into which the State might be forced by a gigantic development of the socialistic la-

bor unions, resulting in a firmly united coalition of thousands of clubs whose members could be counted by the millions, no one seemed to ask, although the possibilities in that direction had been suggested as recently as 1792 by the Jacobins of the French Revolution.

Becker (Dortmund), arguing in the name of the originators of the bill, fell back upon the right of universal suffrage as his chief support. He declared that restrictions could not possibly be placed upon the rights of a large class of citizens to combine in coalitions after bestowing upon them the greater privilege of electing the lawmakers. Bismarck made no reply to this logically faulty conclusion, deduced from his favorite election system. Wagener (Neustettin) declared himself as opposed to the measure, believing that it would not result in the alleviation of the workingman's condition.

"Ricardo and Lassalle," he said, "have demonstrated the 'iron law of wages,' according to which competition never allows the wages of the laborer to exceed the minimum of expense required for his existence; and this law can no more be set aside by the freedom to form labor unions than can any other law of nature. The only way in which the laborer can be helped is through organized productive co-operation, by which associated laborers undertake the administration and assume the risks of business for which, however, the State must furnish the necessary capital at the start."

The confidence with which the doctrine of the immutable law governing wages was at that time proclaimed

is marvellous ; since it must have appeared evident even then that competition, the primary assumption upon which the supposed law was based, could in every instance be removed by combination of the competitors. At the present day, as is generally admitted, this immutable law, together with other dogmas cast off because outgrown, has been relegated to the past by the authorities of the Socialist Party, since the laborers found within its ranks have themselves demonstrated the fallacy of the doctrine by the yearly contributions, amounting to thousands and hundreds of thousands, made by them for party purposes, and saved from their wages.

Whether production by associated labor in its various forms will prove itself practically remunerative is to-day still an open question. Our interest at this point centres upon the declaration with which Lasker rejected the idea of assistance to be expected of the State, as proposed by Lassalle and Wagener.

After demanding liberty of coalition for much the same reasons as those presented by Becker (Dortmund), he directed his attention to the deadly antagonism supposed to exist between capital and labor, declaring that with the better education, and consequent greater freedom, of the laborer this must gradually disappear. It was therefore intended by this measure to create a wider field of activity and a consequent increase in the fruits of labor for the workingmen. "But," he continued, "they should not be led to believe that they have a claim upon the generosity of the State, as Wagener's proposal would indicate, and to expect from

it that for which they have not rendered due service." The man who in his youth had learned no more than to break stones or to carry burdens, he argued further, had no reason to expect a great return from the State.

As self-evident as this may have appeared to many of his hearers, it is yet worthy of repetition here, as indicating most clearly the line of demarcation between the Liberal and the Socialist Parties, — in the former the greater appreciation of mental, in the latter of physical labor.

The House now turned to the consideration of how the possible abuse of the privilege of combining in unions might be averted by legal measures. Two principal questions engaged its attention. The first: In the relation between employer and employee, shall a breach of contract be made punishable by law? The second: Shall a special law be enacted providing for the punishment of workmen who during a strike boycott or take physical vengeance upon their fellow-laborers who continue at work?

The Free Conservative, Devens, vigorously opposed both. It would not be possible to detect the originators of a boycott, and physical violence was already punishable by the common law, he argued; therefore, of what advantage would a special law be, which, however, would tend to excite in the laboring-classes feelings of bitterest resentment, because applicable to them alone? Schweitzer took the same view, saying, "Strikes, though resulting in immediate loss to the laborer, are and will continue to be the only means

whereby wages can be adjusted. Exert your influence, therefore, to promote order and moderation by doing away with all these restrictions."

Deputy Stumm argued very differently. He declared it to be impracticable to grant the privilege to combine in unions previous to a revision of the existing trade regulations in the several States of the Confederation; in addition to which, a revision of the poor-laws would also become necessary, since, according to the Prussian law, the support of the starving workmen, idle because of their own wilful action, would devolve upon the community, which, he believed, could hardly be the intention of the House. In any event, he declared it to be incumbent upon the assembly, in granting this privilege, to make provision for the protection of the minority against coercion by the majority. This could be accomplished, he thought, by adopting Lasker's amendment, according to which the right of criminal prosecution would not attach to agreements of this kind, but, on the contrary, every participant would have the privilege to withdraw from such a union at any time; as also by adding a provision for the severe punishment of those guilty of physically ill-treating, or of instigating a boycott against the minority. These two preventive measures were not restrictions of personal liberty, he declared, but were preservative of it.

Lasker and others had characterized as odious any exception whereby workmen, guilty of a breach of contract in consequence of a strike, were made amenable to criminal prosecution, whereas a similar offence on

the part of any other class subjected the offender to civil suit for indemnity only.

To this Stumm made reply, without entering into its legal aspect, that the immediate result of a repeal of the penal law directed against breach of contract would be to the injury of the workmen; since a suit for indemnity would in nearly all such cases be without practical result, employers, in consequence of the removal of the fear of criminal prosecution, would find themselves compelled either to exclude from their contracts the stipulation for notice before dismissal, or they would have to resort to the cautionary measure of retaining a certain part of the wages.

His opponents criticised Stumm's view of the question as wholly one-sided, taken from the standpoint of the employer alone. It is true, Stumm was an employer of labor; but that he was also in every respect a shrewd observer and a man of judgment has been clearly demonstrated by the events of the subsequent decades. Since the repeal of the law providing criminal prosecution for breach of contract, the stipulation for a specified time of notice on the part of either party has gradually disappeared from labor contracts, just as he predicted. That there was good reason for his demand for adequate protection of the minority in labor coalitions, experience has amply illustrated by ever-increasing examples; indeed, this has come to be the chief issue of the Socialistic movement.

Everywhere strikers attempt, just so far as they dare, by violence to prevent employees who are so inclined

from continuing at work, or new ones from undertaking it, and loudly proclaim this to be their inalienable right. This right to suppress the rights of others is logically untenable, but its practical utility is very easily understood; for, should it find recognition, the laborers would thereby become the sovereigns of industry: hence might, not right, is the objective point of the party.

Delbrück now took the floor, declaring, in confirmation of Stumm's first assertions, that although the day in which labor unions could be forbidden was indeed past, the time was not yet ripe for the enactment of the law, since a previous revision of the trade regulations was absolutely indispensable.

This declaration, that for the present nothing would be allowed to come of it, had little or no influence upon the decision of the majority; if any, it was only that in voting upon the several questions there was a change of motive from, What is attainable? to, What is desirable?

The two amendments originating with the National Liberals were accepted; then the question of punishment in cases of breach of contract and maltreatment of the minority were disposed of; the motion favoring delay, as proposed by the Free Conservatives, and one for the establishment of a court of arbitration, were rejected; and finally the entire bill was adopted by 129 voices in its favor, against 71 in opposition.

In the Federal Council, however, it was rejected.

We will now turn our attention to the transactions around which centred the chief interest of the session,

—those concerning the Customs Union treaties concluded on July 8th, and submitted to the House on October 8th.

The condition of affairs in the South at that time will first be reviewed.

It has been mentioned how, even prior to the appearance of Bismarck's circular note, the Grand Duke of Baden, in his speech from the throne at the opening of the Legislative Assembly on September 5th, announced it to be his steadfast purpose to strive for national union with the North German Confederation. In a like spirit of patriotism this sovereign commended the treaties of offensive and defensive alliance with Prussia to his Estates, as also the reorganization of the Baden contingent upon the plan of the North German military constitution, and the Customs Union in its new form.

He announced his intention to submit for their consideration a number of bills looking toward advance upon liberal lines in matters of internal administration, relative to responsibility of the Ministry, to freedom of speech in the Assembly, liberty of the press, unions, public instruction, and a systematic extension of the network of railroads and public highways; and desired their consent to the increase in taxes required by these improvements. In conclusion, he foreshadowed the fulfilment of the hope that ere long there would be established a common German system of weights, measures, and coins, as also a common administration of the posts and telegraphs.

That the hopes and intentions expressed in this

speech found a ready response with the representatives of the people was indicated by the address of the First Chamber, resolved upon by a vote of all but one in its favor on September 10th, as well as by that agreed upon by the Second Chamber on September 16th, and opposed by only five voices.

A fortnight later the Second Chamber, by a vote of all but one, gave its lawful sanction to the introduction of universal obligation to military duty, to which, on October 5th, the First Chamber consented by a unanimous vote. There was, therefore, even at this early day, no possibility of doubt that Baden would accept the new Customs Union treaties.

In marked contrast to these proceedings arose the chorus of anathemas with which the treaties were greeted in Würtemberg. There the Popular Party and the Protectionists vied with each other in endeavors to portray the inevitable ruin of Würtemberg in the gloomiest colors, should the designs of that traitor, that political weather-vane, the originator of these shameful treaties, namely, the Minister, Varnbüler, be consummated, and the Chambers be compelled to sanction his plans, whereby the noble Swabians would be reduced to the position of vassal and slave to the Prussians.

Foremost among those who made outcry was the deputy, Moritz Mohl, author of "A Cry of Warning against Greatest Peril,"¹ a book of four hundred pages, for which there was so great a demand that within ten days a second and third edition were required. A few typi-

¹ Mahnruf vor den äussersten Gefahren.

cal selections will be quoted, since all the objections raised at that time in the South German Chambers against union with Prussia were to be found within its pages.

“How utterly misled,” writes Mohl, “must that South German be, how little sympathy must he feel for his honest countrymen, and how little love for his beautiful native land, who willingly surrenders it to the dominion of the Prussians, who in their inmost hearts have always harbored feelings of antipathy to our race!” In another place it is asserted that the supremacy of the Prussians in Germany would, because of their descent and consequent social predilections, be followed by a predominating influence of a semi-Slavic nature, to the detriment of the more liberal and purely German institutions prevailing in Southern Germany, because of the purer German stock there predominant. This idea is then developed by manifold illustration.

In Swabia all things are represented as excellent and beautiful, — the scenery most grand, the soil most fruitful, the people glorious and free, the State firmly founded upon justice, the culture made famous by its illustrious exponents, Wieland, Schiller, Uhland, Auerbach, and all the rest. In dire contrast to this is portrayed the monotony of the North German plain with its sandy and unfruitful soil, the sterile land partitioned among haughty young nobles with a retinue of needy retainers; the State the product of a restless desire for conquest, of blood and iron; the people tormented by a stifling military and tax burden, harassed whilst in

the army by officers of noble birth, and in administrative affairs subject to a like *régime*; the Government all-powerful in contradistinction to the representative body, despotic to its allies, and a source of anxiety to all its neighbors.

This Government is then made responsible for the dismemberment of the German Confederation, during the existence of which Germany enjoyed fifty years of blessed peace; for the cruel intestine war by which Germany was rent into three parts; as also for the destruction of home industries by foreign competition brought about by the commercial treaties concluded by it. Then follows the question, "And shall we become allies of such a State?"

"No, never! Protection it cannot afford us; our sons, however, will be called upon to shed their blood for its selfish ends. The most that we can promise is our neutrality in the event of war between it and France. In truth, we want as little in common with it as possible, and therefore demand of our Chambers that they reject the new Customs Union treaties, advantageous to Prussia, but fatal to us." As illustrative of this assertion, the proposed change in the excise on salt is quoted: "In the Customs Union Parliament our deputies would have to cope with an overwhelming Prussian majority. In this field, as in military affairs, we should not be regarded as an equal, which is the primary condition to any Federal union, but, on the contrary, would be forced into servility by a tremendously superior power."

In spite of all that was said in the South about Prussian arrogance in those days, it would be difficult to find a contemporary publication of Prussian authorship exhibiting greater self-conceit and blindness than did this book. We should hesitate to characterize it as the arrogance of ignorance, for an ignoramus Moritz Mohl was by no means. His frenzied abhorrence of everything Prussian was, however, so great that the mere mention of Prussia excited him to a degree that made rational thought impossible; his logic deserted him, and the most inconsistent invectives were hurled broadcast in every direction.

According to his statements, the Prussians are so powerful that they excite apprehension throughout Europe, but at the same time are so weak that they cannot successfully defend the Upper Rhine. They are poor starvelings under the yoke of the nobility; yet their industrial resources are so developed that they export much more to the South than they import in return, thus in time working ruin to the productive industries of the Southern States. For this reason, he argues, Prussia is much more dependent upon the Customs Union than is the South; should, therefore, Württemberg emphatically decline to participate in the Union, Prussia will humbly make concessions, and restore the *liberum veto* to all the States. His portrayal of the incubus of despotism under which Prussia is supposed to be staggering is a reproduction of sensational newspaper articles, and of the speeches made in the Prussian Assembly by the Progressists. That this

party, as well as a strong representation of Protectionists, would be a constituent element of the Customs Union Parliament he seems utterly to forget.

He himself, however, in his highly extolled Würtemberg, spent his life in opposing the Government and the half-feudal, frequently servile, and always impotent majority in the Chambers. He frequently acknowledged that in these endeavors he had found brave support from many of those who were now to be found among the friends of Prussia. Yet in the present crisis all this was forgotten; and with bitter sarcasm he exclaimed to his former friends, "If that sandy Brandenburg appears so excellent to you, why do you not go and live there, and leave us here in our misery!"

The Würtemberg Chambers were not in session at the time; the treaties were therefore, on September 16th, submitted for official consideration to the Committee of the Estates, empowered to transact business in the interval between sessions. It was the unanimous opinion of the Committee that the ratification of the treaties would require the two-thirds majority necessary to a change in the Constitution; however, in the vote taken to decide whether approval of the treaties should be recommended to the Estates, the Committee stood equally divided, four against four.

Upon the one side, Mohl argued with great assurance, that, as a result of the proposed Constitution of the new Customs Union, the representation of the South German Governments in the Federal Council of the Union, as well as the deputies of the South Ger-

man people in the Customs Parliament, would constitute but an inconsiderable minority, unable to protect the interests of these States against the overpowering influence of Prussia. As conclusive evidence, he pointed to the fact that the proposed changes in the duties upon salt and tobacco alone would result in an annual loss to Würtemberg of two million florins.

Upon the other side, the deputy Zeller directed attention to the fact, that in any union individual advantages and disadvantages would ensue to every participant; that these must therefore be carefully weighed one against the other, as also against the general advantage to be gained by the combination. He declared that in this case such an examination would show that for Würtemberg, as well as for the others, the benefits derived would far exceed the losses, and concluded by reminding the Committee that rejection of the treaty meant the exclusion of Würtemberg from the Customs Union.

These arguments and counter-arguments again found expression in the resolutions adopted by two mass-meetings, — one of the National Party on September 27th, at which it was evinced that the educated classes were not largely represented in that party; and the other of the Democratic Peoples Party on September 29th, at which, in the presence of a great concourse of people, it was demanded that the treaties be rejected, that no increase in duties be allowed, that Varnbüler be dismissed, that the militia system be introduced, and the Constitution be revised.

As yet it was impossible, therefore, to foretell what the final decision would be.

In Bavaria the Legislative Assembly convened on September 30th, and was at once informed by the Government that the new condition of affairs would require an increase of fifty per cent in the taxes,—a statement which certainly was not calculated to commend the new order of things to the people. Nevertheless, on October 4th, at a well attended mass-meeting called by the National Party, not only were resolutions adopted recommending that the treaty be concluded, but direct demand was made that Bavaria should seek admission into the North German Confederation.

At this time, however, the attention of the people was diverted by the excitement caused by a twofold attack upon the liberal tendencies of the Government, as indicated in January by Count Hohenlohe to the Chambers in his demands that measures be taken to secure to Bavaria greater internal strength and a firmer foundation for outward independence, which were hailed with acclamation. The first of these attacks proceeded from Regensburg, and was directly aimed at a proposed educational reform, being supported by the hackneyed argument, that, according to divine ordination, the education of the youth was the especial charge of the church. The other took the form of an address to the King, which, originating in Passau, was circulated throughout the country. In it the assertion was made that the majority of the Second Chamber was no longer representative of the Bavarian people, and the King

was therefore petitioned to dissolve the Chamber at once.

Bitter conflicts were therefore in store for Hohenlohe's Ministry, especially since it was well known that his clerical adversaries were also the declared enemies of the North German Confederation.

In the North German Reichstag the transactions respecting the Customs Union were naturally influenced by this uncertainty in South German conditions, around which, in fact, the chief interest of the discussion centred, since in this assembly there could be no thought of any real opposition to the Customs Union in its new form.

Expressions of approval were general in the House when one of its reporters, Michaelis, probably its most thorough political economist, presented the advantages which would result from the proposed arrangements, after which, however, he turned to a consideration of the consequences to be expected, should the treaties be accepted by the Southern States; and surely his conclusions were not such as could be construed into an urgent desire for immediate union with these States. On the contrary, courteously, but unhesitatingly, he pointed out that the admission of unwilling members would cause more harm than benefit; that the addition of a large number of South German deputies to the Reichstag would be quite likely to result in a wholly undesirable readjustment of party relations; and that these causes for apprehension would diminish only in proportion as amalgamation of the South with the North

became more complete. He therefore advised the admission into the Customs Union of such States only as would also agree to maintain unchanged the conditions of the offensive and defensive treaties of alliance.

These remarks were evidently aimed at the address of the Würtemberg Chambers; since according to the Bavarian Constitution these treaties, to become binding upon Bavaria, did not require the consent of its Estates.

It was an unmistakable refutation of Mohl's assertion that, should the Southern States reject the conditions of the treaty agreed upon on July 8th, Prussia would concede the *liberum veto*.

Carlowitz lent additional weight to this view by expressing regret for the concessions made to the Bavarian Government in June; it would have been more to his mind had Prussia continued the provisional condition by which the Customs Union treaties were binding for a period of six months only.

Braun (Wiesbaden) gave the South German States matter for reflection by emphasizing the fact that the present action of the Reichstag was but preliminary, and that a second reading would take place before the final decision, the nature of which would depend upon the disposition manifested by these States; since North Germany, more fortunate in this respect than South Germany, would not be seriously affected by discontinuance of the Customs Union. He, however, hoped for the best; since he believed that the number of those who shared his views was much larger in the South

than, owing to the outcry made by the antagonistic element, was supposed.

At the close of the discussion the treaty of July 8th received the sanction of the House by all but one vote.

It was soon to be demonstrated that the remarks of Braun and Michaelis were not based upon groundless suspicions. To be sure, on the same day, October 8th, Prince Hohenlohe advised the Lower Chamber to confirm the treaties, at the same time repeating his former declaration that his efforts would be directed toward a combination of the South with the North in a federal union by which Bavarian independence should in no wise suffer, and adding that he hoped for an ultimate alliance between the proposed federation and Austria.

The Committee to which the Customs Union treaty, the treaty regarding the duty upon salt, and the proposed law concerning the election of deputies to the Customs Parliament, had been referred, also decided to give all three of these measures an emphatic recommendation for approval. But on October 21st, after the reporter Feustel had urgently and eloquently presented the opinion of the Committee to the Chamber, a debate of unusual violence and bitterness ensued.

“This is the third galling chain of slavery which is to be cast about the neck of Bavaria since the commercial treaty with France and the treaties of peace of the past year, and I deem Herr von Lerchenfeld happy that by death he was spared the sight of his country in bonds!” exclaimed the Ultramontane Ruland. After

him his associate, Jörg, rose to ridicule the Minister for asserting it to be his unyielding purpose to make no concessions beyond his intended programme. This, Jörg said, would be impossible; the chain of circumstances would urge him on and on, until the subjection of Bavaria would be complete. The position of the Bavarian deputies in the Customs Parliament, Jörg declared, would be unendurable, consequently they would naturally seek to relieve it; this, however, could only be accomplished by Bavaria's union with the North German Confederation. "I predict," he said, "that as many deputies as you send to the Customs Parliament at Berlin, just so many missionaries to convert you to the cause of Bavaria's complete union with the Northern Confederation will return to you."

From this we can but conclude that Berlin did not appear to be so undesirable a place to him as it did to his Swabian fellow-combatant, Mohl. He, however, hastened to eradicate the effect of his incautious words. "Any act of centralization, however extreme, of bayonet rule or of despotism, may be expected of Prussia," he added. "To retain our liberty we must be willing to forego the Customs Union itself. Should this august assembly reply to these treaties with an emphatic no, Prussia will be dealt a blow which will make all Europe tremble." Evidently Jörg suffered as little from a want of self-appreciation as did Herr Moriz Mohl.

However, neither the Chamber nor the people were willing for the sake of making Europe tremble to forego

the advantages of the Customs Union. After a debate continuing for two days, the Chamber, on October 22d, confirmed the treaty by a vote of 117 against 17 voices, and on the 23d it gave its consent to the other two measures by still larger majorities. It was supposed that this was decisive; however, on the very next day it appeared that the high-and-mighty members of the Upper House shared the political views of the Darmstadt Upper Chamber. In their Committee a motion to reject the treaties was adopted by a vote of all but one in favor.

And yet Europe did not tremble, but an apprehensive shiver ran through every part of Bavaria. The commercial and industrial parts of the community and the entire population of the cities were seized with a fever of excitement. The lofty members of the Upper House found themselves in receipt of an uninterrupted stream of telegrams and addresses remonstrating against frustration of the Customs Union. All this did not fail of effect.

Although the Reporter of the Committee, Baron von Thüngen, on the 26th presented a motion to reject the treaties, this was followed by a proposal of compromise made by Prince Löwenstein providing for the confirmation of the treaties, with the proviso that Bavaria should continue in possession of the right of veto. "Through the action of a certain party," remarked the Prince, "and by means of Prussian agents, feelings of apprehension have been communicated to every part of the land, resulting in a general panic." The Committee

reconsidered its action, and the lordly Upper House accepted the motion almost unanimously.

On the evening of the same day Hohenlohe and Thüngen started for Berlin, to intercede with Bismarck in behalf of Bavaria's retention of the *liberum veto*. There, however, their resolution had produced just the opposite effect of that which they had anticipated.

During the very hours occupied by Löwenstein in his speech on October 28th, the North German Reichstag began its final deliberation in regard to the treaties. The motion for their rejection proposed by Thüngen was no secret; the consequence was, that it was decided to raise the price which should be required of Bavaria to purchase the advantages of the Customs Union. Braun (Wiesbaden) moved that the treaties be approved, but with the added condition for each of the Southern States, that the lawful obligations assumed by them consequent upon the treaties of offensive and defensive alliance concluded with Prussia would in no way be questioned; and further, that the Presidency of the Confederation be authorized to make the necessary changes in the text of the treaty, should it fail to be concluded with all the States.

There was, therefore, surely no prospect of a change in the treaty with a view toward particular favors, but quite the contrary; of those who desired to join the Customs Union, the union for defence would also be required.

As in South Germany, so here, Democrats and Ultramontanes both raised objections to this.

Herr von Mallinckrodt, behind whose rigorously preserved outward calmness lay hidden a passionate resentment toward the results of 1866, argued that the addition of the clause proposed by Braun would make the treaty of July 8th void, since it added a condition without the previous consent of the South German Governments. Further, he declared it to be a logical absurdity to couple in one treaty two such widely different agreements as were the Customs Union and a defensive alliance, and concluded by expressing surprise that any practical politician should ascribe any significance to offensive and defensive alliances of so vague a nature as were these, concluded for no special occasion or purpose.

In the estimation of Löwe (Calbe) and Waldeck, the alliances were most valuable. "But why," they asked, "shall the Government be restricted by them in affairs of the Customs Union? Upon this occasion it is our party which desires to give the Government greater liberty."

Miquel's reply was a delineation of the difference in the motives which prompted the antagonism. "Löwe and his friends," said he, "are one with us in the desire for a national State, and are opposed to us only in the means which they would adopt to this end. Mallinckrodt and his associates, however, are opposed to the idea of a united State, and by their opposition convince us that our proposed plan will prove effective. To the demands of the Ultramontane Party, either in the North or in the South, we cannot therefore give ear.

Their principal organ in Munich, der Volksbote, openly advocates nearer relations with France. The Bavarian Upper House loudly demands rejection of the treaties. As Mallinckrodt desires to assist these, our enemies, so do we desire to assist those in the South who are our friends."

Mohl's supposed grievance, the disadvantage arising to the South from the new rate of duty upon salt, was also disposed of by Miquel. "In the arrangements regarding customs," he said, "the North has always shown greatest consideration toward the South. After division of the customs revenues between the two sections in proportion to their population, there is an actual balance of three millions annually in favor of the South, which it will forfeit by withdrawing from the Customs Union.

"Mallinckrodt asserts that there is no lawful connection between the Customs Union and an alliance for purposes of defence, which we admit, and therefore intend to establish such a connection by means of the proposed amendment. We do not value a union in which our associate declares that he desires participation in the advantages, but does not care to share the dangers.

"The last provision of our amendment is especially intended to assure Baden that should the two Southern Kingdoms desert the national flag, this will not constitute a reason to refuse Baden."

Now Bismarck rose to declare the position of the Allied Governments. Unfortunately it seemed prob-

able, he said, judging by the telegrams of the morning, that the treaties would meet with rejection at the hands of the Bavarian Upper House. "In that event," he declared, "I do not hesitate to say, Braun's proposition fully expresses the views of the Governments. It contains no threat against the South Germans, but simply upholds the liberty to decide, of which we have never sought to deprive our brothers of the South."

"I have never tried to conceal the fact," he continued, "that an economic union must go hand in hand with fellowship in arms. We should never have concluded the Customs Union treaties had we entertained the least doubt of the stability of the treaties of alliance, and even yet I have no fear that the South German sovereigns will break faith. It was with them, the weaker ones, that the proposal for alliance originated. Should the treaties of alliance become doubtful, the Customs Union will immediately be dissolved."

From the outset, there had been no doubt as to the ultimate result of the deliberations. The treaties received the sanction of the House, and Braun's motion was approved, by 177 voices against 26.

On the afternoon of the same day the final meeting of the session took place. In the speech from the throne it was again emphasized that the indispensable reforms in the Customs Union Constitution should not be sacrificed to considerations of a temporary nature, and also that participation in economic interests presupposes an agreement for their defence through the joint action of the participants.

The King's speech paid a well-merited tribute to the valuable achievements of the session, accomplished in a few weeks by the patriotic co-operation of the Reichstag and the Federal Council.

This was the condition of affairs as found by the Bavarian delegates when, on the afternoon of the 27th, they arrived in Berlin. Every voice of authority without exception, the King, Federal Council, and Reichstag, spoke but one purpose, — rejection of their proposal, and the dismemberment of the Customs Union, should Bavaria refuse to yield. Whilst they, on the 27th and 28th, were engaged in hopeless discussions regarding the matter, the flood of popular remonstrance continued to pour in upon their haughty Upper House at home. Every one was certain that the delegates would return empty-handed. The energy of the movement in favor of the Customs Union increased with every hour; and immediately after the return of the delegates, the Lower Chamber rejected Löwenstein's additional clause with only twelve dissenting voices. What could the mighty Upper House do? Submission was inevitable. First the Committee, with a vote of 8 against 1, and on October 31st the entire Chamber, with 35 against 13 voices, gave unconditional sanction to the treaties.

Finally, in Würtemberg, where the Assembly did not meet until October 18th, matters took a similar course. As the time for the actual decision regarding the Customs Union approached, public opinion, notwithstanding all the sensational reports in the newspapers, manifested itself more and more strongly in favor of the Union,

though perhaps not quite as unanimously so as had been the case in Bavaria. All through the country popular meetings, both large and small, declared themselves either as in favor or as opposed to the Union; all the Boards of Trade, as also the municipal authorities of the capital, demanded that the treaties be ratified; and, what was of still greater importance in consideration of the dependence of many of the representatives upon the Government, King Charles on several occasions expressed himself as decidedly in favor of the alliance, offensive and defensive, as well as of the Customs Union.

The deliberation regarding the alliance was first in order, and was set for October 29th in the Lower Chamber. The number of its antagonists was no doubt much larger than of those opposed to the Customs Union, and the decision in Berlin on the 26th by no means deterred them from their purpose.

Varnbüler, who, as we have seen, had been subjected to the most violent abuse as the negotiator of the treaties, defended himself and his cause in a speech both brilliant and to the purpose. His attitude was one of proud defiance. In reply to the accusation of fickleness in his policy made against him, he declared that the circumstances previous to 1866 had nothing to do with the matter; in that year history had been made, and the German question solved; the treaties were but a recognition of this fact; had he failed to conform his action to the new condition, he would have been an unpractical dreamer.

As he began, so he ended : " I have not come before the Chamber to ask its pardon ; I am convinced that the treaty I negotiated is a good one. I do not speak for myself alone, but in the name of my colleagues. The House is at liberty to act, but I shall with good courage await the verdict which the history of Würtemberg will render."

In fact, his exposition of the essential reasons for concluding the treaty was as cogent as it was convincing, — the impossibility of alliance with Austria, the impossibility of a South German federation, the impossibility of continued isolation ; all this was irrefutably demonstrated. " You desire that Würtemberg shall remain permanently neutral," he said ; " Belgium and Luxemburg teach us the true value of such neutrality. Who will respect it ? Do we possess sufficient strength of purpose and spirit of self-sacrifice to defend it to the last drop of blood in our veins ? This steadfastness of purpose — I regret to be forced to say it — is not to be found among us."

Up to this point the brilliant orator had carried everything before him. Now, however, he undertook to explain away two objections raised by his opponents in the hope of defeating the treaties by proving that they did not conform to the provisions of the Constitution, and therefore required for their approval a two-thirds majority, which was not present.

The Minister, intent upon rescuing the treaties, was willing, as was usual with him, owing to his strong convictions, for the sake of the immediate end, to avail

himself of means which, viewed in the light of the future, were of most doubtful advisability. The unconditional agreement on the part of Bavaria to render assistance to the extent of its ability to Prussia in any war which the latter should undertake, had been criticised as an infringement upon the prerogatives of the Crown. To this he now replied that the treaty allowed the Bavarian Government the right to examine into any complication which might arise, to ascertain whether a *casus foederis* were really apparent. In proof of his assertion, he stated that at the time of the Luxemburg controversy, Bismarck had asked him whether Bavaria considered this a case for action by the Allies. He, however, concealed the fact that by the alliance the contracting States guaranteed to one another the integrity of their respective territory, and that therefore in the Luxemburg case the question might arise as to whether the right to garrison a fortress in a foreign country would be considered as under the protection of the alliance, and that a general application would by no means follow from this instance.

When the French Minister at Munich asked Prince Hohenlohe, following Varnbüler's suggestion, whether he did not also reserve to his Government the right to decide whether this were a case for the combined action of the Allies, Hohenlohe declared the discussion of that question to be a useless quibble; since in any difficulty between Prussia and France, the Bavarian people would give their King no opportunity to decide. It was with-

out doubt the more practical and discerning statesman who spoke thus.

The Swabian Democrats had complained further that the Prussian alliance threatened to impose a crushing military burden upon the country. Varnbüler argued, in reply, that according to Bismarck's statement Prussia conceded to the Allies the right to manage their armies according to their own discretion, and that, though doubtless it was the duty of both the Government and the Chamber to see to it that Würtemberg possessed a competent army, yet the treaty of alliance did not require this of them.

This was perfectly true regarding the mere wording of the treaty, but was a mockery in so far as its real purpose was concerned.

"Very good," said the Democrats; "if we then support an army of three soldiers, and place all of these at the disposal of Prussia, we have fulfilled our duty as an ally." Such a disposition was most dangerous to the military reforms desired by Varnbüler, but for the present it helped the Minister to gain a complete victory. After his representation of the conditions, the Chamber concluded that the treaty of offensive and defensive alliance did not require a modification of the Constitution, and that, therefore, a simple majority would suffice for its confirmation, and then gave its consent by a vote of 58 against 32 voices.

On October 31st the Customs Union treaty was also approved by this Chamber, with 73 voices in its favor against 16 as opposed. The Upper Chamber sanctioned

the Customs Union treaty on November 1st by a unanimous vote, and the alliance by 23 in favor against 6 dissenting voices.

Thus all difficulties were overcome: the defensive alliance was stronger than ever before; the Customs Union was re-established, and removed from the foundation of the old loose Confederation of States to the higher plane of a common interest in a young and vigorous Federative State.

When on November 6th the exchange of ratifications took place in Berlin, Prussia declared that ratification by the North German Confederation was forthcoming only with the understanding that the offensive and defensive alliances were in no way to be questioned. Bavaria entered protest against this reservation, but that did not alter the fact.

A few weeks later Varnbüler announced to the Chamber that in the opinion of the Government it was not at all necessary, now that the two treaties with Prussia had been concluded by Würtemberg, and its national duty thus fulfilled, that these limits should in any way be transcended.

Bismarck was for the present of the same opinion. It was said with truth that Prussia's thanks were due to the Bavarian Upper Chamber, since through its opposition to the Customs Union had been called forth that storm of public opinion through which it had been revealed how strong a hold the national idea had even upon the people of the South. At the same time, however, had also been discovered an intensity of sectional

hatred of which until then but few people in North Germany had any conception. If Bismarck's theory not to grant admission into the North German Confederation to any except those who earnestly desired it was the correct one, then the union with Bavaria and Würtemberg was still far distant. In that case, for the present, Baden was the only State whose wish to join the Confederation could receive consideration. But this event was not dependent upon the internal policy of Germany alone.

Before entering upon this topic, however, it will be advisable to become acquainted with the political tendencies in Prussia itself, which, toward the close of 1867 and in the beginning of 1868, influenced the policy of the Government.

CHAPTER III.

PRUSSIA'S INTERNAL POLICY.

AFTER the treaty of the reconstructed Customs Union had been ratified by all parties concerned early in November, 1867, Count Bismarck found himself confronted by a long succession of parliamentary labors which, with but short intervals for rest, would occupy the entire year, — first in the Prussian Assembly, then in the North German Reichstag, in the Customs Union Parliament, again in the Reichstag, and finally in the Prussian Assembly.

Judged by the results of the general election for the Assembly on November 7th, the star of the Government was still in the ascendant. Of the two parties in whom it found its chief support, the Conservatives had retained their former strength; the National Liberals, however, had trebled their numbers, principally through the elections in the annexed territory, whereas the radical Opposition had lost nearly forty of its former members. The current of sentiment in favor of nationality inspired by the events of 1866 appeared, therefore, as yet unabated; and greater national development in the future seemed assured through continued harmonious

action of the two great fractions within their own ranks, as well as in co-operation with each other, thus insuring to the Government a reliable majority.

But only too soon should Bismarck discover that the era of national enthusiasm was upon the verge of decline, and that its influence upon the Assembly elections had been but the last waves of the mighty current. Nearly a year had passed since the days of rejoicing; the excitement was beginning to subside, former habits of life, party opinions, and sectional interests were commencing to reassert themselves.

In Germany there was but little dependence to be placed upon majorities in general, and still less upon ministerial parties. The foundation for strict party discipline was wanting which in England compels the majority to obedience to the wish of the Ministry; namely, the nomination of the Ministers by the majority, whereby a defeat of the Ministry is made synonymous with that of the former majority itself.

Therefore, in the German Parliament the German individualism was cheerfully developed, free from all restraint. It was rarely the ambition of the German Deputy to become an integral part of the general Government, but rather as an independent factor to supervise the Government, to criticise and amend its proposals, to sanction these in so far as they coincided with his own views and interests, else, however, to reject them, even though thereby the systematic policy of an otherwise highly appreciated Minister might be entirely frustrated. The earnest desire for conscien-

tious thoroughness, whereby every proposed measure of importance was loaded down with amendments and counter-amendments of all kinds, did, without doubt, in most instances lead to valuable improvement, but, on the other hand, not infrequently resulted in destroying the unity underlying the more important measures as originally designed, thus bequeathing to later generations an inheritance of complicated difficulties in the interpretation of the law.

The same spirit of conscientiousness asserted itself also in the forming and dissolving of parliamentary parties. It rarely occurred that the leaders of a party attempted to dictate to its members how they should vote, since the dissenters had been known to sever their connection with the party in consequence of such a course. It was not at all unusual for a newly elected member, who found himself not in harmony with any one of the existing parties upon all the chief questions at issue, to unite with a number of like-minded members, thus constituting an independent group. Toward the close of 1867 the number of fractions had in this way increased to eight, — a condition of affairs which was not conducive to the formation of an established and reliable majority.

As within the parties themselves, so it was also in the Representative Assembly as a whole; the word discipline was not pleasing to its members. Every increased assertion of the power of parliamentary discipline in imitation of the English example was regarded with suspicion, as tending toward greater subjection of the

minority. The idea also prevailed that within the circle of the nation's representatives the public humiliation consequent upon the call to order following upon a breach of decorum would be an all-sufficient means to insure justice and propriety of behavior. The future was intrusted to the sense of fitness and the trait of idealism inherent in the character of the German people. At that time this was quite conceivable, although, it must be admitted, rather imprudent, since there was always the possibility of a less ideal future which has, in fact, been realized, as demonstrated by the attacks upon the honor of private individuals not present to defend themselves; by the insinuated aspersions of the moral character of political opponents in the House; as also by the unrestrained and open disregard of important precepts of the Constitution, both by the representatives of the people and their constituents.

However, during the time whose events we are now following, no such unseemly behavior was supposed possible. The defects of the representative body of that day, to which allusion has been made, had their origin partly in the German character, partly in the existing condition of things; however, with respect to the members of our parliaments of that epoch, history confirms the assertion, that in the years immediately preceding and directly following the French war the pinnacle of classic development of parliamentary activity in Germany was reached, never before nor yet again attained. The high degree to which the trait of ideality just alluded to was developed may be ascribed to the en-

deavors for the achievement of German unity so long unrewarded, to the violent struggle during the conflict period to secure liberty and power, and finally to the enthusiasm consequent upon the dawning realization of the idea of nationality.

As is usual, this ardent enthusiasm was not of long duration, though its fruits were glorious, abundant, and enduring. In that part of the nation which was actively engaged in politics it awakened intellectual power, and, notwithstanding the existing individualism, directed it toward public-spirited patriotism. The Representative Assembly elected under such influences comprised so large a number of keen-witted, eloquent, and highly educated men, that had they not, forgetful of self and excessive sectional interest, devoted their efforts to the general good of the State, one would almost be disposed to question whether there were not too many soloists in the orchestra.

Their eloquence was a happy mean between the endeavors to attain to the oratorical height of a Burke or a Sheridan to be heard in the English Parliament a century ago, and the dry and matter-of-fact statement of business prevailing there in more recent years. The hearers were almost always impressed with the fact that they were in the presence of an intellectual and high-minded company of men. The tendency toward personal invective to which the religion conflict later gave rise was seldom evinced, and found but little response during the time immediately following the conflict period.

These excellences of quality were not confined to one party, but were to be found in all. Only a few of the talented leaders are to-day, toward the close of the century, among the living; and though they may not be remembered by the entire population, yet unforgettably in the circle of their sympathizers are the names of the Conservatives, Moltke, Blanckenburg, Wagener; those of the Free Conservatives, Bethusy-Huc and Friedenthal; of the National Liberals, Twesten, Lasker, Schwerin-Putzar; in the Catholic group, Mallinckrodt, Windthorst, Peter Reichensperger; and among the Progressists, Waldeck, Schulze-Delitzsch, and Löwe-Calbe. The places left vacant by these men have by far not all been filled by those of equal worth.

Moreover, we cannot fail to perceive that the intellectual power of the great leader of the Prussian-German policy was influential in holding the character of the deliberations in the House of Deputies to the height once attained. The capabilities of its members were enlarged by the great questions he gave them to solve one after the other; they who would cope with him knew that they must exert every ability if they would be successful to any degree. They added to his perplexities, but they admired him, and desired that his power should continue; envy of creative genius on the part of aspiring mediocrity was a stranger to the great majority of that generation.

And yet in both of the two principal parties a constant vacillation between support and antagonism of the Government was evinced, the cause of which may

readily be discerned. The tendency and requirements of the Prussian policy had been entirely transformed by the sudden and eventful conversion to the idea of nationality; this, however, was not fully realized by every one. To carry out his great plan, Bismarck could neither do without Conservative nor without Liberal measures and laws; he was therefore obliged to be good friends with both parties, and to seek to establish an understanding with and between them upon the common ground of the great national undertaking. Often he was successful in this, but it occurred only too frequently that his concessions to the Liberals filled the Conservatives with serious misgivings lest their former leader should be countenancing revolutionary proceedings, and that therefore energetic opposition must be offered; whereas, conversely, the occasions were not few upon which the National Liberals believed to see in his action an inclination toward a return to reactionary or despotic tendencies, to repress which they must endeavor in every way possible to strengthen and increase the powers of the Parliament.

Immediately after the opening of the Prussian Assembly such apprehensions led first to violent friction between the Government and the Liberal fractions, continuing for several months, and then, directly after this had been relieved, to a vehement outbreak of accumulated wrath on the part of the Conservatives against Bismarck. In both cases it was an issue of the events of 1866 which produced the discord, to which we will therefore direct our attention.

As early as November, 1866, the English Ambassador at Berlin, Lord Augustus Loftus, had announced it to be the earnest desire of his Government that Prussia should arrive at an agreement with King George of Hanover regarding the private fortune of the House of Guelph, confiscated by the Prussian Government; since, though the King was its usufructuary, all the agnates of the House shared in its ownership. The Czar of Russia, to whom, as we have seen, the downfall of the three German dynasties was most displeasing, heartily approved the step taken by England.

Bismarck conceded the claim without hesitation; since he hoped thereby to make a favorable impression upon the people of Hanover, and since just at this time, the critical moment in the negotiations with France having as yet not passed, he was most desirous to retain the good will of all the friendly Courts. He therefore transmitted a proposal to King George whereby, upon the condition that the latter would renounce his claims to the crown of Hanover, and surrender the twenty-three million thalers of Hanoverian State funds which had found their way to England, there would be conceded to him in return a yearly income of seven hundred thousand thalers instead of the former four hundred thousand thalers of the civil list paid out of the revenues arising from the administration of the domains, to be secured to him by a legally deposited capital of sixteen million thalers.¹

¹ This was the final proposal, resulting from lengthy negotiations regarding complicated legal questions, which it were wearisome to relate.

The King, who had an invested capital in England of from ten to twelve million thalers, and therefore found himself most comfortably situated financially, had at first little inclination to enter into negotiations with his hated foe, and without hesitation refused most decidedly to surrender his claims to the crown. Bismarck did not allow this to trouble him; since, where a crown is at stake, past experience has demonstrated that the renunciation, in itself illegal, and therefore void according to the theory of legitimists, holds good just so long as the pretender lacks the means wherewith to regain the throne; as soon as a favorable opportunity presents itself, the contract of renunciation is cast to the winds. Why, then, should Prussia insist upon an empty form? Bismarck, therefore, decided to concede the point in controversy; and in May, 1869, the negotiations, as approved by the English Ambassador, regarding the private property of the House of Guelph, were begun.

There had been good reason for Bismarck's liberality in placing the sum of acquittance at nearly double the income formerly enjoyed by King George. During the negotiations with England he had consulted Queen Victoria regarding the amount of the sum of acquittance, and had received the reply that an annual income of one hundred thousand pounds sterling would be required by the King to live in England as Royal Duke; whereupon Bismarck had placed the amount at a round

They may be learned from the reports of the speeches made by Miquel, Lasker, Twisten, and Waldeck in the Assembly on February 1st, as also from Meding's "*Mémoires*," III. 1.

seven hundred thousand thalers. In response to a subsequent reference by Bismarck to the King's refusal to renounce the crown, the Queen declared this to be of little consequence; since by accepting the money he would be in honor bound not to attempt any interference with the state of affairs as established by the events of 1866.

The King, however, took an entirely different view of the situation. He believed that the sovereignty of the House of Guelph over Hanover, ordained by God, should endure to the end of things, and that its assertion was therefore not only the dictate of honor, but of moral law as well. Consequently he regulated his conduct by the letter of the contract, from which he had eradicated every trace of renunciation. The money which was paid him he regarded simply as a restoration of that of which he had been illegally deprived. Why, then, should he not use it to regain his crown?

And just at this time, notwithstanding his great wealth, he found himself confronted by serious financial embarrassment. We remember the secret enlisting of soldiers for his Guelphic legion, and that, owing to the unskilful management of his agents, the men passed over the frontier into Holland just at the time when the transactions of the conference in London were making peace assured. Great was the consequent consternation at his Court in Hietzing; for he was now obliged to support his soldiers, which would prove a serious drain upon his fortune. Therefore he entered into the agree-

ment with Prussia for the very purpose which Bismarck believed to be impossible, to use the money paid him by Prussia to defray the expenses of the soldiers he intended to employ against that State. His adherents expressed themselves as devoutly thankful that he had succeeded in deluding the Prussian Government to the degree that it had even been induced to furnish the means for warfare against itself. After much haggling back and forth the treaty was signed on September 29th, ratified immediately afterwards, and all its conditions carried out. The twenty-three millions of State funds were returned to Hanover, the sum of sixteen millions for the King was lawfully deposited until an agreement should be arrived at with the agnates regarding its administration.

The deposed Duke Adolph of Nassau was treated with equal magnanimity, receiving nine million thalers as a sum of acquittance, which, unlike King George, he accepted, together with the conditions under which it was tendered, and acted accordingly.

Both treaties were concluded before the expiration of the year during which the King of Prussia had been authorized to assume the government of Hanover and Nassau, and therefore, in the opinion of the Government, did not require the sanction of the Assembly, notwithstanding their tardy ratification. The Minister of Finance had, however, taken the money required in fulfilment of their provisions out of the loan authorized in 1866 for army and navy expenditures. This fact was mentioned in the budget, and in an accom-

panying memorial the supplementary sanction of the House of Deputies was asked.

But Bismarck was again to discover how jealous of their budget privileges were the old Prussian Liberals in remembrance of the great Constitution conflict. "Another repetition of the old ministerial arbitrariness of action without the previous consent of the representative body," said they. "It is a breach of trust!" exclaimed the usually moderate Twesten; and not only the Party of Progress, but the great majority of the National Liberals as well, echoed his opinion with vehemence.

First of all, it was demanded that the treaties should be submitted to the House, and that in addition to the allusion made in the budget to the millions thus disposed of, a special bill for their appropriation should be proposed. The Government fulfilled this demand in December; and in January, 1868, a committee to which the matter had been intrusted presented a motion for the adoption of the proposed financial measure, followed on February 1st by the final deliberations regarding it in the plenum, with a great display of eloquence and temper.

The Left refused both to pass the bill and to sanction the treaties, denouncing the whole transaction as an unconscionable waste of money, which, in the absence of the desired renunciation by King George V., was to no purpose whatever. Their indignation reached a climax when, during January, the whole Guelphic legion, in the best of military order, commanded by commissioned

and non-commissioned officers, passed into France, was there inspected by French officers, and quartered according to French orders.

Bismarck, never losing sight of the object to be attained, and as yet not fully acquainted with all the Guelph proceedings, declared that there was no evidence of a personal participation on the part of the blind King, expatiated upon the advantages to result from the treaties both in the annexed provinces and at the several European Courts, and finally put the question relative to the Ministry. The Right, — Conservatives and Free Conservatives, — because of their royalist tendencies, had sided with him from the beginning, and were indignantly resentful of the lack of fidelity and respect manifested for their deposed king by the Hanoverian deputies. However, when it came to a vote, they were joined by the latter, as also by the deputies from Nassau, Electoral Hesse, and some of those from Schleswig-Holstein; as a result, the bill was passed without amendment by a vote of 254 against 113, whereby the treaties were, of course, also sanctioned.

Although Bismarck was victorious, the unpleasant fact remained, that, of the two parties upon which he relied for support of his present policy, the one to which he had recently and openly evinced his approach to its manner of thinking upon important matters of internal policy had divided in a dispute over a question of European interest, because of an insignificant formality in regard to the budget; partly to refuse him the

desired indemnity, partly to disapprove of the entire transaction. This augured ill for the future.

Hardly, however, had three days passed before, upon the opposite side of the House, a like experience, though of greater moment, awaited him, and again in consequence of a question arising through the annexation of Hanover.

We have seen how, contrary to the opinion of the Minister of Finance, King William, through personal intervention, preserved to Electoral Hesse its State funds; how, consequently, a corresponding claim made by Hanover could not be refused; and how, at the same time, the confidential advisers from each of the annexed provinces requested the re-establishment of provincial and district assemblies for the independent administration of local affairs. The consent of the Government was obtained without much difficulty; although it was evident that the King and Bismarck were more disposed to grant it than was the Minister most directly concerned, Count Friedrich Eulenburg, Minister of the Interior.

A bill was therefore submitted by the Government, providing that a sum, to be taken out of the revenues arising from the administration of the domains, should be placed at the disposal of Hanover, from which an annual income of 550,000 thalers would accrue.

But to Bismarck's painful surprise, this measure, the result of the King's personal intervention, met with violent opposition from the large Conservative Party, supported in unusual association by Georg von Vincke, whose brilliant oratory, scintillating with scathing wit

and pitiless ridicule, rendered them good service; and by Waldeck, who in stentorian tones demanded the extirpation of the self-conscious arrogance of the Hanoverians through dismemberment of the unnaturally conglomerated kingdom. The immediate argument made by the antagonists of the bill was that the generous endowment of Hanover was an outrageous injustice to the old provinces. "Ever since 1823," said they, "we have within a limited sphere maintained a provincial administration, the expenditure of which, however, we have always been compelled to defray out of our own pockets. Now Hanover is given much greater privileges, and a lavish dotation besides; we who have so long been faithful, suddenly receive the treatment of step-children from Prussia."

It would be unjust to the Conservatives to allow it to appear that the question of finance was the only source of their indignation. The remote cause was the suspicion already mentioned that Bismarck had changed his political principles since 1866, and was preparing to go over to the Liberal camp. They were offended that the overtaxed Minister always made his intentions, to which he expected them to conform, known to them in the briefest manner possible, whereas to his new friends, the leaders of the Liberals, and especially to those from the annexed territory, he took pains to be consistently and unusually gracious. To this were added the actual causes of misgiving, — the introduction of universal suffrage, the nomination of the Liberal, Delbrück, as President of the Federal Chancery,

and the tendencies apparent in Federal legislation. Secret instigators of discord were also not missing, — foremost among them the former Minister of Finance, Von Bodelschwingh, long adverse to Bismarck, — who knew well how to portray to the party, in a most convincing manner, Bismarck's desertion, his insufferable imperiousness, and impatience of the least opposition.

The chief reason of their displeasure, however, was that the majority of the party, like their opponents, the Liberals, could not forget the impressions of the great conflict period. At that time they had been chiefly instrumental in frustrating the progressive movement of the Liberal Parties; their entire policy of that day could be summed up in the words, Not a parliamentary, but a monarchical, government.

To this party maxim had been added their rejection of the national idea, — their old-established Prussia should not be allowed to be swallowed up in that great democratic conglomeration entitled German Unity.

Now, however, they believed that Bismarck, hand and glove with the founders of the National Association, was on the direct road leading to the establishment of the revolutionary German Empire which Frederick William IV. had so disdainfully rejected.

The Minister of War, Von Roon, then absent, sojourning in the South because of illness, was as firm an Old Conservative as any, a staunch Prussian, and an officer of straitlaced ideas; but through long association with Bismarck in the Government, always on terms of

warmest friendship, he had risen to a point commanding a wider horizon than that of the majority of his associates. Upon hearing of the discord which had arisen, he wrote to a friend: ¹—

“The Party ought by this time to realize that the conditions and problems of to-day differ essentially from those of the conflict period; it must become a party of conservative progress, and abandon the *rôle* of drag-chain, as necessary as this may have been in the days when democratic progress had ascendancy.”

The intense exasperation of the Conservatives precluded their adoption of this view, however. It was in vain that Bismarck reminded them how again and again he had been the main support of the party, declaring that after years of labor together he had taken it for granted that they would always be found upon his side so long as he did not violate any great conservative principle, of which, in connection with the bill under consideration, suggested by the desire of the King himself, there could be not the least suspicion. How, he asked, could a constitutional government be possible without a reliable majority, one which, where a matter of principle was not involved, would be willing occasionally to accede to a measure considered imprudent, in view of the fact that this Ministry had supplied many desirable measures as well, more, perhaps, than another one in the future would be likely to furnish?

If such a majority were denied the Government, it

¹ Compare *Denkwürdigkeiten aus Roon's Leben*, II., p. 377.

would be compelled to endeavor to create one; the result would be a combination Ministry, with all its conceded weakness; the Government thereby becoming accountable to different parties could make no real progress; the principles of action in the administration would become unstable, a serious disadvantage to all the affairs of the State, and especially so to the Conservative Party. "If you refuse us the desired majority," he said in conclusion, "you cannot expect that we will continue to bear all the disagreeable consequences of the situation without seeking relief. Do you suppose that we will allow ourselves to become the organ of your individual party, even at the risk of bringing about a renewal of the conflict period, to the injury of the entire country? I do not fear conflict, — that I have shown, — but to make it a permanent national institution, to that I do object."

As impressive as this warning was, it yet entirely failed of its object. The Teutonic obstinacy was displayed in all its glory.

"Our election does not pledge us to a support of the Minister," declared Herr von Brauchitsch, "to follow him blindly, and obey his every beck and call. Should we renounce the liberty to oppose, we would also lack the strength to support. Our constituents have full confidence in Bismarck's foreign policy, but have serious misgivings regarding his tendency toward Liberalism in the management of our internal interests. It is our duty to act like independent men, like men of character and principle; not only upon questions en-

dangering our political theories, but also in a matter like the one before us, involving an example in arithmetic, we must each according to our own convictions draw our conclusions and vote accordingly."

"This is not a question of policy," corroborated Vincke, "but one of right and wrong, of *meum et tuum*, of favoring Hanover at the expense of the other provinces; therefore we must not, because of political considerations, allow a just cause to be overcome, but each one must act according to the dictates of his own conscience, as is prescribed by Article LXXXIII. of the Constitution we have sworn to support: Every deputy shall be free to vote according to his own conviction."

The actual fact is, that Article LXXXIII. directs that the deputies shall not be bound by orders or instructions from their constituents, but shall be free to vote according to their own convictions. Whether they shall draw their conclusions only from the circumstances of the individual case under consideration, or shall take the whole political situation into consideration, is not referred to in the Article.

Upon this occasion the National Liberals evinced much more discernment than did the Conservatives. Among them the opinion had become general, especially since the appearance of Gneist's writings upon the English Constitution, that the success of the parliamentary system in England was due to the independence of the local administration of the counties and districts from ministerial control. This constituted a sufficient reason for them to lend their support to the measure

whereby such an independent local administration would be introduced in Hanover. They were pleased that Bismarck advocated the measure, not only because it was much desired by the people of Hanover, but also because thereby would be made the first break in the bureaucratic centralization so hateful to him, dominating the entire Prussian State administration, making it impossible that in the remotest corner of the State so much as a fence could be set up, or the board of a bridge be laid, without the approval of five authorities, from the local police up to the counsellor of the ministerial department concerned.

Like sentiments with regard to the bureaucracy were to be found among the Conservatives also; they, however, with the true spirit of Prussian Particularism, rejected the bill because, forsooth, it provided greater advantages for Hanover than had been granted to them since 1823 for their provinces. The National Liberals, however, welcomed it gladly, taking the broader view that this system being once introduced in one province would inevitably spread to all the others. They had already in the budget made similar arrangements for individual items, and now supplemented the bill under consideration by proposing a resolution that the House should request the Government to submit for its consideration during the next session a bill providing for general reforms of this nature.

Meanwhile, when the vote was taken upon an amendment which had been proposed by Herr von Kardorff, and approved by the Government, providing that in-

stead of a given capital the Province of Hanover should receive a yearly income of five hundred thousand thalers for its local administration, the Government came off victor against the combined Conservatives and Radicals by a majority of five voices only. Bismarck was indignant, took indefinite leave of absence, though he remained in the City, and did not again appear in the Assembly.

On the evening of the same day, there was an entertainment at Court, of which the King took advantage to make the Conservatives who were thus thrown in his way feel his deepest displeasure. This did not fail of its effect upon these Royalists; with regard to Bismarck, too, these gentlemen were beginning to reflect that it could hardly be to the advantage of their party by a formal refusal of support to force this formidable man into the position of party leader to the Liberals. Therefore, on February 7th, the bill and the resolution were both passed by an increased majority; and on February 18th the Upper House found it advisable to follow this example, in spite of the inclination to the contrary.

Thus Bismarck had in this matter also forced the Assembly ultimately to consent, but the estrangement between him and the Conservatives was not thereby overcome; the reconciliation was upon the surface only, and many were the hours of anxiety which the coming years had in store for him as a consequence.

He now hastened to take decided steps to end the undetermined relations to King George. He had suc-

ceeded in obtaining documentary evidence of the fact, which neither he nor any one else any longer doubted, that the revolutionary proceedings in Hanover, as also the formation of the Guelphic legion, were being conducted under the personal direction of the King. He therefore submitted both treaties to the friendly Courts as evidence of Prussia's good will, at the same time, however, soliciting them to impress upon the King the fact that the payment of the money must be conditional upon the cessation of all hostile proceedings against Prussia. The Powers indicated their willingness to do all that was possible in this direction.

King George, however, took advantage of the very first opportunity publicly to retort to the Prussian demand. On February 18th he saluted a deputation from Hanover, who had come to participate in the celebration of his silver wedding, with an enthusiastic toast to the restoration of the kingdom and dynasty of the Guelphs, and to an early meeting in Hanover.

On the same day the Upper House at Berlin sanctioned the treaties, after hearing the Minister of Finance announce the determination of the Government to reconfiscate the property of the King, should he continue his hostile action.

When later it appeared that the advice of the Powers had been of no avail, since the enlisting of soldiers for the Guelphic legion continued unabated, the official gazette, soon after the adjournment of the Assembly, published both treaties, and at the same time a royal ordinance whereby the property of the House of Guelph,

together with all rights of the entire family of Brunswick, were reconsecrated, with the proviso that this would meet with the subsequent approval of the Assembly.

To obviate the necessity of a return to this unpleasant topic, we will anticipate the final result. After the legion, divided into small detachments, had, far removed from the German frontier, found quarter beyond the Loire, the secret enlistment of soldiers for the event of war was continued in Hanover at the instigation of the King. He spent large sums of money for this purpose, applying 350,000 thalers annually to the support of the soldiers of the legion, and by a loan of one-half million, which he raised with much difficulty, provided uniforms and arms for ten thousand men, who, the King felt certain, would be at his command in case of a declaration of war by France, with whom, as the vanguard of the conquering French army, he would then fall upon Germany, and restore the kingdom of the Guelphs.

We shall see how, in 1868, events in Baden and Roumania caused great excitement in Vienna and Paris, filling the air with rumors of war. Consequently, at the Court at Hietzing hope ran high, especially when the Elector of Hesse there announced himself as a German ally. As has been related, the Elector had, in 1866, entered into a treaty with Prussia whereby, upon the condition that he would absolve his subjects from their oath of allegiance, he had regained posses-

sion of his private fortune, after which he took up his residence upon his Bohemian estates. Now, in September, 1868, he published a memorial, in which in threatening terms he set forth the unjust treatment he had received at the hands of Prussia, and made protest against it before God and man, directing attention to the fact that in the manifesto which he had issued directly after the treaty was concluded, he had absolved his subjects from their oath of allegiance only in so far as he was not in a position to assume the government. Like King George, he now proclaimed that he would never abdicate the throne, but set his hopes upon the justice of God, upon the inalienable fidelity of his subjects, and upon the support of all the justly inclined Powers. Copies of this memorial were sent to all the sovereigns of Europe, and first of all to the Emperor Napoleon.

The consequence was, that the Prussian Government confiscated his property also, and when the Assembly was again in session submitted both ordinances to the House of Deputies for approval. Bismarck explained the circumstances, — the direct declaration of war against Prussia on the part of both sovereigns, the military preparations, the attempts through diplomacy to form an alliance, the revolutionary movements in two Prussian provinces in conjunction with the South German Republicans. At present, he said, all this seemed merely contemptible; but upon the outbreak of a great war, which had recently appeared probable, it might prove a most serious danger. He therefore considered it the duty of the Government to deprive all such

attempts so far as possible of their financial support. Of the means thus realized, a fund should be formed to be used in discovering and defeating these hostile machinations; any surplus remaining might be devoted to providing for the needs, or in promoting the interests, of the two provinces.

The Committee charged with the preparation of the bill recommended its adoption, with the addition of the clause that the confiscation should, as before, be consequent upon legislative action, which meant its approval by the Assembly. And, as before, opposition was not lacking. Windthorst, who as plenipotentiary of King George had negotiated the Hanoverian treaty, declared in stentorian tones indicative of profound juridical conviction, that the King had not violated a single provision of the treaty; that he had from the outset refused to renounce his right to the crown; that there were, moreover, no reliable proofs of the alleged hostility, since newspaper articles and reports of hired spies were not to be relied upon; therefore, the ordinances decreed an unjustifiable and unlawful confiscation.

The radical party was divided in opinion. Waldeck regretted that the matter should be allowed to rest at a sequestration, instead of simply turning the former property of the two deposed sovereigns over to the Prussian State. Virchow, on the other hand, took Windthorst's juridic view of the case; declared that the private property of even a foe should be respected, criticised the disbursement of so large a sum by the

Prussian Government without parliamentary supervision, and prophesied, as the natural consequence of the measure, the inauguration of a despicable system of espionage and accusation.

His words, however, made no impression. The facts lay too plainly before the eyes of all; it was expecting a little too much of the Government to suppose that it would furnish to a declared foe the means wherewith to instigate rebellion, and arm the troops to be employed against itself. The Assembly adopted the bill as presented by the Committee by a large majority.

King George, out of his private fortune, supported the detachments of the Guelphic legion in their French quarters until the spring of 1870, buoyed up until then by the hope that Napoleon would declare war against Prussia. When this, however, failed to be realized in the year 1869, and he beheld not only his income, but his capital as well, disappearing in the support of his soldiers and hostile preparations, he undertook a reprehensible speculation as a last resort and possible source of new wealth, the establishment of a great bank. But when, after a short existence, the enterprise collapsed in a dishonorable failure, he relinquished hope, and authorized the disbanding of the legion, paying each soldier at his discharge four hundred francs, wherewith to start life afresh, perhaps in America.

A few weeks later the French attack upon Prussia, for which he had longed for years, took place. Thus, through the confiscation of the King's property the Guelphic legion was at least spared the dishonor of

being destroyed in a shameful warfare upon their Fatherland.¹

We must return to the events of February, 1868.

In spite of the violent attacks made upon the Government by the several parties during the deliberations upon the two questions concerning Hanover, there yet was not the slightest indication of systematic opposition by a majority. It is not to our purpose to enter into the special history of Prussia; it may, however, be briefly mentioned that every financial demand made by the Government met with a generous response in the House. One important political transaction which unfortunately had a long and troubled previous history, and now again claimed the attention of the House throughout the entire session, must find mention here, since it was destined soon to appear in the Reichstag also.

In a speech made in the House on May 20th, 1865, just at the time in the conflict period when excitement ran highest, Deputy Twesten criticised with ruthless severity the proceedings of the Prussian officers and courts of justice; this, together with a speech containing serious charges against the Director of the Königsberg Police Department, delivered a little later by Deputy Frentzel, induced Count Lippe, then Minis-

¹ The documents, letters, and reports published in Meding's "*Mémoires*," Vol. III., leave no doubt regarding the conduct of King George. Even General Dammers, who evidently is not favorably inclined toward Meding, has in his autobiography in no way questioned the authenticity of these documents.

ister of Justice, to instigate legal action against these gentlemen in the name of the State. Both cases, however, resulted in acquittal, in the second as well as in the first resort, on the plea that under Article LXXXIV. of the Prussian Constitution the members of neither House could be called to account for their votes, nor for any expression of opinion upon the floor of the House, except as provided by the rules of procedure.

Upon appeal made by the public prosecutor the cases came before the highest tribunal, the Supreme Court at Berlin, where, according to a decision delivered on January 29th, 1866, every deputy's right to express an opinion was admitted, followed by the explanation that by *opinion* was meant the result of a process of thought, and not the assertion of *facts* which, when made for the purpose of slander or of engendering hatred and contempt, rendered the offender amenable to criminal law and consequent prosecution. The judgment of the superior court was thereby reversed, and the case remanded for a new trial to the court of first resort.

As a consequence, Hoverbeck immediately, on February 6th, presented a resolution in the House of Deputies whereby the House declared the proceedings of the authorities of justice and of the Supreme Court to be unconstitutional and an unjustifiable encroachment upon one of the most essential rights of the representative body, and therefore protested against the validity of the proceedings, together with all the results thereof. After a most exciting debate, continued for three days, the House adopted the resolution by a vote of 263

against 35, after Count Lippe on his part had entered protest against such action as constituting an unlawful infringement on the constitutional independence of the courts, in which Bismarck supported him by sharply criticising a privilege whereby slander and defamation of character should be made unpunishable.

Twesten, having taken part in the debate with his usual energy, was again indicted for the speech made upon this occasion. When the official announcement of the resolution passed by the House was transmitted to the Government, it was returned to the President of the House as being unconstitutional. This constituted the last parliamentary battle of the conflict period.

Soon afterwards the great events of the summer produced a complete revolution in the Prussian policy, and the internal dispute ceased. During the deliberation upon the Federal election law in the House of Deputies a clause was added providing unrestricted liberty of speech in debate. Accordingly, and notwithstanding the decision of the Supreme Court, Twesten and Frentzel were again acquitted in the two lower courts on the ground of the privilege granted by Article LXXXIV. Every one supposed that this ended the matter, and that the hair-splitting interpretation of the Supreme Court would be allowed to remain buried in oblivion. The obstinacy with which Count Lippe could contest a point was, however, not yet exhausted. Toward the end of February the public prosecutor entered a writ of error to the Supreme Court from the judgments by which Twesten and Frentzel had been acquitted.

The hopes of the Liberals revived when, on March 4th, Bismarck submitted the draft Constitution to the Reichstag, since it contained the provision that members of the Reichstag should not be liable to legal prosecution on account of utterances made while in the performance of their functions. Obviously the paths of the two Ministers, which during the previous year had so nearly coincided, were beginning to diverge; for how could it be possible that the Government should concede to the Reichstag that which in a corresponding sphere of activity it would deny to the Prussian Assembly?

The Supreme Court, however, saw no incongruity in such a course; on June 26th it again reversed the judgment of the court of second resort, and remanded the cases to the court of original jurisdiction for a new trial in the light of the legal decision which had been just corroborated. Since Twesten and Lasker were both judges, a disciplinary action was also instigated against them in the disciplinary court (*Kammergericht*) at Berlin on account of their parliamentary speeches on February 10th, 1866, and certain election speeches made later. By decision of this authority, on July 3d, the two deputies were reprimanded and fined on account of their electioneering speeches; but relative to the parliamentary speeches, the previous decision, that under Article LXXXIV. they were not amenable to the law, was corroborated. Great was the consequent indignation in the Ministry of Justice; the public prosecutor at once entered an appeal because the sentence

of the court had not, as was fitting, been dismissal from office.

The tribunal having original jurisdiction, in Twesten's case the municipal court of Berlin, made no haste to arrive at a new decision regarding Twesten's speech in 1865. Finally, however, it decided that the decision of the Supreme Court with regard to Article LXXXIV. left no course open to the lower court except to impose the sentence, which according to the nature of the speech must necessarily be the severest allowed by the law, imprisonment for two years. Hereupon Count Lippe immediately suspended Twesten from office.

These proceedings intensely exasperated the Liberals in the Assembly and throughout the entire country. Hardly had the Assembly organized, on November 20th, when Lasker presented a bill demanding that the legal construction of Article LXXXIV. be declared in the sense of unrestricted liberty of speech. With the sole exception of the Conservatives, all parties — Free Conservatives, Old Liberals, National Liberals, and Progressists — were alike in favor of such action.

A representative's speech is not supposed to be prompted by personal desire, but by the demands of his official duty, under which is included the duty of calling attention to existing evils in the State; in his case, therefore, the intention to offend (*animus injuriandi*) is never to be assumed.

Upon this point, as also in the opinion that the restriction of this liberty would be highly prejudicial to the entire parliamentary system, all parties were, as

has been said, fully agreed. Still, according to the German custom, amendments were not wanting. The Progressists declared that Article LXXXIV. was perfectly clear and sufficient, and that the House would simply make its right doubtful by demanding such a declaration. They therefore moved that, passing over Lasker's motion, the House should proceed to the order of the day, thus leaving the initiative to the Government.

The Free Conservatives, however, did not look upon the interpretation which Article LXXXIV. had received in the Supreme Court as wholly reprehensible, and therefore did not desire a construction, but a revision, of the Article in the sense of Article xxx. of the Federal Constitution. Meanwhile, when it came to a vote at the close of the preliminary deliberation, after a discussion lasting two days, both amendments received but very slight support, and Lasker's original bill was passed by 180 voices against 161. In the final deliberation, on December 2d, this experience found an almost exact repetition.

During the first discussion Bismarck had again defended his colleague, though with little enthusiasm. The Government had, however, become too liberal for Count Lippe, and he found the extreme Right more to his taste than the Ministry; therefore, on December 5th, he tendered his resignation, which was accepted, and the former Minister of Hanover, Leonhardt, succeeded him.

Since Lasker's motion concerned an Article of the Constitution, it required a second reading at the expira-

tion of three weeks. This took place on January 8th, 1868; again the Party of Progress brought forward their former motion to proceed to the order of the day; and when their attempt again proved unsuccessful, in truly characteristic style they sided with the Conservatives against Lasker. The majority, however, remained firm; and the bill was again passed by 174 voices against 144.

In reply, Leonhardt made the announcement that the Ministry had not yet arrived at a decision upon the question, but would take it into consideration later. Although its legal solution was thus left to the indefinite future, yet practical evidence was plentiful that in Government circles the wind had shifted.

First of all, Leonhardt withdrew the appeal from the decision of the disciplinary tribunal. In the case against Twesten on account of his speech in 1865, an appeal from the severe judgment of the municipal court pronounced on November 11th had been made to the disciplinary tribunal (*Kammergericht*), where it was reversed; and in the place of imprisonment for two years a fine was imposed, followed by the explanation that even this judgment was rendered by the court only because compelled to do so by the previous decision of the higher tribunal, and that, in the opinion of the court, according to Article LXXXIV., no parliamentary speech could make the speaker liable to legal prosecution. And again the Attorney General made no appeal. Instead, Twesten's suspension from office, which had been consequent upon the decision of the court of

original jurisdiction, was revoked; and later the two fines which had been imposed were also remitted, as falling under the amnesty of 1866.

Lasker's bill asking for a construction of Article LXXXIV. had by this time reached the Upper House. The final deliberation regarding it was in order immediately after the bitter struggle with Bismarck over Hanover's provincial fund had terminated in the decision of the House to yield to the wish of the Government. Now, however, the House evidently meant to make up for this concession by its opposition to Lasker's bill, which was also obviously favored by the Government, and at the same time to seek complete revenge for the defeat suffered by the Conservatives in the Lower House. On February 15th the bill was rejected by a vote of all but fourteen.

The legal uncertainty was thus continued, and Lasker decided to seek the remedy for this condition of affairs through action of the Reichstag soon to be convened. Nevertheless, the stand taken by Bismarck and Leonhardt had removed all unfriendly opposition upon this question between the Government and the Representative Assembly, leaving only a difference in degree of progress toward the same end.

When, on February 29th, King William formally closed the session of the Assembly, he could with sincerity express pleasure at the results which had been accomplished, and hope that the development thus begun would be continued ere long.

The immediate future was, however, beset with other

anxious cares. The effects of the apprehension that a great disturbance of the peace was impending, of which we shall soon hear more, were perceptible in every part of Europe, especially in the industrial and commercial world; and the State treasury was beginning to feel the reaction in the decrease of receipts. In Prussia the situation was aggravated by the fact that the poor harvest had necessitated a greater expenditure for the maintenance of the army, and by the smaller postal revenues consequent upon the reduction in the rates of postage which had gone into effect during the previous year.

There could be no doubt that both circumstances were of a transitory nature; still, it was becoming more and more evident that during the next year a considerable deficit would arise. Relief for this condition could be sought only at the hands of the Reichstag to be convened within a few weeks, and from the Customs Union Parliament which would assemble soon afterwards. During the entire winter the Federal Council had been engaged in the preparation of measures to be proposed to the Reichstag; and on March 2d the Customs Federal Council also assembled for a like purpose. Since many of the other States were in the same financial plight as was Prussia, it was quickly agreed to add to the revenues by an increase in customs and excise duties.

Unfortunately, however, even before the deliberations were begun, the results of the parliament elections in South Germany had made the accomplishment of the

plan most doubtful, the hopelessness of the situation increasing with the progress of the political movement.

Although in Hesse-Darmstadt the National Party had by an overwhelming majority gained possession of all the six seats in the Customs Parliament, and in Baden had elected eight of the fourteen deputies, yet in Bavaria, where but a few months previously the energetic resistance offered by the citizens to the spirit of sectionalism displayed by the Upper Chamber had compelled Bavaria's continued membership in the Customs Union, a thoroughly organized and concerted movement on the part of the entire Catholic clergy had achieved a sudden change in the situation just a few weeks before the elections.

Here was an evidence of the power which the right of equal and universal suffrage places in the hands of the clergy in a Catholic community. Whereas the Catholic element controlled no more than a tenth of the votes in the Bavarian Second Chamber, in the elections for the Customs Parliament it was successful in twenty-six of the forty-eight electoral districts of Bavaria, and to this number was added a Democratic Particularist. The National, or as it was here called, the Progressist Party, sent twelve members to the Customs Parliament, only a fourth of the Bavarian delegation, whereas in the Second Chamber it controlled nearly one-third of the votes. The other nine deputies elect represented a somewhat undecided party, which up to this time had formed the majority in the Chambers. One of the features of the new condition was

that the candidates of the Clerical Party were almost exclusively distinguished people of rank and higher officials, although the party was at this time distinctly opposed to the Hohenlohe Ministry. On the other hand, the representatives elect belonging to the industrial classes were all members of the National Party, and the Protestant population had in every case manifested national tendencies in the elections.¹

During the campaign, as may well be imagined, not a little was said about taxes and duties; still, the central point of interest everywhere was the question of national unity, at that time, therefore, the expansion of the Customs Parliament into a full parliament, which was, of course, synonymous with the admission of Bavaria into the North German Confederation. This was earnestly advocated by the Party of Progress, and as violently opposed by the Clericals. With the masses the latter had decidedly gained the upper hand. "We are much more genuinely German than are the Prussians," it was said; "therefore we wish to remain independent Bavarians."

Still more complete was the defeat of the National Party in Würtemberg, or, as it was here outspokenly styled, the Prussian Party — the Swabian Prussians, who had the reputation of being even worse than the real Prussians. Here, too, from the very outset, the economical questions were crowded into the background by those of national interest. It has been related how the Ministry, directly after the ratification of the Cus-

¹ Schulthess, "Geschichtskalender," 1868, p. 141.

toms Union treaty, announced that Würtemberg would hold to the treaties of alliance and of the Customs Union, but that beyond this nothing need be expected of her. This, however, did not fully meet the wishes of the National Party; its members declared that the Customs Union was very well and good, that its chief merit, however, lay in the fact that its Parliament formed the bridge whereby German unity could be reached, over which Würtemberg could and must pass into the North German Confederation. To make the necessity of this step apparent, the organs of the party published the severest criticisms of the existing condition of affairs in Würtemberg, where, they declared, the red-tape system was paramount, the administration corrupt, and the people filled with conceit by the jingle of empty phrases about liberty.

On the other side the Democrats, inspired by republican ideas, vociferously declared that the Government through these treaties had betrayed the independence of the noble Swabian race into the hands of the semi-Slavic Prussians. They were so disinclined toward the Customs Parliament, that, by a party resolution, they decided at first to take no part in the elections for that assembly, and to call the Government to strict account in the Chambers for the course pursued.

Either prospect was exceedingly distasteful to the Government; however, since the People's Party at the last moment thought better of its action, the Government concluded that, in consideration of the slender support upon which it could rely, it would be advisable

to secure the co-operation of this party against the Prussian influence. The ministerial party consequently entered into close relations with the Democrats and the Clerical Party for the purpose of offering joint opposition to the movement by which Würtemberg, so gloriously free, should become Prussianized. In every part of the State the election contest was waged most furiously, and quite in the same spirit as that evinced by Moritz Mohl a few months previously. The result was, that the Prussian party was forced to the wall in every one of the seventeen electoral districts; although its candidates received a little more than one-fourth of the total number of votes cast, in round numbers, 46,000 out of 175,000. Of the deputies elected, six represented the policy of the Government, namely Ministers Varnbüler and Mittnacht, together with four adherents; the other eleven belonged either to the Greater Germany or to the Democratic Party. Through their ranks rang the cry: "No new taxes, no duties for the increase of revenue, no extension of the functions of the Customs Parliament!"

And so the South sent to Berlin, besides the thirty-five nationally inclined representatives, fifty rigid Particularists firmly resolved to offer every possible opposition. This gave little promise of the hoped-for fraternity between North and South. Meanwhile abroad, upon the European horizon, threatening clouds were swiftly gathering.

CHAPTER IV.

ITALIAN AND SPANISH INTRICACIES.

NOTWITHSTANDING the renewal of the Customs Union and the magnificence of the display made at the Paris Exposition, a feeling of uneasiness and uncertainty lay oppressively upon entire Middle Europe, immediately and most seriously affecting the material welfare of all these countries. No one felt confident that peace would continue; business declined, industries languished, the exchange indicated anxious distrust. This was, however, not at all surprising. Both in Germany and in Italy the incomplete condition of affairs in itself constantly suggested and urged the achievement of complete national unity, which was, however, thwarted and threatened in both countries by the jealousy of the French people. In spite of Napoleon's desire for continued peace, and Bismarck's cautiousness, of which the nationally inclined were so impatient, no one could foretell to what the passionate susceptibility of the people on either side might suddenly lead, and with deep distrust each watched every act of the other.

Napoleon really desired peace, of this there can be no doubt. That he could check the progress of these

two mighty peoples just when the object for which they were striving was almost within their grasp, he realized to be impossible : in Lavalette's circular note he had himself explicitly recognized the justness of their cause. But he also perceived how few were those in his own country who shared his view.

Without doubt the rise of the two newly re-organized States on its eastern frontier had relatively weakened the powerful influence of France. Through the recent great events their boundaries had been extended, whereas France had gained not a single foot of land. The politically active part of the French nation could not forgive the Emperor for having allowed it to come to this ; the army, the clergy, the representatives of the people, and the press were all animated by a bitter hatred of Prussia and Italy. Even the liberal Opposition, whose principles recognized the right of every nation to decide its own destiny, now allowed no opportunity to pass unimproved by which the unpardonable weakness of the Government and the humiliation of France could be proclaimed to the people. Napoleon in his reckoning found himself compelled to take these factors into account. Not prompted by his own desire, but constrained by the wish of his people, he took the stand : We accept the existing conditions, but cannot allow others to make farther progress until we ourselves have been correspondingly strengthened.

We have seen how in this sense he arrived at an agreement with Austria that South Germany's independence of the North German Confederation must be

maintained as provided by the Treaty of Prague. This determination was directly opposed to the nature of things, and at the same time had no lawful foundation; since it was notorious that in Germany the words of the Treaty of Prague were very differently construed than they were in Paris or Vienna.

Under these circumstances, there could be little hope either of assured peace or of a revival of confidence. However, for the present the rupture was avoided; since Bismarck simply allowed matters to proceed without himself urging them forward, although he took pains to keep every course open to himself.

In Italy a much more serious state of affairs arose from a like cause. Here Napoleon had himself inspired the first hope of national unity, and had not interfered with its realization until just before the final goal had been won. Then, however, with tyrannical command, he forbade that Rome should be made the capital of Italy, decreeing that it should remain in the possession of the Pope as a heritage of Catholic Christendom. This, too, was not the result of personal conviction, but of unwillingness to incur the wrath of the French clergy; and again it was a demand wholly at variance with the natural order. In this case, however, it was not met by a spirit of calm deliberation, but by the quick emotion of the Southern temperament, eager to begin the deciding combat.

King Victor Emmanuel in the years of his youth had witnessed the terrible humiliation of his country, since which the aim of his life had been to unite and uplift

Italy. He believed implicitly in the justness of his purpose, and that its pursuit was his sacred duty. He realized that in this cause perfect frankness was the wisest policy; and therefore, with undaunted enthusiasm, he had always proclaimed to the world the ultimate aim of his endeavor, and had allowed no one to be in doubt regarding the price for which his friendship could be purchased and retained. The greater, however, was his precaution to keep profoundly secret the condition of the constantly shifting means at his disposal. In addition to his official diplomats, he maintained everywhere personal agents and correspondents; he utilized government measures, parliamentary influence, or revolutionary tendencies, just as the situation of the moment demanded.

According to the ancient principle of the House of Savoy, he always sought to be on the side of the victor so long as he was permitted to share in the spoils. Consequently he maintained a correspondence with Napoleon, in whom he knew well how to instil an unbounded belief in Italy's deep gratitude for the events of 1859. At the same time he carried on correspondence with the Emperor's bitterest enemies, the leaders of the republican Party of Action, Mazzini and Garibaldi, by whose agents secret access to the King's Cabinet was at all times to be obtained. In addition, he maintained personal relations with the archenemy of his own undertaking, Pope Pius, who in spite of his opposing interests possessed an Italian heart, as did the King a Catholic one. Malicious priests expressed it as

their opinion that although the King had no fear of God, he yet questioned whether there might not be a devil.

Certainly a strange combination of almost fanatic enthusiasm with subtlest cunning was embodied in this monarch; he never shrank from undertaking the most daring plans, yet, if circumstances demanded, he was equally ready to scheme and intrigue with careful minuteness, always, however, with the utmost devotion sacrificing everything to the one noble object of his endeavor. This may be ascribed to the fact that he never ceased to be a soldier, either as king, as diplomat, or as statesman. Whomever he encountered upon his march to Rome, with him he was at war; and in war all means are fair, the drawn sword or the utmost cunning, a brave encounter in the open field or an unexpected attack in the darkness of night, but above all is needed enduring courage, and yet again, courage.

He had admitted from the very first day that his construction of the September treaty differed materially from the French interpretation. Napoleon had withdrawn his troops from Rome with the reservation that he would again interfere should the Pope's position be endangered through Italian action. The King had promised not to suffer any forcible means to be used against the Pope; he had, however, also declared that Italy's claim to Rome was by no means renounced. France had thereupon recognized the principle of non-interference, and had withdrawn her troops from Rome, not to be returned.

Therefore, after the stipulations of the treaty had been carried out, Napoleon did not trust Victor Emmanuel across the way. As early as December, 1866, he announced to him that the Powers were discussing a guaranty for the security of the Papal States, and invited him to participate in such an agreement. The King replied that he would in no way attack the States of the Church, but that he would never participate in an agreement whereby a hindrance would be placed in the way leading to a realization of the national desire. Italian patriotism and the wisdom of the Pope could doubtlessly devise means by which the different claims embodied in the word Rome might be adjusted.

Thereupon, in January, 1867, Napoleon sent to Italy one of his most trusted officers, General Fleury, a gentleman of martial spirit and little polish, to demand with increased urgency the definite renunciation of Rome at the express request of France. The King reiterated his former declaration; and the discussion was continued with such heat that Fleury at length with brusque threats referred to the hundred thousand bayonets with which the Catholic Powers were prepared to defend the Pope, to which the King replied, "I will meet them with double their number in defence of Italy's right." Napoleon recalled the General.

But with greater daring the question was now assailed by the opposite side. Hardly had the French withdrawn from the States of the Church, before the revolutionary party began to stir. Even previous to this a Roman National Committee had requested Gen-

eral Garibaldi to take a hand, and he had set to work vigorously early in 1868. The Pope had raised an army of about eleven thousand foreign mercenaries. Garibaldi now proclaimed that whereas the September treaty had promised to rid Italian soil of foreign troops, in reality a foreign force of the most sordid kind, a rabble gathered from the lands of many masters, was here maintained; therefore Italy was no longer bound by the treaty thus violated.

Garibaldi intended to equip an expedition in Genoa to conquer the Roman coast as once he had vanquished Sicily; meanwhile other bands of volunteers were to assemble in the Abruzzo Mountains, to attack the States of the Church from the south. The King, having been informed of this,¹ now addressed himself to the task of developing the "moral" means whereby Rome should be made his capital. On January 17th, 1867, the Ricasoli Ministry submitted a bill to the Second Chamber, in which the State renounced all right to supervise the Church, to nominate the bishops, etc.; complete freedom was granted the Church in the administration of its own affairs, and its entire colossal wealth, with the exception of six hundred millions, was restored to it, to be administered at will,—all this under the sole condition that the Church would sell its territory. It was further declared that if the Pope would relinquish Rome to Italy, complete immunity from the laws of the land would be guaranteed to him by the State, which would also confer upon him an im-

¹ There can be no doubt of the truth of this statement.

posing donation, and posts and telegraphs for his exclusive use to insure to him security in his intercourse with the outer world. The King believed that under such agreeable conditions the Pope's life in Italy, surrounded by a people who worshipped him, would be most delightful.

The chagrin of seeing this, his beautiful plan, rejected by the Pope with utmost scorn was spared the King. Hardly had it been submitted to the Chamber before it encountered spirited opposition from various sides. That by the proposed measure the parish priests would be made wholly subject to the bishops, and that the bishops would be permitted to invest the proceeds of their lands even in foreign countries for reactionary purposes, roused indignant protest. The Government lacked a firmly established majority in the Chamber, and relied for success upon the division of the Opposition into several groups; this bill, however, was attacked by the united action of all the independent elements. The result was a vote of lack of confidence, followed by the dissolution of the Chamber.

When, however, the re-election in March resulted in the return of a nearly identical membership to the halls of Parliament, the fate of the bill was sealed, and with it that of the Ricasoli Ministry as well.

At this juncture appeared another factor, the possibilities suggested by foreign politics, namely, the critical aspect which the Luxemburg question had assumed early in April, and the consequent danger of a Franco-Prussian war. This immediately suggested the thought

to Victor Emmanuel, that, since thereby the entire French military force would be elsewhere employed, all that need be done would be to allow Garibaldi to proceed undisturbed with his expedition against Rome, and then at the last moment to intervene in the *rôle* of the preserver of order, and Italy would again be in possession of her capital.

To be sure, the proud, steadfast Ricasoli, influenced wholly by conservative principles, was not the man to carry such a plan into effect. On April 4th his resignation was accepted; and on the 11th his old rival, Ratazzi, was intrusted with the formation of a new Cabinet.

A greater dissimilarity than existed between the retiring and the newly appointed Minister can hardly be imagined. Ricasoli was a noble aristocrat, of a proud and even uncompromising character, an earnest and deeply religious man, whose convictions were the stronger because based upon personal investigation, of whom it was questioned in Rome whether he were a Calvinist or a Jansenist; his internal policy was guided by inflexibly conservative principles, and all his acts were inspired by the desire for Italian unity, therefore were immediately directed toward getting rid of the French protectorate; whereas in the war he had steadfastly held to Prussia, at its conclusion he had personally sought reconciliation with the Pope.

Ratazzi had risen into notice as a Piedmontese official, everywhere displaying skill and ability untrammelled by principle of any kind except that of self-interest; a

man of whom it was said he preferred to swim in turbid waters rather than in clear ones; through personal predilections inclined toward democratic tendencies, yet, with the King, to whom Ricasoli's inflexibility had frequently been annoying, he was always the obliging, versatile, and optimistic coadjutor in high favor; until now generally regarded as an enthusiastic adherent of Napoleon, in whose good graces he had established himself by methods similar to those used by Victor Emmanuel himself.¹

Consequently the announcement of his nomination gave rise to most definite rumors of an impending Franco-Italian alliance, which were not heard without anxiety in Berlin.²

Not for this purpose, however, had Ratazzi been called to office; although the King may have been influenced by the thought that Napoleon's old favorite could more easily than any one else persuade the Emperor, partly because of the principle he himself upheld, partly because of the influence of national opinion, to recognize the justice of allowing the Italian nation to be controlled by its own free will. He did not intend, however, to purchase this freedom by companionship in a war about Luxemburg.

¹ Compare Reuchlin, "Italien," vol. iv., p. 348, and elsewhere.

² Compare Boullier, "Mazzini et Victor Emmanuel," as also Bismarck's despatch to Usedom, Schulthess, 1867, p. 155. Whether the despatch in this form was ever sent, I will, in view of Bismarck's opinion of Usedom, not attempt to decide. It appears much more probable to me that an eager reporter in this form gave expression to the general opinion of the Berlin official press of that date.

The French Ambassador, Malaret, communicated to his Government on April 21st : "The Italians praise our moderation, criticise Prussian ambition, but take no interest in Luxemburg ; good wishes are all the support we can expect from them." Two days later he made an exhaustive report regarding the moving interest of the Italian policy, and the growing agitation in favor of an expedition of volunteers against Rome.

To be sure, the London conference in May put an end to the danger of a European war, and with it to the hopes it had suggested ; and Ratazzi's inclination to delay was increased by the lack of interest in the great enterprise exhibited by the Italian people. The more keenly, however, did the nation feel the indignity offered it when in July, at the command of the Minister of War, Niel, the French General Dumont appeared in Rome to re-establish discipline in a thoroughly demoralized division of papal mercenaries, chiefly French, the so-called Antibes Legion.

Immediately the cry was heard in every part of Italy, that in spite of the September treaty France still, as before, commanded the troops of the Papal States, ostensibly enlisted in the name of the Pope ; this violation of the treaty had rendered it void, and had opened the way to Italy to regain its capital. New life and spirit were infused into the movement ; in all the cities enlisting offices were opened by Garibaldi ; within six weeks he had several thousand red-bloused patriots at his command, whom he distributed along the frontier of the papal territory.

Ratazzi wrote his powerful friend on the Seine that the current of popular feeling was irresistible; something must be done, else a terrible catastrophe would befall. Napoleon declared himself willing to compromise; but first of all Ratazzi must call a halt to the lawless proceedings of the volunteers, and secure Rome against their attack. The result was, that Ratazzi sent several regiments to protect the papal frontiers; and when Garibaldi permitted his bands of volunteers to pass between their posts and make inroads upon the patrimony of St. Peter, Ratazzi even went so far as to order his arrest, soon after which he sent him to Caprera, there to reside under surveillance of Italian war-ships.

Hereupon Napoleon, in fulfilment of his promise, proposed to the Pope, that, to save Rome, he should relinquish the States of the Church.¹ He might have known beforehand what the reply would be; to Pope Pius, as to his predecessors, the crown of his petty State was quite as precious as was the tiara of his spiritual empire of the world. He answered the proposal by a categorical negative.

Consequently Ratazzi placed no further obstacle in the way of the volunteers, now led by Garibaldi's son, Menotti, who on September 29th, with eight thousand soldiers, opened hostilities against the papal troops, numbering eleven thousand men, under command of General Kanzler. The result, to be sure, was by no means a brilliant one, since the papal troops were far

¹ Rothan, "*L'Allemagne et l'Italie*," ii., p. 28. Rothan uses Malaret's correspondence.

superior to the "red blouses" in numbers, discipline, and training; still, Menotti was enabled, through the support rendered him by the sympathy of the inhabitants and the constant additions to his volunteers, to continue this war in miniature until, in October, his father, who had succeeded in making his escape from Caprera, could again assume the supreme command. With redoubled energy Garibaldi now pushed his united forces on to Rome.

Kanzler, acting upon a similar plan, avoided an encounter, and collected his scattered troops in Rome to protect the Curia. The thought suggests itself that his Government would not allow him to make use of his superior strength because a rescue through French assistance was preferred to one achieved by its own strength, since that might lead to a permanent re-occupation of Rome by French troops as before the September treaty. The prospects for this were good; for ever since the inroads of the Garibaldians a powerful clerical agitation was in progress in Germany, Spain, and France. The people were urged to get up gigantic petitions, vehemently importunate in their tone, asking protection for the Holy See.

Napoleon well knew how dangerous the enmity of the clergy would be to him in the future elections, and vacillated between this fear and his old love for Italy in torturing indecision. His advisers, too, were divided in opinion; but just the two men whom this matter concerned most directly, Moustier and Niel, most earnestly advised immediate interference to compel Italy to abide

by the September treaty, as being indispensable to the preservation of French honor. Vainly did the Italian Ambassador, Nigra, propose that the matter should be submitted for decision to a European congress; although Napoleon did not reject this, he yet insisted upon the preliminary condition that not an Italian soldier should be allowed to remain upon papal territory.

Moustier was permitted to send so cutting a note to Florence on October 17th that Ratazzi tendered his resignation. For several days after this the result of the ministerial crisis hung in the balance; and as the beam tipped to either side, Napoleon's opinion vacillated back and forth. Five times the regiments collected in Toulon received orders to embark, and five times these orders were countermanded; finally the last countermand came too late, just after the fleet had put to sea.

On October 28th the first French battalions marched into Rome, the populace looking on in sullen silence. Garibaldi thereupon proclaimed to his soldiers that he would not fight against the French, and at once began his retreat. On November 3d, however, he came upon a post of three thousand papal soldiers at Mentana, near Rome; an encounter ensued, in which the Pope's troops stood their ground so tenaciously that they were enabled to hold out until, in the afternoon, a French brigade under Polhès arrived, whose murderous, rapid firing quickly and effectually dispersed Garibaldi's volunteers. "The Chassepot rifles worked wonders," said General Faily's report to Paris.

In Florence the King had called to the premiership

the clerically inclined General Menabrea, who at once suppressed Garibaldi's agitations, and ordered his re-arrest, although he reserved to Italy all her rights to Rome.

Thus the ill-fated enterprise was ended, Victor Emmanuel was deeply humiliated, and the Italian people were filled with indignation and wrath against France. The Pope was pleased, but hardly grateful; he said very dryly that Napoleon had fulfilled his duty. The clerical parties, however, in all the Catholic countries paid jubilant tribute to the Emperor's energetic course against the despoilers of the Holy Church, and in Berlin the *Kreuzzeitung* joined in this adulation.

Although surrounded by all this incense of flattery, Napoleon was nevertheless in the worst of humors. He knew well how sincerely Victor Emmanuel was inclined toward him, and also that in Italy he might have had an always willing ally; and now this miserable Roman question, which he had thought to escape two years ago, had again entangled him in its meshes, and had embittered the mass of the Italian people against France. At any price he must get rid of this responsibility. The Ultramontanes had maintained that Rome was not Italy's alone, but, as the seat of the Pope, belonged to the world in general; very good, then the world should take the question in hand. Nigra, he believed, had been quite right; France must call a European congress to decide the matter.

On November 10th Marquis Moustier sent to the French legations at all the European Courts except

those of Greece and Turkey a circular note, in which the facts were related, and the Governments were invited to participate in a conference for the purpose of jointly and lawfully deciding the Roman question, that constant source of uneasiness for entire Europe.

Eight days later Napoleon opened the session of the Chambers with a speech from the throne, in which he deplored the general feeling of apprehension, whereby industry and intercourse were so seriously affected. Notwithstanding the peaceful attitude of France, the belief had been disseminated that any change in the internal relations of Germany would constitute a cause for war. With great emphasis he declared, "This condition of uncertainty must not be allowed to continue. The changes which have taken place across the Rhine we must frankly recognize, and attempt no interference contrary to the wish of the people." This would doubtlessly have had the desired effect, had it not been followed by an additional clause by which everything was again made uncertain: "in so far as this is consistent with our interests and our dignity."

After a glance backward at the Exposition, and one forward at the new army bill submitted for consideration, the Emperor turned to a consideration of the affairs of Rome, where, without jeopardizing Italian unity and independence, France had, upon the strength of the September treaty, put an end to the revolutionary proceedings. Order was now restored, he said, and the troops could therefore be recalled at an early date.

Since Italy's relations to the Holy See were a matter of European interest, a conference for the adjustment of the question had been proposed to the Powers.

By this invitation North Germany was also compelled to assume a decided attitude in the matter.

It was not the first time that such a proposal from Paris had been received in Berlin. As early as December, 1866, after Bismarck's return from Putbus, the question had been submitted to him whether Prussia would participate in a treaty whereby the States of the Church as then constituted should be guaranteed to the Pope. Bismarck had complied no further than to promise to influence both parties to a peaceful *modus vivendi*.¹ After this, as has been mentioned, Ratazzi's nomination had awakened apprehension of a Franco-Italian alliance. When, however, soon afterwards an exactly contrary event followed, and through the Roman affair the danger of a war between France and Italy loomed up, Bismarck was sounded by the agents of Ratazzi, as well as by those of Garibaldi, regarding the amount of support which Italy could in that case expect from Prussia.

His reply to both was that their intended attack upon Rome would most surely not be permitted by Napoleon. France, he said, had the right to interfere, granted by treaty; and Prussia could consequently not give offence to a friendly nation by an attitude of hostility. He had therefore certainly not given Italy encouragement for her Roman expedition; on the con-

¹ Rothan, Luxembourg.

trary, he had earnestly hoped that Italy would not allow the affair to reach a climax in an open rupture with France. "For," said he, "it is obvious that if France really has warlike intentions with regard to Germany, which I have always doubted, a better pretext for an attack could not be furnished than would be given by Germany should the latter, for the sake of preserving Italian unity, become obliged to participate in an offensive war against the Pope, who stands under the protection of France. The French war party would thereby be spared the embarrassment of being compelled to admit that it is the German national aspiration upon which war is to be waged."¹

In every direction the situation was precarious. It was not desirable that Italy should become wholly subject to France; yet it was quite within the range of possibility that Victor Emmanuel, influenced by his well-known love for Napoleon, would suddenly in the midst of war desert his German ally, and make common cause with his French antagonist. And finally, it was felt to be incumbent upon the German Government to show some consideration for the religious sentiments of the German Catholics relative to the dignity of the Pope's position.

Consequently, a feeling of relief was experienced when Italy refrained from seeking revenge for the blow received at Mentana by an appeal to the sword, and King William in his speech from the throne assured

¹ Bismarck to Usedom, at the place mentioned. Benedetti, mission, p. 246.

the Assembly at the opening of the session on November 15th, that the Government would endeavor on the one hand to show a just consideration for the wish of the Catholics with respect to the independent position of the Pope, and on the other hand to fulfil the obligations which devolved upon Prussia in consequence of the political interests and international relations of Germany.

The question was now whether the proposed European conference would be the best way to solve the problem.

Bismarck thought otherwise. In the first place, the invitation to the conference had not emanated from the contending parties. It soon appeared that Italy's consent was the result of a fear of France, and that covertly she was using her influence at the other Courts against the conference. It was also learned that the Pope denied the authority of the conference to decide the matter, and had consented to be represented in it simply for the purpose of making vigorous protest against the least diminution of the papal territory.

And what was the opinion at the Courts of the Great Powers? Austria eagerly desired to annul the concordat of 1855, and was therefore little inclined to give added strength to the Pope's position by a European guaranty. Schismatic Russia, always at variance with the Curia regarding the Catholic Church in Poland, was likewise inclined, although to even a greater degree. England was wholly averse to participation in the congress. The English nation was de-

cidedly in sympathy with Italy; and the Government desired to continue upon good terms with the Pope, since it depended upon the Catholic clergy in Ireland for support against the Fenians.

In Prussia the situation was very similar. The majority of the people favored Italy, and only a small minority were for the Pope. In affairs of internal policy, there was much which made concession to the wish of the Catholics advisable; in the foreign policy the maintenance of cordial relations with Italy was a matter of prime importance. Therefore there was little inclination here to handle the thorny question, either by expressing an opinion or by participation in a congress; since it would be impossible to do either without giving offence to one, perhaps to both, of the contending parties.

Bismarck questioned Count Benedetti regarding the programme upon which the French Government had determined for the action of the conference, as also regarding the proposals which it intended to make. The Ambassador was obliged to admit that his Government had no plans, but hoped that the combined wisdom of the Powers would both propose and decide. This was hardly an encouragement for another to step into the unpleasant position from which Napoleon was so eagerly seeking to extricate himself; therefore all Benedetti's pains to convince the Chancellor of the advantage of the conference were in vain.

His zeal caused him to become more and more excited with every day, until finally he expressed it to

be his opinion that Bismarck was secretly working against the congress, because it was to his advantage that France should be compelled to keep a large part of her military force in readiness against Italy, since thereby it would become unavailable upon the Rhine; this led him to the inevitable conclusion that Bismarck intended soon to carry out his arbitrary plans, — the incorporation of South Germany, in spite of the Treaty of Prague. By what other reason could he be deterred from seeking to secure the gratitude of Napoleon and the favor of France by openly supporting the conference plan?

These phantasms originating in the brain of the over-astute ambassador, who persistently closed his eyes to the palpable motives of Bismarck's action, would not be deemed worthy of mention, had not their repetition in Paris increased the distrust of Prussia which the Customs Union treaties had awakened.

Whilst these negotiations were in progress, Bismarck received through Count Usedom a note from Mazzini, dated November 17th, in which the latter repeated the assertion that Napoleon and Victor Emmanuel had concluded an alliance against Prussia, but that if Prussia would send him a million francs and two thousand breech-loaders, he would possess the means wherewith to make an attack upon the French troops in Rome, thereby making the alliance impossible.

Although Bismarck was well aware of Victor Emmanuel's inclination to France, he yet doubted the truth of the statement in view of Napoleon's personal

averseness to war, and therefore wrote Count Usedom that it would not be advisable to enter into any negotiations with the author of the note until he could substantiate his assertions by proofs. Mazzini persisted in all his statements, declared his agents to be perfectly reliable, but refused to name them. That, of course, ended the matter.

Mazzini's information was not correct as to particulars, but that it was not cut out of the whole cloth was soon to appear.¹ This incident could but heighten Bismarck's disinclination to interfere in Italian affairs.

Meanwhile the negotiations relative to the great conference were passing to and fro between the several Courts, but everywhere were finally brought to a standstill by the question which Bismarck had propounded regarding the French intentions. After all the evasive replies by which it had been answered, this question suddenly received a most definite reply in the Legislative Body at Paris. On December 2d Jules Favre severely criticised the Government for its defence of Rome, to which Moustier replied by directly accusing Ratazzi of having deceived France from the outset, he himself having instigated Garibaldi's expedition in the hope of possessing himself of Rome by assuming the rôle of protector. France could not allow herself to be thus duped, and therefore had defended her treaty with her arms.

¹ Compare "Diamilla-Müller, politica segreta italiana," p. 337. The author was one of Mazzini's most trusted confidants, and at the same time was highly regarded by the Italian Government.

The discussion was continued on the 4th and 5th, until the Minister of State, Rouher, arose, and after a lengthy explanation declared, in the name of the Government, as he expressly remarked: "The Pope and Italy must learn to exist side by side in peace. Should Italy again violate the September treaty by an attempt to take Rome, she will find France there instead of the Pope. Never will Italy be allowed to possess herself of Rome; no, never! Is that clear? Neither of Rome nor of any part of the present papal territory," he added.

The Chamber expressed its appreciation of the speech by never-ceasing applause, and its approval of the Government's course by a vote of 237 against 17 voices.

Again Napoleon had occasion to recall the words spoken to him by an old statesman directly after his first Roman expedition in 1849: "I have seen how you got into Rome, but I can see no way by which you can get out of it."

After France had taken such a stand, there could be no further thought of a conference. No one of the other Great Powers was inclined to share her newly assumed responsibility, and none desired to offer opposition. The bond of friendship between France and Italy seemed completely severed.

But Napoleon III. and Victor Emmanuel were differently constituted than are the majority of men. Napoleon could never get over a sentiment once entertained; and notwithstanding his concessions to the clergy, Italy was most dear to him. The King, in

spite of every conflicting emotion, did that which would serve his great purpose best; and notwithstanding his grief for the loss suffered at Mentana, notwithstanding the indignation aroused within him by Rouher's "Never!" he yet determined to remain the friend of the powerful.

A few days after his defiant speech, Rouher sent a confidential letter to the King, in which he stated that he had not meant all that he had said; carried away by his own enthusiasm, and urged on by the excitement of the assembly, he had spoken sharper words than he had intended. Italy could always depend upon the cordial feeling of the Emperor.

In Florence there were many men of influence, such as La Marmora, Menabrea, Cialdini, who believed themselves to be true disciples of Cavour because they regarded the French alliance with which he began his activity in 1859 to be the only remedy for the troubles of 1867 as well. They urged the King to hold fast to his friendship with France. Italy had brought this calamity upon herself, they argued, in failing to accept the alliance offered by France in March, through which Napoleon's co-operation against Rome could have been purchased by assisting France against Prussia; it was therefore high time to return to the correct course.¹ La Marmora himself went to Paris; and early in 1868 negotiations were begun regarding a defensive alliance between the two States,² which, could Austria be in-

¹ Rothan, II., p. 36.

² Compare Massari, Vittorio Emm., II., p. 351.

duced to participate, might develop into an all-powerful triple-alliance controlling entire Europe.

The Italian proposal contained more than one cause for hesitation ; still, the advantages offered were sufficient to influence the Emperor to enter into preliminary negotiations. The confirmation of the military alliances between Prussia and the South German States, the renewal of the Customs Union, and the openly avowed desire on the part of Baden to be admitted into the North German Confederation, all together constituted, according to the understanding arrived at with Vienna, a flagrant violation of the Treaty of Prague, and might be regarded as a cause for war should Paris become angered thereby.

The prospect of a strong alliance was all the more grateful since, in the course of the winter, the deliberations of the Chamber regarding the proposed army reforms had terminated most undesirably for the Government. According to the plan of the Minister of War, Marshal Niel, it was intended to increase the number of recruits annually in such proportion as would make the war establishment of the active service, the line together with the war reserves, number 800,000 men at the end of the eighth year. The time of service was placed at eight years, the privilege of furnishing a substitute was however continued. As a further reserve, corresponding to the Prussian militia (*Landwehr*), it was intended to establish an available national guard about 400,000 strong, composed of men who had not seen service, but had only received superfi-

cial training through periodical military exercises. At the same time, Marshal Niel made strenuous efforts to obtain the requisite increase in material, arms, clothing, provisions, etc.

But he encountered insurmountable obstacles. His plans required the passage of a number of new laws and a large appropriation by the Chambers. The same Opposition which had incessantly assailed the Government's weak policy toward Italy and the German movement to achieve unity, which in every possible key had demanded a requital for Sadowa, and had declared that the honor of France had suffered through the course pursued by the Government — this self-same Opposition now attacked with redoubled vehemence all the demands made by the Minister of War. For in these they beheld the possibility of a rupture with Prussia in the near future; and this suggested thoughts of brilliant victories upon German soil, which would bring the Emperor new glory and strength, placing within his grasp the means with which to destroy his antagonists at home. In fear of this, they willingly threw the demanded compensation for Sadowa overboard, rang the changes on the charms of peace, and fought Marshal Niel's army reforms with all their might.

Such an increase in the peace establishment of the army, they cried, would be fatal to all the productive industries of the land; the national prosperity would be destroyed by the additional tax-burden. The estimates of the enemy's military strength which had been submitted, they swept aside as creations of the imagi-

nation, having no actual foundation. The people were averse to an extension of the military system, they declared; should it come to a war, the nation would rise in its might, and annihilate the rash antagonist.

For the German reader it will not be necessary to multiply these extracts from the debate; since he needs but to recall the speeches of Eugen Richter, Dr. Lieber, and Bebel, delivered in the Reichstag in 1893, to know almost word for word what twenty-five years before was said in Paris by Thiers, Jules Favre, Picard, and their associates. He also knows quite as well that it was not long before they received the crushing reply, "Sedan!"

The Chamber, at that time still exceedingly submissive to the Government, was influenced in this case by the knowledge of the extreme disfavor with which an increase in the military burden would be received by its constituency. The peasants, although devoted to the Emperor, dreaded the increase in the number of recruits; for they well knew that they would be the ones who would be called upon to supply it. The townspeople looked with displeasure upon any measure which they believed to be the harbinger of a warlike policy, with its usual depressing effect upon the sensitive industrial and commercial interests.

Most unpopular of all, however, was the institution of the national guard, which was thought to be the first step toward universal liability to serve. "What!" exclaimed the young gentlemen of the upper classes, "are we to be penned up in barracks as a part of the rank

and file? Never! That is entirely too vulgar for us, though it may suit the Prussians.”¹

To this may be added, that, with the exception of the Emperor and a few generals, every one in France felt convinced that the army, even in its present condition, was invincible. Had not the nations in four quarters of the globe been subdued by it? Arabs and Chinese, Spaniards and Mexicans, Russians and Austrians, had alike fled before its bayonets. Why, therefore, should this army not be a match for those troublesome Prussians as well? Was it, indeed, conceivable that the Prussians would have the intrepidity to attack a country possessing such an army? No one believed it possible; nothing seemed more needless than this burdensome increase of the army for the sake of making France secure. Obviously, it was said, behind these proposed measures lurked entirely different plans of conquest and ambition, which the Opposition was quite shrewd enough to discover.

Even in the highest Government circles Marshal Niel's project found antagonists. The Minister of State, Rouher, all-powerful until now, was a man of peace; and troubled himself little about Prussia's possibly aggressive policy, but concerned himself much with Marshal Niel's growing influence, which in the event of a great war would far exceed his own, and whom he therefore suspected of being so eager for a powerful military force that he might with safety persuade the Emperor to an attack upon Germany. This

¹ Prosper Mérimée, "Lettres à une Inconnue."

would, however, be rendered impossible by the Chamber's refusal to grant Marshal Niel the requisite means for his army reforms; and Rouher's confidential agents, who were seeking to convert the deputies to this view, found willing listeners.

And so Neil's desired appropriations were cut down on all sides, his plans mutilated, and such inadequate provisions made for the national guard as rendered it practically useless. Niel, though in despair, was obliged to accommodate himself to the situation. He did all that was possible with that which was placed at his disposal, and in the fall of 1868 announced, for the sake of being heard abroad, that the army was in readiness.¹ He himself, however, knew that the active service, after deducting the garrisons necessary in the interior and in Algeria, numbered but 300,000 men, and that it was therefore vastly outnumbered by the North German army alone. He said to Emperor Napoleon, "I would allow myself to be quartered rather than to allow France without a reliable ally to undertake a war with Germany."

Under these circumstances Napoleon very willingly consented to a closer consideration of Italy's proposals regarding a triple-alliance, France-Italy-Austria, in spite of all the vexation that Italy had caused him by the Roman affair.

But once more no progress was made in the negotiations, again brought to a standstill by the insolvable Roman question. For the Italians demanded as the

¹ Jarros, "Souvenirs," p. 8. Thiers, "Dépositions," I., p. 11.

conditio sine qua non upon which all their other proposals depended, the absolute return to the conditions of the September treaty, and that, too, in the sense upon which Italy had always insisted: Italy will neither attack the Pope nor suffer him to be attacked; France must, however, withdraw her troops from the Papal States, and expressly recognize the inviolability of the principle of non-interference.

Upon this basis Italy proposed a defensive alliance of three, with the agreement that all political questions should be settled by joint negotiations, and that the integrity of its territory should be guaranteed to each one of the three Powers in case of war. In the event of a favorable issue of the war, Italy should receive the Italian Tyrol and a naval station in Tunis. Upon the occasion of a papal election, the three Powers should co-operate to place in the chair a candidate agreeable to all of them. To insure absolute secrecy, the treaty should be concluded by autograph letters of the three monarchs.¹

It may seem astonishing that in a draft treaty which Austria was expected to sign should be found the Italian demand for the Southern Tyrol. This was, however, to be explained in that the Italian Tyrol was as essential to a United Italy as was Rome; and therefore Italy would be content to accept that province as compensation for her services as ally, provided that Napoleon would withdraw his troops from Rome, never to return. Still it could not have been otherwise than

¹ Massari, Vol. II., p. 354.

exceedingly doubtful that Austria, even in view of other extensive aggrandizement, would be willing to cede the Italian Tyrol; and to this doubt was added Italy's evidently undeterred and unabated hope to obtain Rome.

Consequently, Napoleon refused most emphatically to recall his troops from Rome so long as no more definite guaranties satisfactory to the Pope should be agreed upon to insure the safety and independence of the latter. Since, however, a proposal satisfactory to the Pope and acceptable to Italy was not within the range of possibility, the negotiations with Italy concerning a triple-alliance, after an interminable exchange of letters between Victor Emmanuel and Napoleon, fell through, much to the discomfiture of the Italians.

This but stimulated Napoleon's wish in some other way to escape from the irksome restraint exercised over him by the Roman question, which in its present state was quite as likely to induce Italy to an alliance with Prussia as with France, in the event of a European conflict.

As early as the end of October, 1867, the zealously Catholic Queen Isabella of Spain had offered Napoleon her assistance for the protection of the Holy Father, a proposal which the Emperor at that time refused on the ground that this was a matter which concerned France and Italy exclusively.¹ Now, however, with each day's increasing anxiety regarding the danger of war with Germany, he eagerly grasped at Isabella's proffered co-

¹ Massari, Vol. II., p. 336.

operation, and made the direct proposal to her that the French garrison in the States of the Church should be relieved by a Spanish one.¹

Isabella, whose sympathy, unlike Napoleon's, was not divided in this question, responded with eager enthusiasm. Her troops, she said, to the number of 40,000 men, would be sent to Rome with instructions to resent the least act of hostility against the Pope by an attack not only upon the Garibaldians, but upon the troops of the King of Italy as well, thus relieving Napoleon of all further anxiety upon this point.

During September, 1868, Isabella was sojourning in San Sebastian, Napoleon in Biarritz; and it was arranged that the details of the proposed plan should be determined by a personal conference between the two sovereigns. But Napoleon's days of success were numbered; this promising plan, too, was destined to sudden frustration at the last moment.

For years the despotic *régime* of the President of the Spanish Ministry, General Narvaez, an able, daring, and tyrannical man, had provoked widespread discontent and political ferment. After his sudden death in April, 1868, his successor, Gonzalez Bravo, announced it to be his intention to continue the policy of Narvaez; it soon appeared, however, that he was as far inferior

¹ I cannot quote official authority upon this point; such a plan was, however, spoken of in the Parisian papers of the day without receiving official contradiction, besides which a detailed account of it is given by Meding in his "Mémoires," Vol. III., p. 360. As the plenipotentiary of King George of Hanover at Paris, he enjoyed the confidence of the French Ministry, as also that of Queen Isabella at a later date.

to Narvaez in ability as he exceeded him in brutality. When in July he thought to perceive evidences of disaffection among the troops, he ordered in a single day the incarceration or banishment of eight of the principal generals, without granting them a trial of any sort, and at the same time requested the brother-in-law of the Queen, the Duke of Montpensier, to leave the country.

This forced the political situation to a crisis. The several parties of the Opposition, the moderate Liberal Union, the radical Progressists, and the republican Democrats combined to shake off the despotic yoke. The banished generals returned at once; and on September 17th, Admiral Topete, commanding the naval force off Cadiz, raised the standard of revolt. Within a few days the generals assembled here with Serrano and Juan Prim as leaders; by the 20th, entire Andalusia was in their hands, with all its garrisons. Revolutionary uprisings quickly followed in province after province; on September 28th, Serrano defeated the Queen's troops at Alcolea, where the Guadalquivir is bridged, and immediately Madrid, Barcelona, and Saragossa announced their secession to the cause of the revolution without encountering the slightest opposition; and on the 30th the Queen fled from San Sebastian across the French frontier. The plan against Italy was thus blown into atoms.

As usual, the Paris papers announced that in this calamity, too, could be seen the hand of that omnipresent mischief-maker, Bismarck, who had bribed the

rebel generals to their criminal deed with gold. That there was not a shadow of proof of this, and that it received immediate official contradiction in Berlin, mattered little; ¹ in France, as we shall see, the suspicion remained.

To this were added new complications in the far East, endangering the tranquillity of Europe, which were also ascribed in part to the same great disturber of the peace. Thus in Paris the ill-feeling toward Prussia was becoming more and more intense; no one could foretell whether the year 1868 would close in peace or with a devastating war.

¹ Rothan, one of the best informed, and therefore least prejudiced, judges of German affairs to be found among the French of that day, is also not wholly free from this favorite idea of beholding everywhere the shadow of the formidable Minister. His complicity in the Spanish revolution is sufficiently proved by the anecdote that during a call made upon Countess Bismarck by a friend, the Chancellor stepped into the room with a newspaper in his hand, and turning to the ladies, joyfully exclaimed, "At last that Isabella is deposed!" He rejoiced at her downfall, ergo, he brought it about. Such a conclusion might be regarded as somewhat rash; but, unfortunately, the entire anecdote is utterly without foundation, a pure invention of the imagination.

CHAPTER V.

THE GERMAN AND THE ORIENTAL QUESTION.

THE Roumanian revolution of February, 1866, together with its effects upon European politics, has been mentioned upon a former occasion in the course of our narrative.¹ We must now follow the current of these events a little more closely, since their consequences may be traced in the great catastrophes of a later day.

Immediately after the deposition of the Hospodar Cusa, and the election of the Duke of Flanders as his successor, the Porte protested against this action, assembled a large military force in Bulgaria, and by right of the Paris Treaty of 1856, in which a single-handed interference was forbidden, called for a conference of the Great Powers. This was accordingly appointed to assemble in Paris during March.

The Powers were divided in their opinion. France persisted in the view upheld upon a former occasion, that enduring order could be restored in Roumania, torn as it was by party dissension, only by placing upon its throne a foreign prince, in whose lineage the crown should then be hereditary.

All the other Governments, however, supported the

¹ Book XV., chapter iii.

demand made by the Porte, that no other than a native should be invested with the dignity of hospodar. Foremost among these was Russia, which threatened to hold the country under military subjection should a foreigner be chosen; England and Austria believed that the integrity of its territory should be preserved to Turkey, a view which was not opposed by Prussia, then upon the verge of war with Austria, and therefore little interested in the Orient, but all the more desirous to remain upon terms of friendship with Russia.

The Emperor Napoleon did not allow this in any way to deter him from his purpose.¹ To Brussels, to be sure, he sent so decided an intimation that King Leopold at once refused to sanction the election of the Duke of Flanders, immediately after which Napoleon sent a confidential communication to the Roumanian Government, suggesting that Prince Charles, second son of Prince Charles Anthony of Hohenzollern-Sigmaringen, be proposed to the people as a candidate for the throne.

The Emperor had long been on terms of friendship with the latter, who was closely related to the House of Bonaparte, his mother being a Princess Murat, and his mother-in-law an adopted daughter of Napoleon I., therefore, although not connected with the Emperor by

¹ With reference to what follows compare "Notes on the Life of King Charles of Roumania by an Eye-witness," in the German *Review*, the seventeenth year of publication, Vol. I.; as also the English "Blue Book" regarding the Paris conference. The details I learned from reliable sources through my presence in the North German Reichstag during its session of 1867, and immediately afterwards through my study of archives in Paris.

ties of blood, yet in the eyes of the law his cousin. Napoleon probably hoped that French influence, which even in the days of Cusa had asserted itself, would prevail in Roumania should the Prince be placed in power, and that, by promoting Roumanian unity, a check would at the same time be placed upon Russian encroachment. The thought may also have suggested itself that the Prussian Government would hardly offer serious opposition to the election of a Prince of Hohenzollern; but, on the contrary, might even look upon the French suggestion as an act of friendship, in return for which the recently announced French desire for aggrandizement in the event of further Prussian triumphs might be favorably regarded.

Whether this was the case or not, we cannot say; however, when the Government at Bucharest hastened to reply that the name of Prince Charles would gladly be proposed to the people, Napoleon declared that a scion of that House would be preferred by him to any other German prince. Throughout the entire transaction he preserved this policy of secrecy, giving his Ministers no intimation of his real intentions.

On March 31st, 1866, Joan Bratianu, one of the most influential of Roumanian statesmen, presented himself at the Court of Charles Anthony to announce to him the intention of the Roumanian Government. Father and son both maintained an attitude of extreme reserve, declaring it to be impossible to reply before consulting King William. Charles Anthony was, however, from the outset not disinclined to the project, and the per-

sonality of the envoy was well calculated to make a most favorable impression. Bratianu was a man of fine presence, charming manner, and unquestionable ability.

Before continuing the narration we must cast a glance at the relation of the House of Hohenzollern-Sigmaringen to the Crown of Prussia, in order to understand King William's attitude toward the question so unexpectedly submitted to him for personal consideration. The common descent of the two Houses was officially recognized by King Frederick William IV. after Count Stillfried and Archivar Märker proved themselves descendants of a common progenitor; this ancestor, fortunately or unfortunately, however, had lived as early as the year 1200, after which the two lines of descent had continued wholly separate; the relationship, therefore, was in reality one in name only.

After the annexation of the little principality by the Prussian monarchy, King Frederick William IV. legally established the relationship by sanctioning a family compact formed in 1821, according to which the reigning Prince was declared to be the head of the House, and was vested with all the prerogatives attaching to the headship of the family, together with the paternal right to control all the members of the princely House, which it was explicitly stated should be exerted (1) over the Princes with reference to accepting office in foreign, civil, or military service, (2) over the Princesses regarding their sojourn without the limits of the principality, (3) with reference to proposed contracts of

marriage, and (4) the appointment of guardians. Consequent upon the cession of the principality to the Crown of Prussia, Prince Charles Anthony, by deed of March 26th, 1851, conveyed these rights to the King of Prussia as the future head of the joint Houses of Hohenzollern, both royal and princely line.

Accordingly King Frederick William, on July 19th, 1851, determined the position which the princes of Hohenzollern should hold in Prussia. He deprived them of the title "Royal Highness," and, what was most characteristic and of great significance with reference to the larger politics, of every claim to the right of succession to the Prussian throne. In every other respect he allowed them to retain all the honorary privileges attaching to a prince of Prussia, sanctioned the constitution of the House of Hohenzollern, accepted the prerogatives thereby conferred upon him as head of the family, and declared that the obligations of fidelity, obedience, and respect to the head of the House would be incumbent upon the representatives of the princely line.

The authority which the King as head of the family had thus acquired over the members of the princely line was therefore of a double nature, as was distinctly stated in the deed. First, there was the right to claim the fidelity and obedience which every Prussian subject, and especially every government official and deputy, vows to render to his sovereign; and secondly, as founded upon the code of the House of Hohenzollern, the right and the duty of absolute decision in the four

cases cited above. Among these, as is apparent, the question of accepting a foreign crown does not appear. According to the letter of the compact, therefore, he who had been asked to accept one was free to decide according to his own judgment; although the King might reasonably expect that, in conformity with the respect and fidelity which were his due, the Prince would lay the matter before him and ask his advice. It was to be supposed that upon this particular question his advice would have deciding influence, but a formal right to command or to forbid he did not possess in this case.

With regard to the Roumanian question, King William was not in doubt for a single instant. By reason of personal opinion and political considerations, regarding which he and Bismarck were fully agreed, he was decidedly averse to the Prince's acceptance of the honor, should it be offered him. He therefore concluded to write a personal letter to Prince Charles Anthony, for whom, as well as for his entire family, he had always cherished a sincere regard, to advise and warn him against allowing his son to accept. The King's never-failing sense of right and duty, by which every step of his illustrious career was guided, deterred him from going beyond this to interfere officially by an expression of the royal will. He had no lawful claim to the right to forbid, or to resort to a measure having equal weight; and that decided his action in the matter.

But with equal firmness he persistently counselled and warned against the step, even when Napoleon

repeated his declaration that he had always been in favor of a foreign hereditary prince, and especially advocated the choice of a prince of the House of Hohenzollern, for which he entertained feelings of sincerest friendship; and that although he would not himself propose such a choice, he would, in case it should be determined upon, give it his most hearty support.

And so matters took their course. Prince Charles Anthony continued to look with favor upon his son's candidacy, notwithstanding the King's doubts as to its advisability. On the 11th and 14th of April the provisional Government at Bucharest issued two proclamations, which bore the unmistakable imprint of their French origin. In the one, the Roumanian people were called upon to voice their sovereign will in a plebiscitum, inviting Prince Charles of Hohenzollern to accept the hereditary throne of Roumania, — a mode of procedure which is notoriously a French invention, and until then was unknown to the people of the Orient. The vote, it was decreed, should be cast between the 14th and 20th of April.

In the second, the Prince, his father, and his entire House were commended to the Roumanians as the embodiment of every possible virtue and merit. His connection with the two great sovereign Houses, the Prussian and the French, received due emphasis. The former was referred to as having given to the world Frederick the Great; of the House of Bonaparte it was said that it had produced the two Napoleons, whom mankind revered as demi-gods, and who had

led the nations to democracy and respect of nationality. The effect upon the Roumanian people was all that could be desired; as early as April 15th Prince Charles Anthony received a telegram from Bratianu, stating that the entire Roumanian population was thronging to the polls with eager enthusiasm.

The Prince transmitted this to the King, who, in a letter to Prince Charles, at that time an officer of dragoons stationed at Berlin, wrote: "Your attitude must be that of utter passiveness, for serious misgivings have arisen; Russia and the Porte oppose the election of a foreigner." To this the Prince replied, very circumspectly, that the King's advice would always be of greatest value to him. In a letter to his father he, however, expressed his firm determination to accept the crown, and not to allow the decision of the conference to deter him from going to Bucharest. With the good courage of youth he did not hesitate to take the leap into the dark, and with commendable ambition he was ready, in spite of the besetting dangers, to undertake the task of establishing over a half-civilized country a firm and well-organized government, that its blessings might be conferred upon the nobly endowed people. But as yet his father also advised patience until the apprehensions of the King and his Ministers should be dissipated.

Meanwhile affairs in the conference took on a new aspect, most propitious for the hopes of Hohenzollern. Since, so far, the Powers had not found it possible to arrive at an agreement, England and Austria, on April

14th, proposed that the definitive decision be postponed, and that for the next four years a provisional government be established in Roumania under the administration of a native hospodar. Thereby a long period of uncertainty in all the relations of the principalities would have been ordained. During the further negotiations Napoleon admitted the election of a foreign prince to be contrary to the European treaties of 1856 and 1858, but insisted that, nevertheless, this was the only sensible solution of the problem.

In Berlin it was believed that should the new proposal be accepted, the hospodar to be placed in power would in all probability be a decided partisan of the Powers by whom the plan had been suggested. As compared with this prospect, the election of Prince Charles, though otherwise of doubtful advisability, seemed the less of the two evils. Consequently Bismarck decided neither to hinder nor to promote either plan officially in the conference, but privately to encourage the Prince, and to open the way for him.

On April 19th he invited the young man to his home, and counselled him, as he expressly remarked, however, not in the character of statesman, but simply as his friend and adviser, to take the bold step of making his appearance in Bucharest. To this end he suggested that, rather than to ask the King's consent to the undertaking, the Prince should apply for leave of absence with permission to leave the country, which the King would understand. As it would be futile to expect to accomplish anything without Napoleon's assistance, the

Prince should first go to Paris in strictest incognito, since Russia and the Porte would surely protest against his election, and Prussia would not advocate it.

“Your presence in Roumania,” he continued, “will greatly facilitate the solution of the question. The conference will in that case be confronted by an accomplished fact, and the protesting Powers will in the end be obliged to accept an existing condition which they are powerless to subvert. Moreover,” he concluded, “should the scheme after all fall through, you will still always have the pleasant remembrance of a most interesting adventure.” A view, however, which, according to the “eye-witness” whom I have cited, the Prince did not share.

The Prince went at once to the King, and disclosed to him Bismarck’s view. The King would not hear of it, but persistently advised against it, whereupon the Prince defended the course upon which he had resolved by an enthusiastic argument. The end of it all was that the King declared that he must remain true to his conviction; if, however, the Prince was urged on to the undertaking by an irresistible impulse, he would do nothing to hinder him. The King granted him leave of absence to Düsseldorf, and in bidding the young hero farewell, embraced him with the parting words, “God be with you.”

A journey to Paris, as Bismarck had suggested, seemed rather too hazardous. Instead, it was decided to seek information through private channels, whereby some peculiar experiences with French policy were

had. A lady of distinction, the friend of the Minister, Drouyn de Lhuys, was asked to ascertain his opinion of the proposed plan. His answer was that Napoleon would never sanction an accomplished fact. The Prince then wrote to a lady in Paris, Madame Cornu, in whom the Emperor placed great confidence, and received an immediate reply urging him to action, so that an accomplished fact might be presented.

On May 1st Bratianu presented himself at the head of a Roumanian deputation by whom the result of the plebiscitum was announced to the Prince, who expressed his willingness to accept. However, since the King had again advised against the step on account of the opposition offered by the Powers, Prince Charles Anthony decided to go to Berlin himself to effect a more favorable decision. On the 5th he returned. The King had persistently withheld his sanction to the undertaking, although he was willing to grant the Prince leave of absence on condition that, before crossing the frontier, he would tender his resignation; since a Prussian officer could not be allowed to leave the country upon the eve of mobilization.

This was followed by the sudden disappearance of the Prince from Düsseldorf on May 11th, who then, after journeying through hostile Austria in a semi-disguise, arrived unannounced in Roumania on the 20th. The people received him with unbounded demonstrations of joy, and he at once assumed the administration of government at Bucharest. It soon became apparent that Bismarck and Prince Charles

Anthony had been correct in their conjectures. Although the conference at Paris unanimously declared the election to be in violation of treaty, and therefore illegal, yet, when the Porte in consequence demanded authority to interfere with coercive measures, it was refused upon all sides. Turkey did not wish to see Russian troops in Roumania, Russia did not desire to see Turkish troops there; Austria, just about to face Prussia in combat, was not inclined to kindle the flames of war behind her as well. And so Prince Charles could proceed undisturbed to form his Cabinet, to protect his Turkish frontier, and to establish preliminary order in the administration of the country.

At home, however, the Prussian Government announced to all the Powers that the Prince had acted wholly upon his own responsibility, and had neither sought nor received the King's permission to his undertaking. This conformed wholly to the facts, but no one would believe it. The assertion that, under a king of as great will-power as was William I., with a minister of so much energy as had Bismarck, a Prussian prince should dare to take such a step without the royal sanction seemed simply incredible. No one thought of the Sigmaringen family compact, and of the King's rigid sense of justice.

Meanwhile, fortune continued to favor the brave.

The glorious victory of Königgrätz, where one of his brothers met a hero's death, secured the Prince against any evil results of Austrian displeasure; whilst the sudden revolt upon the Island of Crete diverted the atten-

tion, as well as the military force, of the Porte most effectually from the intruder upon the Roumanian throne. Prince Charles, taking advantage of the situation, hastened to assure the Sultan of his submission to the suzerainty of the latter, and thus succeeded in securing the solemn investiture as hereditary ruler of Roumania under Turkish supremacy. This removed every cause for objection to his exaltation on the part of the Great Powers, and one after the other vouchsafed the young ruler diplomatic recognition.

It is not to our purpose to follow the internal development of Roumania. The world knows with what success the political genius of Charles I. solved the difficult question. To certain events, important because of their influence upon the general politics of Europe, and the position of Prussia in particular, we must, however, give closer attention.

During his Prussian career Prince Charles had learned that a well trained and disciplined army is the first essential to a firmly founded and well-organized State. That which in this line he found in his new surroundings was, however, most disheartening; an abundance of young men, both brave and strong, otherwise, however, a scarcity and inefficiency of material, lack of training and of discipline everywhere. The results which had been effected since 1864 by a French military commission sent at the request of the former government had been wholly effaced during the recent disturbances.

In this predicament the Prince turned for assistance

to his native land, and besought the King for a few Prussian officers to serve as military instructors, and for permission to purchase 20,000 breech-loaders of the Prussian manufactories of arms. To King William this request appeared both reasonable and wise; the Minister of War, Roon, however, declared that the war material destroyed in the recent campaign must first be fully replaced before so great a sale could be sanctioned. Before this could be accomplished, a year and a quarter had passed; and when, in the spring of 1868, the first consignment of rifles was ready for transportation, the situation in Roumania had materially changed.

Prince Charles, following the urgent advice of Prussia, had sought in his foreign policy to establish friendly relations with the Russian Court, and without assuming any formal obligations had succeeded in winning the favor of the Czar. In home politics the Radical party, supported by the majority in the Representative Assembly, had asserted itself under the leadership of Joan Bratianu, a man superbly endowed by nature with an inventive genius, great power of persuasion and demagogical talent, whose unbridled ambition stimulated his imagination to the building of impossible political air-castles, but who lacked the ability for the well-grounded labor and acute calculation required for the execution of his extravagant plans. He was lured on by the idea of a great Daco-Roumanian empire, to which Bulgaria should belong on the one side, and Bessarabia, Transylvania, Bukowina, and the Banat on the other.

As early as the beginning of May, 1866, when at the

head of the Roumanian deputation he announced to Prince Charles at Düsseldorf that he was the choice of the people, he laid before the Prince, as an added inducement, a map of greater Roumania, upon which all these provinces appeared as Roumanian crownlands. The Prince would, however, not listen to such extravagant ideas. Now, as Minister of the Interior, Bratianu was at the helm of the internal administration; and without consulting the Prince, who placed utmost confidence in him, he instigated a widespread revolutionary agitation. In Bulgaria this produced insurrection in a number of places, immediately and most sanguinarily suppressed by the Turkish Pacha.

In Turkey the instigation and support of these uprisings were ascribed to the Roumanian Government, an accusation that naturally met with a prompt denial; which, however, was given no credence in Europe, especially when but a few weeks later a congress of representatives of the Daco-Roumanian nation, to which all the Austrian provinces mentioned above sent delegates, assembled in Bucharest with great pomp, ostensibly, as indicated by the programme, for the inoffensive purpose of founding a Daco-Roumanian university. It was at this time that Count Beust at Salzburg alluded to the possibility of an Austrian occupation of Roumania; and Empress Eugénie, then favorably inclined toward Prince Charles, exclaimed, "Your imagination is most vivid, Herr von Beust!"

Nevertheless, Bratianu continued his efforts, his hopes quickened by the earnest and indefatigable zeal

with which Prince Charles applied himself to the reform and development of the Roumanian military system, whilst the Minister, by means of his patriotic illusions, influenced the Chamber to approve a most lavish army budget.

As a consequence, suspicion was soon aroused in every country of Europe, that over there in Roumania a mine was being laid, the explosion of which might result in the reopening of the Oriental question with all its attending dangers.

The revolt in Crete continued unsubdued, openly supported by the Grecian Government with supplies of arms and companies of volunteers, and no less decidedly abetted by Russian diplomacy. When we remember that Russia's relations with Austria in the Orient were quite as strained as they were with Turkey, the full extent of the possibilities suggested by a Roumanian attack upon Bulgaria by way of Transylvania can be appreciated.

Now, in the spring of 1868, the report flew through Europe that Roumanian bands had made inroads upon Bulgaria. Although this time the rumor was without foundation, it yet sufficed to induce both Austria and Turkey to take decided precautionary measures against the possibility of hostile action emanating from Bucharest.

In the Cretan affair France, which had at first gone hand in hand with Russia, Prussia, and Italy in their endeavor to ameliorate the condition of the Christian population of Crete, now, however, began to withdraw

from this position, for the purpose, conjointly with Austria and England, of defending the integrity of Turkey; in consequence of which Prince Charles, because of his friendly relations to Russia, lost favor in the eyes of his original protector.

Now, it happened that in July armed bands of Roumanians really did invade Bulgaria, although within a few days they were vanquished and dispersed, most of them being put to the sword. The excitement aroused by this occurrence was greatly increased when, within a few weeks, it became known that a large consignment of arms from Prussia had during August arrived in Roumania by a most circuitous route over Russia, and bearing the label "Railway Materials." There seemed now no further possibility of doubt that Bratianu in his course of action was aided, perhaps even incited to it, by the two Great Powers, and that therefore the peace of Europe was seriously endangered.

As bad as that, however, matters were not. The consignment of arms was simply a part of the breech-loaders bought by the Roumanian Government more than a year previously in Berlin, in ordering which Prince Charles had as little thought of warlike intentions as had the Prussian Government. It was, however, well known that neither Austria nor Turkey would allow a consignment of arms to reach Bucharest, and therefore Herr von Roon decided to make the transportation over Russia; and to avoid all unnecessary alarm, ordered the deception regarding the labels, which, upon being discovered, but increased the apprehension.

The course which Bratianu continued to pursue was well adapted to confirm these suspicions. The armed incursions upon Bulgarian territory were repeated, and a complaint made by the Turkish Government was answered by disclaiming, in an offensive tone, any complicity in the occurrences; the equipment of the regular troops was eagerly and hurriedly pursued, the number of recruits increased, an extensive militia system introduced, and at the same time a vigorous revolutionary movement openly instigated among the Roumanians in Transylvania. In short, appearances fully confirmed the rumor that the Prussian consignment of arms furnished at once the means and the signal for a general uprising of the Daco-Roumanian nation under the protection of Russia and Prussia, to the end that the independence and unity of the related races held in separation by Turkey and Austria might be achieved.

Whilst thus Austria found her possessions threatened by the Roumanians, and the French protectorate of Turkey was disregarded, Napoleon was still further irritated in his most vulnerable spot by the continued progress made by Prussia on the course leading to German unity.

We have seen how unpleasantly the renewal of the Customs Union between North and South Germany in the fall of 1867 affected him. Meanwhile, so decided a disinclination to Prussia had been displayed in Bavaria and Würtemberg, that there could be no thought of their admission into the Northern Confed-

eration. In Baden, however, matters stood very differently; there sovereign and people alike persistently sought and prepared the way for admission. To be sure, it was but the weakest of the three States, and its complete incorporation would add little to Prussia's strength; but of it could be said, as Maria Theresa had once said of Piedmont, "Its king were an honest enough man, if only there were not that execrable geography."

This long and narrow State of Baden lay along the French Rhine frontier from Weissenburg to Basel, its heights immediately commanding the ramparts of Strasburg. To see North German troops stationed all along this frontier, and the German flag flying everywhere, would exasperate the French people beyond endurance. No French ruler, said Napoleon, could withstand the national indignation, should the Prussian Government admit Baden into the North German Confederation; and again, according to French custom, all the newspapers were convinced that every inclination toward Prussia in Baden was either paid for, or at least incited, by that author of all mischief, Bismarck.

There was just as much foundation for these suspicions as there was for the equally popular idea that Bismarck's agents had prompted and supported Garibaldi's expedition against Rome. Quite the reverse was true; after the recent experiences in Württemberg and Bavaria, Bismarck was less enthusiastic than ever before for an overhasty union of the Southern States with the Confederation of the North; so much so, in fact, that for the moment, in the interest of internal

prosperity and of European peace, Baden's patriotic ardor was less pleasing to him than it was embarrassing.

On November 17th, 1867, Mazzini had warned him of the Franco-Italian alliance; on the 18th he received a communication from an old friend of Mazzini's, once his companion in exile, and now President of the Baden Ministry, Mathy, who since 1848, abandoning Mazzini's doctrinaire notions, and resolutely keeping to the paths of the practical Prussian-German policy, had risen to his present position. He transmitted to the Chancellor an exhaustive memorial, in which he asked the admission of Baden into the North German Confederation, or, should the European situation render this unadvisable, begged authority to announce to the Chambers that Baden would eventually be received, even without Bavaria and Würtemberg, and that it was therefore merely the question of time which the Government reserved for its decision. Bismarck personally made no reply; the Prussian representative at Karlsruhe, however, informed Mathy that the Chancellor could not authorize the desired declaration.¹

Meanwhile, the situation was developed still further. Mathy died soon afterwards, and his successor, Jolly, announced to the Chambers that his policy could be briefly defined as the exact counterpart of that pursued by his predecessor. At the same time the Assembly consented to an increase of two million florins in the army budget, that the Prussian military system might be fully introduced. A few days later the Prussian

¹ Freytag, "Karl Mathy," p. 415.

Military Plenipotentiary, General von Beyer, tendered his resignation, and became Minister of War in Baden, and Von Lescinsky, heretofore a colonel in the Prussian army, was nominated as Chief of the General Staff. In March, 1868, Prussia conceded to the request that fifty aspirants to officers' positions in the Baden army should receive their military education in the Prussian military schools. In April a number of Prussian officers were called to Baden to organize the militia according to the system employed in the North German Confederation. In short, all that was lacking to transform the Baden contingent into an integral part of the North German Federal army was simply the official announcement.

Nevertheless, Bismarck did not feel justified on his part to abandon the well-considered standpoint which he had taken in the German question, according to which no individual Southern State, but only all of these simultaneously, should be granted admission into the North German Confederation.

In Bavaria and Würtemberg the anti-national movement was continued with increasing success, the advocates of a united Germany in Würtemberg failing to secure a single seat in the Customs Parliament of that day, which naturally did not stimulate the desire in Berlin to welcome the Swabians at as early a date as possible into the Reichstag also. And yet, in Würtemberg, as everywhere else, the actual condition of affairs fell so heavily into the balance that it was from this very quarter that a vigorous impetus to

the further consolidation of German national interests emanated.

In Stuttgart the Minister of War, Wagner, and the Chief of the General Staff, Suckow, steadfastly pursued their purpose, in spite of every difficulty encountered, to carry out the introduction of the Prussian system of defence, in which, as we have seen, they received the energetic support of the King, who, although otherwise little inclined toward Prussia, had no wish to see his army ruined by the advocates of the militia system.

Early in May, 1868, the King approved Suckow's desire to go to Berlin to gain information regarding methods of "mobilization and related matters."¹ In consequence of the recent occurrences, Suckow at first encountered marked reserve. On May 6th, he had an interview with Moltke; he told him that he had come to inquire what course Würtemberg should pursue in the event of a sudden invasion of South Germany by the French; to which Moltke replied by another question, "What can Würtemberg do, and how quickly?" He then told Suckow candidly that he could but regard the service which Würtemberg could render as not only inadequate, but unreliable as well. The wisest plan would be to say, "See to it that you can help yourself," since the more liberty Varnbüler was given to follow his own behests, the more quickly would matters reach a climax. For Prussia the Thüringerwald constituted a much better flank than did the Upper Rhine.

It was not pleasing to Suckow to hear South Ger-

¹ Taken from unpublished memoirs.

many thus alluded to as a foreign seat of warfare; and he replied that Prussia could hardly look on with indifference should South Germany fall under the influence of demagogism, and finally become vassal to France. Moltke conceded the truth of this, and entered into a discussion of the strategic conditions and the consequently necessary military measures. When Suckow thereupon unfolded his views, Moltke's face brightened.

"I see," said he, "that with the correct views which you entertain, it will not be difficult for us two staff-officers to understand each other."

On May 11th Suckow had a conversation with Bismarck in the park of the Chancellor's palace, during which Bismarck expressed the following opinion: "The elections for the Customs Parliament have demonstrated that the South as yet desires no nearer connection with the North than that afforded by the Customs Union and the treaties of alliance. The North has no reason to desire more; from a strategic point of view, union with the South would render us no stronger, and politically there is nothing to induce us to combine with the heterogeneous elements of the South, where it is difficult to tell whether the Particularists or the Democrats are the greater foes of Prussia. National unity is dear to us all; but, for the calculating politician, what is necessary takes precedence of that which is desirable, therefore before enlarging a structure its interior should first be finished. Should Germany attain its national object before the close of the nineteenth century, I should deem it a great achievement; and should it be

consummated within ten or even five years, it would be extraordinary, an unexpected gift of God.

“Therefore, for the present, let the representatives in the Customs Parliament sit side by side for a few years; this will develop a conciliatory spirit, and the South Germans will learn that this is not a question of compulsion. We sympathize most sincerely with our brothers of the South, and are ready at any time to extend to them the hand of welcome, but to compel them to accept it is neither our duty nor our wish. As for the exigency of war, the North German Confederation is a Power which is a match for any one of the others. For the South, the question resolves itself into a choice of an ally, — Austria it cannot have; though we should not object, Austria is wholly disinclined; and as between France and the North German Confederation the latter can offer South Germany greater protection than can France.”

Bismarck also referred to the fact that Bavaria had demurred at Suckow's mission in Berlin; to which he had replied that all would meet with a like reception, — information would be given whenever it was sought.

Suckow met Moltke twice after this, resulting in the establishment of perfect confidence between the two men, which was just what Suckow had hoped to accomplish by his visit to Berlin. On May 14th they discussed the possibility of a French attack upon South Germany. It was agreed that in this event the Würtemberg troops should be concentrated at Heil-

bronn, or, in case of necessity, at Würzburg, whereby their union with the approaching assistance from the North would be facilitated. No protocol or other record of this agreement was kept in Berlin. When Wagner made a report of it to King Charles he displayed little interest in the matter, although he made no objection.

In June a Bavarian agent really did apply to Bismarck for the promised information, with a result very similar to that arrived at through the negotiations with Würtemberg; and since an agreement with Baden was assured from the outset, Moltke was enabled to record: ¹—

“It was concluded that in an immediate defence of the Upper Rhine and the Black Forest, it would not be possible for North Germany, owing to the intervening distance, to render efficient instantaneous relief in the first moment of danger, and that far greater security would arise to South Germany from an amassing of all the German forces on the Middle Rhine, whence, either along the right or the left bank of the stream, they could assume the offensive against the flank of the invading enemy, thus speedily impeding the progress of the latter, or compelling a retreat.”

Moltke laid stress upon the fact that in conformity with this opinion the South German sovereigns, with commendable devotion to the common cause and confidence in the supreme command, had been willing to deprive their own territory of its active military defence for the sake of establishing connection between their forces and the North German army, whereby

¹ *Generalstabs-Werk upon the war of 1870-71, Vol. I., p. 74.*

the responsibility assumed by the North had been greatly increased.

It need not be pointed out of how great value these latest agreements were, especially since their suggestion had not proceeded from Prussia, but from the South German sovereigns themselves. The misfortunes experienced in the war of 1866 as a consequence of dividing the forces for the protection of each little State had not been forgotten.

All these transactions did not remain unobserved abroad; and though the results of the Berlin conferences were not revealed, they were nevertheless the cause of much anxious excitement, especially in Paris and Vienna. Although torturing illness and the inefficiency of his army effectually deterred Napoleon from any desire for war, it yet seemed impossible to avoid it in the end, if Bismarck, as was then firmly believed in Paris, by his support of Bratianu threw open the door whereby Russian ambition might reach Constantinople, after which he in turn, sheltered by Russia in the rear, could dare to draw Baden and the other South German States into a Prussian military union. In the face of such a danger, did not duty demand that to insure safety to France the plans for alliance proposed by Italy, and so long delayed, should now be consummated as speedily as possible?

This desire was met half way by the Vienna Cabinet after a like process of reasoning. Through Bratianu's intrigues Austria seemed openly threatened with loss of territory; and in Vienna as well as in

Hungary, heretofore always friendly to Prussia, it was believed that Bismarck had a hand in the movement. There was reason enough therefore to welcome a close alliance with France as protection against such hostile intentions. Count Beust, however, was most decidedly of the opinion that these very circumstances made it expedient that no means of preserving peace should be left untried. The low state of the finances, the inefficient condition of the army, and the uncertainty in home affairs, all combined to forbid a war policy.

For Austria's European position it was desirable that France and Prussia should hold each other equally balanced, thus affording Austria the opportunity gradually to subject the South German States to her influence. For, should it come to a war between France and Prussia, and the latter suffer total defeat, South Germany, the Rhine, and Belgium would surely be the spoils of the victor, of whom Austria, however, would be wholly independent. Should Prussia offer an unexpectedly obstinate resistance, there might be danger of an agreement between Napoleon and Prussia whereby Belgium and the Rhine would fall to the share of the former, the South German States to the latter. That there was any possibility of a third outcome seemed to Beust wholly out of the question. Therefore, it appeared that the one objective point of any wise Austrian policy must be a defensive alliance with Napoleon, with its accompanying good friendship to fall back upon in case of danger, and constituting a check upon Prussian ambition. It

was, however, intended that Austrian influence in Paris should, in so far as possible, be exerted for the preservation of European peace.

Outwardly the relations between the two Courts were most cordial. The Austrian Emperor's visit to Paris in October, 1867, had made a most favorable impression; the French ambassador at Vienna, the Duke de Gramont, was more highly esteemed there for his hatred of Prussia than he was in the Tuileries for his ability; and the Austrian ambassador at Paris, Prince Metternich, was regarded more as a friend of the imperial family than as the representative of a foreign Power. It was just this circumstance through which confidence in his ever optimistic reports was lessened in Vienna; and owing to the feeling of distrust with which both the Emperor and Beust regarded Napoleon, it was decided to send a second and less prejudiced observer to Paris, to discover, if possible, the real lay of the land.

This duty was assigned to an old and trusted friend of Count Beust during his career in Saxony, Count Vitzthum, whom he had recently associated with himself in Austria's service, and whom he intended to intrust with the representation of Austria at Brussels. He was a diplomat of ability and varied experience, and favorably regarded by Napoleon, at whose Court he was now accredited by a private letter from the Austrian Emperor. He was granted an audience at Fontainebleau, where he found the Emperor somewhat indisposed, and much troubled at the course of affairs in Germany.

“What are your relations with Prussia?” asked the Emperor. “As heretofore,” was the answer, “we hold to the Treaty of Prague, and mean to prevent any farther encroachment of Prussia in South Germany.” In response to Napoleon’s wish to learn the prevailing opinion in Germany relative to a Franco-Prussian war, he said that there it was hardly believed to be avoidable. He, however, begged that it should not be lightly regarded; it would be a terrible struggle between the two nations, into which the Southern States would also be drawn, a struggle in which for France Alsace-Lorraine would be at stake.¹

What impression these words made upon Napoleon we cannot say; with respect to the German and Roumanian proceedings he, however, evidently ceased to regard a policy of complete silence as advisable. In July he transmitted to the Austrian Cabinet through Prince Metternich the proposal that Austria and France should jointly address an interpellation to Prussia regarding the recent evidences of an intention to disregard the line of the Maine.

This might be deemed an attempt to arrive at an understanding in the interest of peace, yet even then it might receive so sharp a reply from Bismarck that an open rupture would immediately follow. Beust, therefore, decided against the proposition. He explained that French interference of this kind would be the means best calculated to add to the number of those in Germany who desired to eradicate the line of the

¹ Taken from unpublished memoirs.

Maine.¹ The proposed interpellation was therefore abandoned, and Napoleon soon afterwards addressed himself to the negotiations with Spain regarding the occupation of Rome.

Beust was, however, exceedingly desirous to maintain friendly relations with the Tuileries; and therefore, together with Vitzthum, who in the meantime had assumed his duties at Brussels, he determined to submit to the Paris Cabinet a counter proposal, the leading features of which had for years been pondered by Vitzthum, and whose great object was by peaceable means to quench Prussia's supposed desire to transgress its proper bounds. Its main thought was that of a general disarmament of the Powers, Napoleon to take the initiative in an open letter, to be transmitted first of all to the King of Prussia,² wherein would be stated that Napoleon, in spite of many misgivings, had with sincerity accepted the conditions of the Treaty of Prague; that he was about to strengthen the organization of his army; that at the present time, however, the desire to reduce the military burden, annually growing more oppressive, had become general among nations; that he would willingly concede to this wish if Prussia, by a satisfactory reply, declaring the intention to conform to the conditions of the Treaty of Prague, would make it possible for him to do so.

The arguments in favor of the proposed plan were presented in an exhaustive memorial, foremost in which

¹ Beust, "Aus Drei Viertelyahrhunderten," II., p. 340.

² Beust, at the place mentioned; also from unpublished memoirs.

was mentioned the great popularity which this step would procure for the Emperor in the coming French elections. In so far as Prussia was concerned, she would be obliged either to agree to the French proposal whereby the present state of territorial possessions, and consequently the peace of Europe, would be maintained; or Bismarck, by raising objections, would incur the distrust of all the Powers, and, which was more important than anything else, would hereafter find it impossible, in consequence of Napoleon's proclaimed desire for peace, to induce the German Reichstag to make appropriations for further military equipment. Otherwise the memorial was suggestive of the thought long cherished by Napoleon, — the assembling of a great European congress, in which all the pending European issues would be set at rest, after which the Emperor would be invited to make the proposal of disarmament already stated. All this met with Beust's approval; and he commissioned Vitzthum to return to Paris in September, there to submit and commend the proposals.

Napoleon was at this time at Biarritz; and as Beust feared that an audience granted to Vitzthum there would receive undesirable notoriety, the Count was compelled to negotiate in Paris with the Minister of State, Rouher. His first endeavor was to ascertain with some degree of certainty the French attitude toward the Oriental question, with respect to which France had shown so much vacillation; since, without harmony regarding these interests, united action

on the part of the two Powers was wholly inconceivable.

"I am enabled to relieve you of all apprehension upon this point," said Rouher. "We, like you, intend to uphold the existing conditions as established by treaty. The young sovereign, Prince Charles, who together with Bratianu is working in the interest of Russia, and does duty as a Prussian sentinel, must be removed from Roumania." Thus encouraged, Vitzthum presented the great memorial. Rouher read it, gave no further consideration, so far as we know, to the plan for a congress, which had failed as often as it had been proposed, but expressed his approval of the underlying purpose, the proposal of a general disarmament, and promised to commend this to the Emperor.

Very soon an answer was received from Napoleon curtly declining the proposal, after the practical and convincing remark that in view of the Prussian militia (Landwehr) system a mutual and equal reduction in the active service would be a self-delusion (*marché de dupe*).

Hereupon Rouher attempted a revision of the Austrian plan with the view to remove this objection. According to the new draft, it was to be proposed in Berlin that during the next ten years the peace establishment of the two armies should be fixed at 250,000 men, the war-reserves should be relieved from duty, the Prussian militia and the French national guard (having as yet no existence except on paper) should

be disbanded. Napoleon's knowledge of Prussian affairs probably convinced him that the proposal would be promptly declined; he, however, also regarded it as infeasible from his own standpoint. He rejected the result of Rouher's labor almost with displeasure. "A Napoleon cannot disarm," he said, "much less assume the initiative toward a general disarmament; it would, most likely, cost him his crown."¹

And so, toward the middle of October, he returned to Paris from Biarritz, depressed by the Spanish disappointment, worried by the growing complications in the Orient, but, above all, harassed by the probability that Bismarck by further progress would touch the match to all the warlike passions of the French people. In Paris he found Lord Clarendon, a friend of long standing, who had just arrived from Berlin, where his mission had been the furtherance of friendly relations to Austria; and he was now in Paris to confer with Vitzthum for a like purpose.

Nothing was more desirable for Europe, he said, than a reconciliation between Austria and Prussia. He refused most emphatically to give credence to the suspicion that money offered by Bismarck had been the incentive to the Spanish revolt. Napoleon now unburdened his heart to him. "I can be responsible for the preservation of peace," he said, "only so long as Bismarck does not transgress the present conditions. Should he unite North and South Germany, our cannons will go off involuntarily."²

¹ Taken from unpublished memoirs. ² From unpublished memoirs.

Meanwhile a conference of the three South German States had been in progress for several months in Munich, relative to the establishment of common military arrangements, which, however, proved quite as barren of results as had all the attempts to form a southern federation; it surely was in no sense indicative of an approach between the North and the South. Prussia had been a perfectly passive spectator.

But now a most surprising and sudden change occurred in Oriental affairs. The alleged instigator of the Roumanian agitations, the always evilly intentioned and unreliable Bismarck, suddenly, with two well-directed strokes, swept aside the two glowing coals which lay smouldering in North and South Turkey, threatening to ignite a war at any moment, and thereby insured peace to this part of Europe.

Bismarck had so far regarded the Roumanian proceedings most impassively. In view of the mutual distrust existing between him and Beust, he had little inclination to interpose when Beust's attention was for a time withdrawn from the Treaty of Prague and South Germany by Bratianu's revolutionary movement. He did not desire to see Austrian influence assert itself in Roumania, and always advised the Prince to hold to Russia. He thoroughly disapproved of Bratianu's agitations; he thought, however, that the firmness and discretion of the Prince would keep the disorder within bounds.

But the Prince was either to a certain degree carried away by the influence of his visionary but brilliant Min-

ister, or else he failed to gain complete information regarding the conduct of his Ministers, which was hardly surprising in a land in which he was as yet a comparative stranger. However that may be, the disorders increased in magnitude with every month.

The Porte had long ago proposed a formal examination into the attitude of the Roumanian Government by a commission of the Great Powers; and, which was of much greater weight with Bismarck, the national pride of the Magyars, who heretofore had been so well disposed to the German movement, had been touched to the quick when the Roumanians dared to extend a grasping hand toward some of the provinces of the Crown of St. Stephen, and that, as was believed, under the protection of Prussia and Russia.

The Hungarian press assumed a lofty tone. "We are," it was declared, "in full sympathy with the German development; we do not desire the readmission of Austria into the German Confederation, nor do we intend to protest should Prussia refuse to be constrained by the line of the Maine; and we know that Beust is of the same mind, for he desires but that which he can accomplish, and he can accomplish only that which Hungary desires. Should, however, the integrity of the Empire of the Danube become imperilled through Prussian intrigue, immediately the converse of all this would be true; our friendship for Prussia would go up in smoke, and Hungary and Austria combined would leave no means untried to humiliate the disturber of the peace."

Bismarck's purpose, now as before, was to work in the interest of peace rather than against it. He still believed that Napoleon was little disposed to undertake an offensive war, and that, even should the French nation force it upon him, he would still hesitate to enter upon it without a strong and reliable ally.

Since Prussia at that time could place full dependence upon Russia's friendship, everything depended upon Austria, and here, again, upon Hungary. So long as the latter remained friendly to Prussia, Napoleon could not hope for an alliance; as soon as it turned against Prussia, there arose for France the possibility to form an alliance and consequently to wage war. Under these circumstances Bismarck quickly arrived at a decision. The official press of Berlin declared again and again that it was madness for the Roumanians to expect that Prussia, for the sake of their visionary schemes, would forego the friendship of Hungary; and on November 22d, 1868, Bismarck instructed the Prussian Consul-General at Bucharest, Count Keiserling, to demand of the Prince the immediate dismissal of his Ministry, and in case this was refused to ask for his passports.

The Prince, although he had been warned a number of times by Keiserling, was sorely perplexed. Ever since his first encounter with Bratianu at Düsseldorf he had been fascinated by him, and later his ability in directing the Chambers had compelled his admiration. The necessity of parting with him affected the Prince painfully, but he submitted to the

inevitable. Thus the Daco-Roumanian Empire perished even before its birth.

In the South the efforts of the Porte to quell the insurrection in Crete had as yet been unsuccessful. Although the revolting population had reached the limit of its power to resist, it was yet enabled to hold out by the constant support received from Greece in the form of provisions, arms, and volunteers, over nine hundred men having arrived as late as December, 1868.

Meanwhile, the Porte was influenced first in one direction and then in another by the varying diplomatic advice of the Great Powers, but in every case found its military operations delayed and hindered. Finally, in view of the disagreement between the Powers, — Prussia and Russia on the one side, England, Austria, France, and Italy on the other, — the Porte decided to follow the Roumanian example of 1866, and confront the Powers with an accomplished fact. On December 1st the Government sent an ultimatum to Athens, demanding that all armed assistance should be withheld and prevented, and that in the future existing treaties based upon mutual rights should be respected; should this be refused, the immediate consequence would be the severance of diplomatic relations, the closing of all Turkish ports to Greek commerce, and the expulsion of all Greeks resident in Turkey. On December 11th this ultimatum was presented to the Greek Government; and after its rejection on the 15th, the threatened measures of coercion