

# The Vidette-Reporter.

VOL. XX.

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NO. 11

## The Vidette-Reporter

ISSUED

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During Collegiate Year S. U. I.

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All communications should be addressed,

THE VIDETTE-REPORTER,  
Iowa City, Iowa.

At a special meeting of the Board of Regents of the Smithsonian Institution, held recently, Assistant Secretary Professor Samuel Pierpont Langley, LL.D., was elected Secretary of the Smithsonian Institution, to succeed the late Professor Spencer F. Baird.

HARDLY half of our subscribers have yet paid their subscription. It is as easy to pay now probably as it would be at any other time, and a great deal more convenient for us. It would suit us exceedingly well to have all subscriptions paid by the end of the present term. It is earnestly desired by us that we receive enough very soon to enable us to begin the new year square with the printer. Let each one who has not paid consider that he is hereby personally requested to remit right away.

From a letter received from Iowa College we learn that the successful man in the oratorical contest recently held there was Mr. I. K. Wilson. The subject of his oration was "The Perpetual in Poetry." Second place was won by Mr. F. E. Palmer on "Martin Luther" This Palmer is a brother, we take it, of the Chairman of the Iowa delegation to the last Inter-State contest. Iowa College thinks it has a good man, and the students will come down here to the State contest in February in large numbers.

It will be noticed in another part of the paper that our University is well represented among those who are to take part in the college portion of the program of the State Teachers' meeting to be held at Cedar Rapids in the holidays. We are pleased to observe that in these meetings the connection of the colleges of the state with the minor schools of the state is very manifest. The best educational talent in the

state will be present at this meeting. In other parts of the program we find the names of several University alumni and we venture to say that in the attendance there will be many University students. Those who can make it convenient to attend the meeting should go.

The *Portfolio* of Parsons College comes to us in magazine form this year. The November number is a strong one and contains much interesting matter. We notice an article on "Do Oratorical contests Pay?" in which the author takes the ground that they do not, and proceeds to give his reasons for holding to that opinion. Although we are not ready to accept his conclusion that there is more evil than good in them, yet much of what he says is well founded and probably will continue to be, as long as contests are carried on.

Mr. Robert Weidensall, Secretary International committee of Young Men's Christian Associations, addressed a joint meeting of our Christian Associations last Tuesday afternoon, giving many practical suggestions regarding their work here. He especially proposed plans for advertising the building "that is to be" throughout our state, emphasizing the fact that this project, whose significance to the university is greater than is generally supposed—claims the personal support of every citizen of Iowa. Mr. Weidensall is an enthusiast in his work. He is the founder of *College* Christian associations, and as such enjoys a national reputation. The increasing interest in our association work here may well delight every friend of the University.

Those who have attended smaller colleges before coming to the University are impressed by the fact that in a great measure, students of the different departments, and even of the same department, are unacquainted with one another. We remember faces, but do not learn the names of some we daily meet. Why is this? First, the different departments separate students, both in space and tastes. Then there is so large a number of students, we cannot know them all. But there are other causes which keep apart students of the same departments,—nay, of the same classes, even the same recitations,—at a very considerable distance. Are we unsocial? No; not at all. Members of the various societies, clubs and cliques become well enough acquainted. But the members of the collegiate department, as a body, ought to be better acquainted than at present. How many know every member of their own classes? Even in social gatherings, not all are present. There is always some obscure scientist or classic of whom one is not quite sure. But how can we become better acquainted? In denominational schools, as a rule, chapel attendance is compulsory. It used to be

here. This brings all students together daily. Most of us, perhaps all, regard it a privilege—this *ad libitum* attendance. But the question arises, do we not deny ourselves a great pleasure by not willingly, gladly and regularly attending chapel exercises, because it is not compulsory? Let us not regard this matter from a religious, but from a social point of view. An alumnus of the University, who graduated in the "times which tried men's souls"—the war times—in talking about his college days, said to the writer, recently, that the happiest, the fondest recollections of those days were the daily gatherings at chapel,—that same chapel which now looks entirely too large for the growing needs of the University. He said that they got so used to it, they liked it. Four or five hundred students, with their "shining morning faces"! And all the professors before them—every morning! It became the order of the day, and what was at first a requirement became an individual want. When, on special occasions, we ourselves have collected there, what an inspiration there was in that *esprit de corps!* Roll call gives an opportunity to learn names, and going to and from the congregation gives opportunity to make acquaintances. A few are attending now almost as regularly as attendance were compulsory. Why not more do so? Let us postpone that glance over Greek, French or mathematics, or, better still, let us get up ten minutes earlier, and attend chapel exercises, happier and freer for being in harmony with this moral requirement of our Iowana.

Prof. John K. Lord of Dartmouth College in a recent article on education in Germany points out some defects in German Universities. He says: "Nowhere does the student receive general and comprehensive views. He chooses his special subjects, and hears lectures upon them only. True the whole University is open to his choice; but the prospective examination for his degree prevents departure from a special line. The University is thus broken up into a number of schools for the training of specialists in their respective subjects. Students issue from the German Universities undoubtedly better trained in their chosen branches than the students of other nations; but what they gain in concentration they lose in adaptation. They are limited in their horizon, and contracted in their sympathies and energies. He who has not made natural science his special department leaves the University without an idea of the weighty discoveries of the natural philosophers. He who has gone through the course in medicine gets no general survey of the many branches of study necessary for his calling; he has explored but one; and all subjects beyond his professional range are absolutely closed to him. The law student knows nothing

of the structure of the human body: the surgeon nothing of the elementary groundwork of law and justice; the first social economy, literature, ethnology, history and all those matters which every educated man ought to know something about, if he is to mix in society, are to a terrible degree strange to those studying in special departments. The lecture rooms lie side by side: the many schools are under one roof; the professors belong to one senate: the whole society is tied together by statutes and external organization, but the spiritual link is missing; personal avocations insulate, particular studies separate the students: and the University is nothing more than a congeries of schools for specialists."

We are inclined to believe that these very defects, while real defects [so far as the German student is concerned, constitutes the virtues of German Universities to the foreign student. It is the custom for foreign students only to finish their education at the German University, whither they go for training in some special line. They are to receive general and comprehensive views before they go there. Their general education is supposed to be quite complete. However, the German Universities are in the first place for Germany, and from Professor Lord we would infer that the whole school system of that country tended to develop specialists, and not men of general culture and wide views. If this be true objections may well be urged.

The secretary of the Oratorical Association has received notice that John G. Wirth, secretary and treasurer of the Iowa Collegiate Association, has resigned his position, and J. U. U. Wolf has been elected to fill the vacancy.

The constitution of the association provides that if a vacancy occurs when the association is not in session, it shall be filled by the association of the institution in which the officer was a member.

All communications should now be addressed to J. U. U. Wolf, Pella, Iowa, Box 43.

In the last issue of the VIDETTE, reference was made to the increase of library hours. The experiment of opening at one o'clock has been tried at a former period. No such general use followed as was anticipated, and the hours were reduced to the time required by the regulations. During the present term, however, the library has been open at about half-past one, and a few students have availed themselves of the increased time. Continuing the three and one-half hours already granted, the library will open at one o'clock, until further notice.

The glass for the museum cases has arrived, and an early completion of the works will follow.

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## LITERARY DEPARTMENT

## GERMAN UNIVERSITIES.

BY MISS GERTRUDE DAWLEY.

In the 12th or 13th century, associations of learned men were formed around whom flocked admiring students. From such associations, which were formerly attached to the monasteries and cathedrals, arose the universities. This higher school of learning was at first called *studium* or *studium generale*. But in the course of time the members of the *studium generale* formed themselves, for mutual support, into a corporation on which the general name universities came to be bestowed. In this way the universities arose almost spontaneously. It has been stated, however, that the prototype of the universities of modern Europe may be found in the schools of Isocrates and Plato at Athens, and the Museum of Alexandria. These schools did resemble the universities. Like them they conferred on those completing the trivium or quadrivium, which together comprised what was regarded as the seven liberal arts and sciences, something analogous to the degree.

Paris, Bologna, and Salerno are among the oldest universities. Crowds were attracted hither by the great advantages offered. How the two universities, Paris and Bologna originated, is not known, while the origin of every German university is known. They were founded by German princes, usually, although a few were established by the magistrates of the town. Having obtained papal and imperial permission, the founder invited teachers of renown, who in their turn drew about them zealous students. The organization of the universities was similar to that of Paris. On account of the great number, the students and teachers were divided into four nations, over each a procurator. The university of Vienna was founded, or rather organized in this way by Duke Randolph, in 1365. The first nation denominated the Southern, was composed of those from Southern Germany; the second, the Saxon, of those from Western and Northern Germany; the third was the Bohemian, the fourth, Hungarian. The faculties were also divided into four separate and distinct divisions. This system is still followed. We find the faculties of law, medicine, theology and philosophy formerly called faculty of arts in modern universities. The status of the universities kept pace with the advance of thought. New theories and systems were introduced, and in the nineteenth century we find the German universities standing at the head of all educational institutions.

Germany possesses more universities than any other country of Europe, owing to its subdivision into so many separate states. Each of the larger provinces except Posen has at least one. The standard of these institutions is very high. Much is required for entrance. The *gymnasia* prepares students for the university, to which they are admitted without examination. The American

college and the gymnasium of Germany correspond in the amount of instruction given. The organization of the university has been likened to a small republic, since it has its executive, legislative and judicial bodies. The minister of public instruction has direct command. All orders are supposed to come from the monarch. The universities are not independent of the government. Subsidies are granted to them by the state, though some are rich enough to dispense with such assistance. The legislative body consists of a senate, the members of which are the *rector*, his predecessor, the four deans of the four faculties and six chosen from the professors. It represents the highest expression of academic power and its judgment is final. Every public document published by the Senate is exempt from censorship. The discipline is in charge of the university court, at the head of which is a *Richter*. In case of ordinary offences he alone is the judge. The police officers of the court are called *beadles*. The jail belonging to the university receives students, who are convicted of any misdemeanor. Like the universities of the early times, they have four faculties, with the exception of Munster which has no faculties of law and medicine. Each year the faculty appoints its *dean*, and the four faculties in joint assembly proceed to the election of a *rector* and senate, already described. The functions of dean and rector can not be perpetuated in the hands of a single individual. They are not allowed to be given for two years in succession to the same person. There is a gradation in the professorial office. The highest class are ordinary professors, who are generally men of eminence in their respective departments. These professors form the faculty. From them the dean as well as the rector are chosen. Their number, never large, depends on the wealth and population of the university. They are appointed by the sovereign out of three candidates submitted by the faculty to which they belong. Although the professor receives a salary from the government, he is exempt from the censorship of the administration. He is not considered a servant of the state as in France. Such a thing as asking for a resignation is never thought of. Next to these professors are the extraordinary professors. These are appointed by the minister on the nomination of the faculty. Their functions are for life. They receive often no salary, except the fees of students. A regular salary is sometimes granted those whose course is not attractive to students. Rivalry arises between these two classes of professors, which of course is advantageous to the student, as he goes where he can best secure economy and profit. The third class of *privat-docenten*, in the course of time, qualify themselves to be extraordinary professors. Below these are the teachers of the languages and polite accomplishments. This last class do not have the degree of doctor. Each *docent* is obliged to give two lectures a week free of charge. Each professor delivers generally two courses or even three, for which he charges different

fees. On the program they are styled *publice*, *privatum* and *privatissime*. The lectures *publice* are the most numerous. For these the student pays the minimum fee. The other lectures are sort of conferences or actual recitations upon some special point. Very little importance is attached to the form of the lecture. It is read and does not aim to be eloquent. "The lecture rooms are small, inconvenient and poorly lighted. In fact the first corner one can find is good enough. The professor teaches as he works. He explores and shows others how. He works aloud."

The year is divided into two semesters, the winter semester, from Oct. 15th to March 15th; the summer semester commences May 1st, and ends August 1st. On entering the university, the student is allowed to attend all the courses of the faculty for the first ten days of the semester. At the end of this time he is obliged to make up his mind in regard to the courses, and present himself at the quaestor's office to be registered. He pays there for each course a certain fee fixed at the pleasure of the professor. He then may attend the lectures or not, just as he pleases. There are no examinations until he comes up for his degree. No one is allowed to graduate unless he devotes four or five years to his profession and two years to outside work. Every one is obliged to contribute to the university from 1 to 200 numbers of a thesis. A copy is handed to the dean for inspection. If deemed satisfactory the degree is conferred. The examination, which is only upon one or two subjects, is held at the dean's house, very often. The candidate presents himself in full dress. Every German student must graduate, leave the country, or lose his social position. The examination on graduation costs from \$80 to \$100. Each student has or is supposed to have some special line of work. This is called his principal issue, while he may pursue some course in connection with it forming the *side issue*.

Lectures commence early in the morning at 7 o'clock, and are kept up until 9 in the evening. Some last two hours, although the lectures never commence until 15 or 20 minutes after the hour. There are associations similar to our fraternities, but they are not secret. They are purely social, and meet once a week for an enjoyable time according to German customs. Jealousy arises between them occasionally, which is settled by dueling or fighting. They use swords, *schläger*, which are broad, blunt and sharp, about six inches from the end, or point, towards the hilt. They protect their persons well, with the exception of their faces. A scar is honorable, the *sign* of a student. Many of them, indeed those without eyeglasses, are rare exceptions.

Germany owes a great deal to her universities, as indeed do all nations. Her university system is admirably adapted to promote the advancement of science. The great investigations in spectrum analysis were begun at Heidelberg, which are revealing to us the composition of the stars. This university formerly celebrated for the study of law is now

the center of physical and physiological science of Europe.

The German universities owe their superiority and success to good professors and good laboratories. Deficient though they may be in some respects, no one can deny that they have produced the best scholars of the time.

The *Pall Mall Gazette* publishes long extracts from a new book entitled "Darwin's Life" which will soon be issued. From these extracts it appears that Darwin, as a child, was naughty, and as a boy was lazy. He left Shrewsbury school after seven years a very little wiser than when he went there. He frankly avowed that he did not work because he knew that his father would leave him enough to live on. He was placed in charge of a Dr. Brother, but his horror of the sight of blood and his repugnance to dissection prevented his becoming a doctor. After two years had elapsed his father concluded that he would not make him a doctor, and designed him for the church. He was sent to Cambridge, where he led a dissipated life, gambling and neglecting his studies. The idea of his entering the ministry was ultimately abandoned. Darwin was passionately fond of music. He frequented the concerts in college chapel and paid the choir boys to sing in his rooms. Yet his ear was strangely defective. He was incapable of perceiving a dissonance, and could not hum a tune correctly. In 1839 Darwin became a deist and thereafter remained one. "Never in my most extreme fluctuations," he wrote, "was I an atheist. I never denied the existence of God."

At the State Teachers' meeting at Cedar Rapids, on the afternoon of Dec. 28th, Dr. J. L. Pickard will make the Report of the Committee on College Sports. Prof. Anderson will read a paper answering the question, "Do our Colleges give Sufficient Prominence to the Study of English." A paper, "Christian Colleges Will Live and they Ought to Live," will be read by Prof. Parker. The college section of the program will be given Wednesday afternoon, and this will be the most interesting part of the whole meeting to college students.

The number of young ladies' colleges and lycees is increasing year by year in France. There are now sixteen lycees and nineteen colleges, containing about five thousand students. Six or eight more of these establishments are to be opened next year, and still a larger number the year after. Thus far the pupils are almost all children of non-Catholics and government functionaries. It will be a long time before the colleges can compete successfully with the convents, in which the French ladies of the last generation were educated.

The *Dartmouth* of Dartmouth College is one of the best college papers we receive. It is published fortnightly and its circulation of 1,100 is said to be the largest of all college papers in the country. The paper is in many respects a model of its kind.



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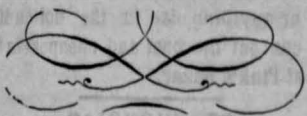
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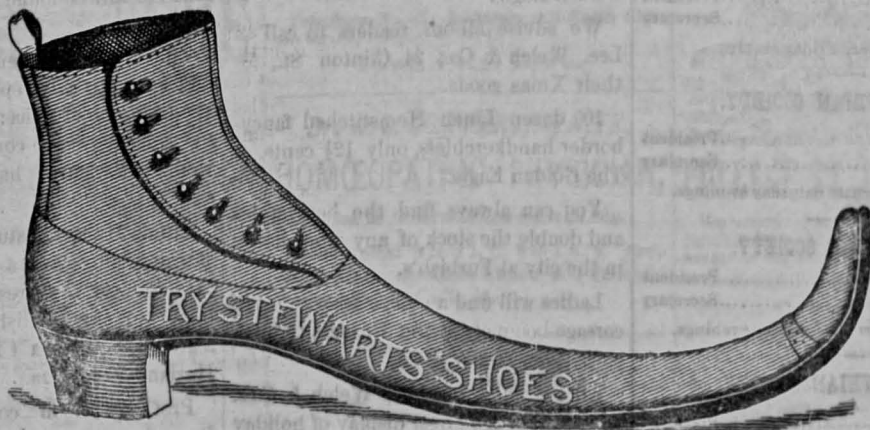


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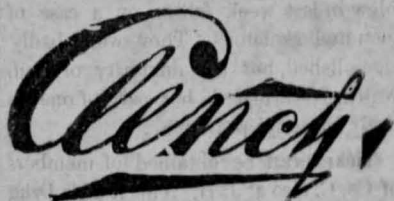
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President's recitation room. All  
are cordially invited.

## LOCALS.

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Have you seen the mermaid?  
"Only a Farmer's Daughter."  
School will close on Tuesday, the 20th.  
Nice Manicure sets at Louis & Greer's.  
Frank D. Johnson '84 is now at Kansas City.  
See the large line of Jersey caps at The Golden Eagle.  
The chemistry class had no recitation last Monday morning.  
Some fine pearl opera glasses just received at Louis & Greer's.  
Genuine Seal-skin caps at wholesale prices at The Golden Eagle.  
Buy your holiday goods at The Golden Eagle, and save 33½ per cent.  
The fashions in hat trimming seem to be rather perplexing this season.  
Holiday gift books at Lee's Pioneer Bookstore, 118 Washington street.  
"Only a Farmer's Daughter" is a play of the first class. Don't fail to see it.  
B. C. Cory, our State orator in 1876, is now pastor of a church in San Diego, Cal.  
No "prompting" permitted in Sophomore rhetorical. A good suggestion.  
All Overcoats and heavy winter goods have been marked down, as we must reduce our stock by Jan. 1st.—The Golden Eagle.  
Co. C. would be glad to see you at the opera house Friday evening, December 16th.  
J. H. Trundy at Millett's dye works blocks and repairs hats. Silk hats a specialty.  
Finest display of holiday goods at Lee's Pioneer Bookstore, 118 Washington street.  
Go to Cash & Hunt's meat market, opposite Opera House, for choice meats of all kinds.

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You can always find the best styles and double the stock of any other house in the city at Furbish's.

Ladies will find a choice assortment of corsage bouquets at the University book store, Lee, Welch & Co.

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Is convenience paramount to beauty? If so, the appearance of those beams and plank upon the front steps is solved.

Work baskets, Waste Paper Baskets, Lunch Baskets, etc., at lowest prices. Lee's Pioneer Bookstore, 118 Washington street.

Miss Mary Kelley, Kinross, Ia., is a guest of Miss Nellie Harney. Miss Kelley will join the University as a freshman next term.

Less noise in the Senior Law lecture room from 9 to 10 o'clock would greatly oblige those engaged in recitation below. Please, gentlemen.

All students are cordially invited to attend the dance at Hams' Hall next Thursday evening. A very enjoyable time is anticipated.

We have as yet failed to chronicle the magnetic effect of the gilt letters on the secretary's window. "Bloody" is the only word that expresses it.

Autograph, Photograph, and Scrap Albums, the largest and best assortment at lowest prices. Lee's Pioneer Bookstore, 118 Washington street.

Toilet Sets, Manicure Sets, Shaving Sets, Writing Desks, Work Boxes, Collar and Cuff Boxes, at Lee's Pioneer Bookstore, 118 Washington street.

The introduction of chestnuts into the Hesperian program last Saturday evening was such an unusual occurrence that the president was overcome and forgot to adjourn the meeting.

One of our quiet sanctimonious Juniors was deluded into the auction, and was bamboozled into bidding upon a cribbage board, the use of which he was ignorant of. Well, he got the cribbage board, and some time later invited a friend to teach him the game. The climax was reached when Anthony produced the board and pegs ready for business, but unaided by the required auxiliary.

The gymnastic lessons have received a temporary postponement, owing to a disagreement between the proprietor and management. A new home for our athletes will be found within the next week.

An Ohio belle, when asked if she had met a certain lady replied in a very captivating tone of voice: "I has not seen her since she have come. I would have went round, but I hain't had no time still!"

Linnie Hunter, a student of Cornell in '80, and afterward a graduate of Iowa City, is now the presiding genius of a home at South English. Her sister, also a graduate of Iowa City, is teaching at Harlan.—*Cornellian*.

Prof. Anderson contributes to the December number of *The Dial* a review of Boswell's Life of Johnson as edited by George Birkbeck Hill of Pembroke College, Oxford. The Professor bestows high praise upon Mr. Hill.

One of the windows of the museum blew in last week falling on a case of mounted skeletons. They were badly demolished, but the dexterity of Prof. Nutting returned all but part of one to their former appearance.

Tickets can be obtained of members of Co. C. also at J. H. Whetstone's Drug Store and Lee, Welch & Co.'s Bookstore, and can be reserved at Fink's without extra charge on Wednesday morning, December 14th.

Students of the University and their friends will find C. L. Mozier's 125 Washington street, the best place to buy supplies in his line. His stock represents the novelties as they appear in market is large and varied, and his prices are always popular.

President Schaeffer was in Des Moines a part of the week on University business. In an interview there he expressed himself as well pleased with the present condition of the University and its prospects. He did not fail to say a good word for the students too.

Report has just reached us of another Junior who was a victim of the auction. He bid up high on what he supposed to be a fine German dictionary. After he had outstripped all other competitors and paid for the book, it was found to be a Catholic Bible.

This morning we met Mr Baker, who is engaged in working up the play "Mikado" that will be seen at the opera house Dec. 19th. Mr. Baker spoke enthusiastically of the prospect of success. The character of the rehearsals points to a splendid rendering of the play.

The following cheering words come to us from Cornell College: "The S. U. I Christian Associations have raised \$2,000 of the \$6,000 for a new building which they intend to erect. This is a move in the right direction, and we are glad to see it. Success to the project."

The Dental Department hands in the following: Dr. W. J. Brady, whose work in the Dental Department we noted

some time ago, returned to Newton Friday morning. The Board of Regents will do well to bear him in mind, for the combination of artist and scientist is a rare one, and in the future he may prove invaluable to the University.

Farmer's Daughter, Dec. 16th.

Some of the classes are occasionally annoyed by noises emanating from the upper N. E. room of the central building. We strongly appreciate the enthusiastic manner in which the boys are preparing themselves to enter into the spirit of the active duties of their profession. We recognize its importance, but we have a gymnasium and a campus which are suitable places to work off all good spirits, and it would be more agreeable to have actions suited to their time and place.

Mr. G. W. Newton who graduated from the collegiate department last June and who has taken post-graduate studies here this term, has recently been elected to the principalship of the public schools of Grafton, Nebraska. He has accepted the position and will begin his work on the second of January. Mr. Newton graduated at the Iowa State Normal in '82. He has had three years' experience as a teacher. We congratulate the people of Grafton on securing the services of a man of such superior character and excellent qualifications. He will be missed by us. Our best wishes attend him.

In a recent number of the *Carbondale Advance* of Carbondale, Colo. we find several items speaking in praise of Mr. J. E. Dearing and his work. It will be remembered that he is the husband of Lulu Gorton Dearing. Among other things we find this: "Another very busy man of the town is Mr. Dearing, superintendent of construction of the Aspen and Western railroad and a heavy owner of town property. Mr. Dearing is a fine public spirited gentleman and is taking a practical interest in building up the town. He has three substantially built tenements already occupied, and recently let the contract for six additional houses. He is also proprietor of the Dearing building stone quarrie, of which more appears in another column."

When you want a good cigar, fine tobacco, the best spectacles, pocket knives, scissors, razors, opera glasses, fountain pen, or anything else in the notion line, you can get the best and cheapest in the city at Fink's Bazar.

## ST. NICHOLAS

For Young Folks.

Since its first issue in 1873, the magazine has maintained, with undisputed recognition, the position it took at the beginning,—that of being the most excellent juvenile periodical ever printed. The best known names in literature were on its list of contributors from the start,—Bryant, Longfellow, Thomas H. Hughes, George McDonald, Bret Harte, Bayard Taylor, Francis Hodgson Burnett, James T. Fields, John G. Whittier; indeed the list is so long it would be easier to tell the few authors who have not contributed to "the world's child magazine."

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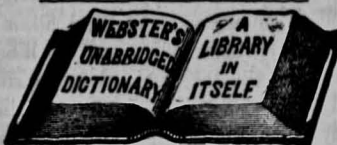
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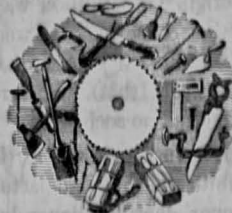
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## LAW DEPARTMENT.

J. H. RANDALL, Editor.

WASHINGTON, Dec. 6.—Justice Harlan delivered the opinion of the court yesterday, in the two so-called prohibition cases of Peter Mugler, plaintiff in error, vs. the State of Kansas, and in the case of the State of Kansas vs. Herman Ziebold and others, and affirming the judgement of the lower court, in the two "Mugler" cases, and reversing the judgement in the Ziebold case. The effect of this opinion is to declare valid the prohibition laws of the State of Kansas, and of course is a decided victory for the Prohibitionists. The decision is very important, and likely to be far-reaching in its consequences. The judgement of the court was pronounced in a long and elaborate opinion by Justice Harlan, who said:

"The general question in each case is whether the prohibition statutes of Kansas are in conflict with that clause of the fourteenth amendment which provides that 'no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property without due process of law'. That legislation by a State prohibiting the manufacture within her limits of intoxicating liquors, to be there sold or bartered for general use as a beverage, does not necessarily infringe any right, privilege or immunity secured by the constitution of the United States, is made clear by the decisions of this court, rendered before and since the adoption of the fourteenth amendment. It is, however, contended that, although the State may prohibit the manufacture of intoxicating liquors for sale or barter within her limits, for general use as a beverage, no convention or Legislature has the right, under our form of government, to prohibit any citizen from manufacturing, for his own use, or for export or storage, any article of food or drink not endangering or affecting the rights of others.

"The argument made in support of the first branch of this proposition, briefly stated is: that in the implied contract between the State and the citizen, certain rights are reserved by the latter, which are guaranteed by the constitutional provision for the protection of life, liberty and property against deprivation without due process of law, and with which the State cannot interfere; that among these rights is that of manufacturing, for one's own use, either food or drink; that while, according to the doctrines of the Commune, the State may control the tastes, appetites, habits, dress, food and drink of the citizen, our system of government, based upon the individuality and intelligence of the people, does not claim to control him except as to his conduct to others, leaving him the sole judge as to all that affects only himself.

"There is here no justification for holding that the state, under the guise merely of police regulations, is aiming to deprive the citizen of his constitutional rights; for we can not shut out of view the fact within the knowledge of all,

that the public health, the public morals and the public safety may be endangered by the general use of intoxicating drinks. Nor can we ignore the fact, established by statistics accessible to every one, that the disorder, pauperism and crime prevalent in the country are in a large measure directly traceable to this evil. If, therefore, a state deems the absolute prohibition of the manufacture and sale within her limits of intoxicating liquors for other than medical, scientific and manufacturing purposes, to be necessary to the peace and security of society, the courts cannot, without usurping legislative functions, override the will of the people as thus expressed by their chosen representatives. It is a fundamental principle in our institutions, indispensable to the preservation of public liberty, that one of the separate departments of government shall not usurp powers committed by the constitution to another department. And so, if in the judgment of the Legislature, the manufacture of intoxicating liquors for the maker's own use as a beverage would tend to cripple, if not defeat, her efforts to guard the community against the excessive use of such liquors, it is not for the courts, upon their views as to what is best and safest for the community, to disregard the legislative determination of the question. So far from such a regulation being inappropriate to the general end sought to be accomplished, it is easy to be seen that the entire scheme of prohibition, as embodied in the constitution and laws of Kansas might fail if the right of each citizen to manufacture intoxicating liquors for his own use as a beverage were recognized. Such a right does not inhere in citizenship. Nor can it be said that the Government interferes with or impairs any one's constitutional rights of liberty or of property when it determines that the manufacture and sale of intoxicating drinks for general or individual use as a beverage are or may become hurtful to society and to every member of it, and is therefore a business in which no one can lawfully engage. This conclusion is unavoidable unless the fourteenth amendment of the constitution takes from the States of the Union those powers of police that were reserved at the time the original constitution was adopted. But this court has declared, upon full consideration (in Barber vs. Connolly, 113 U. S. 31) that the fourteenth amendment had no such effect.

"With reference to the assertion that the prohibition of the manufacture and sale of liquor deprives liquor-dealers of their property without due process of law, the court says that all property under our form of government is subject to the obligation that it shall not be used so as to injuriously affect the rights of the community and thereby become a nuisance. The State of Kansas had a right to prohibit the liquor traffic. It did not thereby take away the property of the brewers. It simply abated the nuisance. The property is not taken away from its owners; they are only prohibited from using it for a specific purpose, which the Legislature declared to be injurious to the community.

"It will be observed that the proposition and the argument made in support of it equally concede that the right to manufacture drink for one's personal use is subject to the condition that such manufacture does not endanger or affect the rights of others. If such manufacture does prejudicially affect the rights and interests of the community, it follows from the very premises stated by counsel that society has the power to protect itself by legislation against the injurious consequences of that business. As was said in Mum vs. Illingers (94 U. S., 124), while power does not exist with the whole people to control rights that are purely and conclusively private, the government may require each citizen so to conduct himself and so to use his property as not necessarily to injure others.

"But by whom or by what authority is it to be determined whether the manufacture of particular articles of drink, either for general use or for the personal use of the maker, will injuriously affect the public? Power to determine such questions, so as to bind all, must exist somewhere, else society will be at the mercy of the few, who, regarding only their own appetites or passions, may be willing to imperil the peace and security of the many, provided only they are permitted to do as they please. Under our system that power is lodged with the legislative branch of the government. It belongs to that department to exert what are known as the police powers of the States. It must be determined primarily what measures are appropriate or needful for the protection of the public safety.

"It does not at all follow from these principles that every statute, enacted ostensibly for the promotion of these ends is to be accepted as a legitimate exertion of the police powers of the State. There are of necessity limits beyond which legislation can not rightfully go. As the courts must obey the constitution rather than the law-making department of government, it must upon its responsibility determine whether in any particular case these limits have been passed. The courts are not bound by mere forms, nor are they to be misled by mere pretense. They are at liberty—indeed are under a solemn duty—to look at the substance of things whenever they enter upon the inquiry whether the Legislature has transcended the limits of its authority. If, therefore, a statute purporting to have been enacted to protect the public health, the public morals or the public safety, has no real substantial relation to these objects, or is a palpable invasion of rights secured by the fundamental law, it is the duty of the courts to so adjudge, and thereby give effect to the constitution.

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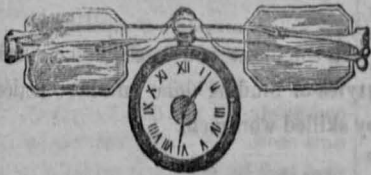
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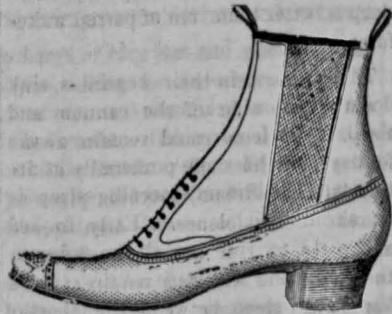
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## MEDICAL DEPARTMENT.

A. L. HAGEBOECK, J. H. SINNETT, Editors.

"She is smiling."

J. D. Wolfe is director of the S. U. I. Observatory, and extends a cordial invitation to all Medical students interested in Astronomy on any Saturday evening.

The Medical clinic of last Monday was the best we have had thus far this year. Sixteen persons from various parts of the State, presented themselves for treatment, illustrating a great variety of cases.

The custom is growing in Europe of the manufacture of gloves, shoes, purses, etc., from human hide. The skin properly tanned produces a leather of very fine texture, and great strength. If the boys would start a tannery here, their best girls could be provided with Christmas presents of great interest.

"Billy" Green is in love. The enamored one attends divine worship at St. Patrick's church, and "Billy" may be seen on Sundays wending his way in that direction. We promised not to divulge the startling intelligence, and will refer to "Jimmy" Barry for further information upon the subject. She doesn't hail from West Liberty this time.

A meeting was called by the first year's on Tuesday last, at 4 P. M., for the purpose of organizing the class. Mr. Detwiler was elected chairman *pro tem*. The question arose as to the purpose and end to be obtained by an organization to which Mr. Detwiler replied that they had no particular object in view, but as it had been customary heretofore to effect a class organization, he thought they ought to do the same. Short remarks were now made for and against organizing by Messrs. Munger, Gray, Andrews, Snider, Dunkleburg, Scofield, Newell and Cogswell, when it was put to a vote which resulted in 15 for and 17 against; after which the meeting adjourned.

**SLEEP.** An eminent English physician says: "If you would live long, put a bar of solid sleep between the labors of every day." This advice is of especial value to students and all who do mental work. Sleep is the rest of the brain, the heart requires no rest, the muscles recover their tone if allowed repose, but the brain requires sleep, profound sleep, to recover itself.

The over excited brain works on incessantly and no sleep comes until madness results. The brain and all the body is only safe with its bar of solid sleep. Dreams are the result of partial or incomplete sleep; the co-ordinating power is lost, and the mind wanders unchecked into all kinds of absurdities; sometimes it does regular work, the mathematician solves problems in his dreams. Such sleep is not perfect; a dreamy sleep is only partial rest, not solid sleep.

Good sleep is promoted by regular habits; be careful of the stomach that it does not become "an accusing conscience,

that murders sleep." Regularity of rising and retiring has much to do with good sleep. Some people seem to require much more sleep than others; it may be from a difference in constitution, but is more often from the quality of the sleep. Four hours of easy dreamless sleep is better than ten of partial wakefulness.

The gunners, in their weariness, sink down by the side of the cannon and sleep. Napoleon could remain awake for days, but he slept profoundly at intervals. The dreamy morning sleep is mere trifling indolence. "Early to bed and early to rise" are all the hyprote the young and vigorous require. Put a bar of solid sleep between the labors of every day to be scholars, and to live long.

**REASON AND INSTINCT.**—Many of our daily acts are performed mechanically, and seemed almost instructive, and yet they are the result of a train of reasoning. The action has become a habit, the steps by which we reached it are forgotten. It is probable that what we call instinct in animals, may, in many cases, be the habit that comes from one developed brain organ.

The psychologists tell of "muscular sense," as when we walk, we calculate without attention the length and distance of every step. Watch the child learning to walk, and note how long he is acquiring the art. Dr. John Brown who wrote "Rab and his Friends," tells a story of Dr. Abracromba, the celebrated writer on mental disease. Two young men asked him to see a patient of theirs, who had some obscure disease of the stomach or bowels as they thought. He walked carelessly into the room, looking at several things, examining some curiosities on the mantle, then giving a little start as if remembering what he came for, he suddenly went up to the bed, looked at the patient, felt his pulse, asked one or two indifferent questions and came away. When out of the room he said the man had brain disease, and would die. They did not question the announcement, but both were certain he was wrong; they saw no such symptoms, and thought he had made no adequate examination. In a few days the man died, and on post mortem the doctor's diagnosis was found to be correct. How did you tell so quickly, they asked. Oh I do not know, he said, and if I did I could not tell you. I have forgotten the steps of the reasoning. Something in the patient's look told me. You must learn to tell in the same way.

One of the events that will long be remembered by the boys was Prof. Clapp's reception last Thursday evening. The doors of his beautiful home were thrown open to the entire class, and to a man did the students respond. We knew the Doctor's ability as an anatomist and lecturer, and he showed himself now as a delightful entertainer and host, and assisted so well by his wife and several ladies, made the occasion one of great pleasure. The meeting, socially, of Profs.

and students, is of great benefit. It tends to promote kindly feelings, to give a healthy relaxation from work, and best of all gives opportunity for students to get acquainted with their professors. In a short time we will be professional brethren with them, to span the gulf gradually is wisdom. We believe we echo the class sentiment when we say "Many thanks delightful host and hostess."

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### The Century Magazine.

With the November, 1887, issue *The Century* commences its thirty-fifth volume with a regular circulation of almost 250,000. The War Papers and the Life of Lincoln increased its monthly edition by 100,000. The latter history having recounted the events of Lincoln's early years, and given the necessary survey of the political condition of the country, reaches a new period, with which his secretaries were most intimately acquainted. Under the caption

#### Lincoln In The War,

the writers now enter on the more important part of their narrative, viz.: the early years of the war and President Lincoln's part therein.

#### Kennan on Siberia.

Except the Life of Lincoln and the War Articles, no more important series has ever been undertaken by *The Century* than this of Mr. Kennan's. With the previous preparation of four years' travel and study in Russia and Siberia, the author undertook a journey of 15,000 miles for the special investigation here required. An introduction from the Russian Minister of the Interior admitted him to the principal mines and prisons, where he became acquainted with some three hundred State exiles,—Liberals, Nihilists, and others,—and the series will be a startling as well as accurate revelation of the exile system. The many illustrations by the artist and photographer, Mr. George A. Frost, who accompanied the author, will add greatly to the value of the articles.

#### A Novel by Eggleston

with illustrations, will run through the year. Shorter novels will follow by Cable and Stockton. Shorter fictions will appear every month.

#### Miscellaneous Features

will comprise several illustrated articles on Ireland, by Charles De Kay; papers touching the field of the Sunday-School Lessons, illustrated by E. L. Wilson; Wild Western life, by Theodore Roosevelt; the English Cathedrals, by Mrs. Van Rensselaer, with illustrations by Pennell; Dr. Buckley's valuable papers on Dreams, Spiritualism, and Clairvoyance; essays in criticism, art, travel, and biography; poems; cartoons; etc.

By a special offer the numbers for the past year (containing the Lincoln history) may be secured with the year's subscription from November, 1887, twenty-four issues in all, for \$6.00, or, with the last year's numbers handsomely bound, \$7.50.

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