

the Professor to be enthusiastic all over the landscape and correspondingly popular. But it also makes possible the spawning of thoroughly bad books, slovenly writing, and rank misinformation in prodigious editions. There is a definite need for condemning rubbish when the public is being hornswoggled into mistaking it for the real thing. That need, after fifty years in a great university and with a following that makes his lightest word of consequence, Professor Phelps has never tried to meet.

His "criticism" represents that cheap and easy enthusiasm about everything which is the curse of America's false quantity-philosophy. Of the real criticism that a true quality-philosophy would demand — cool and keen, applying exacting and well-defined standards before it praises or condemns, but quite ready to do either as literary justice demands — his work shows

scarcely a trace. His personal charm, his gifts as a speaker, his skill as a writer, have given him an influence that ought to have raised the standard of American taste considerably. Instead, he has chosen to be the cheer leader of cheap taste, the patron of trash, our leading merchant of literary mediocrity.

Nor is he likely to change at this late date. Professor Phelps is now so firmly ensconced in the hearts of his countrymen, and especially his country-clubwomen, that nothing will ever dislodge him. This unhappy land faces countless years of burbling enthusiasm and indiscriminate endorsement. Professor Billy will undoubtedly keep right on until the Day of Judgment when he can be definitely relied upon for one last sweeping endorsement of Gabriel's performance on the trumpet of doom.



FARTHER SIGHT

BY HOWARD Mc K. CORNING

THAT peak that hangs on the farther sight
 Would appear, you'd think, about the same
 To any one gazing, left or right;
 Familiar on earth and certain in name.

Yet some one far on the other side
 Is gazing now at the selfsame peak;
 But whether as one well-satisfied —
 I ask, but I cannot hear him speak.

Nor he this musing aloud of mine. . . .
 In a later day from a same-side view —
 If we chance to meet and our words incline —
 That mountain may be an only clue
 To our different selves and our unlike tongue,
 And tell us the truth, unsaid, unsung.

THE SUPREME COURT GROWS UP

BY J. H. OPPENHEIM

ON A Monday noon in February, 1790, young John Jay, Secretary of Foreign Affairs, walked from the Federal Hall in Wall Street to a commercial structure situated at the foot of Broad. There, in a small upstairs chamber of the Royal Exchange, the lordly leader of Washington's cabinet—acting in his alter-capacity of Chief Justice—opened for business the Supreme Court of the United States. On a Monday noon last month, in the city of Washington, one hundred and forty-five years later, Charles Evans Hughes, forty-third Secretary of State after Jay, and eleventh Chief Justice, entered the portals of a great new Corinthian temple, a nobly proportioned holy of holies constructed of white marble, and there presided while, for the first time, the Supreme Court transacted business in a building of its own. Thus a strange history was ended; the history of a century and a half of shabby treatment at the hands of Congress; a long epoch of abuse in which the Court was shunted from one miserable courtroom to another, discomfited by circuit riding, plagued by a mass of petty litigation, and attacked for its arrogations of power.

For the Supreme Court has not always received the reverence and honor accorded it today. The sharp contrast between the makeshift courtrooms occupied since 1790, and the resplendent Ark of the Constitution recently dedicated, correctly reflects

the vast changes in the Court's political and social history. Compared with the veneration given the present members, the amount of prestige accorded the early justices was microscopic; and the existing code of punctilio makes the old judicial folkways appear almost crude.

John Marshall himself, who "found the Constitution paper and left it power", would be overawed by the formidable facade of the 1935 tribunal. It was often his pleasure, after packing Mrs. Marshall off to relatives for the night, to entertain the justices and their cronies with wine and song until the small hours. Nor was he ever a bit dismayed at the familiar manners of a Clay, who would help himself nonchalantly, during the course of a profound argument before the Court, to a pinch of snuff from the tin which Justice Bushrod Washington kept at his elbow on the bench. Such defections are unthinkable today. And so too are many other activities of those early justices who often meddled in affairs of state, took the stump for presidential candidates, and even angled for higher political office. They wrote letters of advice to Congress and the Chief Executive; hobnobbed with legal bigwigs; divulged decisions days before they were officially handed down; waged political warfare in the newspapers; pursued fame off the bench by delivering lectures, eulogies, and literary addresses; and indulged in a multitude of foibles that would lead to the impeach-