

that it lay within the police power of the State to make such regulation of the hours of labor as is necessary for the health and well-being of the community, and that whether such regulation is required in the case of a bakery is for the Legislature, not for the courts, to determine. The view of the minority in this case involved the broad principle that the right of free contract is subordinate to the general well-being of the community, and that when such contract interferes with the general well-being of the community it is not unconstitutional to limit or regulate it. This principle was subsequently reaffirmed by the unanimous decision of the Supreme Court that it is legitimate for the courts, in the interest of the community, to limit the hours of labor of women in mines and factories.

In the case of "In re Neagle" it was held by the Supreme Court, Justice White concurring in the opinion, that, under the general clause of the United States Constitution authorizing the President to take care that the laws be faithfully executed, he is authorized, not merely to enforce specific Acts of Congress, but also to take measures to furnish all the protection to person and property implied by the nature of the Government under the Constitution.

In the Northern Securities Case certain gentlemen acquired a controlling stock interest in three previously competing railways, which thus came under their united control. The Court held that such acquisition of stock control was a violation of the Sherman Anti-Trust Law forbidding contracts in restraint of trade. Four out of the nine judges dissented. Mr. Justice White was one of the four, and wrote the leading opinion of the minority. This case turned rather upon the construction of a statute than of the Constitution; but Mr. Justice White's opinion made it clear that in his opinion Congress not only had not forbidden such joint acquisition and ownership of property represented by stock, but had no Constitutional right to do so. The theory that Congress could prohibit such acquisition and ownership of property he declared to be "in conflict with the most elementary conception of rights of property."

Grouping these decisions together, we think it may be said that Mr. Justice White

has shown himself to be both a Nationalist and Humanist, and believes: that the union of States constitutes a Nation and possesses all the prerogatives which belong to a Nation; that the liberties of the individual must be exercised in subordination to the general welfare of the community; that both the law and the Constitution are to be construed in a large way as instruments for the protection of human rights and the promotion of liberty and justice; and that the powers conferred by the Constitution must not be so hedged about by narrow construction as to prevent their free exercise in securing the general ends for which in the preamble to the Constitution it is declared the Union was formed.



## AMERICAN ART AND SCHOLARSHIP IN ROME

Mr. Joseph Pennell, the American etcher whose art has enabled New Yorkers to recognize in their city artistic effects of which they were only partially conscious, urges that immediate action be taken to prepare for a creditable showing of American art at the International Exhibition of Art and History to be held in Rome next March, emphasizing what many people in this country do not understand, that, if America is to regard herself as a world power, she must put forward her work in art as well as her work along practical lines. When one recalls what was done in this country in the way of artistic stimulus and artistic development by the Philadelphia, Chicago, and St. Louis Expositions, and the great importance which European opinion attaches to art production, Mr. Pennell's statement does not seem too strong. A year and a half ago the Italian Government asked Mr. Pennell to undertake to secure adequate representation of American art in Rome. It took him, according to his statement, one year to accomplish anything, because our Government has no machinery for dealing with expositions. European Governments have their Ministries of Fine Arts; and the British Government, which has no such Ministry, has made its Board of Trade, which corresponds to our Department of Commerce and Labor, an exhibits branch, with a permanent staff and

appropriation. An Exhibition Board might be established as a branch of some department in Washington. For the Roman Exhibition Messrs. Carrere & Hastings, the well-known architects, have designed a building, now being erected, to contain the American exhibit. The edifice is Colonial in character and is being built of permanent material, tapestry brick—essentially an American feature—being used for the exterior walls. Our Government applied so late for space that it is entirely omitted from the architectural competition, though our pavilion is nearly finished.

During the past year there were three expositions—one in Brussels, one in Argentina, and one in Chili. The United States was entirely without representation in Antwerp, except, to quote Mr. Pennell, "by a lot of agents for typewriters and peanuts." There has been no adequate exhibit of American art abroad since that of 1900 in Paris. At Venice, last year, our Government was offered a permanent pavilion, but showed no disposition to accept the offer, and it was taken by an Englishman. Almost every branch of industry in this country is highly organized; in the various arts, however, if such machinery exists, it is still inadequate. The artists have their various societies. The National Institute of Arts and Letters, the American Academy of Arts and Letters, including representatives from all the arts, find here an opportunity for leadership which they will not miss. Certain things can be done by organization in the industries which cannot be done in the arts; but, on the other hand, concentration of effort, opinion, and co-operation on the part of artists to secure certain definite artistic ends may do much to forward the interests of art in the United States, to develop the growing love of art and to spread a knowledge of its principles and excellence.

But American art and scholarship are permanently represented in Rome by two institutions which stand for the higher civilization of this country in a city which is a center of study because of its vast accumulation of the materials of art and knowledge. The American Academy in Rome is delightfully housed in the out-

skirts of the city in the Villa Mirafiore, with spacious and attractive grounds and commanding charming views of the Campagna and the Alban hills. It is under the direction of a well-known American painter, Mr. Frederick Crowninshield, who has made it not only a stimulating and fascinating place of study, but, with the aid of Mrs. Crowninshield, a center of delightful hospitality to Americans who care for art and to cultivated men and women of all nationalities who happen to be in Rome. The French Academy has a more stately housing in the ancient palace of the Medici, in the lovely gardens of which the fortunate winners of the *grand prix de Rome*, the great reward of excellence for French students of art, sketch and play, but the American students seem almost equally fortunate so far as living and working conditions are concerned. Their Academy offers a post-graduate opportunity to young Americans of promise and devotion who meet the conditions of competition, which is open to all citizens of the United States. The prizes of Rome provided by the Academy in architecture, sculpture, and painting carry with them extraordinary privileges of residence in Rome and study under expert direction, and of travel in Italy, Sicily, Greece, and other countries where classic and Renaissance remains exist. The Academy has been fortunate in securing the support of a number of men interested in the advancement of American art, but it needs, and ought to have, a considerable addition to its resources.

American scholarship is admirably represented in the Italian capital by the American School of Classical Studies, founded fifteen years ago and supported by the co-operation of a number of universities and colleges in this country and by private generosity. It is very pleasantly housed, and is under the energetic and very capable direction of Professor Jesse Benedict Carter. Students must have a reading knowledge of Greek, Latin, German, French, and Italian, and the school is open to men and women who hold the degree of Bachelor of Arts from universities and colleges in good standing and present a recommendation from the classical department of the institution at which they have studied last. Rome is a vast laboratory, and the School aims at research

rather than instruction. The students work in libraries, museums, and among historic remains under expert direction; and the School offers an opportunity for post-graduate work not only in Rome but by means of excursions to points of historic interest in many other parts of Italy and in Greece. Its importance to American scholarship in the classical field can hardly be overstated. Its resources are limited, and it greatly needs a generous endowment.

Americans are represented jointly with Englishmen in the very interesting Keats-Shelley Memorial. The rooms in which Keats died, on the Piazza di Spagna, at the foot of the Spanish Steps, and in a square very little changed by the growth of modern Rome, are sacred to lovers of English poetry by reason of their pathetic association with the poet, and are fast becoming a place for special study, not only of Keats and Shelley, but of men of letters associated with them. The Memorial's collection of books is already valuable and is becoming very important. The rooms are, so far as possible, in their original condition, and contain many relics of deep interest to students of poetry. They form a memorial of vital and growing usefulness; a true commemoration of genius, because they foster and spread the influence of two poets in whose work the finest quality of poetry abides. The room furnished by the New York Stock Exchange, as a memorial to Mr. Stedman, happily associates with the two poets one of their most devoted interpreters. This beautiful memorial, which owes much to the energy and persistence of Mr. Robert Underwood Johnson, has the affectionate and tireless attention of Mr. Nelson Gay, the historian, who now resides in Rome, and of Sir Rennell Rodd, the accomplished British Ambassador in that city. No American in Rome should fail to visit these delightful rooms, nor to spend an hour in the Protestant Cemetery where the poets are buried—a place of solemn and tender beauty.

An embassy officially represents a government in a foreign capital, but schools devoted to art, to scholarship, to the deepening of interest in the masters of idealism and of literature, interpret the higher life of a nation, and stand, not for the work of its hands, but of its spirit.

## THE SPECTATOR

The Spectator has been staying with a cousin who, in the expressive neighborhood phrase, is "chicken-crazy." This state of mind is usually that of an early period of the pursuit, and the Spectator's cousin is no exception. Yet, though he has not been at it a year, the first fine glorious flush of hope is inevitably over, and he is beginning to look realities in the face. As for his wife, she has been looking them in the face from the beginning, for, as she complains, "all her pin-money has been sunk in pin-feathers." It is, indeed, an eloquent fact that never, even in his most enthusiastic moments, will the Spectator's cousin show his account-books or discuss expenses.

Since visiting in chicken circles, indeed, the Spectator has ceased to wonder at the price of eggs. In the first place, there is the modern housing of chickens. In the Spectator's boyhood the chicken-coop was a simple affair. Any old box, turned on end and slatted, was good enough for a hen and her brood, and any old shed did for a roosting-place. The chickens often roosted all over the carryall, in fact; whereas to-day the carryall is an automobile and the chicken-coop a serious structure. For the sides and back of the up-to-date house the best-matched boards, double, with roofing paper between, must be used. They keep the four winds of heaven from blowing too roughly upon the thoroughbred inmates, while glass or muslin screens in front regulate the temperature and ventilate the place. The roosts are almost cabinet-work, the floors of concrete, and the furniture, in the way of trap nests, water fountains, hovers, etc.—all listed in the catalogues at reprehensible prices—is palatial. "I am no chicken," remarked the cousin's wife, pensively; "but if I were, I could get the parlor furnished. It needs it badly, but Tom is not interested in the least. To be a Rhode Island Red is the only way to Tom's pocketbook."

The Rhode Island Red is certainly a handsome chicken. A flock of them, crowded together in their reception-room, reminds one of a Turner sunset, and the