

from my California readers, let me add that there are picturesque Spanish architectural remains in California also. I have no desire to thrust my head into the battle of the Californian and Floridian orangemen which sometimes rages

quite as violently as the battles of the Orangemen of old Erin.

But there ought to be no jealousies or antagonisms between our two Riviera States. There is room and need for both. Let both bend their energies to

their highest development. Their real competitors are on the shores of the Mediterranean, where Nice, Cannes, Mentone, San Remo, and Bordighera are still the centers of the most highly cultivated winter gardens of the world.

Washington's Contribution to the Constitution¹

By JOHN ALLEN KROUT, A.B. (Michigan), A.M., Ph.D. (Columbia)

Assistant Professor of History at Columbia University

ON Friday morning, May 25, 1787, the delegates from nine States to the Federal Convention in Philadelphia had taken their places in the State House, when Robert Morris rose and nominated "His Excellency George Washington, Esquire," to be President of the Convention. Without delay the members unanimously cast their votes for the nominee, and he was escorted to the chair of the presiding officer. Thus did the man who had so ably borne the burden of leadership during the Revolution come to be the moderator of the distinguished assembly which was to draft the Constitution of the United States.

Less than four years before Washington had resigned his command of the Continental Army, put aside the trappings of military life, and returned to his beloved acres at Mount Vernon. "I have retired from all public employments," he wrote to his faithful friend Lafayette, "and shall tread the paths of private life with heartfelt satisfaction. . . . I shall move gently down the stream of life until I sleep with my fathers." But this desire to end his days in the peace and quiet of private life was constantly thwarted by the call of public duty. As Washington watched the affairs of the new nation from his estate on the Potomac, he noted with increasing alarm the failure of the Government under the Articles of Confederation to command respect either at home or abroad.

Although Congress was supposed to represent the central authority, it was defied with impunity by the various States. It could not negotiate favorable treaties with foreign Powers, because it could not compel the States to respect

its agreements. Furthermore, Congress was bankrupt. Unable to levy and collect taxes, except by requesting the States to appropriate funds, it could not even pay the full interest charges on the foreign and domestic debt. When foreigners were no longer willing to loan it the required funds, the necessity of repudiating the debt seemed imminent. To a man careful of his household accounts as Washington was this financial condition appeared to be a National disgrace.

A second great evil of the period was the strife between the States. The Articles of Confederation had not secured a league of complete amity and friendship between the thirteen divisions of the country. Disputes arose over boundaries, customs duties, and trade regulations, threatening at times to assume the proportions of petty inter-State wars. New York taxed exorbitantly the garden produce of the New Jersey farmers; Virginia and Maryland could not come to terms in the region of the Chesapeake; South Carolina and Georgia treated each other as foreign powers because of trouble in the navigation of the Savannah. Inter-State enmity was more than matched by disorderly, if not anarchic, conditions within the States. Debtors demanded that the Legislatures annul their debts, or else provide for the issuance of more and cheaper money. When creditors appealed to the Courts to enforce their legal claims, there were threats of violence, and in Massachusetts rioters actually stopped court proceedings against debtors.

To George Washington, a man of property and a lover of law and order, such outbursts indicated the fundamental weakness of the governmental system under the Articles of Confederation. He discussed the problem of strengthening the Government in numerous letters to such friends as Hamilton, Gouverneur Morris, and Madison. It seemed to him that the Nation was falling to pieces for want of the proper bonds to hold it together. His own State of Virginia was involved in spirited controversy with

Maryland over the tariffs at the mouth of Chesapeake Bay. The dispute offered an opportunity to take definite action looking toward the development of inter-State commerce and good will. At Washington's invitation, commissioners from the two States met at Mount Vernon to discuss the causes of conflict between them. The conference soon decided that Pennsylvania should be invited to another meeting, since her citizens had important interests in Chesapeake Bay. Washington suggested that it might be well at the next meeting to study carefully the commercial situation throughout the Nation. Accordingly, Virginia issued an invitation to all the States to send representatives to Annapolis, September 1, 1786.

Much to the disappointment of the leaders, only five States were represented at this Annapolis Convention. Alexander Hamilton, however, seized the opportunity to persuade the delegates to issue a call for a Federal Convention at Philadelphia the following May. When the Virginia Legislature came to consider the call, it was persuaded to appoint delegates and to head the list with the name of Washington. It was over the deliberations of these delegates, finally assembled in Philadelphia in May, 1787, that George Washington presided for almost four months.

Although the presiding officer did not take an active part in the debates of the Convention, the power of his personality and prestige was at all times evident. His mere presence in the group increased its importance in the eyes of his contemporaries. On the course of the discussions, sometimes heated and acrimonious, his unbending dignity and severe impartiality had a salutary effect. "He sat," says Professor Farrand, "on a raised platform, in a large, carved, high-backed chair, from which his commanding figure and dignified bearing exerted a potent influence on the assembly—an influence enhanced by the formal courtesy and stately intercourse of the times." Only once did he rise to speak on a question before the assemblage, but his unwilling-

¹ References:

Max Farrand, "The Framing of the Constitution."

Claude Bowers, "Jefferson and Hamilton."

E. B. Greene, "The Foundation of American Nationality."

W. C. Ford, "George Washington."

"The Records of the Federal Convention," edited by Max Farrand.

Max Farrand, "The Fathers of the Constitution."

ness to take sides in the debates made his rulings on questions of procedure the more effective.

When the draft of the Constitution had been completed by the Convention, and all save three of the delegates had signed it, Washington returned to his home, anxious to work for the ratification of the document. On several occasions he expressed his opinion that if the States failed to accept the work of the Philadelphia Convention, no subsequent meeting could frame a better instrument of government. His friends assured him that his every word in support of the Constitution was of infinite service, and he was persuaded to work quietly but constantly in his native State. When ratification seemed doubtful in Massachusetts, one of his letters was published

in a Boston newspaper, and apparently changed some opinions in the State Convention. Especially helpful were his letters of advice and encouragement to such unfailing supporters of the proposed Government as Hamilton, Madison, Jay, and Morris. With them he joined in the general rejoicing when the action of the ninth State had made ratification a certainty.

When the American people turned to a consideration of the organization of the Government under the new Constitution, the name of Washington was in all minds. He was not unaware of the part he would be called upon to play in putting the machinery of the National Administration into operation. A few days before the electors met to cast a unanimous vote for George Washington

as first President of the United States he wrote to General Pinckney, "For my own part, I am entirely persuaded that the present general government will endeavor to lay the foundations for its proceedings in national justice, faith and honor." As Chief Magistrate during the crucial testing of the new Government he fulfilled this pledge with the utmost fidelity. Less brilliant and less gifted than some of his advisers, he brought to his task infinite patience, steadfastness of purpose, and a high sense of honor. When discord threatened to become dangerous, he dominated the situation by a singular balance of reason and action, of thought and deed. But for these qualities the early years under the Constitution might have been far different for his country.

The Theater, the Motion Picture, the Censor

By CHARLES L. BUCHANAN

THE motion picture works under a censorship board. Every inch of film is subjected to the closest scrutiny before being released for public presentation. The theater has no censorship board. It is free to do as it likes. Every once in a while there is a flurry of agitation regarding the advisability of subjecting it to censor supervision, and the smoke screen of a play jury is sent out to cover the issue. It is customary at these times for some one prominent in theatrical matters to enunciate the old doctrine of art for art's sake. Commenting upon a favorable decision rendered by a jury in the matter of "The Captive," the adapter of the play proclaimed the importance of the verdict as follows: "This verdict will test whether adult subjects may be treated hereafter in a decent way on the stage."

The "adult" subject in this instance happened to be a phase of psychopathic abnormality which has not, up to now, served as a theme for serious drama. The play runs counter to a fundamental axiom of genuine art in so much as it is based upon the peculiar and exceptional instance rather than upon a universal human experience. It is inherently undramatic. Whatever its intrinsic technical merits may be, its essential appeal is made to an ulterior and dubious kind of curiosity.

It would be a waste of time to discuss the present demoralized state of the New York theater. It would be equally futile to refer specifically to plays and to certain "revues" that are lewd, salacious,

and crassly vulgar. On a smaller scale, this sort of thing was with us thirty years ago. It was opposed then by certain persons, as it is opposed now. It exists, so Mr. Wilton Lackaye tells us, because there is a public demand for it.

I am not a psychologist or a statistician. The matter of public taste is too vast and perpetually contradictory a subject for easy speculation. But there are one or two matters, more or less definite and concrete, that I should like to call to the attention of the reader.

The guardians of the "legitimate" theater hold the motion picture in contempt. They obtain assurance of the survival of the "legitimate" theater from the assumption that the motion picture caters to and is patronized by persons of an inferior intellectual and cultural caliber. One of these gentlemen has spoken as follows: "The moving pictures have left the legitimate stage only the adult portion of the public, from an intellectual standpoint. They are of a type less apt to be harmfully influenced, whereas the moving-picture public needs to be protected from thoughts it is not qualified to cope with."

Putting aside the patently arrogant and offensive quality of these remarks, let us inquire into their degree of accuracy and of sincerity. What is the theater doing under the unwritten law of freedom of speech? Granted that freedom of speech is desirable. Granted that a genuine progress must be predicated upon an honest facing of facts. Granted that the theater is for the "adult" and "intellectual" intelligence.

Granted all this, just what, precisely, of intrinsic artistic worth-whileness is the theater giving us under an administration which allows it the broadest possible scope for expressiveness?

The outstanding "hit" of the present season is the aforementioned play, "The Captive." The invalid peculiarity of the subject automatically puts it in the realm of psycho-pathology. I do not mean that "The Captive" should be debarred; but I do mean that to make this play a yardstick by which we shall measure our capacity for "adult" and "intellectual" appreciation is to insult the common sense of the community.

Among the outstanding "hits" of the preceding season were "Bride of the Lamb," "Lulu Belle," "The Shanghai Gesture," and "Cradle Snatchers." To advance any of these plays as a measure of "adult" and "intellectual" appreciation is simply ridiculous.

I do not say that the theater is totally barren of worthy artistic and dramatic effort. I do say that outstanding examples of dramatic excellence are comparatively few, and that they are overwhelmingly outnumbered by plays that are either abortive and ineffectual intellectually, or spurious, deceitful, and nasty.

Contemporaneous with this, the motion picture has given us, quite aside from innumerable instances of admirable romance and wit and entertainment, four pictures of universal significance, three of which are of a rare and distinguished beauty. I refer to "The Big Parade," "Potemkin," "Beau Geste,"