

world-famous interest that students of humanity and art find, as nowhere else, in these wonderful galleries of Florence. It is impossible to think of Florence without thinking of art. It was an essential part of the life of the people—not a thing for millionaires, aristocracy, and private galleries. The best of it was done in and for the churches where all men saw and felt it. In Santa Maria Novella there still hangs a picture of which the story is told that it created such enthusiasm that the whole people turned out and bore it in triumphal procession from the painter's shop to the church.

It is not easy for us to-day to understand such a scene, because for us art has become a thing apart. We think of it in connection with some rich man's collection or some art institute. It has not been so with these Florentines. Art was a part of their life; they loved to do beautiful things and to do all things beautifully. And this feeling must have been a common possession, for one is amazed at the number of great artists that have been born and done their work here; and these artists have been men of the people, sons of blacksmiths, tanners, and wool-dealers, not the products of schools. When one goes through these galleries in Florence and studies these greatest pictures that have ever been painted, he is looking at work that was done here by the men born and brought up in the next street, and this can be said of no other galleries in the world.

And when we say that these pictures, the product of the people of Florence, are the greatest that have ever been painted, it means that these men have expressed in most beautiful and impressive manner the highest thoughts and feelings and enthusiasms and aspirations of humanity. It means also to the student that they tell the history of the human spirit in its many struggles, and especially in its supreme struggle between the delights of the soul and the delights of the flesh. Nowhere else, as was suggested above, can this struggle, and the effort to conciliation between the two, be seen and studied so vividly as in the art galleries of Florence. One can follow from period to period the growing effect of the Renaissance, see the increase of knowledge, the truer anatomy, the more shapely form, the gradually more sensuous pose, and then a corresponding loss. "Sit," says Grant Allen, speaking of the later pictures in one of the halls of the Belle Arti, "sit in front of them and then look through the open door at the great Ghirlandajo, if you wish to measure the distance that separates the 15th from the later 16th and 17th centuries." The great problem of modern art is, with the new light of the new centuries, to get back to something of the spirit of that 15th century, and there are signs of promise.

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In almost every street of the old part of Florence the visitor finds some tablet set in the wall of an ancient building to tell its connection with a name that has become familiar in history, literature, or art. On Tuesday I went to the house where Dante was born in 1265, and then a few paces across a very small square to the little Church of San Martino, where he was married, not to Beatrice Portinari but to Gemma Donati. In the Church of Ognis-

santi you may see the round tablet that marks the grave of Amerigo Vespucci, and also his picture painted with many others in one of the sacred scenes along the wall. You may go to the Monastery of San Marco, and see Savonarola's cell and the cross that went with him wherever he preached, and in the square in front of the Signoria a busy life goes on over the bronze medallion that tells the spot where, on the 23d of May, 1498, "per iniqua sentenza," as the inscription reads, he was hanged and burned. You may go to the house of Michael Angelo, and near San Miniato you may stand on the fortifications which he built in 1529, and by the same car you may go on to the Torre del Gallo, which Galileo is said to have used as an observatory. These are but the beginning of the great associations which the visitor meets with in Florence; and to say a word about some of the beautiful and interesting buildings of Florence one would know where to begin—with Giotto's marvelous tower, as beautiful in every detail as it is in its completeness—but he would not know where to stop.

The people of Florence seem to have carried down, and on through time, into what are called the little things of life, something of the fine art spirit of their great history. The attentive visitor must be struck with what Mr. Howells nicely calls the "democracy of good looks which one sees in no other land," and with what he also mentions as the "union of grace with sympathy" which one finds here. What the people of our northern States observe in New Orleans, a universal courtesy, is found here even more generally. If you ask a Florentine where some place is, when he cannot tell you himself, he will go with you around the corner to somebody who can. If it be raining in torrents, with no prospect of clearing, and you ask him about the weather, he will predict you sunshine within the hour. It is impossible not to love Florence and the Florentines; and this afternoon, as I stood on the height by San Miniato and looked over the city, and down the lovely valley of the Arno, and across to the higher height of Fiesole, and around towards Milton's Vallombrosa, I could not but wonder why all the world did not migrate in a body and come to live in Florence.

J. H. DILLARD.

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## DIRECT LEGISLATION AND A CONSTITUTIONAL CONVENTION IN MICHIGAN.

Grand Rapids, Mich., July 29.—The coming election of members of the legislature in this State will be exceptionally important; for the next legislature is to provide for a convention to revise the State Constitution. This was demanded by a large majority of the people, to whom the question was submitted at the election held April 2, 1906. The work of the convention will be submitted to the people for final adoption.

The present Constitution was adopted in 1850 and can be amended only by the concurrence of two-thirds of all the members in each house of the legislature, followed by the approval of the people at a general election. The demand is now made and will undoubtedly be vigorously urged, that the peo-

ple be given power to amend the Constitution without action by the legislature. It is proposed that amendments be submitted to a vote of the people on petition of 5 per cent. of the electors. Without doubt there will also be a strong demand for a provision establishing the initiative and referendum with reference to State legislation.

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In addition to the frequent use of the referendum in the submission of local measures to the electors of the locality affected, and the submission of constitutional amendments to the people of the State, Michigan has already made a beginning in the application of the principles of direct legislation. In June, 1905, the people of Grand Rapids, a city of about 100,000 inhabitants and the second in the State, obtained from the legislature a charter providing for the optional referendum on ordinances, franchise grants and contracts involving large amounts of money. A petition signed by 12 per cent. of the electors will compel the submission of any such measure to a vote of the people. The charter also contains the advisory initiative on charter amendments. On petition of 12 per cent. of the electors, any proposed charter amendment must be submitted to the people; and, if approved by a majority vote, it will be transmitted to the legislature with the official request of the city that it be made a part of the charter.

Under the optional referendum on ordinances, the action of the council has undoubtedly been influenced by the expected or threatened action of the people, and positive action has also been taken. In April, 1906, the council passed an ordinance to prevent the opening of theaters on Sunday. A referendum petition has been filed, demanding the submission of this ordinance to popular vote, and it will be voted on at the general election in November.

In September, 1905, the council granted to the Standard Oil Company certain special privileges with reference to maintaining its warehouses within the city limits. The ordinance granting these privileges had to do with the protection of the city against fire, and was special in its nature. The initial steps were taken to compel its submission to the people by means of the referendum. As a result the ordinance was reconsidered and the matter was referred to the proper committee for preparation of a general ordinance affecting all companies alike.

Under the advisory initiative on charter amendments the city has taken definite and decided action. At the election held April 2, 1906, three charter amendments were voted on and were carried by a majority of about three to one. They will be transmitted to the legislature which convenes in January, 1907, and, if approved, will become a part of the city charter. The first of these amendments provides for the advisory initiative on ordinances, so that 12 per cent. of the electors may petition for the submission of a proposed ordinance to popular vote. If it is approved by a majority of those voting, it will go to the council with the official request of the electors that it be enacted as an ordinance. On account of possible constitutional objections, it was thought best to make this advisory rather than

mandatory upon the council. The second of these amendments provides for the popular recall of elective officers, so that 25 per cent. of the electors of any ward, and 3,000 electors of the city, may petition for the recall of any elective officer and compel him to appeal to the people for a vote of confidence. At the special election held in consequence of such a petition, the incumbent may be retained in office or another may be elected in his place. The third of these amendments applies the recall principle to appointive city officers who have a term of office longer than one year.

The city of Grand Rapids has therefore obtained, what so many cities are now desperately in need of, the power to prevent the granting of improper franchises, the passage of undesirable ordinances and the making of improvident contracts by its common council. Submission to the people is mandatory on petition of 12 per cent. of the electors. The city of Detroit has for some years had a so-called rule of procedure adopted by its council, providing that franchise grants shall not become operative until opportunity has been given for the presenting of a referendum petition, and on the filing of such a petition the ordinance shall be submitted to the people. The rule of procedure is simply a self-imposed rule and may be abrogated by the council at any time; and in May, 1906, it was suspended for the purpose of allowing an amendment to the gas company's franchise to go into immediate effect without opportunity for submission to the people. The danger of relying on the protection of a mere rule of procedure, is apparent.

In addition to this mandatory referendum at the option of 12 per cent. of the electors, Grand Rapids is likely to have a much more complete application of the principles of direct rule by the people, through the advisory initiative on charter amendments. Besides the three charter amendments already described, which will become effective on approval by the legislature, a movement is on foot to submit to the people, at the coming November election, a charter amendment providing for the election of all municipal officers without reference to political parties. It is proposed to have a general primary election at which all electors may vote, the candidates to be placed on the ballot by petition and without reference to party affiliations. The two candidates standing the highest at the primary election for any office, will go on the ballot as candidates for that office at the ensuing city election.

The objection is sometimes made that, if the people be given power to adopt constitutional amendments, or enact statutes, or pass ordinances, on the petition of a certain number and without submission of these measures by a legislature or council, it may happen that measures will not be carefully prepared and that possibly two measures approved or enacted at the same time may be contradictory. With reference to careful preparation of measures thus submitted, persons familiar with the work of legislatures and councils may be inclined to doubt whether it would be possible to frame measures that would be more hastily and poorly drawn than many which are now found in books of statutes and ordinances. It seems likely that measures presented by

petition will, on the average, be drawn with greater care than those passed by official law-making bodies. They will be framed by the friends of the principles to be applied, who will have no motive to insert such provisions as are often placed in the acts of legislative bodies, designed to nullify or render them unconstitutional. Measures presented by petition will usually have the benefit of high legal talent and professional skill, working without haste and under more favorable surroundings than the average committee room; and they will, at least after some experience, be thoroughly discussed by a considerable number of people before being put in final form. All this has been true of the charter amendments already proposed and voted on by the people of Grand Rapids.

With reference to the possible adoption, at the same election, of measures dealing with the same subject matter and contradicting each other in their terms, it is certainly an easy matter to prevent any difficulty. It seems unlikely that measures adopted at the same time would be contradictory except in minor details. But however this may be, if it is provided that when two such measures are in any way contradictory, the one shall prevail which received the greater number of votes in its favor, there will be no confusion or uncertainty and the will of the people will be carried out.

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The proposition which is being urged in Michigan at the present time and which is similar to the existing provision in the Oregon Constitution, is to permit 5 per cent. of the electors to submit, by petition, a constitutional amendment to the people of the State. This is criticised on the ground that it allows too hasty action in changing the fundamental law. This method by which the people may vote on a constitutional amendment within a few months after the filing of a petition, is certainly in decided contrast with the usual method requiring an amendment to be passed by a two-thirds majority of both houses of the legislature, or to be passed by two successive legislatures, before submission to the people. In looking over the experience of the State and national governments during the last generation, the thoughtful student will discover that existing facilities for making necessary changes in constitutions and laws, have been insufficient to enable them to keep pace with the industrial and economic changes that have been so rapidly taking place. The real conservatives are those who would allow and provide for such changes in government as will preserve the old relations of citizens to each other. Those who would allow governmental forms to become petrified are among the radicals. They object to change in the forms of government, while industry and commerce are constantly changing and require corresponding changes in government to preserve just relations among citizens. For example, if we consider the national government, it will appear that the development of the system of railroad transportation has been so rapid and its transforming effects upon industry have been so radical, that corresponding changes in Constitution and laws, impeded by existing constitutional obstacles, have been utterly unable to keep pace. Fifty years ago

transportation was open to all citizens on fairly equal terms and industry was not oppressed by the private control of highways. The general sentiment and desire of the people soon demanded that the discriminations and extortions practiced by private owners of the public highways should be remedied by a change in the attitude and functions of government with reference to such highways. But the Constitution and laws have been irresponsible, or very slowly responsive, to the desires of the people; and as a consequence the most radical and dangerous changes have occurred in social and industrial relations among citizens and classes of citizens. What these changes are has been recently very much considered by the people of the nation, and the national law-making body has at last been driven to take a step in the control of public highways, which true conservatism would have taken forty years ago.

If we look at State affairs in Michigan, it becomes evident that here also the machinery for constitutional and legislative change has been unable to keep pace with economic and industrial changes. Until 1901 the railways and other quasi-public corporations were paying only a small fraction of their proportionate share of taxes, being assessed under an old rule imposing a small specific tax. Sentiment in favor of equal taxation, led by Governor Pingree, an impetuous and determined executive, had to roll up in a wave of mountain-like proportions before it could overwhelm the barrier existing in the State Senate—the eleven men who, out of thirty-two Senators, were sufficient to block all constitutional change. In like manner the State, after obtaining equal taxation of public service corporations, has been unable to secure any laws for the regulation of their charges, something which is most necessary in order to prevent the railroads, for example, from getting back by higher freight rates what they contribute in increased taxes. The people have long desired these conservative measures, which would act as a balance to the radical changes that have taken place in industry; but constitutional and legislative machinery has been irresponsible to their will.

Street railway and other local public service corporations have in the last generation secured a grip upon the people of our cities which they are utterly unable to shake off without new powers. Conservatism would grant the new powers to meet the new needs; but selfish radicalism insists on allowing the economic changes to go on, creating havoc in the relations between citizens, and denies the corrective powers necessary to preserve the old justice under new conditions. The city of Detroit has tried to get from several successive legislatures the power to deal with its street railway company on a fair and equal basis, but without success. Now, with its street railway franchises soon to expire, if the city is not soon given the power to provide itself with transportation facilities, it may be compelled either to suffer interruption of this necessary service or to grant a renewal of the franchises on terms dictated by the company. That the people of Detroit and the people of the State at large, would vote the necessary relief without hesitation, cannot be doubted;

but the machinery for constitutional and legislative readjustment does not respond to the people's will.

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It would seem to be proved, by the experience of Michigan as well as other States, that the method of amending a State constitution which ties the hands of the people until two-thirds of each branch of the legislature approves of the proposed change, is vicious in principle and has most dangerous consequences. Is there valid objection to allowing the people to adopt an amendment by majority vote after the filing of a petition for an amendment signed by a small percentage of the electors? In view of the experience of the past few decades, it would seem that the danger lies chiefly in interposing obstacles to needed changes, and that the people are not likely to take the trouble to adopt changes faster than they are needed. The great mass of the people are averse to change until its necessity has been demonstrated. Under the proposed plan a small minority can propose a change and bring it to a vote, but a majority must approve before it becomes effective. This affords the means of education, promotes serious and intelligent discussion, and gradually prepares the people for the making of real progress. The people can be trusted to withhold their approval from hasty and ill-considered proposals. Indeed, in the experience of Switzerland, where the system of direct action by the people has been applied most completely, it has been found that measures ultimately approved by the people often have to be voted on several times before such approval is given; and steps once taken seldom have to be retraced because found to be unwise. At any rate, it seems safer not to load down the safety valve with obstacles to constitutional change when the majority of the people are ready for the change; and it seems better to trust the people to correct whatever mistakes they may make. We may be sure that their mistakes will not be so unwise as the mistakes made under past methods, which have prevented any harmonious and prompt readjustment of our system of government to the rapid and radical changes in industrial conditions. A necessary change in government, too long deferred, may be of little use. Direct amendment of constitutions and direct making of laws by the people, will tend to bring reforms more seasonably and prevent their postponement until conditions become unendurable. How much more effective government control of railways would have been, if it had come before private control had allowed the building up of immense monopolies through special privileges in public highways. It is sometimes said in law that time is not "of the essence" of a contract. It may be said most emphatically that time is "of the essence" of remedial legislation.

JESSE F. ORTON.

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"Did he lose his money?"

"No; only his reputation."

"Ah, well, that's not so bad—he can buy that back."

—Chicago Examiner.

## NEWS NARRATIVE

To use the reference figures of this Department for obtaining continuous news narratives:

Observe the reference figures in any article; turn back to the page they indicate and find there the next preceding article on the same subject; observe the reference figures in that article, and turn back as before; continue until you come to the earliest article on the subject; then retrace your course through the indicated pages, reading each article in chronological order, and you will have a continuous news narrative of the subject from its historical beginnings to date.

Week ending Wednesday, August 1.

### Mayor Johnson's Contempt of Court.

The circumstances of Mayor Johnson's defiance of an injunction in connection with the traction controversy in Cleveland (p. 398) are now fully reported. The City Council had ordered the old traction company to move its track in Fulton Road, in order to permit the 3-cent fare company to lay a parallel track, and had directed the proper city officers to move it if the company should fail to do so within 30 days. After the lapse of 45 days, the company having ignored the order of the Council, Mayor Johnson and W. J. Springborn, the director of public service, set a body of men at the work of removal on the 24th at 7 in the morning. It was not until three-fourths of the half mile of track had been removed that the traction company was able to get and serve an injunction, but one was issued by Judge Ford and served before noon. Mayor Johnson and Mr. Springborn completed the work of removal, however, and in the afternoon were cited to show cause on the 26th before Judge Ford, why they should not be punished for contempt. Upon the return of the citation on the 26th, motions to quash the whole injunction proceeding were made, and the case was postponed to the 31st. Arguments were begun on that day but no result is yet announced. Meanwhile the 3-cent fare company is prohibited from further work in laying its tracks in Fulton Road.

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In an interview on the subject in the Cleveland Plain Dealer of the 26th, Mayor Johnson said:

On June 11, the City Council by resolution ordered the railway company to move its single track on Fulton road and directed the Board of Public Service to move the tracks unless the company complied within thirty days. That was six weeks ago, and the order has been utterly ignored by the company. The railway has been violating the law all this time, and has shown no inclination to obey the city's order, which was a perfectly reasonable and usual one. It is a strange situation when the city has no power to enforce its own laws and control its own streets. If we had the power of injunction there would be no delay; but the city has to wait the pleasure of the railway company in dealing with such matters, and when the city undertakes to assert its rights it is enjoined by the courts for doing so. There have been more than forty days during which the railway company has violated the laws of the city, and at any time during these weeks they might have interposed any legal objections to the city's doing the work itself. Apparently, the corporation thinks the city is bound to do its bidding in all things, but that the half a million people in this city have no rights at all in their own streets.