A CHRISTIAN COUNTRY

BY WILLIAM SEAGLE

THE savage iconoclasts who take such delight in pointing out the truth that all men were not actually created free and equal, also, although on less frequent occasions, remark upon the hollow mockery which the colonial heresy hunts and expulsions make of Emerson's noble lines about Plymouth Rock and the Puritan Fathers. Curiously, however, these critics have apparently lost interest in the subsequent history of their country. They generally assume that once the First Amendment was appended to the Constitution complete religious equality was assured to all Americans, leaving them free to worship not only Christ, Jehovah, Buddha or Mohammed, but even Jupiter Ammon or the gods of Montezuma, or, infidel-like, not to worship God at all.

The rise of the Ku Klux Klan has, of late, given this subject a new interest, as has the spread of Fundamentalism, with its attempt to banish the heretical doctrine of evolution from the schools. The Klansmen, the guardians of pure Americanism, and of the divine right of the Nordic Blond, have suddenly set up the doctrine that this is a Christian country, and especially a Christian Protestant country, and intimated boldly that there is no room in it for Jews, Catholics and atheists. In reply, the stalwart exegetes of the Constitution have told them caustically to go read that ancient papyrus, and then sat back confidently to wait for the broadside to take effect. But the deplorable and ironic truth is that while the Kleagles, Grand Exalted Cyclopses, and Imperial Wizards may be completely wrong as to their anthropology there is the very greatest doubt that they are wrong about the religious state of the Union.

I do not, of course, mean merely that discrimination exists in fact against Jews and Catholics. This, in other words, is not a dissertation that might, perhaps, be entitled: "Religious Liberty: Theory and Practice." The question is rather whether the Klan is not very near the truth in point of law when it insists that this is a Christian country, and especially a Christian Protestant country. The facts, indeed, sadly tarnish the idea that the American Commonwealth was the first state in the world to work a complete disassociation of church and state. The best that was actually achieved was a kind of qualified toleration at the hands of a composite majority of the Protestant faiths. The Klan, which is commonly conceived as a lawless body, substituting lynch law for due process, is not put to rout but supported in its contention to that effect by a respectable weight of legal authority, by constitutional and statutory provisions, and by judicial decisions which have the full force and dignity of law.

II

The belief that the religious millennium was reached in America with the adoption of the Constitution is simply another tribute to the force of some of the personalities prominent in the early days of the Republic. The extreme heterodoxy of Jefferson is too well known to need comment. He has been the American Anti-Christ to generations of rural pastors, and his disciple, Madison, shares a great part of his obloquy.

To the same effect has tended the fame of Thomas Paine, and his heretical "Age of Reason." Conversely, Washington himself, while a far more firm believer in Divine Providence, did not scruple on occasion to show an extremely liberal attitude towards Jews and Catholics. Moreover, he even once assured the unspeakable Turks, in order to induce them to enter into a treaty relating to piracy, that "the government of the United States is not in any sense founded on the Christian religion."

But history shows that the delegates to the Constitutional Convention were not all for the removal of the old religious disabilities. The newly ascendant forces of conservatism and stability, fully aware of the ancient relation of "piety, religion and morality" to good government, even urged the requirement of a religious test for office. The records not only of the Constitutional Convention but of the ratifying conventions in the several States are full of expressed fears that "Jews, Turks, and heathens" might worm their way into the highest office. In the streets of Boston, when its ratifying convention sat, there were cries that under the new scheme of government religion had been abolished. A farmer at the same convention "shuddered at the idea that Roman Catholics, Pagans and Papists might be introduced into office, and that Popery and the Inquisition may be established in America." The ratifying conventions in New York, New Hampshire, Virginia and North Carolina flatly refused to approve the new Constitution until their anxieties on this score had been allayed. It was, as is well known, in response to this demand, that the first ten Amendments were enacted, among them the First, providing that Congress should make no law respecting the establishment of religion or abridging the free exercise thereof. But well known as the fact undoubtfully is, it has not prevented a general misunderstanding of the purpose and scope of this provision, not only by laymen but even by jurists.

It is usual to regard the First Amendment as a great altruistic, disinterested and gratuitous declaration of natural and inalienable human right, inspired by the loftiest sentiments—an unprecedented charter of religious liberty. But the truth is that to speak of the amendment as having established religious freedom in America is to use the phrase in a very Pickwickian sense. It had to a great extent an almost opposite purpose. Most of the delegates, being of mixed motives and desires, demanded the prohibition not because they wished to safeguard members of divergent creeds but because they wished to insure freedom from interference with their own. They dreaded, however, extravagantly, that the federal government, if left untrammeled, might set up a Goddess of Reason, or recognize the temporal power of the Pope, or revert to Mosaism. The form, however, which their language took is disarming. It is superficially as adapted to the intentions of a liberal secularism as to those of the most narrow and bigoted sectarianism.

Since the tendency at first certainly was to consider the federation which the Constitution had created not as a state but as an agency of the states, existing to advance definite objects, the framers would have considered it idle to speak of an established religion in connection with this interstate agency, as one might speak of a state religion of France or England. This government of delegated and enumerated powers had clearly been given no authority over religion or general education or morals in the States, whose sovereignty was clearly recognized and affirmed in all but the excepted spheres. It was in terms, simply, of an abundance of caution that Jefferson spoke of the advisability of an express reservation of religion. The States specifically reserved the right to adopt whatever religions they preferred, or to adopt none at all.

As a matter of fact, a number of state religions existed in the several States at the time of the ratification of the Constitu-

tion. *A priori*, we would naturally expect to find them especially in the New England States, which for so long a time had lived, indeed, under adaptations of the old Hebraic theocracy. To suppose that religious equality would be recognized in such States so soon after the heresy trials and expulsions is to do violence to all sense of historical continuity. No more need we be surprised to find a state religion in a commonwealth that had been launched under such preëminently Christian auspices as Maryland. If an individual without a religion was an anomaly in the Eighteenth Century, so was a State without one. Thus we find support of the clergy by general taxation, provision for religious instruction, religious tests for office—all the usual accompaniments of an established church.

In practically every one of the New England States Protestant Christianity was established by law. Tithes were not abolished in Vermont until 1808. The constitution of Connecticut of 1818 provided: "No preference shall be given by law to any Christian sect or mode of worship. . . . And each and every society or denominations *of Christians* in this State shall have and enjoy the same and equal powers, rights and privileges." The constitution of New Hampshire, after asserting that instruction in religion, piety and morality gave the greatest security to government, went on to authorize the several towns and parishes of the State to "make adequate provision for the support and maintenance of public *Protestant* ministers" to teach the same. It then went on to promise: "And every denomination *of Christians* demeaning themselves quietly and as good subjects of the State shall be equally under the protection of the law. . . ." The present constitution of New Hampshire contains precisely the same language, but there has been added a clause that "no person of any religious sect or denomination shall ever be compelled to pay towards the support of the teacher or teachers of another persuasion, sect or denomination." Curiously, the provision assuring the equal protection of the laws merely to Christians has apparently been left unchanged. In Massachusetts, the association between church and state was, perhaps, most complete. Up to 1833, its constitution, after expressing the same faith as New Hampshire's in religion, piety and morality, similarly made provision for the support and maintenance of Protestant ministers thereof, and confined the equal protection of the laws to Protestant Christians.

The constitution of Maryland under the new Federal Union declared: "All persons professing the Christian religion are equally entitled to the protection of their religious liberty. . . . The Legislature may in their discretion lay a general and equal tax for the support of the Christian religion. . . . No other test or qualification ought to be required on admission to any office of trust or profit than a declaration of belief in the Christian religion." These provisions of the Maryland constitution continued in effect until 1851. Thus, until that year, no Jew could hold office in the State. It is also interesting to note in passing that until 1847 a Negro was permitted there to testify against a Jew but not against a Christian.

Strictly speaking, there was from the very beginning but one limitation in the Federal Constitution upon the characters of the State governments. It said that Congress should guarantee to each of the States a republican form of government. A strict constructionist might possibly argue that a State which excluded Jews from office, taxed all its citizens for the benefit of Protestant ministers, assured the equal protection of the laws exclusively to Protestants, or provided for instruction in Protestantism, did not have a republican form of government. It has been contended of late that the adoption of the referendum and recall, and the organization of a court of industrial relations destroyed the character of a State as republican, but no one has ever had the temerity to suggest that either Maryland, New Hampshire, Massachusetts, Connecticut or Vermont has ever fostered a theocratic form of government.

III

At the beginning the greatest diversity existed among the State constitutions, and it continued until about the middle of the Nineteenth Century. Consequently, it is idle to speak of an American tradition of religious freedom and equality. What we have, in fact, are several separate American traditions, divided roughly into two classes, the first found in the States which I have just noticed, and the second in the rest of the original States, and in those which subsequently entered the Union. These latter appeared to commit themselves not only to toleration but even to religious equality. In some it came only after bitter and protracted struggles. Thus, in Virginia the battle was terminated only by the celebrated Virginia Act of Toleration of 1789, mainly owing to the impassioned efforts of Jefferson and Madison. The act was opposed by the patriot Patrick Henry. The typical declaration of the sort appeared to grant most unequivocally the free exercise and enjoyment of religious profession and worship without discrimination or preference. Nevertheless, it takes no too great scepticism to suspect that the framers of the early constitutions were not particularly concerned about the rights of their few non-Protestant citizens. The great factor which militated in all the States against established churches in a more classic sense was the rich diversity of the Protestant creeds. This made it highly impolitic, if not impossible, to recognize one sect in preference to others. The problem rather was to devise a method of obtaining harmony among them. "The real object," says Storey in his work on the Constitution, "was not to countenance, much less to advance Mohammedanism or Judaism or infidelity by prostrating Christianity, but to exclude all rivalry among the Christion sects."

The true meaning of these apparently liberal State constitutions is better understood if we glance at the relation of church and state immediately before their adoption. Virginia may serve, perhaps, as the best example. What precipitated the Virginia Act of Toleration of 1789 was a bill of 1784 which taxed all taxpayers for the benefit of all the Christian sects, leaving the individual taxpayer free to designate which of the sects he wished his contribution to go to, thus creating a condition of unpleasant rivalry. The immediate object of the act of 1789 was undoubtedly the abolition of this support of the clergy by general taxation. It was intended to divorce the State from the church as a supported organization, but not, however, from Christianity as a religion. The State remained Christian; the duty of toleration which the constitution imposed was a Christian toleration, recognizing and preferring Christianity in general. In all such States non-Christians remained under one form or another of civil disability. "Christianity, general Christianity, is and always has been," said a Pennsylvania court, "a part of the Common Law of Pennsylvania . . . ; not Christianity with an established church and spiritual courts, but Christianity with liberty of conscience to all men."

Confusion has arisen from the failure to understand exactly what is meant by the term established church. Only a little reflection is necessary to show that there can be no general definition of it. Rome had a state religion. The emperor was not only its titular head, but was himself regarded as one of the gods. Can we then only speak of a state religion when the head of the state is deified? A theocracy regards church and state as one and indivisible. England, which has an established church peculiar to itself, had worked full Catholic and Jewish emancipation at a time when at least one American State, New Hampshire, still excluded Jews and Catholics from office. If a common characteristic is discoverable at all, it is that an established religion is one which the state recognizes and prefers to all others. It is only the degree and the manner of the support which differ. Thus, properly understood, and remembering that where Christianity is

spoken of, it is Christian Protestantism that is usually meant, it is truly correct to say that Protestantism has always been the established religion of the Republic. It has been recognized and protected by law. In England, Christianity is spoken of as "part and parcel of the Common Law." From the fact that England is understood to have an established church, it might be supposed that this could not be said in America. But the American cases speak no less of Christianity as "part and parcel of the Common Law," and with the same meaning that attaches to the phrase in England. This, of course, doesn't mean that the law enforces the precepts of Christ as such, and that the Sermon on the Mount is the law of the land. In the words of Cooley, "That standard of morality which requires one to love his neighbor as himself we must admit is too elevated for human tribunals." The meaning, then, is not that the doctrines and particular regulations of Christianity are incorporated into the law, but that in the classic words of Storey, "its divine origin and truth is admitted." Christianity is thus recognized by the law as the true religion.

IV

In most of the States, irrespective of the terms of their constitutions, atheists were incompetent to testify until the last decades of the Nineteenth Century. This result was generally reached as at Common Law, and the significant fact is that the legislatures during all the time refused to substitute the affirmation for the oath. It was settled in England as early as 1744 that all witnesses were competent who believed in the existence of a God, even if they did not believe in a future state of rewards and punishments. Thus, in England, Brahmins and Chinamen were accepted as good witnesses. But some of the American jurisdictions insisted also on a belief in a future state of rewards and punishments. Moreover, American jurisprudence developed in some instances a peculiar auxiliary rule: it held that an atheist could not recant in order to qualify! The logic was that the first proof made it impossible to swear him in in order to take testimony of his recantation. The worst of these rules was that they not only deprived atheists of important property rights but also set up a peculiar indigenous form of civil heresy trial and inquisition. As for the apparent guarantees of the constitutions, they were easily disposed of. They were intended, explained one court, "to prevent persecution by punishing anyone for his religious opinions, however erroneous they might be. But an atheist is without any religion, true or false. The disbelief in the existence of any God is not a religious but an anti-religious sentiment."

In spite of the constitutions, too, blasphemy was a crime in all the American States, and it was a civil offence to profane Jesus, Mary, the Scriptures or God. In some, the crime existed by express provision of statue, sustained as constitutional. But where no statute existed blasphemy was punished at Common Law upon the precedent of old English blasphemy cases. Thus, in New York, Chancellor Kent in a leading case held that the constitution of the State "did not prohibit the courts or the legislature from regarding the Christian religion as the religion of the people as distinguished from the *false religions of the world*." "The case assumes," he went on, "that the morality of the country is deeply engrafted upon Christianity, and not upon the doctrines or worship of these impostors." He concluded by citing the Roman law which deified the emperor: "Jurisprudentia est divinarum atque humanarum rerum notitia." The New York Constitutional Convention, which met after the decision, expressly approved his view. In peaceful Delaware a tribunal imagined a St. Bartholomew's Eve if blasphemers went unpunished. But while it was held a civil crime to blaspheme against Jesus, the law did not punish blasphemy against Moses, Buddha or Mohammed.

Christian morality triumphed most com-

pletely, perhaps, in the safeguarding of the Christian Sabbath. The Jewish Sabbath seemed to present some difficulty. To prove that it had been abrogated by Christ, there were cited Luther, Calvin, Barclay, Melanchthon, Biza, Buer, Zwingli, Cramer, Milton, Knox, Paley, Arnold of Rugby and Archbishop Whatley. "The whole Jewish constitution," said a Pennsylvania court, "was framed for a small and particularly barbarous nation whose tendency was to idolatry. . . . It was not a nation who could convert other nations, and their mission ceased with the birth of our Saviour." "The necessity and value of the Sabbath," said a New York court, "is acknowledged by those not professing Christianity. In December, 1841, in the French Chamber of Deputies, an Israelite expressed his respect for the institution of the Lord's Day, and opposed a change of law which would deprive a class of children of the benefit of it, and in 1844, the Consistory General of the Israelites in Paris decided to transfer the Sabbath of the Jews to Sunday." We thus have illustrated again the sense in which in the Middle Ages the Jews were called "living witnesses" to the truths of Christianity. When a Philadelphia Jew insisted that he must be excused from attending court on Saturday as his constitutional right, he met the indignant reply: "This case would not have been ordered for trial on the Jewish Sabbath. But when a continuance for conscience's sake is claimed as *a matter of right*, the case assumes a different aspect."

Not too much judicial difficulty, either, has been experienced in making the public schools safe for Christians. It is, however, only since the Jews and Catholics have become numerous that the contest over them has begun in earnest. The state of the jurisprudence on the subject is therefore still in flux. In Illinois, it was once held legal to permit the introduction of the King James version of the Bible into the public schools; the latter decisions are the other way, but not without a dissenting opinion that "the State of Illinois is a Christian State." The Christian sects do not seem to be able to achieve harmony here. Nevertheless, by the great weight of authority the King James Bible is approved in the public schools. It is legal in Kansas, Kentucky, Michigan, Ohio, Pennsylvania, Texas, Nebraska and Georgia; beside Illinois, it is illegal in Wisconsin and Louisiana. There is an even finer rift of authority as to devotional exercises, such as the singing of hymns, and the recital of the Lord's Prayer, with its direct invocation of Christ. In 1905, the Kentucky courts upheld the following prayer in the public schools:

> Our Father who art in Heaven, we ask Thy aid in our day's work. Be with us in all we do today. Give us wisdom to do and say and strength and patience to teach these children as they should be taught. May teacher and pupil have mutual love and respect. Watch over these children both in the schoolroom and on the playground. Keep them from being hurt in any way; and at last when we come to die, may none of our number be missing around Thy Throne. These things we ask for Christ's sake, Amen.

In 1908, a Texas court said:

> To hold that the offering of prayers either by repetition of the Lord's Prayer or otherwise, the singing of songs whether devotional or not, and the reading of the Bible make a place where such is done a place of worship would produce intolerable results. The House of Representatives and the Senate of the State legislature each elect a chaplain, who, during the session offers prayers to Almighty God in behalf of the State, and in the most express manner invokes the supervision and oversight of God for the lawmakers. In the chapel of the State University building a religious service, consisting of singing songs, reading portions of the Bible with prayers and addresses by ministers and others is held each day. The Y. M. C. A. hold their services in that building on the Lord's Day and the Y. W. C. A. has a like service in another public building. At the Blind Institute, on each Lord's Day, prayers are offered, songs are sung, Sunday-school is taught, and addresses made to the children with regard to religious matters. Devout persons visit our prisons and offer prayers for those who are confined. An annual appropriation is made for a chaplain for the penitentiary; in fact, Christianity is so interwoven with the web and the woof of the State government that to sustain the contention . . . would produce a condition bordering on moral anarchy.

Not only have all Christian objects been generally upheld; far more significant is the excessive tone of Protestant apolo-

getics in the opinions. But of late certain cautious courts have tended to apologize for the protection of Christianity on a theory of civil regulation under the police power. We may thus admit that the State for purposes of convenience may appoint a day for general cessation from labor in order that industry may not be disjointed. The choice may fall upon the Christian Sunday. But a purely civil policy would not interfere more than absolutely necessary with the peaceful practices of other religionists, and thus Jews would be permitted to work on Sunday.

In some States, it is true, Jews are actually exempted from the operation of the Sunday laws; but curiously enough the tendency seems to be to be less free with such dispensations. For instance, they were once exempt in Arkansas and New York, but these acts are no more. Human ingenuity, indeed, has exhausted itself in discovering plausible *rationes decidendi*. The learned Tiedeman in his work on the Police Power accounts for the rigors of the Sunday laws as not only a salutary but an indispensable check on that feverish activity which is so marked a condition of American life! In one case, we are told that the precise portion of time indicated in the Decalogue is the time biologically necessary for the proper metabolism of the human body! It is even harder to believe that the punishment of blasphemy is a civil business because the Christian population may rise against the blasphemer and instigate bloody riots.

Even more difficult is it to justify the singing of distinctly Protestant hymns and the recital of the Lord's Prayer, with its direct invocation of Christ. Here, the solution appears to be to excuse those children whose parents object. But this cannot obviate the stigma which attaches to such segregation, and only serves to emphasize the preference of the Protestant sects. Perhaps, the most sophistical method is to tell non-conformists, as in a recent case, that if they suffer hardship it is the fault not of the law, but of their religion!

V

The optimist may hope that the States are less Christian now than in the past. But unfortunately what we have is still only the old narrow Christian toleration, and it is likely to become even narrower if the rise of the Ku Klux Klan is an indication. We must remember that blasphemy acts are still on the books of many States. It is still a crime in Maryland to "utter profane words of or concerning Our Saviour, Jesus Christ"; in Pennsylvania an act of 1700 is on the books to punish whosoever "speaks loosely or profanely of Almighty God, Christ Jesus, the Holy Spirit or Scriptures of Truth." In New Hampshire it is a crime "to deny the being of a God." Atheists are still incompetent in law in at least three jurisdictions: Maryland, Arkansas and North Carolina, and in some, too, they are ineligible to public office. In 1922, Massachusetts judges who are required to give advisory constitutional opinions to the legislature, upon such a request delivered this *responsa prudentum:* "There is no constitutional prohibition on appropriations for higher educational societies or undertakings under sectarian or ecclesiastical control," and were evenly divided in opinion as "the appropriation of public money for aiding any church, religious denomination or religious society." Something of the same situation obtains in New Hampshire.

The latest decisions, moreover, are as uncompromising as the old. In 1922, in Georgia, when Jewish parents complained of religious exercises in the public schools of Rome, the highest court of the State overruled their objection, quoting cases decided shortly after the Revolutionary period, and making it clear that not one jot or tittle of them had been overruled. It concluded thus:

> The case of a Jew complaining to a court of reading the Bible or instruction in the Christian religion in the public schools raises the question whether the Constitution vests in a Jew, not as a Jew but a taxpayer, a constitutional right to command courts to exclude reading the Bible or

> instruction in the Christian religion in the public schools. The answer is that the Constitution does nothing of the kind. The Jew may complain to the court as a taxpayer just exactly when and only when a Christian may complain to the court as a taxpayer, *i.e.*, when the Legislature authorizes *such reading of the Bible or such instruction in* the Christian religion in the public schools as gives one Christian sect a preference over others.

Full-circle! We are back to Storey and the necessity for maintaining harmony among the sects!

Thus, too, in 1921, a lecturer before the Lithuanian Society of Rumford, Mass., was indicted under the blasphemy act of the State for denying in his lecture the immaculate conception of Christ, the divinity of Jesus, and for maintaining that "all religions are a deception of the people" and "there is not truth in the Bible; it is only monkey business." He was convicted and the statute held constitutional, upon the line of authority originating with Chancellor Kent:

> As distinguished from the religion of Confucius, Gautama, Mohammed or even Abram, it may be truly said that, by reason of the number, influence and station of its devotees within our territorial boundaries, *the religion of Christ is the prevailing* religion of this country and this State. . . . Congress and the State legislature open their sessions with prayer addressed to the God of the Christian religion. . . . Shall we say that any word or deed which would expose the God of the Christian religion or the Holy Scriptures to contempt and ridicule, would be protected by a constitutional religious freedom? We register a most emphatic negative.

In the alarums and excursions about the Tennessee anti-evolution law it has been suggested that the Fourteenth Amendment, by virtue of its due process and equal protection of the law's clauses, has put a limitation upon the extent to which the individual States may favor a particular religion. But save where such State acts deprive a citizen of property, the probability of upsetting them is not very strong. Certainly, the Fourteenth Amendment was never enacted with such a purpose in view. Although, as we have seen, there are States in which blasphemy acts and the disqualification of atheists obtain, they have never even been thought to violate the Fourteenth Amendment. Since the First Amendment did not limit the States, but only Congress, the fostering of religion has come to be regarded as the exclusive province of the former. This would not only naturally follow from implication, but from the historical situation at the time of the amendment's adoption. While the prohibitions of the other early amendments also in terms professed to curb only the powers of Congress, they also represented what the States considered desirable in themselves; and after thus limiting Congress, they proceeded to limit themselves in the same manner. But no such happy unanimity existed as to the troublous religious question. Because of this historical difference alone, the mere fact that legislation is in aid of religion in general or even one religion in particular serves as a sufficient fulcrum to lift it beyond the purview of the Fourteenth Amendment. With specific reference to the Tennessee law, it is thus, as a matter of constitutional law, extremely dangerous to argue that in favoring Fundamentalism the State of Tennessee has violated the Fourteenth Amendment. For, in such cases, if the affirmative is held, one amendment to the Federal Constitution is overruled by another, and by mere implication—a process of amendment surely unfamiliar to the Fathers.

CLINICAL NOTES

BY GEORGE JEAN NATHAN

The Decay of Emotions.—As a man grows older, his emotions steadily decay and, with their decay, his capacity for the fun of the world synchronously grows less and less. Ever a posturer and mountebank, he seeks solace and apology for himself in the philosophy that, as his emotions stale, his mind becomes sharper and clearer and that he thus is able to laugh sardonically at the world's show and what the world, jackass that it is!, believes he is missing. But there never lived a man who in his heart didn't know that the experience and wisdom of age, however blessed with the gift of ironic contemplation, were a poor substitute for certain of the emotions of which age has robbed him. Every time a philosopher over fifty buys himself a new necktie or has his shoes shined, he betrays himself for the quack he is. Wisdom, contrary to our friends, the rev. clergy, doesn't bring happiness. At most, it brings but a pseudo-happiness; it bequeathes to the mind only that happiness which it has stolen from the heart and the body; it converts actuality, with all its pungency, into mere memory and fancy, with all their impotence.

Emotions fade in the case of man just as noise fades in the case of the soldier. The thrilling racket of life's gun-fire gradually makes less and less impression upon his inured tympanum. A starlit sky, a pretty girl, a 100-pound tarpon, a Sousa march, a shooting motor-car, the enchantment of Southern seas, a rough-house at Dutch Sadie's, a tramp through the woods in the rain, a set-to with the bouncer, a new checkered waistcoat, an introduction to Rabelais, a straight flush, the Place de la Concorde in the springtime, another pretty girl, the first thousand dollars, an achievement in triumphant repartee, around in par, an initiation into the Elks—the original kick inherent in each of such transcendental emotional phenomena diminishes year by year. And with the diminution man's capacity for making an ass of himself, which is to say, man's capacity for enjoying himself, grows weaker and weaker. The moment a man becomes permanently sensible, that moment does biology snicker, quote Daudet, and buy itself a drink at his expense. The moment a man begins to say that he can now see through the emptiness of youth's pleasures, that moment is he himself most transparent.

The Amusements of Homo Sapiens.—Of all living creatures, the human male mammal is the most pitiable in the matter of devising pastimes for himself. The games and diversions that man invents for the pleasure of his leisure hours are of such an unbelievable stupidity and dullness that it is impossible to imagine even the lowest of God's animals and insects indulging in relatively imbecile relaxations. Surely it would take a pretty imagination to conjure up the picture of a donkey sitting up half the night trying to find a rectangular piece of heavy coated paper with red or black spots on it to harmonize with four similar pieces, or of a bedbug going into the dining-room while a dozen other bedbugs in the parlor think up the name of Gutzon Borglum and then returning to the parlor and trying to guess it.

The diversions which man relies upon for the gratification of his spirit are, in point of fact, infinitely more fatuous than those upon which the lower animals rely. When a dog, for example, wishes to dis-