

more potent) magic into our modern world than the now much sniffed-at Kipling! What matters it if he fell off later now and then from his high years of gusto and began prophesying vain things in a sort of bastard Old Testament sing-song? He had his tremendous day, rolling echoes from which are like to be lasting; and I am glad I was young then to thrill and rejoice in those first authentic stabs and flashes of heavenly fire!

(O the blue below the little fisher-huts!)

He could write, could Kipling!

And Henley could write:—although to my ears then, and now, except for a few spontaneous perfections, there is always a little puffiness about him, as of a very determined, full-blooded man climbing hills a little too steep for him a little too fast. And I have never been able to take "Invictus" seriously. It is one of the great humorous outbursts of the language, one of the funniest pompositives ever bel-  
lowed at the indifferent stars.

Nevertheless, Henley could write. Do you remember his sweet-breathed garden-ghosts walking "sudden and wide"? And do you remember, in the "London Voluntaries," his

rakehell cat—how furtive and acold  
A spent witch homing from some infamous dance—  
Obscene, quick-trotting, see her tip and fade  
Through shadowy railings into a pit of shade!

*Tip and fade!* The very essence of rakehell felinity! An immortal cat . . .

Yet "Poetry of the Nineties," by omitting (except for the bloody-but-unbowed mouthings) all verses by Henley written before that over-advertised decade, has done him an injustice. Surely, at least, the editors might have slipped in the "I.M.—Margaritae Sorori" of 1886, which is one, certainly, of the most beautiful brief poems in the English language, or in any language—beautiful in tone, movement, feeling, in perfect simplicity and serenity and finality of mood and phrase. And I believe, as years lengthen on and times warp and change, it is by that poem Henley will be oftenest and most gratefully remembered. If he is not so remembered for it, then the times to come will be bad times, unworthy of any song or singer.

Kipling and Henley, however, are not at all what we mean, most of us, when we speak of the "Nineties." We mean *The Yellow Book*, we mean Aubrey Beardsley. Above all, perhaps, we should mean William Butler Yeats, but (to his greater glory) I am not certain that we do. Rather, we mean Arthur Symonds and Ernest Dowson and William Sharp-White Peacock-Fiona Macleod. Francis Thompson, like Yeats, seems to pass far beyond them—or soar above them, and to my apprehension Thomas Hardy and A. E. Housman simply do not belong in that galley at all. Oscar Wilde, whose dates as a poet are all wrong, belongs there; while Robert Bridges, the collected edition of whose "Shorter Poems" appeared in 1894, distinctly does not. For as the "Nineties" recede, they become less and less a definite period of time, and more and more (so far at least as poetry is concerned) a name for a particular attitude or mood of the mind—first and earlier cultivated, as the editors are at pains to remind us, on that *Rive Gauche* where so many particular attitudes or moods of the mind have come to birth.

Ah, Manon, say!  
Expound, I pray, the mystery  
Why wine-stained lip and languid eye,  
And most unsaintly Maenad air,  
Should move us more than all the rare  
White roses of virginity?

Ah, Manon, say!

Well, there you have it. Brought up earnestly and hopefully on Browning and Tennyson, that was the special accent which excited us youngsters of the "Nineties"—lines like those; and like these—I remember no dreams from the million years and it seems I may live for as many million more without dreams. And that, I fear, is still what most excites and amuses us when we think back to the "Nineties," being no longer young. Ah yes—we have been faithful to thee, Fin-De-Siècle, in our fashion!

A delightful volume!—with an analytical and informative introduction, for babes and sucklings.

It is proposed to publish a selection of the best short stories of William Maginn, the poet and story writer, to whose memory a Celtic cross was unveiled in the churchyard of Walton-on-Thames last Summer.



## Translations from the Chinese

### TEDIUM AT TEA

POLITENESS has its drawbacks  
You remember the old problem  
Of the Seven Courteous Mandarins?

Seven Ceremonious Mandarins  
Met to take tea together  
In a charming pagoda.  
The question of precedence arose,  
None of these old-fashioned gentles  
Desiring to occupy  
The more honorable seats.  
The keeper of the tea-house,  
A low scheming fellow,  
Suggested to these simple old sticklers  
That they take tea together daily  
Until all had been seated  
In every possible arrangement.

The guileless Mandarins  
Enchanted at such sociable solution  
Of their honorable difficulty  
Were glad to agree.  
They learned too late  
They had tediously condemned themselves  
To assemble daily  
For nearly fourteen years.

### A MANCHU THURSDAY

Three bearded encyclopaedists  
Looking forth from the Imperial Library  
Saw a buxom serving-wench  
Trudging off, in her flowered shift,  
For her Thursday Out.

One strangled himself with a rope of parchment manuscripts,  
One re-edited the Confucian Analects,  
One waved to her from the window  
And wished her good luck.  
Which of these three, inquires the puzzled commentator,  
Was the real sage?

### OF A POET WHO DIED YOUNG

He was master of the stop-short,  
Brief poems in which the words are few  
But the meaning continues in readers' hearts.  
His life, too, was like that.

### STOP-SHORT

All poems, in all tongues, in all ages,  
Say always the same thing:  
*Here am I, darling,  
But where art thou?*

### ANOTHER STOP-SHORT

But how the American barbarians  
Must neglect their filial duty  
That they have to appoint, by ballyhoo,  
A day for honoring their Mothers.

### MEMO TO THE PULLMAN COMPANY

It is not to be thought  
That the American folk  
Does not honor literature,  
For on the Central Railroad of New Jersey  
I have seen Pullman cars  
Named *Jane Austen*  
And *Louisa Alcott*.

Where will I see a Pullman car  
Called *Emily Dickinson*  
Or *Katherine Mansfield*?

### JOHN S. QUIXOTE

My American friend was always docile:  
He never opened his presents before Christmas  
Nor set off his firecrackers before the Fourth of July.  
He sent to Colonel Lindbergh  
The telegram dictated by the Western Union.

But once, in a burst of frenzy,  
He did an erroneous thing—  
He tried to sell sun-dials  
To people in Pittsburgh.

### A MOTTO

Excellent fellow was that other friend of mine  
Who, needing a motto for his sun-dial,  
Inscribed it  
*I am not interested in darkness.*

### THE BEAN POT

When we had a Chinese cook  
He used to prepare wonderful messes of rice  
With a pungent dark-brown sauce,  
A sauce made of soy beans.

One day, after he had left,  
I found, tossed away in the trash-barrel  
(Where I find so many wonderful things)  
That fat little earthenware pot,  
Glazed brown, with short neck and stubby spout,  
In which the soy sauce had come from China.

My blessed sauce-jug! Just the thing  
To hold two daffodils, or a bunch of pipe-cleaners—  
Always comb the trash-barrel, Oh philosophers,  
For other people's trash  
Is often your treasure.

### AN ADVENTURE

No man can smell the fragrance  
Of his own tobacco.

The stranger by me in the smoker  
Had been sitting uncomfortably close  
And I couldn't guess why.  
I had been gazing steadfastly out of the window  
Fearing he would start a conversation,  
Yet how pleased I was  
When he said, "Excuse me, buddy,  
But what's that stuff you're smoking?  
Gee, it smells great."

### JAPANESE HOSTESS

I must have quiet in my spirit  
When I'm arranging my flowers.  
If I am uneasy or troubled  
While planning the ceremonial decoration  
My flowers look anxious too.

### A WHIFF OF OPIUM

This is the Season of Unanswered Letters  
When drowsy Mandarins  
Commission moonlights of July  
Or heavy August middays  
To answer all inquiries.  
This is the season of Renewed Subscriptions:  
Resubscribe to *Laissez Faire*  
And leave the rest to hazard.

### THOUGHTS IN A BATH-HOUSE

My American friends  
Tell me how much they love sea-bathing  
And yet, every time emerging from the sport  
They drench themselves in a fresh-water shower  
Washing off all that tingle of salt  
Which was the virtue of the plunge.

So, Oh philosophers, will your jocund students  
Dive merrily in your bracing brine  
But are always careful,  
Before returning to daily life,  
To wash away every trace  
Of your salty ocean sting.

CHRISTOPHER MORLEY.

A prize of \$500 with two additional prizes of \$250 each have been offered in a contest for the best poems on the subject of Lindbergh and the Spirit of St. Louis, which will be published, together with the hundred best poems, by George H. Doran Company. This contest, arranged by Mitchell Kennerley, president of the Anderson Galleries, will be judged by Mr. Kennerley, John Farrar, former editor of the *Bookman* and chief of the editorial staff of Doran's, and Christopher Morley, essayist and novelist. No limitation is placed on the number of manuscripts that may be submitted by one author, the only restrictions being that the poems shall be not less than fourteen lines nor more than 300. All contributions must be in the hands of the judges at 489 Park Avenue, New York City, not later than July 25. Queries may be addressed either to the above address or to George H. Doran Company.



## SUMMER FICTION

[Some Are Not]



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### DUTTONS

## Books of Special Interest

### A Law Reformer

THE LAW OF EVIDENCE. By E. W. MORGAN and OTHERS. New Haven: Yale University Press. 1927. \$1.50.

Reviewed by BERNHARD KNOLLENBERG

THIS is a report on suggested changes in the Law of Evidence prepared by a Committee consisting of Dean John H. Wigmore, of Northwestern University, Judge Charles M. Hough, of the United States Circuit Court of Appeals, and other judges and lawyers of similar standing. The book will be of great interest to laymen as well as to members of the Bar. The newspaper reports of the trials of the Hall-Mills, "Peaches"-Browning, and other recent headline cases have revealed to the public that in this country a trial is apparently looked upon by many lawyers, and even judges, more as a sporting event than as an earnest effort to secure a correct ascertainment of the facts with the least possible delay and expense.

The principal changes recommended by the Committee are that the trial judge may require counsel to state whether there is any real controversy about any or all of the pleaded facts; and that the trial judge may express to the jury, after the close of the evidence and arguments, his opinion as to the weight and credibility of the evidence or any part of it.

Frequently, under present procedure, a trial is largely taken up with evidence in support of facts which have been denied in the pleadings but as to which there is no real controversy. This of course wastes time and befores the real issues. Under the recommended amendment, a capable trial judge would be able to confine the evidence to matters actually in controversy.

As to the second recommendation, in all but six of the State courts a trial judge is now prohibited from commenting upon the weight or credibility of the testimony. Federal judges are not so restricted; but, it appears from the Report, a majority of federal judges follow the practice of the local courts of the state in which they sit. The argument in support of the present practice is that, if the judge is permitted to comment on the evidence, the jury will simply adopt the judge's opinion and trial by jury will be, in substance trial by the judge. In the many cases in which the evidence is sufficiently simple and comprehensible for the members of the jury to form a definite opinion concerning it, there is no reason to believe that the jury would be swayed from their opinion by the judge's comments. The American juror is not so easily overawed. However, as a result of the complicated business dealing of today, the evidence submitted to the jury in a large proportion of jury cases, is not simple or comprehensible. In such cases the jury, hopelessly lost, would probably take its cue from the judge's comments. It is surely better, however, to have such a case in effect decided by a judge whose experience and training should make it possible for him to follow and analyze the evidence, than to leave the decision of the case to the haphazard guess of a befuddled jury.

Perhaps the most interesting feature of the book is the light it throws on the almost hopeless conservatism of the Bar and the startling lack of confidence which the average American lawyer has in the average American trial judge. Before formulating certain of the recommendations, the Committee obtained the written statement of hundreds of practising lawyers concerning their attitude toward the proposed recommendations. The response to these inquiries is summed up in the Report as follows:

... Any relaxation of the common law rules of evidence will open the doors to fraud and perjury. In New York this is the prophecy of sixty per cent of the profession,—a prophecy based on fear without experience.

... The answers to the questionnaire regarding the right of the judge to comment upon the weight and credibility of evidence revealed the most amazing and widespread lack of confidence of the bar in the trial bench. Many of those lawyers who approve the privilege of such comment in theory, who believe it works well in England, who think that on the whole it is satisfactorily exercised in the Federal Courts, are unwilling to extend it to the elective judges of the several states. There seems to be a settled conviction that the average trial bench of the states contains too many judges of poor education and unsound judgment, to say nothing of instability of character or plain dishonesty.

Advance in medicine and the sciences proceed apace while reform in the law lags far behind because the man of original thought in medicine can, in spite of the

skepticism of his fellow practitioners and of the laity, demonstrate the soundness of his ideas and secure their adoption. Lister, convinced that "wound fever" resulted from bacteria and could be eliminated by complete asepsis, tried out his hypotheses on the patients under his care and proved the soundness of his theory. A trial judge of a state court, firmly and rightly convinced that comments on the evidence would result in juster verdicts, who should put his theory into practice, would achieve nothing; his ruling would simply be reversed by the Appellate Court. Unless and until he can procure legislation changing the rules of evidence, his hands are tied. Yet it is difficult to secure legislation until the soundness of his theory is demonstrated. The path of the law reformer is indeed a thorny one!

### A Romantic

PIERRE LOTI: THE ROMANCE OF A GREAT WRITER. By E. D. D'AUVERGNE. New York: Frederick A. Stokes. 1927. \$5.

Reviewed by CLEVELAND B. CHASE

PIERRE LOTI is one of the few great writers of the last generation who have not yet found a suitable biographer. In France, it is true, MM. Mariel and Serban have devoted monographs to him, and M. Giraud, in his "Les Maîtres de l'Heure" has sketched out some of his more obvious characteristics, but none of these works pretend to be exhaustive. Mr. D'Auvergne's biography has the merit of being a full-length study carried out in a lively and often amusing manner. It touches upon the important episodes of his life and gives explanatory details in a lucid and scholarly manner. In particular we are reminded that Captain Julien Viaud was a conscientious and hard working sailor whom not even riches and the literary fame of "Pierre Loti" could detach from the service. It is the most complete biography yet to appear, but it is in no way definitive.

The author is intimately acquainted with Loti's voluminous writings. As these are, almost without exception, merely the history of his life, of his voyages, and, especially, of his loves, Mr. D'Auvergne has had only to transform names and to rearrange chronological sequences to possess adequate biographical material.

Such a method, highly dangerous in the case of almost any other writer, is quite safe in the present instance. When Loti, in his address upon his introduction into the French Academy, shocked Paris by confessing that he never read, he was telling the literal truth. He was interested neither in the writings of his contemporaries nor in those of the masters of the past. As a result his work was as little influenced as that of any novelist in history.

Due to his habit of never reading, and, consequently, of never imitating, Loti's diary became an important factor in his literary development. Because of it he became accustomed to express himself in flowing descriptive passages. It is far easier for one to jot down what has happened than to reconstruct dreams or imaginary events. The pleasure he got from description in turn caused him to remember in vivid detail even the most fugitive impressions.

But Loti—and again one comes upon the introspective influence of the diary—was not interested in the objective world for itself. When he travelled he had no curiosity about natives, their manners and customs, their industries, their arts, their intellectual or economic lives. Wherever he went he saw things as though he were the first person ever to see them. Thus his writing is vivid and gripping because of its spontaneity, its exuberance, its gusto, and because of his intense joy in life.

Unfortunately the present biography is devoid of these very qualities. It covers the facts of Loti's life adequately enough; it is often amusing; it is direct and lucid, but it seems to lack all feeling for Loti's personality. When Mr. D'Auvergne tells us about the intensity of Loti's experiences, about his zest, he gives the impression of a man talking glibly about something entirely outside his experience. He is intrigued and charmed by Loti, but he fails utterly to realize his uniqueness as a man and as a writer. He gives us the details of the episodes of Loti's life. The much more important question of what beauty and what ecstasy he derived from these often callous or even sordid experiences is never even hinted at. It is extraordinary that a book so entirely devoid of emotion could have been written about so emotional a writer.

## THE CHINA YEAR BOOK 1926-27

Edited by

H. G. W. WOODHEAD

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