

THE GRAMMARIAN

BY JOHN McCLURE

A TINKLING sound that he heard through a shutter made him curious, and the dwarf Biogenes peeped in. There was a man at a table with a candle and before him was a quill and some fool's-cap. At the man's side was a fork in a cork, which was still jingling and shaking like jelly. As the sound ceased, the man seized the quill and wrote savagely. The dwarf Biogenes tapped at the window.

The door opened after an instant, with the man in it, and Biogenes could see that he was bald.

"Is this the door that you knocked at?" he demanded, for there was some doubt, as Biogenes was still at the window.

Biogenes nodded and bowed.

"I should be grateful," he said, "though it does not concern me, to know what the devil it is you do with that fork."

"Be kind enough to come in," said the man in the doorway. "You are strange to me, but I shall explain it."

The dwarf Biogenes entered and sat on a chair.

"The fork," said his host, "placed as it is in the cork, vibrates into music if you flip it."

"I am familiar with that," said Biogenes.

"I flip it this way or that way," said his host, "and listen intently, absorbing both the tone and the rhythm. Then I attempt to imitate it in Greek. I will in this way arrive at a kind of poetry nobody has heard of."

"Your conception is very ingenious," said the dwarf Biogenes.

"I am a grammarian," said his host, "and make it my business to discover new beauties in language."

"You make a living at it?" asked Biogenes.

"Unfortunately no," said the grammarian, "and I have lost all my hair and forty pounds weight from living these years on less than a pigeon's diet."

"Then why do you persist in it?" asked Biogenes.

"It is a sort of urge," said the grammarian. "I desire to leave something behind me."

"You are afraid, then, apparently," said the dwarf Biogenes, "that you will one day be listed among the things that time forgot."

"I will admit that that fear has troubled me," said the grammarian, "as much as the urge."

"But the use of machinery like a fork," said Biogenes, "in the production of poetry appears to me as bizarre a procedure, revealing as artificial a dogma, as that of the young fellows in Syracuse who are attempting to be melodious in describing such absurd transactions as riding to the top of a house in a basket or turning a crank in a flour mill."

"I am no apologist for the modernists," said the grammarian, "and I am not at all sure that my own system is perfect. But that it is original no one can deny. I have written a number of verses in ordinary prosody. They are not satisfactory. And I am determined yet to be reckoned among the lyricists of Cairo and Alexandria, to say nothing of Antioch, when any critic begins counting them on his fingers."

"It is ridiculous to strive for supremacy over one's contemporaries," said the dwarf Biogenes, "since Plato and Æschylus."

"They are dead," said the grammarian,

"and their glory no longer pains us. But it would be very embarrassing, as you infer, if they were living in Cairo."

"They are very much alive," said Biogenes, "if only the jackanapes who are slitting one another's throats for supremacy knew it. And I dare say some of them do. I knew one such author in Alexandria. Somebody had put a bug in his ear and he was indefatigably attempting to destroy all the works of Plato. There was another who danced with joy when the library burned. If they would aim at the excellence of those elder men instead of scrambling for première place in the journals, the history of Egyptian literature would be richer."

"You cannot keep competition out of Grub Street," said the grammarian. "It is life or death there. You speak as an outsider."

"On the contrary, I speak of these fellows with authority," said the dwarf Biogenes, "for once I was one of them. I perished, almost, while writing three tragedies, an epic and a novel."

"You have not the appearance of a poet or a novelist," said the grammarian.

"I have been making a living for seventeen years," said Biogenes, "in the manufacture of baskets. I speak of when I was an elf, living altogether in the ghostly world. Then I learned what the life of letters was like. I composed a poem about opium that was much admired by the young men with new whiskers."

"There were lively times when I was a beginner," said the grammarian. "I knew a young man who stabbed a better poet to death with a goose-quill."

"It was quite common to circulate a libel about anybody who had been praised by the critics," said Biogenes. "I did it myself. When did you take up composition?"

"I served my apprenticeship in Antioch twenty years ago," said the grammarian. "I was a young man of ærial nature, and always had a leaning toward verse. So I went to the city and joined the young fellows who knew all about beauty. There

were a number of us, all barking up the same tree. We were hounds for fame in those days, as we are yet, and we were even jealous of a popular syncopator who invented a melody that maddened the population from Fall till Spring. We were charmed, any of us, to see our names in the bulletins. The desire for immortality is pardonable in any man, you will admit, and I dare say you have felt it yourself."

"It is very difficult to write a line that will be immortal," said the dwarf Biogenes. "And we must remember too, that the desire to perpetuate beautiful work or abstract ideas and the desire to be personally remembered are different things. Plato wrote the 'Phædrus.' A ballad-monger and lecturer I know of, who died of the pip, caused to be inscribed on his tomb that it contained a very brilliant man. Marcus Scaurus—and how many remember him?—wrote three books concerning his own life. Do you think the world will eventually care whether today you had artichokes for your dinner?"

"I have planned an autobiography, whatever you say," said the grammarian, "and I will explain everything accurately."

"You are on dangerous ground when you treat of affairs that are of significance to nobody else," Biogenes replied. "Our glory in daily transactions is more or less chimerical and, though we fill twenty volumes about them, we are likely to fare worse in the tricky memory of men than Critander, who is remembered for a witticism he exchanged with an apothecary. But return, if you will, to Antioch."

"Reared in the Soudan," said the grammarian, "I was not a little ashamed of being a poet. But a pamphlet by a young bank clerk, full of songs about women and death, reassured me. I became one of the new generation, cozened the moon, and twisted the speech and the metre so my songs would be surprising, with the best of them. We had a jolly enough assortment of poets in Antioch in those days. One fellow I knew had to abandon writing because it gave him the shingles. I remem-

ber another, very metaphysical, who attempted to explain a hole in his shirt as an illusion. One witty young man who wrote nothing at all made money off his remarks, charging a penny a word for those that were cribbed by the omnivorous scribes, from whom nothing escaped. One dramatist, rebelling at being interrupted by people who had nothing to do, did his writing in an attic, by the light of a burglar's lantern, so nobody could see he was home. There was an Alexandrian who was extremely conceited and always talked loudest at table. He wrote horribly. His sonnets had been refused, and my volume of verse, which I sent to him with an inscription, he hurled in the fire.

"For I had got out a book, done by an excellent copyist, with illuminated initials. It contained songs about everything. But trouble began at once. I was honored with a vitriolic review, which without doubt I deserved. However, I should have preferred to be spitted on finer steel, and I wrote to the critic in question and reminded him that when the Emperor Augustus met an ass before the battle of Actium he considered it a favorable omen. And as tokens of my esteem I presented him with a pad of butter and a duck-egg, but he took the gifts in bad spirit.

"I forgot to say," added the grammarian, "that I had neglected to establish credit when I arrived in Antioch. We were all of us poor, as we should have been, for none of us was willing to work. We had elaborated a theory, at a mass-meeting in a dramshop, that society should pay us a salary because we were worth money as ornaments."

"There was a black man in Abyssinia three thousand years ago," said the dwarf Biogenes, "who demanded honor and a pension for a song in original metres. Herodotus, in one of his lost books, referred to him as having been in his old age a butler in the home of a ship-chandler."

"We were never put on the government list," said the grammarian. "And our Parnassian school was eventually broken

up under economical stress. One young fellow, I remember, before the group was dismembered, was through good luck invited to dine at a silversmith's—by the artificer's wife—but a fish-bone stuck in his throat and he died the victim of a square meal. The rest of the bards, including myself, were high-spirited rascals, with a good deal of mettle, but two years of hunting for dinner and freezing tamed us considerably. We discovered that we were unable to live upon dew like the fairies. When we saw anyone eating we became jealous and wondered how the devil he got the money to pay for it. But I was determined to be literary, and I took classes in composition and taught imbeciles and children how to parse Greek.

"The others went different ways. One obtained work as a court reporter during an epidemic of murders and shortly afterward hanged himself with his cravat, saying that he found life intolerable because he had no time to write verses. Another became notorious by advertising in the market-place, and anywhere there were billboards, for a rich wife. One posted a bulletin at the exchange, saying he was willing to pull a cart in harness if they would pay him for it. One opened a shop selling hair-powder, and another, selling geographical maps. A sonneteer made a little money hocus-pocusing at a street carnival. A fellow who had specialized in the rhapsody did clog-dances in pothouses, passing his hat. One became a critic, for twenty pennies a week, making himself the scourge of all æsthetic iniquity. Another was hanged when they caught him with a mold, making piastres out of pewter. One, the luckiest, made a fortune selling beer to sailors."

"Did any of you write further?" asked Biogenes.

"Some of us did," said the grammarian. "I have kept at it. One, who had become a broker, fell in love with a country girl and composed the best verses of his career."

"It is perhaps not necessary that a man should struggle eight hours a day with a

pen in his hand," said the dwarf Biogenes. "The most beautiful story was conceived, not by a practicing romancer or poet, but by a monk. It is 'The Seven Sleepers of Ephesus.' And the most delicate of pastoral love-songs was written by a revolutionary who was the terror of nobles and shopkeepers."

"There is no question it would be better," said the grammarian, "if we could do nothing but write. That monk and this raggedy-breeches you speak of were exceptional men. If you were a writer at heart, you would realize this fully. Why, may I ask, after writing tragedies, epic verse and a novel, did you abandon the profession of letters?"

"I was unable to discover an herb that was a prophylactic against foolishness," replied Biogenes. "And I simply grew tired of blushing."

"All great writers have had the courage to be foolish," said the grammarian. "It is only the little men who live in terror of making asses of themselves."

"I was very small fry then," said Biogenes. "But continue with Antioch."

"I began to eke out a living," said the grammarian, "as I told you, by giving instruction in Greek and teaching versification. The latter was worse. Strange creatures brought me their poems, which I criticized at great length for a penny a line. And on reading these verses which came so hard I was racked by a sympathetic pain, to which I attribute the beginnings of rheumatism."

"You can imagine that, teaching ten hours a day, I got little accomplished. I was twenty-eight when I began and I am now forty-seven. I wrote two or three pages a week. When I left Antioch and came to Cairo five years ago it was still uncompleted. But, with hard application since I arrived here, and, unfortunately, with fewer students in Cairo than I had formerly, I wrote the last words during the Winter just past. I am now waiting for it to be issued by a bookseller in Antioch. He says that it is good and I have confi-

dence in him. When it is published, I shall emerge from retirement, return to Antioch and enjoy a hard-earned triumph."

"And what is this novel about?" asked the dwarf Biogenes.

"It is about a grammarian," said the grammarian.

"Your reappearance in Antioch after the volume is published is not likely to be accompanied by an earthquake," replied Biogenes. "We live in a busy society. But I trust it will be successful."

"There is no question about that," said the grammarian.

"Life and letters are always uncertain," said Biogenes. "Coculus Naso was sure of his fame, but the night before his Corinthian tragedy was first put upon sale he saw a spectre standing under a lamp-post which predicted its murder at the hands of the critics."

"I do not anticipate any difficulty," said the grammarian. "This novel is good."

"Do you plan to compose another?" asked Biogenes.

"Possibly," said the grammarian. "When I have disposed of my autobiography. But, as relaxation, I have returned to verse lately. My theory about sounds has taken all my time since April. I have nightly imitated the noise of that fork and am gradually developing a monotonous rhythm that tapers off into nothing. There have been no poems written by anybody in precisely that crooning tone. It is new, and since it is new, I have faith in it. I will become famous also for that. If you wish, I'll read you a specimen of this extraordinary metre—"

"I have an engagement," said the dwarf Biogenes, purpling. "I should not have stopped in the first place."

"And I should be at my work," said the grammarian tartly.

He gave a flip to the fork. The dwarf Biogenes departed in some confusion, and stepped into the street as the vibrant tin sighed into silence and the grammarian's quill once more went scratching savagely over the fool's-cap.

TRIAL BY JURY

BY HARRY ELMER BARNES

MR. CROWE: That [Dr. W. A. White's record as a psychiatrist] is objected to as incompetent, irrelevant, and immaterial. The only purpose of it will be to lay a foundation for him to testify as an expert on the question of the sanity or insanity of the defendants. On a plea of guilty, your honor has no right to go into that question. As soon as it appears in the trial it is your honor's duty to call a jury. . . . I insist that the question of sanity or insanity is a matter under the law for a jury. . . . From the moment you hear evidence on insanity everything you do becomes of no effect under the law, and this becomes a mock trial.—*Chicago Tribune*, July 31, 1924.

CONSCIOUSLY or unconsciously, the learned attorney for the State, if he had exhausted a day in formal argument and exposition, could not have more thoroughly evinced the utter bankruptcy of his scientific knowledge and the totally archæological nature of his juristic concepts and orientation. . . .

Walter Bagehot is said to have remarked that the chief cure for admiration for the English House of Lords was to go and give it an ocular inspection. It is equally true that in most cases we can be cured of our reverence for contemporary social institutions by a casual investigation of their history. What has been viewed hitherto as a gigantic example of divine solicitude, condescension and revelation appears upon research to be but a clumsy and awkward product of centuries of historic evolution, embodying, like the great rock formations, a vast number of fossil and vestigial remains, many of them quite as anachronistic today as the theory of the four humors or medieval astrology. Of no other institution is this more true than of the jury as an instrument for the ascertainment of the guilt or innocence of men accused of crime.

I have not space here for a thorough review of the history of the jury, such as might be founded upon the illuminating researches of Brunner, Pollock, Maitland, Thayer and Haskins, but I may point out briefly the salient facts in the matter. In the first place, more than ninety-nine per cent of human history was passed without any such institution as the jury having a place in criminal procedure. It had, indeed, a very recent origin. Even the highly developed Roman jurisprudence knew it not. Its beginnings in late medieval times in Western Europe were due as much to accident as to design. During the greater part of the Middle Ages the ordeal, trial by battle and compurgation were the most widely used devices for ascertaining the guilt of the accused. But early in the period the political, rather than the juristic, conditions of the times were evolving machinery which, though far removed in its origin from court procedure, was destined ultimately to beget the modern jury.

Its remote origins are to be found in the nature of the *fiscus*, which was related to the royal revenue jurisdiction in imperial Rome. This power was carried over by the Franks, to whom the royal lands were known as fiscal lands. Among the more important administrative business of the Frankish Empire was the inquiry into royal rights, and particularly into disputes over royal lands. In order to establish his rights the King would frequently direct an *inquisitio*, or inquiry into the actual state of affairs. The matter was usually settled after conversations and adjustments between the royal representatives and private citizens. In due time the *inquisitio* was ex-