

ETHICAL TALKS BY CHALLENGE AND THE LAITY

NO PROOF OF THE THEORY OF EVOLUTION

BY PROFESSOR RUDOLPH VIRCHOW

(This article, written August 21, 1901, is his last contribution to scientific literature.)

I HAVE never been an opponent of Darwin, though all my quarrels were with the Darwinists and particularly those defending the descent of man from the monkey. As an objective natural philosopher I always demanded that the monkey theory, or to be more correct, the hypothesis relating to it, could not be definitely discussed until the genus ape from which man is supposed to have sprung is discovered. In other words, I demanded that a certain ape be unmistakably pointed out as the possible forefather of man. The theory cannot be demonstrated on any members of the genus or species of ape known to science up to date.

That there are human individuals resembling apes closely I have myself demonstrated; for instance, in the case of *Proconsul squama temporalis*, cases well

known to scientific men. These cases I introduced into scientific literature under the name of pithecoidea; that is, resembling or pertaining to the genus *Pithecus*—viz., belonging to the higher as distinguished from the lower apes. Still, I took care not to characterize these individuals as atavistic because science recognizes a great many marvelous or prodigious and exaggerated formations, malformations, of the human body, resulting from disorders in the prenatal development.

The question then would have to be formulated as follows: What is atavistic (hereditary) and what is acquired (during the embryonic period) in the malformations of the human form called pithecoidea? The discovery of Eugene Dubois, in Java, made in recent years, has developed an entirely new question. It is

undecided whether the bones he found belonged to man or ape. My own investigations led me to conclude that they were the bones of a monkey rather than those of a human being. The matter was thoroughly discussed, and everything relating to it can be found in the conference of the Berlin Anthropological Society. As to the hybates, according to my own investigations and ideas, it is among man apes the one most closely resembling human beings and therefore anthropoid. I am not in absolute opposition to Dubois, neither do I disagree with those zoologists who regard Dubois' anthropopithecus (the name he gave to the creature whose bones he found) as a hybates or man monkey.

Those interested in the question should remember that the ape theory is not new

by any means. Old Galenus already (born A. D. 131) recognized the monkey in general as the animal most resembling man, and made this resemblance the basis of his instruction in anatomy. That shows for one thing that the monkey theory has not made much progress in the course of 30 centuries. In my opinion, the stand taken by Galenus ought to satisfy speculative minds. Objective thinkers, however, must demand more. As for myself, it will be remembered that, as a natural scientist, I have always made it a point to keep out of the speculative element and to proclaim the supremacy of objective knowledge in natural science. To this brief summary of my standpoint in the question of evolution I think it proper to add that some time previous to the publication of Darwin's "Origin of Species" (1859) I exploited before the congress of German natural scientists and physicians in Carlsruhe this theory: "For those who do not accept the dogma of the creation, evolution is the only possibility left." But from possibility to proof of evolution is a long way off.

he goes away, carrying his purchase in triumph, and you will plainly see that my dear complot knows how to make a bargain.

If Solomon had known Jacques Bonhomme, I should feel inclined to think that it was he whom the Hebrew King had in his mind's eye when he wrote: "It is naught, it is naught, saith the buyer; but when he hath gone his way, then he bouneth."

But no doubt the complotists of Solomon were good at a bargain, too. "Jacques" manner is no less remarkable when he has to part with the value in cash. He seldom carries his money in his trousers or waistcoat pocket. He carries it in his hand, in a small purse, from which it is only to be extracted with difficulty, and this purse is hidden inside his blouse, and carefully fastened to it by a strong leather string. It takes about five minutes to open that purse, during which time he reflects.

When the operation of paying has to be performed Jacques gently lifts his blouse and, making a rather wary face, draws forth his purse from its hiding place. In the act of untying that leather string he is as unhappy-looking a creature as you could well behold.

He rarely faces the enemy on these occasions. He turns his back to him and pretends to have great difficulty in getting the money out of his purse. He hopes you may get tired of waiting and let him go. When at last he has the money in his hand, he turns toward you, holds it out, draws it back, a little game which he plays as long as he can.

From all this you will easily conclude that Jacques Bonhomme is a penny-grubber, and so he is. There is not much generosity in him, except for a working peasant in trouble. There is none in him for the lazy or the drunkard in trouble.

So the grasshopper he invariably says the part of the ant. But let us say that if he seldom lends his money, he still much more seldom borrows any of anybody.

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else. The planet on which they reside is many millions of years old.

Professor Hough omitted to state that, but then so too did Kant. We will therefore supply the omission. While we are at it, we will note that, in view of their advantages, the Martians are in a position to give us a number of points, which, however upsetting, would fill a few long-felt wants.

Could we acquire those points we should learn that because we no longer die of the dry rot, and know enough to come in when it rains, we are not such big bugs as it has pleased some fancy thinkers to say.

We should learn that within 50,000 miles of our present telescopic range there reside a people on whose high minds it is even better that Dread and Worry never batten, a people free from the curse of money, exempt from the bane of ignorance, a people living without hypocrisy, doing without cant, moving in an atmosphere devoid of the stupidities in which we all delight.

These are a few of the points we should get. How uplifting they would be, or, rather, how upsetting, is clear. For with their cherished prejudices, and their complacencies, and our residence the rum of the sky.

much hard work must be done. Composers must stop their wild striving for originality; they must be less prosaic than they are today. Let the public make up its mind to have poetry in music, let the critics take a firm stand and abandon the policy of applauding freaks, then symphony will be worthy of its name and win back its place in public esteem.

Then, with all the world contributing, we will have real folk songs, voicing man's joy and woe, success and failure, love and passion, in the divine language of melody, the universal tongue, understood and appreciated by all. And this triumph of melody will be the death of academic music, the music of the program—childish, vulgar, and antiquated.

Many those who love music never forget that melody is its highest and noblest expression. Melody will reign supreme in the end, because all acknowledge its power.

months of their wedded bliss, but there comes at last a time when a frown comes to their faces, symbolizing a feeling of unrest they are beginning to experience.

That frown sometimes sinks deeper and deeper into the face till it touches the heart, and then irritation is set up, and inflammatory conditions are produced, stretching far into the soul, causing pain. The husband has returned home, perhaps, a little earlier in the evening than usual, and has found his young wife out. He doesn't like it, for the majority of men are like big babies, and always want a nurse to look after them. The wife is the nurse, and if she be not the big baby nurse, restless, and doesn't know what to do with himself. Girls are best off who study the little whims of the men they have chosen as their protector for life. It not only makes them loved once better, but it means the happiness for the girls themselves. And girls can easily do this.

The minstrel boy to the war has gone, In the ranks of death you'll find him, His father's sword he has grided on, And his wild hair hung behind him. "For he tore it off the world today, One sword, at least, he right shall guard, One faithful harp shall praise thee!"

The minstrel fell—but the foeman's chain Could not bring his proud soul under; The harp he loved he spoke again, For he tore it off the world today, One sword, at least, he right shall guard, One faithful harp shall praise thee!"

They souls of love and bravery! Thy songs were made for the pure and true, Thy shall never sound in slavery!

SUCH NOBLEHEARTEDNESS

BY OPIE READ

THE world is no doubt delighted with the information conveyed by Miss Biddle, of Philadelphia, that the "smart set" is all right. She is from one of the oldest families in her town, and this entitles her to an authoritative say.

Her book, though in press before Marce Henry Watterston gave to "the 409" a pyrotechnic swipe, is heralded as an effective reply to the picturesque statesman of Kentucky. But the average man is forced to the conclusion that a society of so many virtues needs not so constantly to be defended.

The fact is that no self-aided society ever advanced the world. The science of the earth and the science of the sky have ever been the province of the worker rather than of the promoter of a frill and the emphasis of a necktie.

Real society is the bloom bursting out at the top of real civilization, of advancement; but a mere storehouse of manners where learning is held in contempt is usually placed above achievement in the secular world of literature and the assassin of genius.

Respectability is one thing and pretense is another. Pride of family is commendable, but family must have done something.

Miss Biddle says that in her set there is a great pride of ancestry. Now, the orang-outang is from a very old family, and so far as we know his descent has been straight, with no foreign admixture, but we are not aware of the fact that the orang-outang has ever invented a machine or painted a picture. The in-

habitant of Central China, when it comes to ancestor worship, can give not only cards and spades to the American "409," but the entire deck.

It cannot be denied that the Biddles of Philadelphia are well known. Andrew Jackson, while President, became well acquainted with Nicholas Biddle, boss of the United States Bank. It was said that Nicholas had declared that he could buy Congressmen, and then old Andrew replied:

"Well, I don't reckon I've got money enough to buy you, but I can fix you so you can't buy the representatives of the American people."

And he did. He took the charter away from Nick, and since that time the Biddles of Philadelphia have been particularly well known.

In her book Miss Biddle says: "Most willingly do they open their doors to any who have earned the right of entrance. This right is the reward of natural, noble, true-heartedness, a badge of real gentility and brains."

Wow! Is it the sign of brains to entertain a monkey at dinner? Is it an evidence of gentility to drive an automobile over women and children? Is it true-heartedness to waste in one night \$50,000 on a dance when in the neighborhood the poor, shut out from work, are starving to death?

Merit must have some foundation. "Virtues may be so exclusive as not to exist." Miss Biddle says that the members of her set are noted for cultivation. Is it an evidence of cultivation to read and to write books of feverish erudition? Why

not say that the true basis of this society is money, and a certain sort of mannerism put down as politeness?

But this Philadelphia woman declares that money counts no figure. If she were a man we would then know what to call her, but as she is a woman we simply remark, "Oh, you must be mistaken." Poverty-stricken exclusiveness would cut a sorry cap. Patched pantaloons might go well at a masquerade, but not at a reception.

Why not give to money its due, grant to it the inherent right of all ages? Money is the bolder of civilization's machinery. It steers the ship; it discovered America; it is the world's motive power. It is not always cruel; sometimes it is generous. It feeds the hungry and houses the orphan. In the hands of the noble it is a virtue. Then why should the Biddle set pretend to despise it?

"I belong to the very first family of this community," said a man.

"Ah, I congratulate you," replied the stranger. "And what state is this?"

"Oklahoma Territory."

"And how long have you lived here?"

"Since day before yesterday."

That fellow, by at least one day, had the "bulge" on his neighbors. Doubtless he left an older state to elude the Sheriff, but in after years a descendant of his will lead society and point with pride to the founder of his family. And a woman may write a book defending his and her set against the ridicule of the intelligent, and say that their doors are not open to money, the curse of the world, but to noble-heartedness and real gentility.

HE CAN'T GET INTO TAMMANY

J. J. MONTAGUE TELLS ABOUT THE NINTH DISTRICT DRUNK IN HONOR OF THE CHIEF, BIG BILL DEVER

NEW YORK, Sept. 12.—(Special Correspondence.)—Big Bill Devery refuses to be comforted. Bill, who is the most picturesque character in New York, was elected leader of the Ninth Tammany District the other day, and they won't let him into Tammany Hall. The things he has been saying will not admit of publication, but they are exceedingly interesting. He says he will get in before he gets through, and he probably will, for he has a way of accomplishing things that is remarkable.

Devery's campaign for the leadership cost him over \$50,000, and was the most original fight of its kind that the oldest New Yorkers remember. In the first place he subdivided three or four saloons in the district and thenceforth they served out beer free of cost to all comers. Then, every week or two, he would give a colossal picnic or clam bake to some point out of town, and invite 3000 or 4000 families living in the district to attend. Everything was free on these excursions, lunch, which was the best procurable, drinks, hard and soft, fare, and all, and naturally they became popular, and redounded to the credit of the big chief.

John C. Sheehan, his opponent for the leadership, is the founder and head of the

Greater New York Democracy, which united with the Tammany movement at the last election to down Tammany, and succeeded. Sheehan was popular in the district, but he couldn't withstand any such whirling tactics as those employed by Devery, and he was defeated very tidily.

The night of the election there was a scene worth seeing at The Pump, a saloon on Eighth avenue, above which is Devery's "Four Corners Club." Fully 6000 people were in the vicinity, drinking free beer by the schooner load, burning red fire till it began to look as if they would set fire to the asphalt pavement, and shouting for Devery to come out.

William spent the early part of the evening at his headquarters, the club, and then he went down to the Pump, the facade of which was brilliantly decorated with American flags, as, indeed, was nearly every house in the neighborhood. When it became apparent that the returns that had been elected, he walked down the street, escorted by a shouting multitude, took a stand on a tallboy, which had been hauled down by four prancing horses to serve as a rostrum, and harangued the crowd, telling them among other things that sheehan was as crooked as Pearl street. Then extending a general invitation to every one to come in and drink with him, he went upstairs to the club, and from time to time, in response to calls from the crowd, he thrust his massive head out of a window

and made a brief address. The celebration lasted until 11 o'clock in the morning, and any one passing by at that hour could count on his fingers all the sober men or women, for that matter—the street, although there were still many hundreds gathered there.

There has been little doing in the theaters this week. The Earl of Rosslin has been playing in a comedy called "There's a Man a Slip" and has proved himself to be a very bad actor. Mrs. Patrick Campbell has opened in a new play which isn't, and of right ought not to be, a success. Mrs. Leslie Carter will open her season very soon in "Du Barry," and Virginia Horne has a new play, "Iris," in which she will begin a season September 22. There is nothing else of importance in immediate prospect.

Mrs. Dr. Mae Carlwell has been in New York for several days, visiting relatives, and will be here for a number of months. Mrs. Walter Reed is also here for the winter. Fire Chief Campbell will leave tonight for home. He says he has secured a great deal at the convention of the chiefs, and hopes that the knowledge he has gained will prove of benefit to the Portland Fire Department. Firemen from all over the world were in attendance at the convention, which was the greatest of its kind ever held.

J. J. M.

THE SLUMS OF SPACE

BY EDGAR SALTUS

PROFESSOR HOUGH, a gentleman connected with Northwestern University, announces that a people superior in intelligence to local humanity inhabit the planet Mars.

This announcement has the merit of seeming quite new. It has the greater merit of being quite old. At the end of the century before last it was formulated by a thinker named Kant, who stated that the degree of intelligence of the inhabitants of the universe is in direct proportion to their distance from the sun.

In accordance with this proposition, which all self-respecting professors have adopted—though not necessarily as their own—the inhabitants of Mercury, who are nearest to the sun, may be represented as human hyenas, those of Venus as cheerful brutes, those of Mars as interesting poets, those of the more distant spheres as possessors of ascending attributes, while humanity, as observable here between Venus and Mars, represents an aggregate of

amusing ignorance. Ignorance is very fertile. The less we know the more we believe. A prime article of belief has been that this planet is the top of all creation, that the sun, moon and stars were especially manufactured for it. Another article of belief—prayer—yet is that of the myriad other and infinitely more agreeable planets this ant hill of ours is the best of the lot and the only one inhabited.

Said Shelley: "How green is this gray world." And naturally, ignorance could not be denser, nor yet more humorous. Within the relatively narrow space to which observation is at present confined there are not less than 300,000,000 worlds. Many of them are gigantic. Their suns are more magnificent than ours, their moons more numerous. The conditions in which they revolve are as a consequence rather superior. But do we admit that superiority? Not by a long shot. History is a pleasant record of the uninter-

rupted stream of calamities to which man has been subjected. In spite of which, or, perhaps, precisely on that account, we regard the rotten apple on which we crawl as the pick of the basket.

There is human stupidity in all its plenitude. It is so lovely that one could kiss it. None the less in our Father's house there are many mansions. These mansions form a long street. They reach from the slums of space to the parks of paradise. It is in the former that local humanity resides. The humor of it is that we mistake these tenebrous for fairy-lands.

In the circumstances it is very nice and considerate of Professor Hough to come along and correct us. It is particularly nice of him, inasmuch as Kant, who preceded him with the correction, is seldom read today. But a fact remains. The Martians are superior to ourselves. Here is another fact. It would be difficult for them to be otherwise. Here is something

THE FUTURE OF MUSIC

BY PIETRO MASCAINI, COMPOSER OF "CAVALLERIA RUSTICANA"

WHAT will be the future development of music? Have we seen the end of the music drama, as Wagner inaugurated it, or will the composers of the future continue that style of music and bring it to its highest perfection?

Above all, it is wrong to look upon Wagner as a musical reformer pure and simple—or upon his life's work as a finished period in the history of the opera. Like other arts, music is progressive, and its highest development will come as the prize of constant striving for the ideal. And complete harmony—melody—is the highest musical ideal attainable. Wagner being under the sway of polyphony, his works were not, and could not be, ex-

ponents of harmony. Though an inaugurator of a new style Wagner was a radical, the true value of his work in its bearing on the music of the future will become apparent only when logical, clear-sighted, and unsparring criticism has done away with the pseudo opinions of ignorant professional and unprofessional dilettanti that today are trying to be more Wagnerian than Wagner himself, while all the time obscuring the true mission of the master's work.

When these foolish works are silenced, and not until then, will there be a revival of melody on the lines laid down by the great Baireuther, for, the fog having cleared away, composers will be free to seek inspiration at the fountain-

head of pure music, and melody, the eternal and universal language of the soul, will triumph.

Let it be understood, at the same time, that the rich treasures of melody stored up by Scarlatti and Verdi did not become obsolete in consequence of Wagner's supremacy; his music-drama, dethroned only the old and obsolete methods, or better, styles of composition, and forever. A new recipe for constructing operas was found and triumphed. On that we build, on that ground the future of music.

As to symphony, I have no doubt of its healthy development. Its future looks bright, but until the ideal is attained

STUDY YOUR HUSBAND'S WHIMS

BY HELEN OLDFIELD

READ the history of the successful men of today and 50 times out of 100 you will find a man who stands at the head of his profession, the man who has gone from poverty to wealth, or has been elected to seats on public bodies, and is first and foremost in local and general popular favor, is the man who has had a strong, capable woman behind him pushing him onward and upward. A wife is a dead weight who has to be carried, and now, when the race of life is so hard and the competition so keen, no man so handicapped is going to win.

I am now more particularly addressing myself to engaged girls. When you are married, fit yourself to do some actual work in the world. Don't be a parasite; by this I don't mean go in for a career in the outside world. Any woman who can stay at home and who does not have to go out and battle with fate for bread ought to thank heaven for her blessing, and cling to it. But there is no other profession on earth that needs such a vast technical knowledge nor such broad training as the profession of wife and mother.

No girl has a right to marry unless she knows how to keep house comfortably and economically, and if she does know this she has a good, practical profession to which she can always turn her hand.

The art of being a good wife is one of the least understood and the most important arts in the world, and the one that will best repay any girl's study.

Girls who are not engaged yet should go into the world—if she be a poor girl I bid her welcome into the ranks of labor, with the assurance that there she will find exactly the amount of emolument she earns. If she is ashamed of her work and does it badly, or if she only does it with one hand and eye, while the other is on a continual hunt for a possible husband, she will get starvation wages as long as she works; but, on the other hand, if she has a fine enthusiasm for her work, and puts heart and soul and brain into it, success is hers. It never fails, and there is no more excuse for an abled woman being dependent today or lacking the luxuries money can give than there is in a man's. It means work and sacrifice, but success means work and sacrifice for a man, too. All the prizes in life are bought with blood and tears.

The hysterical, pleasure-loving woman has had her day. Men loved her and admired her, and protested against any change, but when the new woman came with her sane, rational views—a woman who could be trusted like a man, yet loved like a woman; who could be reasoned with instead of cajoled—why, men saw that they had got a companion in-

stead of a plaything, and the other woman's reign was over.

The woman makes the atmosphere of the home. If she is gay and bright—a happy philosopher who takes life as she finds it and makes the best of things—there is sunshine in that home, and every body goes out of it full of hope and strength and courage; but if she is querulous and complaining, she is the wet blanket that chills enthusiasm and kills effort.

This is a practical view to take of a subject that is generally wreathed about with glittering generalities, but it is the real side of life that every girl must face. We women, alas! are seldom called upon for outward deeds of heroism. We would die for those we love, but we are only called upon to do those small things men think we can only do. According to the way we do this—well or ill, cheerfully or grudgingly—depends the happiness and well-being of girls.

I should warn girls that when they marry their first thought should be for their husbands. It frequently happens, and many girls would admit it, that their pride is so overwhelming and their joy so unbounded that they run the risk of losing much of that anxiety for their husbands which they should feel. Men are constrained to forgive much of that thoughtlessness during the first few

DECIDED BY THE COURTS

Recent Findings of Interest to Lawyers and the Laity.

AN instrument prepared by an injured person in full possession of his mental faculties and in the confident hope of recovery, to be signed as a dying declaration in the event of subsequent conviction of fatal termination of the injury, is held, in *Harper vs. State (Ill.)*, 56 L. R. A. 372, not to be admissible in evidence as a dying declaration, although executed under conviction of death.

An extensive note to these cases reviews all the other authorities on dying declarations as evidence.

A contract by which the next of kin of one about to be employed by a railroad company releases the company from liability to him for damages resulting from negligent injuries to the employee is held, in *Tarbell vs. Rutland R. Co. (Vt.)*, 56 L. R. A. 366, to be void as contrary to public policy, where a statute provides for such liability.

A corporation which permits an executor to transfer on the books of the corporation stock of his testator to a legatee is held, in *Wooten vs. Wilmington W. R. Co. (N.C.)*, 56 L. R. A. 315, to be charged with knowledge of the contents of the will, and bound to see that any trust provisions of the will are carried out.

A covenant of general warranty of title, in a deed of marked trees described as standing on certain land on which a lien is given to secure the warranty, though some of the trees are, in fact, on other land, is

held, in *Ascher Lumber Co. vs. Cornett (Ky.)*, 56 L. R. A. 372, not to be a covenant running with the trees, on which the grantor will be liable to a subsequent purchaser by deed from the grantee.

A railroad company which ejects from its cars, at a station where they ticket expired, a drunken passenger acting in a boisterous manner, using no more force than is reasonably necessary, is held, in *Chesapeake & O. R. Co. vs. Shushberry (Ky.)*, 56 L. R. A. 368, not to be liable for any injury which may result to him from his effort to pursue and re-enter the train.

If under the statutes of a state where a contract for transmission of a cipher telegraph is made, a provision in the contract is valid which exempts the company from liability for mistakes unless a small additional fee is paid to insure accuracy, it is held, in *Shaw vs. Postal Telegraph Cable Co. (Miss.)*, 56 L. R. A. 405, that liability for mistakes cannot be enforced in another state in the absence of such payment, although by its laws the provision would be invalid.

One who was tried and convicted in a police court, without a jury, of keeping a bawdy-house in violation of a city ordinance, and who, on attempting to appeal from the conviction, was required to give a bond with approved surety, to secure his appearance in the District Court, which she declined to do, tendering one signed by herself alone, which was refused, is held, in *Re Kinsey (Kan.)*, 56 L. R. A. 415, not to be unconstitutionally de-

prived of the right to jury trial, since the constitutional guaranty does not extend to proceedings for the infraction of ordinances and local regulations passed under the police power.

Damages for mere mental suffering caused by a letter, or by a telegram, are held, in *Connelly vs. Western Union Telegraph Company (Va.)*, 56 L. R. A. 415, not to be recoverable either at common law or under statutes imposing penalties for failure to promptly transmit and deliver telegrams authorizing the recovery of damages sustained by reason of the violation of the statute, and making telegraph companies liable for special damages occasioned in transmitting or delivering telegrams, in determining the quantum of which, grief and mental anguish may be considered.

Dying declarations of a woman whom defendant is charged with killing by means of an abortion are held, in *Worthington vs. State (Md.)*, 56 L. R. A. 393, to be admissible in evidence where they were accompanied by constant affirmation of expectancy of death, and begging the doctor to save her, as she was dying, although he held out hope of recovery.

Requiring a horseholder to practice the business of horseholding for four years, and submit to an examination by a board of examiners, and pay a license fee for the privilege of exercising his calling, is held, in *Bessette vs. People (Ill.)*, 56 L. R. A. 403, not to be within the police power of the state.