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Up to the American People.

The return of the American railway system to private management was greeted with nothing less than a national burst of rejoicing. It is an incontrovertible fact that this country ought to have the best railway service in the world, as it once did have. American business judgment, practical experience and horse sense reached the conviction months ago that Government railroading was a hopeless proposition. So the American people were ready, eager and determined to get the operation of the carriers out of the hands of the Government.

But practical railroad men charged with the responsibility of restoring the morale of the workers, improving the quality of the service and reestablishing the credit of the roads do not, and the general public should not, ignore the very serious condition of the carriers now that they are out of the hands of the Government.

The public is paying directly in increased traffic charges two billions of dollars a year more in round numbers than it was paying a little while ago for transportation. But the payrolls of the roads are up hundreds of millions and their other operating expenses are up still other hundreds of millions beyond the increased gross receipts represented by that two billions of dollars of increased traffic charges. The increased costs, in plain English, are up far above the limit of financial safety.

If the railroads under Government operation had not been drafting hundreds of millions out of the United States Treasury in addition to the prodigiously increased operating revenues the country would have been strewn with the wrecks of bankrupt carriers far and wide. Back to private management, the roads as a whole face financial ruin unless they get on a solid business basis.

A solid business basis for the American railway system means first of all traffic rates that will enable them to make both ends meet. But it means more than merely piling rate increase upon rate increase. It means a square deal from the public to the railroads and a square deal from the railroads to the public. It means giving adequate service for adequate rates. It means at the same time giving an honest day's pay to the railway employees and getting an honest day's work out of them. All this depends on public opinion and public support.

The railroads cannot build themselves up again without the backing of the public. But the genius of America can work out the problem with the earnest cooperation of the American people.

A Bad Week for Revolutionists.

Taking it all in all last week was a bad one for revolutionists of various tinges, from the pale rose of the drawing room anarchists to the carmine of the I. W. W. variety. The "cause" did not get along anywhere. In fact there were indications here and abroad of the growing unpopularity of its advocates.

Candidates seeking the nomination for President from each of the two great parties became very frank on the subject of the domiciled but unnaturalized or naturalized but un-Americanized foes of our institutions. The Attorney-General of the United States announced with grim assurance that the Soviet arks would make many trips with full cabins from a country which had made up its mind at last that it was the nation's duty to itself to put safety before hospitality. General PERSHING expressed his opinion about a certain type when he said that those who would not learn the language of the land were not fit to live in it.

Things went badly for the extremists in France. The great railroad strike failed to paralyze business right away, as those responsible for it had predicted that it would do. The newspapers pointed out that the open results of revolution and the proposal to put the country under a dictatorship of workmen's syndicates had exhausted the patience of the public, and they called upon all good citizens to support the Government, which seemed to be growing stronger every day. The failure of the strike leaders to starve the nation must have affected the temper of the members of the National Socialist Congress at Strasbourg, for at the opening session the comrades greeted each other as "dirty beasts."

In Great Britain the Labor-Socialist party was depressed by the widespread demonstration of satisfaction over the return of Mr. ASQUITH to the House of Commons. Persons who had looked forward with dread to the possibility of seeing DAVID LLOYD GEORGE succeeded by ARTHUR HENDERSON on a platform of "nationalize everything" took heart at the indications that the Liberal party might get back to power, stop the coalition riot of extravagance and enable the nation to pay its debts.

As for Russia, the depressing thing about that country, from the point of view of revolutionists in other parts of the world, was that the firm of LENINE and TROTZKY had begun to show indications of a desire to be accepted in reputable business circles as persons who could be trusted.

Secretary Lane's Valediction.

Read between the lines, the valediction of FRANKLIN K. LANE explains why he was a good Secretary of the Interior. He was fond of his work. His letter to the President is not a picture of his own record but an attempt to show the people what a great department that of the Interior is and how much greater it may become. Mr. LANE, regretting that the Interior Department appears to be only "an abiding place for a group of unrelated governmental agencies," hastens to plead that "it is the most distinctly American of all the departments."

Mr. LANE's peculiar value as the Secretary of the Interior has come from his power of reducing large, abstract, uninviting propositions to small and diverting units. He has been interested in "a barrel of oil, a mountain canyon, the flow of a river or the capacity of the humblest of men." He has the pioneer type of mind. Alaska, American forests, oil and ore fields, all have been lively objects of his interest.

The national capital will remember LANE, if for nothing else, for his indictment of it. "Washington," he says, "is a combination of political caucus, drawing room and civil service bureau." It is honest and means well, but is poorly organized. It is natural that a Secretary of the Interior, enthusiastic over his work, should feel that way. It irks him because, when he sees a thing to be done, the machinery delays the doing. LANE, always willing to take responsibility—even for a hand in those Cabinet meetings—is vexed by men who keep the buck going around the table:

"Every one seems to be afraid of every one. The self-protective sense is developed abnormally, the creative sense atrophies. Trust, confidence, enthusiasm—these simple virtues of all great business are the ones most lacking in Government organization."

This is all true. Red tape and little tyrants have had their effect. To say that the same evils exist in all governments long established is not a complete excuse. The only remedy is better men in office: men who, trusted, trust others; men who have the courage to say necessary things bluntly, as LANE has done.

Lawsuits to Prevent Litigation.

By far the most interesting and important reform recommended to the Legislature by the New York State Bar Association at its recent meeting in this city is the enactment of a measure to permit our courts to entertain jurisdiction of lawsuits to prevent future litigation. These cases are known as suits for declaratory relief. The plaintiff comes into court with the contract he has made with the defendant; questions have arisen in regard to the rights and duties of the respective parties thereunder; he asks the judge to consider their conflicting views and render a judgment answering these questions and declaring just what each party is lawfully bound to do under the agreement. The complaint is really a request for judicial guidance to avoid the commission of errors which might result in serious loss. If the judge can tell the parties to the contract what their rights and duties are now a suit for heavy damages in the future may be avoided.

Such jurisdiction is now exercised by the courts in England, where these suits for declaratory relief have increased in number and importance since the outbreak of the great war in 1914. The *Bulletin* of the American Judicature Society for 1919 says that the first volume of the King's Bench reports for 1916 "reveals a large number of cases in which the power to make a declaration was most beneficially exercised." We do not find a large number of such cases in that volume, but it contains reports of three cases which aptly illustrate the procedure thus commended.

The first of these cases arose under a charter party providing for the hire of a steamship to be employed in voyages "between safe ports" situated between latitude 80 degrees north and 50 degrees south. The plaintiffs asked for a judgment declaring that in February, 1915, Newcastle-upon-Tyne was not a safe port within the meaning of this charter party. On the 11th day of that month the Imperial German Government had proclaimed the waters around Great Britain and Ireland to be a military area within which every hostile merchant vessel would be destroyed. Notwithstanding this proclamation the defendants ordered the steamer to proceed to Newcastle, which was within the proscribed zone. The plaintiffs protested on the ground that Newcastle had become an unsafe port on account of the danger of access; but the vessel made the voyage in safety. While holding that perils surrounding the approach to a port might render it unsafe, the court refused to declare that the German proclamation of a blockade had any such effect on Newcastle.

The second case also related to a charter party, which contained a provision that it should be cancelled if the vessel was commandeered by the Greek Government. While the ship was at Marseilles the captain received an order from the Greek Government to proceed to the Piræus for the purpose of placing the vessel at the disposal of the Government. The order was withdrawn before the ship left Marseilles, but the court nevertheless held that she had been commandeered and therefore declared the charter party to have been cancelled.

The third of the suits for declaratory relief which we have mentioned involved an extensive contract by a British mining corporation to furnish large quantities of Australian zinc to a business concern in Germany. The mining company prayed for and obtained a judgment declaring that the contract had been abrogated by the outbreak and continuance of a state of war between Great Britain and Germany, inasmuch as trading with an alien enemy was unlawful and the end of the war could not be predicted with any certainty.

In the circular of the New York State Bar Association addressed to the Governor, the Legislature and the press it is stated that this form of remedial justice is said to have been derived from Scotland. It is obviously an advantage to business men in such cases as those we have described to have their rights and obligations judicially ascertained as soon as possible after they are called in question; and this system of declaratory judgments appears to have worked so well in England as to justify the recommendation that it be introduced into the jurisprudence of New York.

War Department Transportation Experiments.

The news from Washington printed yesterday included the subjoined mystifying announcement:

"Development of water transportation, instituted by the Railroad Administration, is to be continued under direction of the War Department.

"This includes the operation of barges and towboats on the Mississippi River between St. Louis and New Orleans, between the Alabama coal fields and the Gulf of Mexico, on the Warrior River project, on the New York Barge Canal and on the Delaware and Raritan Canal.

"These waterway systems are regarded by Director-General HINES as representing a 'mere beginning,' and in relinquishing control of them he advocates a continuation of the development 'in order that a practicable test may be made of utilizing the nation's inland waterways.'"

If the War Department is going to run barges on the Mississippi, the Warrior, the Barge Canal and the Delaware and Raritan Canal, under what regulations and restrictions is the service to be maintained?

Are the War Department boats to compete with privately owned and managed boats, or are they to engage exclusively in Government work?

Is the War Department to engage in a purely commercial enterprise, or is it going to confine its activities to the army work and public improvements which fall within its field?

Democracy Stirring in Japan.

When YUKIO OZAKI, author of "The Voice of Japanese Democracy," a brilliant orator and the unsleeping enemy of clan government, however veiled under high sounding party names, was in New York last winter to study the politics of labor he was interviewed by a representative of THE SUN. It was known that this publicist of fiery energy and pitiless logic, the virtual destroyer of the Terauchi Cabinet, was the adroit and relentless champion of democracy, even to granting manhood suffrage speedily in a land supposed to be the stronghold of theocratic imperialism. Banishment in 1887, imprisonment and imminent danger to life in twice confronting armed assassins had alike failed to move this student of representative institutions from his purpose. He believed his experiences would work in Japan for her good.

When, therefore, asked whether he was cheered because of the accession to power of the Hara Ministry after the rice riots and the fall of the Teranchi Cabinet, he surprised his questioner by that look—so well known to those accustomed to scrutinize the supposed inscrutable Japanese face—which even in silence thunders out a negative. That look declared that his darling hope of manhood suffrage would never be fulfilled in a mere triumph of any party as then organized.

Underneath the rather ostentatious names of parties which are only asteroids of the old exploded sun of the feudal system and which even with a literal translation can have little meaning to aliens is the pressing conviction that too many things should not be attempted at once. Facing the Premier, Mr. HARA, is the fact that only two years ago suffrage was so far extended as to reach all who paid three yen—$1.50—in direct taxes. But this law has not been as yet tested in practice.

To extend further the suffrage at such a time, especially since one party hitherto supporting the Government has been almost won over by Mr. OZAKI's arguments, might precipitate a crash, so the Premier dissolved the Diet, to save his Cabinet indeed, but honestly to try first what is as yet untried. Perhaps he has drawn a lesson from America's experience with the evils of an overplus of undigested legislation.

Premier HARA's true job is to unload from the nation's back the incubus of the Germanism which, since about 1880, has nearly ruined Japan and to wipe out what is a consequence of it—the memory of outrages in Corea and the unjustifiable aggressions upon China. All the things which have alienated sympathy from Japan are the unwelcome legacies of that militarism which has debauched education, neutralized the Constitution of 1889 and made Japan a mark of suspicion and even hatred abroad. No statesman ever went more honestly to his task than HARA; so, at least, the cool foreigner thinks, despite the criticisms of radicals like Mr. OZAKI. Evidently the Premier calls on Japan if not to halt at least to mark time while the great novelty of enlarged suffrage is experimented upon in the coming election.

Unpartisan Americans familiar with the situation have long noticed this undeniable fact, often commented upon by native statesmen and critics and puzzling to Europeans: The Japanese students educated in Europe almost invariably return as radicals. They wish to Germanize, Italianize, Frenchify or Anglicize their country at once. On the contrary, Japanese young men trained in American schools go back sobered and with their minds tending to constructive conservatism. They have seen and realized that though in theory democracy is very simple, yet in practice its very complexity tests, while it draws forth the finest and best of human energies.

From 1859 to 1880 Japan followed largely the ideals and often the direct advice of TOWNSEND HARRIS and of those pioneer educators and that small group of American missionaries who had the whole country as their pupil from 1860 to 1875. When the Government, that is, the Elder Statesmen and the nobility supported by the toil of the masses, deliberately adopted the German theory and practice Japan was set as an obstacle in the direct path of the world's progress. We venture to believe that had not the American spirit and forms been eliminated to make place for German methods Japan's problems, met with a finer intelligence, would have been simpler.

Yet whether it be by men of the Hara or the Ozaki type that Japan is to be set in harmony with the best civilization and thus to win the praise of humanity, Americans cannot but watch the process with the deepest interest and sincerest sympathy.

March came in like a lamb, but Mr. ARNSTEIN didn't.

Was any Jerseyman, going home last night with the Supreme Court's decision, too happy to growl over the eight cent tube fare?

If Senator PHELAN has private submarine or wireless facilities for receiving communications from Hawaii there is an explanation which will much relieve the minds of his friends as to his statements about affairs in the islands. Otherwise nothing less searching than a Senatorial investigation committee can solve the mystery. He has stated that the Japanese labor situation there gives cause for keen alarm; the planters reply that Japanese labor "remains quiet." He announced that a Japanese warship was in Hawaiian waters. Honolulu says that no such warship has been sighted. The District of Columbia is legally dry and no more law abiding Senator than Mr. PHELAN ever adorned and typified California, nor is he known to play upon the ouija board.

EDWIN C. DINWIDDIE's official designation in his Washington activities on behalf of prohibition has been and will continue, it is reported, in his labors for the Sociologist Congress to be "legislative superintendent." Polite and euphemistic as it is to name one skilful and industrious in an occupation sometimes described in legislative halls as lobbying, it lacks a degree of elegance of that designation by which a very efficient agent widely acquainted with Congressmen a generation ago preferred to be known: "averter of unfriendly legislation." And, indeed, during his employment his clients suffered little from legislation of which the most sensitive shareholder could justly complain.

VICTOR HUGO's grandson has complained successfully that the memory of his grandfather was insulted when the French Senate allowed JOSEPH CAILLAUX to sit in the chair of the poet at his trial. The only way to prevent the seats of the mighty from being desecrated in this fashion is to allow famous men to take their arm chairs home with them when they go out of office, as is the custom in the case of our Cabinet officers.

Vanishing Values.

The thing we call a copper
Is in numismatics proper,
But it sure has come a cropper
In the shop;
And the nickel's sway is broken
As a monetary token,
And in fact the dime is spoken
Of as slop.

So in course of time the holler
That is put up by the dollar
Will sink far below the collar
That it wears;
And asylums we contact with
Will be filled full, for a fact, with—
Or in other words be cracked with—
Millionaires.

MAURICE MORRIS.

ENEMIES OF THE BIRDS.

Cats Are Defended and Screech Owls Are Accused.

To THE SUN AND NEW YORK HERALD:
In twenty years study of bird life at close range I have never found but three birds caught actually by a cat, either on my own or on neighboring farms, and I have seen my cats lying asleep under a nest of young birds in a bush only four feet over their heads and they never molested one. Birds are too watchful and roost high at night.

On the other hand the real slayer of birds is the little screech owl that hunts for them all night, no matter how dark. I have seen them on the roof trying vainly to reach the pewees in the nest under the eaves, and so bold and persistent that they had to be shot. They tear off the wings and pluck off the feathers and the cat gets the blame.

Even the big barn owl does the same, while every crow spends all his waking hours hunting for the eggs and young of all song birds, which he greedily devours. He has been caught red handed at it.

Again, if bird lovers could see the vast amount of grain and fruit in the South destroyed by flocks of birds he would be reconciled to a few less. One man lost his entire grape crop of several acres by birds alone.

This foolish war on cats by brutal people who hate them and uninformed scientists has resulted in field mice, chipmunks and rats multiplying by thousands, which have destroyed thousands of dollars worth of crops every year. When I had four cats that roamed the fields at will at all hours not a ground squirrel or field mouse dared show its head, but since mean neighbors and cruel town hunters have wiped them out the field mice and chipmunks almost ruined my corn field and potato crop, not to speak of the pastures, for two years in succession.

Again, why do the doctors and scientists war against the cat as a carrier of disease germs, yet ignore the pet dog? The cat is cleanly by nature, but no dog is. Also, there is no foe to all birds that are in or fall out of nests so relentless as the dog, especially the bird dogs of the city sportsman. They roam the fields and woods at all hours and rob all low built nests of ground sparrows and bobwhites they can climb up to. Yet the cat gets the blame.

In the interests of agriculture I would say feed your cats and pass stringent laws against any one killing, neglecting, deserting or abusing them in any way, or the day will come when all the birds in Christendom cannot save the crops from the hungry hordes of field and barn mice, rats and chipmunks. Don't denounce the cat for the crimes of the dogs, the crows and the ever hungry screech owls.

CLIFFORD E. DAVIS.
CUMBERLAND, Md., March 1.

Cats and Birds Together in a Garden.

To THE SUN AND NEW YORK HERALD:
I live in the country and have a number of pet cats. Our garden is always full of birds and they are fed here regularly in the winter months. Our cats never molest them and I never remember one bird killed or plumage found in evidence.

One hungry animal may at times prey on another. The cat should be fed, is domestic, has no home but your home, no food but your food, was given us for our use, not our abuse. Cats do kill rats and mice and they are affectionate and true when their confidence is won.

No organized cruelty should be urged against the cat any more than against boys, gunners or other enemies of the birds.

C.
RIVERDALE, March 1.

Do Women Protect Cats?

To THE SUN AND NEW YORK HERALD:
The letter as to bird killing cats was appropriate and to the point. It is very likely owing to the women that cats have the protection and favor shown them. It is on that account, no doubt, that it is so difficult to have laws passed taxing cats.

The cat should go.

G. F. SCHERMERHORN.
RUTHERFORD, N. J., March 1.

MR. ASQUITH.

A Statesman Who Looks at the Past Before Playing With the Future.

To THE SUN AND NEW YORK HERALD:
Mr. Asquith, the English statesman, who has just had such a notable triumph at the polls, is a man such as the times call for—no visionary, idealist or doctrinaire, but a man preeminently of common sense. But he is more. He is a philosophical statesman—one who knows that human nature is eternally the same and that the only sure guide to progress is the experience of the past. All schemes of reform, however altruistic in purpose, which ignore or contravene that meet with no sympathy from him.

As an example of this I may cite his outspoken opposition to nationalization of industry, which, as he proclaimed, simply spells bureaucracy. Liberal as he is and therefore depending on the popular vote, he was not afraid to join issue with labor on the question. Altogether he is as honest and brave as he is intellectual.

NEW YORK, March 1. F. M.

Savings Stamps Not Liquid Assets.

To THE SUN AND NEW YORK HERALD:
One of the best encouragements to thrift is the War Savings Stamps idea. The fact that it is not so popular as it should be is no doubt due to the obnoxious ten day clause. People resent the idea of giving ten days notice when they want their money, and compare it with the advantages of the postal savings system, which latter permits of immediate withdrawal, without any red tape.

To make the War Savings Stamps the most popular investment remove the objection, the ten day clause.

ASTORIA, March 1. I. P. JACOBS.

Community School in Georgia.

Waycross correspondence Atlanta Constitution.

Appling county has established its first community school in the Melton district, consolidating the Lily Boag and Altamaha schools. The average attendance is 225 for the three schools and it is thought that it will be increased after the new school is built. Five teachers will be employed.

Just Like New York.

From the Hopkinsville, Ky., New Age.

We had a little snow this week and it was a surprise to us, for we were not expecting it.

Abilities of an Executive.

Disability.
Inability.
Incompatibility.

DID TENANTS PROFITEER?

Their Sins of the Past Blamed for the Present Housing Shortage.

To THE SUN AND NEW YORK HERALD:
It may sound strange, but it is nevertheless the fact that the rending situation of to-day is in part due to the profiteering tenant who has been operating for some twelve years past. The situation is an illustration of the old saying of chickens come home to roost. Many thousands of tenants in those years demanded and secured free rent from time to time, although they knew that the rent rate was inadequate to return any reasonable profit to the owner on his investment. So far from considering any justice in the matter, they demanded excessive and frequent redecoration and repairs which effectually disposed of any small balance which the landlord might accumulate.

Doubtless there are many such tenants who under such circumstances secured in the aggregate a full year of free rent. To cite a single actual instance typical of many others I have in mind a thirty tenant apartment house, new when purchased and in a good locality, the net result of the ownership of which is such that the owner could have better afforded to have invested his money on a 5 per cent. basis and out of the return to have paid one-quarter of the whole rent bill of all thirty tenants for a ten year period instead of having them in a building of his own. Or, to put the matter in another way, to have divided the income from his securities and to have donated one-half to his tenants during the whole period of years.

It was the rapaciousness of the tenant which cut off the building of apartments prior to the war. The war intensified the situation, but it did not originate it, nor will its termination end the trouble. Builders are not looking for mortgage money nor will they build until purchasers are to be found. Prospective purchasers are not in the least likely to enter the market under existing circumstances while every public officer and body from the Legislature down is breathing out threatenings and slaughter against real estate owners.

The situation is not entirely due to the tenant, for of late years there has sprung up the self-appointed "uplifter" who found time to push through the Legislature a variety of laws hostile to real estate owners. Moreover, it was only too apparent that the inability of real estate to be moved out of the jurisdiction was the basis of unfair and burdensome taxation. Even at the present day, with the need for building so great, the real estate owner is threatened with one hand while the prospective builder is wheedled with the other. It may be fine to form a tenants union and to browbeat the landlord, but it is not the way to get new buildings. The people of the locality which indulges in it may have to emulate their simian ancestors and take to the trees for their dwellings.

CHARLES E. MANIERRE.
NEW YORK, March 1.

GUIDES WITHOUT GUNS.

A Measure Proposed to Conserve the Adirondack Deer.

To THE SUN AND NEW YORK HERALD:
The attitude that THE SUN has taken during the last three years in the endeavor to conserve the animal life of the Adirondacks is very commendable, but I think it has overlooked certain conditions and practices that exist in some sections, if not all, of the Adirondack forest.

It is true that in theory the buck law caused every man to look before he shot, but in actual practice it is very, very seldom that the sex of the deer can be distinguished when the animal is in motion, as the horns are practically the same color as the branches of the trees through which he moves, and an animal is usually moving rapidly when shot at. There are a few gentlemen in Albany who unquestionably are familiar with Adirondack practices, but it is equally true that there are others who would be very much surprised if it were possible to collect and hand to them data on the number of does left in the woods to rot as a result of the familiar buck law.

Probably the most potent factor in connection with the killing of deer is the fact that a very great number of the deer killed are shot not by the sportsman but by the guide. The number of such deer killed by each guide in some sections of the Adirondacks, if not all, is appalling. This is not a matter of theory, but one of absolute fact, as can be attested by any one who has been in the hunting camps with his eyes open during the hunting season.

I understand that in certain sections of Canada and in possibly one or two of the States the guides are registered and are licensed to guide. When guiding they are not allowed to carry a gun, their sole duty being that of guiding. In those sections of Canada where this law is enforced the guides have banded themselves in an association and the esprit de corps of the association is very high, as the guides appreciate that the violating of the game laws eventually means decreased income to them.

In the last analysis nearly every game law that can be placed on the statute books is up to the guide largely for enforcement. As long as the guide refuses to cooperate with the State for his own benefit and instead winks at violations of the game law and persists in shooting deer that his party take back with them, just so long shall we be in danger of losing the deer herd of the Adirondack forest.

I am not opposed to the buck law and it is not my wish to be so understood, but it is my earnest wish that the above points may be brought before the attention of your readers and the Legislature of New York State.

H. G. COLLINS.
GLOVERSVILLE, March 1.

Things Are Normal in Mexico.

Barry Hogarty, an American citizen, superintendent of the American Metal Company, Ltd., smelter at Mapimi, State of Durango, Mexico, was kidnapped by bandits there and held for ransom. The exact date is not given.

Accounts for Their Condition.

Knicker—The railroads are coming home.
Bocker—Yes, they have been sitting up with a sick friend.

Knicker—March had to decide whether to come in as a lion or a lamb.
Bocker—Next March will come in as an elephant or donkey.

Dedicated to Mr. MacStay.

The poets of nineteen twenty-one
Will sit and sing in accents clear:
"The answer's told, the quest is done;
"Here are the snows of yesteryear."

E. W. B.

N. Y. INCOME TAX PARTLY ILLEGAL

U. S. Supreme Court Holds It Discriminates Against Non-Residents.

EXEMPTIONS AT FAULT

If They Are Granted Equally Validity of Law Then Is Established.

Special to THE SUN AND NEW YORK HERALD.

WASHINGTON, March 1.—The section of the New York State income tax law assessing non-residents was held unconstitutional by the Supreme Court to-day on the ground that it discriminates in favor of the residents of the State.

The specific objection of the court to the section which was passed in 1919 as part of the general income tax law to make up for the loss of revenue due to prohibition was that exemptions of $1,000 for a single man, $2,000 for a married person, with $200 more for each dependent child, were granted to residents of the State, in addition to deductions for property losses, while all of these exemptions were denied to non-residents. This is held to be plainly discriminatory and in violation of the Constitution. The tax therefore was declared uncollectable.

The general principle of an income tax on non-residents who derive income or profits from business within the State assessing the tax was upheld in another decision, and the New York law, which affects thousands who live in Connecticut and New Jersey and work in New York city, can be made constitutional by granting equal exemptions to residents and non-residents. The second decision was on appeal from Oklahoma courts, which held that the State could assess the income of Charles B. Shaffer, Chicago, which was derived from oil properties in Oklahoma.

The New York case was appealed by Eugene B. Travis, Comptroller of the State of New York, after the Yale & Towne Manufacturing Company, obtained an injunction against the tax in the United States District Court for the Southern District of New York. The suit in the lower court was brought by the company to prevent the collection of the tax from its employees who were residents mostly of Connecticut and New Jersey, but who commuted to New York.

Justice Pitney wrote the opinion and made it clear that the decision invalidated only that section of the income tax law affecting non-residents. The tax levied is one per cent. on the gross incomes of the non-residents.

LEGISLATURE WILL CORRECT DEFECTS

Prompt Action to Be Taken on Income Tax.

Special to THE SUN AND NEW YORK HERALD.

ALBANY, March 1.—Prompt action will be taken by the Legislature to correct defects in the State income tax law as indicated to-day by the Supreme Court decision. Adverse ruling in fact had been expected and the bill to amend the law already is nearly completed. It will be introduced soon and State officials said collection of the tax as scheduled would not be interrupted.

State Comptroller Travis gave out this statement:

Legislation is now pending before the State Legislature to remedy these defects. In anticipation of a decision, as has been rendered to-day, holding these provisions unconstitutional, non-resident taxpayers have been granted thirty days additional from March 15 in which to file returns.

The State income tax is expected to yield a revenue of about $40,000,000, and with the loss of the liquor revenue the State would be in serious financial situation if the entire law were held invalid. The State's budget of nearly $120,000,000 is the largest in its history. The estimated revenue from assessing the incomes of non-residents is about $3,000,000.

GEN. BLISS TO GET REWARD.

Will Be Head of U. S. Soldiers' Home in Washington.

Special to THE SUN AND NEW YORK HERALD.

WASHINGTON, March 1.—The reward for the distinguished services of Gen. Tasker H. Bliss, who was the military member of the American peace delegation subsequent to his important services with the Supreme War Council of the allied and associated Powers in the late war, will be the command of the United States Soldiers Home at Washington.

The billet is one which carries with it the use of a handsome residence within the beautiful 800 acre park surrounding the home and is one of the most coveted assignments of retired officers. It is held at present by Lieut.-Gen. S. B. M. Young, who has recently signified his intention of relinquishing the post.

Lieut.-Gen Young in a letter to the War Department recommended Gen. Bliss for the office. The change will become effective April 30.

$1,000 FOR A BRUCE CRANE.

Landscape Establishes New Auction Record for This Artist.

An atmospheric, early morning landscape, called "Day Unfolding," by Bruce Crane, established a new auction record for that artist in the sale of the John T. Lovett collection at the Anderson Galleries. It sold to the Babcock Galleries for $1,000. The same firm paid $310 for "Quiet Glades," a sombre snow scene painted by John F. Carlsen.

A. B. Whitehall gave $400 for No. 51, C. W. Eaton's "Woods at Sunset;" F. Kaegalghs bought No. 48, C. J. Blenner's "Rosebuds," and the Arlington Galleries paid $105 for No. 29, Bruce Crane's "Harvest." The total for the collection was $4,685.

Mount Holyoke to Open Drive.

Alumnae of Mount Holyoke College will open their drive for a $3,000,000 endowment fund to-night at a reception in the Cosmopolitan Club, 123 East Fortieth street, to Miss Mary E. Woolley, president of the institution. The reception will be given by the New York alumnae and is in charge of Miss Mary Louise Allen, chairman of the alumnae endowment fund committee.

Ex-Crown Prince's Income Shrinks

AMSTERDAM, March 1.—In connection with the recent decision of the Dutch Government that the former German Grand Prince must pay taxes on the basis of an annual income of 800,000 florins, it was authoritatively stated here to-day that his income does not exceed one-twentieth of that amount.

West Point Bill Passed.

WASHINGTON, March 1.—The annual Military Academy appropriation bill, carrying a total of $2,142,212, was passed to-day by the Senate and sent to conference.

The Sun
AND
THE NEW YORK HERALD.

THE SUN was founded by Ben Day in 1833; THE NEW YORK HERALD was founded by James Gordon Bennett in 1835. THE SUN passed into the control of Charles A. Dana in 1868. It became the property of Frank A. Munsey in 1916. THE NEW YORK HERALD remained the sole property of its founder until his death in 1872, when his son, also James Gordon Bennett, succeeded to the ownership of the paper, which continued in his hands until his death in 1918. THE HERALD became the property of Frank A. Munsey in 1920.

BUSINESS AND EDITORIAL OFFICES.
MAIN BUSINESS AND EDITORIAL OFFICES, 280 BROADWAY. TELEPHONE, WORTH 10,000.

BRANCH OFFICES for receipt of advertisements and sale of papers:
PRINCIPAL UPTOWN OFFICE—Herald Building, Herald Square. Tel. Greeley 6000.
HARLEM OFFICE—205 WEST 125TH ST., NEAR SEVENTH AVE. Tel. 794 Morningside. Open until 10 P. M.
WASHINGTON HEIGHTS OFFICE—535 WEST 181ST ST. Tel. 9098 Wadsworth. Open until 10 P. M.
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PARIS—49 Avenue de l'Opera, 38 Rue du Louvre.

There are about 650 advertisement receiving stations located throughout New York city and vicinity where Sun-Herald advertisements will be received at office rates and forwarded for publication.

Daily Calendar

THE WEATHER.

For Eastern New York—Fair to-day; to-morrow fair and slightly warmer; moderate north to east winds.

For New Jersey—Fair to-day and to-morrow, slightly warmer to-morrow; moderate north and northeast winds.

For Northern New England—Fair to-day, colder in Maine; to-morrow fair, slightly warmer; moderate north and northeast winds.

For Southern New England—Fair and somewhat colder to-day; to-morrow fair and slightly warmer; moderate north and northeast winds.

For Western New York—Fair to-day, to-morrow partly cloudy and slightly warmer.

WASHINGTON, March 1.—Pressure is generally falling to-night except in the Atlantic States, the lake region and the Canadian Northwest, with moderate disturbances central over southeast Colorado and Nevada. There were rains in California, Nevada, Utah, Arizona, west Colorado and northern New Mexico, but no other precipitation of consequence. It is much colder in Canada and upper Michigan and slightly colder in New England and California, but it is generally warmer elsewhere, although low temperatures continue throughout the South, where freezing temperatures occurred this morning as far south as central Florida.

There are some indications of local snows by Wednesday in the upper lake region and rain in the lower Ohio Valley, while to the eastward and southward fair weather will prevail to-morrow and Wednesday. Temperatures will be generally higher except in New England, where they will be somewhat lower to-morrow.

Observations at United States Weather Bureau stations taken at 8 A. M. yesterday, seventy-fifth meridian time:

Stations.	Temperature High.	Temperature Low.	Rainfall last 24 hrs.	Baro-meter.	Rainfall last 24 hrs.	Weather.
Abilene	60	26		29.94	..	Cloudy
Albany	30	16		29.60	..	Clear
Atlantic City	38	26		29.86	..	Clear
Baltimore	42	20		29.92	..	Clear
Bismarck	46	12		29.80	..	Clear
Boston	40	20		29.80	..	Clear
Buffalo	36	12		29.98	..	Cloudy
Charleston	64	30		30.04	.02	Clear
Chicago	38	22		29.96	..	Clear
Cincinnati	44	20		29.94	..	Clear
Cleveland	38	20		30.02	..	Cloudy
Denver	48	32		29.82	..	Cloudy
Detroit	34	18		30.04	..	Cloudy
Galveston	58	36		30.00	..	Clear
Helena	38	18		29.96	..	Clear
Jacksonville	68	42		30.00	.01	Clear
Kansas City	34	26		29.96	..	Clear
Los Angeles	60	54		29.90	.10	Clear
Louisville	42	30		30.00	..	Clear
Milwaukee	32	10		29.86	..	Cloudy
New Orleans	40	30		30.20	..	Cloudy
Oklahoma	32	24		29.90	..	Cloudy
Philadelphia	40	16		29.88	..	Clear
Pittsburg	36	14		30.02	..	Clear
Portland, Me.	36	14		29.82	..	Clear
Portland, Ore.	54	32		29.90	..	Cloudy
Salt Lake City	48	36		29.80	.16	Cloudy
San Antonio	56	30		30.10	..	Clear
San Diego	68	52		29.92	..	Pt. Cldy
San Francisco	54	48		29.86	.60	Cloudy
St. Louis	48	26		29.94	..	Clear
St. Paul	34	18		29.86	..	Clear
Washington	42	28		29.94	..	Clear

LOCAL WEATHER RECORDS.

	8 A. M.	8 P. M.
Barometer	29.73	29.86
Humidity	46	46
Wind—direction	N. W.	N. W.
Wind—velocity	17	25
Weather	Clear	Clear
Precipitation	....	....

The temperature in this city yesterday, as recorded by the official thermometer, is shown in the annexed table:

8 A. M.	16	1 P. M.	31	6 P. M.	26
9 A. M.	22	2 P. M.	34	7 P. M.	23
10 A. M.	26	3 P. M.	37	8 P. M.	20
11 A. M.	28	4 P. M.	38	9 P. M.	18
12 M.	30	5 P. M.	37