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THE NEW YORK HERALD was founded by James Gordon Bennett in 1835. It 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 remained in his hands until his death, in 1918. THE HERALD became the property of Frank A. Munsey, its present owner, in 1920.

WEDNESDAY, DECEMBER 13, 1922.

That Fourth Amendment.

Part of the decision written by Chief Justice TAFT in the bootlegging case of the United States against MAGRINI et al. may jar the memories of lawyers, campaign orators and even judges who have talked or written about the protection afforded by the famous Fourth Amendment to the Constitution of the United States.

The Chief Justice remarked in passing that the first eight amendments to the Constitution of the United States apply "only to proceedings by the Federal Government." The Fourth Amendment—like the Fifth, on which the defendants based their appeal in the case before the Supreme Court—is no more protection to the citizen against State proceedings than if it never had been written.

Some parts of the Federal Bill of Rights are echoed in the Constitution of New York State, but the Fourth Amendment is not one of them. The Constitution of the United States declares that "the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized." But this, as Chief Justice TAFT reminds the country, is a protection against Federal proceedings only.

In this State a Federal prohibition officer must regard the Constitutional rights of a householder. Indeed, the Volstead act was carefully framed so that those rights should not be violated. But in this State a State prohibition officer is not hampered by either the Constitution of the United States or that of the State of New York in so far as the householder's rights are concerned. There is no counterpart of the Fourth Amendment in the State Constitution and therefore the authors of the Mullan-Gage law were able to write a statute more drastic than even the act of Congress which bears Mr. VOLSTEAD's name.

It is rather strange that a State which insisted that its citizens be protected by the Federal Constitution against possible Federal oppression should not have given those citizens its own constitution's protection against possible State oppression. In New York, it is true, we have a code in which is specified the manner of issuing warrants; but no code has the solidity of a constitutional Bill of Rights.

Less Meat Eaten Here.

It will probably surprise most persons to learn from official statistics that in the United States, which has always been accounted one of the great meat eating nations of the world, the consumption of meat has decreased 25 per cent. in the last year.

Since high prices are held responsible for the decreased consumption the usual means of correcting the economic evil of the situation will be adopted. There will be a determined effort to persuade consumers that the less expensive cuts are just as nutritious and often as palatable as the expensive parts to which they have been accustomed.

In spite of this decrease in consumption of meat the United States is still a land of meat eaters and consumes more meat per capita than any other civilized nation. The teachings of vegetarianism have done little to change this habit. The self-restraint of foreigners, who are frequently praised for confining themselves to a diet of vegetables, is discussed in a recent bulletin of the Department of Commerce, which says that Europeans of a certain class are compelled to omit meat from their dietary because it is too costly. Protein is supplied by a small piece of meat used for flavoring or by cheese. A thick soup is the main dish of many Europeans because it is the least expensive form in which a small amount of meat or cheese may be utilized.

This peculiarity of European diet explains the popularity of American pork and beans in some parts of Europe. No other food exported from here in cans meets so well the needs of Europeans, who are accustomed to similar proportions of vegetables and meat. Foreigners who do not make meat an important part of their diet are not guided by considerations of health in general. They merely cannot afford to eat it and are unaccustomed to the standard of living that prevails here.

It is this same standard of living which prevents the American from eating anything but the cuts to which he has been accustomed. It will be interesting to find out whether he cares to know that his requisites of both taste and nutrition may be met in a cheaper grade of meat. Will he learn this lesson, or will he prefer to do with less meat?

Get the Coal You Can Get.

With bitingly cold weather coming down upon us, New York's fuel supply strikes every home as a real problem. It is a situation which now must be handled with sense, decision and dispatch.

There is soft coal to help out the deficiency of anthracite. You can buy it, you can burn it and you should put it in your bin at once. The Fuel Administrator should make you take it.

There is coke. It is a good fuel. There is no reason why you should not have been burning it this autumn to conserve the scant stock of anthracite. Now you must burn it as part of your fuel supply if you want to keep your house warm. The Fuel Administrator should make you take it so that you will burn it.

This is no time to bewail the fact that you have no hard coal and can not get hard coal. The thing to do is to get coal. Get what you can get—soft coal, coke, mixed coals. That is your chance, and pretty nearly your only chance, to keep your house warm.

John Wanamaker.

The whole period of typically American business method is spanned by the careers of two men. The first of these was A. T. STEWART, who began the revolution of retail store keeping a century ago. The second, a man taking STEWART's place as the first of our merchant princes, was JOHN WANAMAKER, who at 84 died yesterday in Philadelphia. No other two careers in the history of American business were so curiously alike. The rivers of their genius, separate at first in time and place, merged as naturally as if they had been of one family or one house.

These men had the gift of understanding the people on both sides of the counter. STEWART was the first to see that Americans were not hagglers by nature; that they preferred to have goods offered at a fixed price. WANAMAKER added to this policy his own conviction that the mercantile profession was one of dignity and obligation; that the retail store was an instrument not merely of profit for the owner but of service for the customer.

The benefit to general business from the pursuit by these two men of principles based upon fairness and knowledge of the human mind has been great. The buyer of to-day knows that he or she is free to enter a store and examine articles without being asked to buy; knows that the price asked for the articles is the lowest price that will be taken; and knows that if an article should prove unsatisfactory it will be replaced. The storekeeper before STEWART's time was a man to be outdone in cunning. The storekeeper of to-day is a friend to be consulted.

And yet the field which STEWART plowed and WANAMAKER harrowed would not have been so fruitful for them if they had not been daring giants. They were not afraid to try to do big things and then bigger. They astonished men who did not see what they saw—that American business was something far larger than it seemed. These merchants of vision and courage seemed to be plungers, even gamblers. STEWART, with his Chambers street store at 280 Broadway, now the home of THE NEW YORK HERALD, and later with the great block on Broadway north of Ninth street, astonished his contemporaries.

JOHN WANAMAKER was equally bold. His Grand Depot in Philadelphia, opened in 1876, when he was less than 40 years old, made the old timers shake their heads. And WANAMAKER showed even greater daring when he came to New York to take over and restore to prosperity the great house which after its founder, STEWART, died, had not been able to withstand the stress of ever increasing competition.

The wiseacres said that WANAMAKER would have to abandon a site so far down town and join the movement toward the north; but JOHN WANAMAKER's answer was to build another and a bigger building beside the old one and to show, as STEWART had shown years before and as he himself had demonstrated in Philadelphia, that if he could make the people like him and want him they would come to him and he need not go to them. Bold to rashness this seemed, but after all it was only the same understanding of human nature that had been the very base of his success.

"Thinking, trying, toiling and trusting in GOD is all of my biography," JOHN WANAMAKER once wrote. The toiling was great. The man lived with his work and for it. It was his play. It meant more than making money. It meant putting men and women to work, collecting things useful and beautiful, pleasing the public and serving it. A man who thought and tried and toiled the way JOHN WANAMAKER did could well trust in GOD.

WANAMAKER was a trustful, confident man. He trusted himself, his helpers and his public. What was more important to his material success, he had an implicit confidence in the United States. Somebody wrote of him that he was never known to be angry. It is equally true that he was never known, even when panic stood at America's door, to lose that magnificent optimism which helped him to do big things.

This, he believed, was a great country and the man who put his faith and his money in it would not be disappointed. He had come up from poverty; had increased his savings of a few hundred dollars to as many millions, and this was all because he had seen things as they were and as they must go on to be.

It was a well rounded life, as well as a long one, that JOHN WANAMAKER lived. His public service as Postmaster-General, his philanthropy, his religious activities, all add to the splendid picture of the man. But in the broad American scene he will be remembered with STEWART as a man who found that business on a grand scale is a far more interesting and more human thing than the mere acquisition of dollars.

The Army Goes to Church.

Each officer and enlisted man of the United States army is credited by the Chief of Army Chaplains with an average church attendance of twelve times a year. There were 13,000 religious services held in the army this year, and the attendance at these totaled 1,284,834. There was, therefore, an average attendance of about 100 men at each service.

This is probably a better record than most American communities can show. The American soldier apparently goes to church one Sunday out of every four. There is a large segment of the population in every city that does not set foot in a church except at Easter, and there is another large segment that does not set foot in a church at all.

It must be remembered, in guessing at a comparison, that men exclusively determine the size of the army congregations. In civilian congregations they are outnumbered by women. Perhaps the American woman goes to church one Sunday out of four. Certainly the American man does not.

It should be interesting to compare the attitude toward religion of, let us say, twenty great military leaders and of twenty men of equal eminence in other kinds of work. At a guess the soldiers would prove the more religiously minded.

Economic Truths in Epigram.

Reproduced from the *Vossische Zeitung* by the *Living Age* is a striking chapter of luminous thought and brilliant expression from the new economic work, specially devoted to invention, of RICHARD NIKOLAUS COUDENHOVE-KALERGI.

Challenging alike the emotional Socialist and the crude labor leader, the selfish politician and the scheming monopolist, this remarkable writer of economic truths in epigram plumbs to the heart of the problem of human existence with his declaration that only a trifling fraction of the product of European labor goes to provide the luxuries of capitalists. No considerable part of it could so go astray without self-destruction. This is self-evident because the vast bulk of that product of European labor is employed in "converting a sterile continent into a fertile continent, a cold climate into a warm climate, and in maintaining under these artificial conditions a vast population that the natural resources of Europe could not feed."

The despots of the world are winter and overpopulation. The politician is not the true leader in overcoming these oppressors of mankind; the labor leader is not. It is the inventor, the engineer, the economic creator, who makes possible the wealth out of which flow the comforts and benefits of both man and beast. Thus:

> "The inventor of the automobile has benefited horses more, has saved them from more toil and suffering, than all the world's societies for the prevention of cruelty to animals.
>
> "The flivver is about to emancipate millions of Asiatic coolies from the status of draft animals.
>
> "We no longer have galley slaves, because they have been emancipated by the inventor of the marine engine. The use of fuel oil has redeemed an army of stokers from the inferno of the stoke hole."

If the glorification of the inventor and the engineer can be pressed to extremes, as the facile and scintillant pen of COUDENHOVE-KALERGI is often tempted to press it, his truths about the agitators and sham reformers are as plainly intelligible as they are bluntly spoken. "The future inventor who, perhaps by breaking up the atoms, should have found for us a practical substitute for coal will perform a greater service for humanity than the most successful social reformer that ever lived" may be a declaration that does not disprove the uses of reformers until the atoms are in fact broken up to produce heat without coal. But, at that, no one shall gainsay his axiom, in respect of the coal: "But no Communist dictator can relieve men from one ounce of human exertion or a single moment of subterranean toil."

In the same way the aim of invention and engineering may be neither so clear nor so lofty as the author sees it, yet the results of their achievements can be less open to question; for example:

> "The ultimate end of technical progress is to provide every man with the comforts and conveniences that are to-day reserved for millionaires. Therefore the inventor and the engineer are fighting want and poverty; they are not fighting wealth. They are fighting slavery; they are not fighting rulers. Their ideal is not to make all mankind a proletariat, but to make it an aristocracy."

Again with this:

> "No theoretical justification of capitalism is so convincing as the incontestable fact that the condition of American workingmen, many of whom drive to their places of work in their own automobiles, is incomparably better than that of the half starved workers who live under a Communist regime in Russia. For a high standard of living is of more real value than equality. It is better for all to be prosperous and a few to be rich than for all to sink back to a common level of poverty."

And finally: "Before we address ourselves to an equal division of wealth we must guarantee an adequate production of wealth; for what does equality profit us if it is an equality of misery?"

This is a fundamental economic truth for every worker, whether a worker with his hands or a worker with his head, to keep steadily before his eyes.

A Big Gun for the Stork.

As an example of genuine disarmament Luxemburg shines. The "Gibraltar of the North" has no cannon with which to celebrate a joyous event impending in the palace. France has come to the rescue with one of its 75s and has courteously sent a crew to handle the big gun. Furthermore, with what would be efficiency in a German but is perhaps humor in a Frenchman, the Minister of War at Paris has sent twice the desired amount of ammunition in case the stork should bear a double gift to the reigning Grand Duchess CHARLOTTE and her consort, Prince FELIX of Bourbon-Parma.

So it is made certain that a possible heir to the duchy will have a more adequate welcome than a mere musketry salute by Luxemburg's army of 250 men. France is naturally glad to oblige, for did not Luxemburg vote by a huge majority for an economic alliance with the republic after the Versailles conference had wiped out all Germany's official relations with the duchy? And the Luxemburgers will be grateful to France for the loan of the big gun, for they love their Grand Duchess and proved their loyalty to her by voting almost unanimously that they would rather keep her as a ruler than become a republic.

Every American father who on the stork's arrival has hustled around and borrowed a scale will know just how relieved Prince FELIX must feel over the loan of the cannon.

In the National Parks.

It is evident from the annual report of the National Park Service that the public eagerly takes advantage of the opportunities for enjoyment provided by the great Western playgrounds. There were more than a million visitors to the national parks this year.

The automobile carries the majority of the visitors to the parks. Many of these motorists, however, are campers. There were 98,000 visitors to the Yellowstone this season and of these 51,000 came in their own cars. All but 1,000 of them camped out with their own equipment while in the park.

Glacier National Park, one of the most beautiful of all, and among the largest, reported only 24,000 visitors. The Park Service holds that the number would have been much larger had the east to west road across the park been completed. The Rocky Mountain Park, which is well provided with roads, had 219,000 visitors last season, the largest number of any of the parks.

In the Yellowstone the trail system was used by horseback riders more than ever before. There will always be a section of the population to recognize that not all the park's recreational opportunities can be exhausted from a seat in a motor car. Seven adventurous souls found their way to Mount McKinley National Park in Alaska.

Dr. EDWIN E. SLOSSON, speaking at the convention of the American Chemical Society at Pittsburgh, said the chemist had become the greatest coiner of words in the world, but he did not say how much more he had done than the motion picture industry, which has given to the language such priceless specimens as "register," "picturization," "scenarist" and others just as shocking to educated ears.

A California Tea House.

The blue lobelias by the door
Look up with pleading eyes;
Within upon the polished floor
The checkered sunlight lies.

You pass the hall, a shadowed space
That elbows here and there,
And lo, a little garden place
Engirt by balmy air!

Here there are cozy cloistral nooks
O'er which the roses twine,
And there are paths with curves and crooks
Where queenly dahlias shine.

Here there are wicker tables placed,
And snowy napery,
And viands savored to your taste,
And, oh, such fragrant tea!

Here cloud and cold you may forget
Beneath a cloudless sky,
And fling a laugh at every fret,
And let the noon go by.

CLINTON SCOLLARD.

Bankruptcy Law Reform.

Specific Recommendations for Modification of Present Practices.

To THE NEW YORK HERALD: You recently printed a very clear and well written letter on the subject of bankruptcy law reform, and the writer thereof has stated many of the abuses as well as it is possible for any one to do.

I fear, however, that he has overlooked one of the most glaring abuses. This is the fact that in many instances the trustee's attorney does work that the trustee should do, and many times the trustee receives the full fees he is entitled to under the law, and in addition his attorney receives payment for the work done by him.

The reforms, however, should be much more drastic than those suggested by Mr. Wollman—at least four radical changes should be made.

First, in no case should the fees of the petitioning creditors' attorney be allowed as a charge against the estate. If creditors are convinced that to protect their own interests it is necessary to place a business firm in the bankruptcy courts, they should pay the fees for preparing the petition.

Second, the present system of receivers should be entirely abolished. The referees are appointed for a period to represent the court in matters legal, and there should be similar appointments made for a period of years of individuals or firms who can act as liquidators. There are many firms of chartered public accountants who would be ideally equipped to take charge of a bankrupt's estate and carry on the business until the proper statements of assets and liabilities can be submitted to the courts.

Third, the present system of electing trustees should be abolished. In many instances all that is required is a sale of the assets. This is done by auctioneers and does not need the services of a trustee. If it be necessary to continue the business, then the referee and the liquidator should join in presenting to the court the names of several properly qualified persons who can carry on the business until such time as the assets can be disposed of and the proceeds distributed. An opportunity should be given to creditors to show valid objection to the persons whose names are submitted, but unless in the opinion of the court these objections are valid, the selection of the trustee should remain with the referee and the liquidator.

Fourth, the present system of providing attorneys for the trustee should be abolished. In many instances all the work is done by the attorneys, and in some cases creditors who attended meetings regularly for months never saw the trustee. If any specific legal action is required proper application should be made to the referee, who should then designate the attorney to perform these specific duties. In many instances there is absolutely no need of general counsel for the trustee.

Many years' experience with the bankruptcy law has convinced me that radical changes as outlined will produce much larger dividends. On the other hand, in its present state the law is ineffectual, the proceeds to creditors meager and the expenses manifold and exorbitant. TREASURER.

NEW YORK, December 12.

Floating Carpenters.

They Might Be Used to Build Dwellings in New York City.

To THE NEW YORK HERALD: In my opinion the housing situation in New York city can be remedied by using the thousands of carpenters known as floaters that come to New York every fall.

Two Western manufacturers came to New York after the armistice was signed and shipped thousands of these men to Flint, Michigan, and built a model town of nearly 750 detached frame houses and frame bungalows. Lumber was almost three times the price then it is now.

There are no radical labor agitators among these men. They are hard workers, but are improvident in money matters. Very few of these men have union cards. EDWIN G. WILSON.

NEW YORK, December 12.

Sidewalk Obstructors.

They Unlawfully Impede Progress of Pedestrians.

To THE NEW YORK HERALD: In a store window on Fulton street between West Broadway and Church street is a sign which reads as follows: "Unlawful for drivers to back up over this sidewalk."

Notwithstanding this sign thus prominently displayed, there are drivers of heavy trucks who deliberately disregard this warning and back their trucks over the walk right up to the building, leave them standing there while loading or unloading, thereby compelling pedestrians to walk out into the middle of the street. As there is considerable traffic on Fulton street at that point, pedestrians' lives are endangered by this flagrant disregard of the law by drivers of trucks.

The police should see to it that these lawbreakers do not violate the law with impunity.

On Dey street between West and Greenwich streets expressmen clutter up the sidewalk with all kinds of packages, cases, &c., thereby causing great inconvenience to pedestrians. Perhaps these expressmen have a special dispensation from the city authorities to use the sidewalks for their business. If not, this nuisance should be stopped.

No doubt there are other sections of the city where truck drivers and expressmen show as little regard for the rights of pedestrians. Will the authorities act to curb them? PEDESTRIAN.

WEEHAWKEN, N. J., December 12.

New York's First Apartment House.

To THE NEW YORK HERALD: Your correspondent J. K. Martin's doubts that the Navarro apartments were the first built in the city are correct. As far as I know the first one was built at 140-142 East Eighteenth street. This house was built for Mr. Rutherfurd Stuyvesant. The architect was Richard M. Hunt. I moved into it with my family in the spring of 1870. Soon after the foundation was completed a friend of mine asked one of the Irish laborers what kind of a house it was to be. He said "A tinimint house on the French plan." STUYVESANT F. MORRIS.

NEW YORK, December 12.

Arkansas Solution of the Great Problem.

From the Batesville Record.

Guy Wright is still hunting and trapping for a living and sparking for a pastime.

State Tax on National Banks Invalid

Court of Appeals Decides Levy on Shares Conflicts With Federal Statute.

Special Dispatch to THE NEW YORK HERALD.
New York Herald Bureau, }
Albany, Dec. 12. }

More than $10,000,000 may have to be returned to the national banks of this State as a result of the decision of the Court of Appeals to-day declaring invalid the State law taxing national bank shares. That amount already has been collected and can be retained only in case the decision is reversed by the United States Supreme Court.

It is expected that the State Tax Commission, which has been fighting for the validity of the law, will appeal to the supreme tribunal.

The action against the law was started by the Hanover National Bank of New York, but it is understood all the national banks in the State have taken part. In the hope of saving the law, the tax commission has been backing a bill, now in Congress, to remove any conflict between the State and Federal laws.

The decision holds that such a conflict exists and that therefore the assessments made against national bank shares must be vacated. It is held that Congress has sole authority for taxing such shares, and that the State Legislature brought about the conflict with Federal laws when it imposed an income tax on bank dividends and retained the tax on national bank shares but exempted competing capital of private bankers from taxation. The State, it was held, put a double tax on bank shares and their dividends, while private bankers had to pay a tax only on their incomes. Under the decision the tax remains only on dividends.

Judge Cuthbert W. Pond, who wrote the opinion, said in part:

"A clear discrimination is made against resident holders of bank shares, which are taxed according to their book values, who are also taxed on their income. The shares of bank stock are taxed by one method and the dividends thereon are taxed by another method. Competing moneyed capital in the hands of individuals is exempt from taxation according to its valuation and assessed according to income only. The provisions of the law are explicit. The discrimination is unfortunately too plain to escape recognition.

"When it appears on the face of the statute that bank shares are taxed at a flat rate and that the owner of competing moneyed capital, relatively material in amount, is taxed on income only, the court is powerless to say that equality in taxation has been secured and injustice prevented.

"We are forced to compare two methods which are wholly unlike. How can equality be established or presumed as the necessary result of the taxing statute? In a very considerable number of cases the flat rate must inevitably be the heavier burden. It is fixed and certain. The income tax is variable and dependent on income and amount of income.

"It is conceivable that when returns on such capital are low, the bank stock would be taxed and the competing capital would be exempt. In no event would equality exist unless the income on competing capital were large beyond the dreams of avarice and the usual returns on vested capital."

BRITISH SCRAPPING 12 INCH GUN SHIPS

Report to Congress Shows Sale of Capital Craft.

WASHINGTON, Dec. 12.—Navy Department reports to Congress, called for by a House resolution, as to the progress made by the United States and other countries on war ship scrapping, are expected to credit Great Britain with an extraordinary list of vessels actually sold for breaking up, including many capital ships. For the United States and Japan, the reports will show that suspension of building programs constitutes the chief preliminary compliance with treaty provisions.

The list of British ships already sold for junking is composed wholly of twelve-inch gun craft. Among vessels which have been dismantled and are now on sale, but not actually turned over to ship breaking firms, however, are two battleships, the Monarch and Orion, armed with main batteries of 13.5-inch guns.

A third classification of capital ships now being made ready for sale, but not actually offered to contractors, also will be shown in the British list. With the sale of these vessels and their destruction the British Navy would be stripped of all its 12-inch gun pre-Jutland types and also would have discarded several of the older 13.5-inch gun craft, leaving the battle fleet retained armed entirely with 15-inch and 13.5-inch weapons.

Neither the Japanese Government nor the United States is required under the treaty to scrap any ship of dreadnought type, while with few exceptions the British ships already sold are of that class. Both in Japan and the United States some predreadnought ships regarded as wholly obsolete have been junked, but work of completing the scrapping of other craft by treaty terms awaits promulgation of the treaty.

The report to Congress will show that certain Japanese ships have been dismantled, guns and even armor having been removed, but none of the material nor the hulls actually destroyed. The American ships to be scrapped are all out of commission except the Connecticut.

NOTES FROM PROVIDENCE.

Special Dispatch to THE NEW YORK HERALD.

PROVIDENCE, R. I., Dec. 12.—Mrs. H. Anthony Dyer and her debutante daughter are in Evanston, Ill., the guests of Mrs. Dyer's mother, Mrs. Henry Tilden.

Mrs. Howard O. Sturges and her daughter, Miss Dorothy Sturges, are in New York; also Miss Lorania Carrington Cross and Miss Frances King Cross and Mr. and Mrs. A. Tingley Wall.

Valuation.

Because of all the sorrow I have known
I am more competent to share your joy,
To reckon it as some delightful toy
More exquisite than if it were my own;
Because of all my gladness I have grown
To wider understanding of your grief,
And to proclaim its desolation brief,
Though now you mourn as if all hope had flown.

Because of all that life has tendered me
Of loneliness and burdened care and pain,
More wise am I to meet prosperity,
And more equipped to measure friendship's gain;
Because I knew doubt, and the fear thereof,
Did I discover the warm faith of Love!

CHARLOTTE BECKER.

For 25,000 in Want.

The Salvation Army Makes Its Christmas Appeal.

To THE NEW YORK HERALD: There are 25,000 suffering persons in Greater New York who are looking to the Salvation Army for their share of Christmas happiness.

On December 23 we are going to deliver 5,000 abundantly filled baskets to the homes of the poor whom we have been visiting during the last few months. Each basket will contain a chicken dinner for five and will be accompanied by a bundle of clothing, shoes, household articles and other essentials needed by each particular family. Also we shall distribute 7,000 toys for the children of the poor.

These are the material gifts, but might I emphasize the spiritual comfort and renewed hope they will bring to the yearning hearts whose Christmas would otherwise be dull and meaningless?

This Christmas work requires a special fund, for which we are now appealing to the public. Checks for this Christmas fund should be made payable to the Salvation Army and mailed to Thomas Estill at 122 West Fourteenth street.

Another way to make contributions is to drop something in cash into the kettles that have been erected on all prominent street corners. These kettles are guarded by patient, devoted Salvation Army representatives, whose only interest in the appeal is to see that the 5,000 baskets are filled. THOMAS ESTILL.

NEW YORK, December 12.

The Lord of the Baton.

A Restatement of the Counts Against the Orchestra Leaders.

To THE NEW YORK HERALD: When I read your editorial articles I feel as I do when I listen to a sermon, in that I must of necessity swallow it all, hook, line and sinker, and make no answer, and so it is with your editorial article "The Prima Donna of the Baton." However, I will be rash this time in saying that you beg the question raised by me, or intended to be raised, inasmuch as you do not dwell upon the distracting gestures of the Prima Donna of the Baton.

That is all I object to, when they are used in the extreme, which is the most frequent use. We cannot get along without the leader and do not want to, but the general comment in the circles, musical and otherwise, that I come in contact with criticize the leader as I do. The gestures I wrote about are universally objected to even though the leader thinks that way is the best in which "to stamp his personality on the public."

Amateur critics are the support of the orchestras and their conductors, and are not afraid to suggest changes in methods where professionals fear to tread. The prima donna presents her face and form to the poor amateur critic, and is grace personified in her gestures, every one of them being studied to produce the effect desired, while the "Prima Donna of the Baton" turns his back to the amateur critic and goes through motions that distract from the beautiful musical effects he has brought out in his work. Stop some of the gestures and have the conductor face the audience. JUDEX.

NEW YORK, December 12.

Responsibility for Fire.

Individual Liability for Damages Resulting From Carelessness.

From Safeguarding America Against Fire.

The justice of penalizing individual carelessness, when it results in fire damage to the property of others, is effectively argued in the following brief bulletin, issued by the Industrial Commission of Wisconsin:

A crook robs a national bank of $1,000,000. The entire police powers of the State and nation are put to work to apprehend him.

A man deliberately sets fire to a grain elevator in which $1,000,000 worth of grain is stored. Some fire marshal's deputy, alone and unaided, investigates this fire in the hope of discovering sufficient evidence to bring the guilty man to trial, perhaps before a jury prejudiced against circumstantial evidence.

A man's sheer carelessness causes a fire which destroys $1,000,000 worth of his neighbor's property. Nothing is done to punish this man; actually a certain amount of misplaced sympathy is wasted on him because of his own loss.

Why this widely different public attitude in these three cases?

The robber can be trusted to put the stolen money into circulation and, from the economic standpoint, the country as a whole will have lost nothing.

In the other two cases $1,000,000 worth of wealth is destroyed and the country is just that much poorer. The people, not insurance companies, will pay for this loss in larger insurance premiums and higher costs of everything. If the fire marshal's deputy is fortunate enough to prove guilt "beyond a reasonable doubt" the man is punished; but nothing is done to the man in the third case; although the effect in the last two cases on the community and country is the same.

It is right that the robber and the incendiary should be punished; it is wrong that the man whose absolute carelessness has caused a like injury should go unpunished. Under the Code Napoleon such a man must reimburse his neighbors for their loss and he insures for such contingency.

The farmer is held liable for damage if he builds a fire and permits it to spread to his neighbor's land; railroad companies have been held liable for damage done by fire spreading from their rights of way. Why not extend this liability to the man with a basement full of rubbish, a defective chimney or other known fire hazard, which results in fire and injury to his neighbors? Why not compel him to reimburse the city for the expense of putting out the fire caused by his carelessness? Pennsylvania has such a law. A number of cities provide this penalty by ordinance.

The large majority of fires are due to carelessness and there is no more effective way to cure such carelessness than through the pocketbook.

Renascence.

From the Kansas City Star.

The midnight deep wears not a star
Within its ebon dome;
Remote the busy, careless world,
Remote the dear, familiar home.

The tear blind eye beholds no ray
To bless its sorrow stricken sight;
'Tis night upon the leagues without,
Within the heart of pain 'tis night.

But lo! from out the graying east
The cock crow heralds forth the morn,
And as at God's appointed hour
Peace comes, to joy and hope reborn.

MAUDE DE VERSE NEWTON.

Daily Calendar

THE WEATHER.

For Eastern New York—Fair and much colder to-day; to-morrow fair and continued cold. Northwest gales, diminishing by to-night.

For New Jersey—Fair and much colder to-day; to-morrow fair, continued cold. Northwest gales, diminishing by to-night.

For Northern New England—Fair to-day and to-morrow with cold wave; to-morrow fair and continued cold. Strong west and northwest winds, diminishing.

For Southern New England—Fair and much colder to-day and to-night; to-morrow fair, continued cold. Northwest gales, diminishing.

For Western New York—Partly cloudy and colder to-day, probably snow flurries in northeast portion; to-morrow fair and continued cold. Northwest gales, diminishing.

WASHINGTON, Dec. 12.—The disturbance that was over the upper lake region last night has moved rapidly eastward to the lower St. Lawrence Valley, attended by local rains in the Atlantic and east Gulf States, Tennessee and the upper Ohio Valley, and local rains or snows in the lake region. It has been followed by the area of high pressure and decidedly lower temperature from the northwest.

The temperature was much lower by 8 o'clock as far east as the Appalachian Mountains and as far south as the interior of the middle and west Gulf States. Much colder weather will overspread the Atlantic States to-morrow, except in the Florida Peninsula. Storm warnings remain displayed on the Atlantic coast from Cape Hatteras to Eastport, Me., and cold wave warnings were ordered for to-morrow morning for the lower lake region, the middle Atlantic States, northern New England and the interior of New York.

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

Stations.	Temperature last 24 hrs. High.	Low.	Barometer.	Rainfall last 24 hrs.	Weather.
Abilene	32	28	30.38	..	Cloudy
Albany	44	22	30.00	..	Clear
Atlantic City	44	42	30.02	.04	Pt. Cldy
Baltimore	50	34	30.12	..	Clear
Bismarck	2	−18	30.50	..	Clear
Boston	52	38	29.76	.08	Clear
Buffalo	40	38	30.24	..	Clear
Cincinnati	30	20	30.54	..	Clear
Charleston	60	44	30.20	..	Cloudy
Chicago	16	8	30.52	..	Clear
Cleveland	34	16	30.38	..	Snow
Denver	32	8	30.14	..	Clear
Detroit	22	14	30.36	.01	Clear
Galveston	64	60	30.28	..	Cloudy
Helena	−8	−22	30.50	..	Clear
Jacksonville	62	48	30.20	..	Clear
Kansas City	18	6	30.56	..	Pt. Cldy
Los Angeles	60	56	29.96	.16	Rain
Milwaukee	12	2	30.48	..	Clear
New Orleans	74	64	30.24	..	Cloudy
Oklahoma	26	18	30.44	..	Pt. Cldy
Philadelphia	46	38	30.04	..	Clear
Pittsburgh	42	40	30.38	..	Clear
Portland, Me.	40	24	29.72	.08	Clear
Portland, Ore.	28	20	30.12	..	Clear
Salt Lake City	32	28	30.00	..	Snow
San Antonio	60	50	30.30	..	Cloudy
San Diego	62	56	29.92	.02	Cloudy
San Francisco	56	54	29.80	.44	Rain
Seattle	28	20	30.16	..	Clear
St. Louis	22	14	30.56	..	Clear
St. Paul	2	−6	30.46	..	Clear
Washington	48	34	30.14	..	Clear

LOCAL WEATHER RECORDS.

	8 A. M.	8 P. M.
Barometer	30.04	29.97
Humidity	97	58
Wind—direction	S.W.	N.W.
Wind—velocity	13	26
Weather	Foggy	Clear
Precipitation	.13	None

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

8 A. M.	40	1 P. M.	39	6 P. M.	40
9 A. M.	38	2 P. M.	40	7 P. M.	40
10 A. M.	37	3 P. M.	41	8 P. M.	42
11 A. M.	37	4 P. M.	41	9 P. M.	39
12 M.	38	5 P. M.	41	10 P. M.	37

	1922.	1921.		1922.	1921.
9 A. M.	38	45	6 P. M.	40	38
12 M.	38	40	9 P. M.	39	35
3 P. M.	41	41	12 Mid.	37	34

Highest temperature, 44, at 4 A. M.
Lowest temperature, 37, at 10 A. M.
Average temperature, 40.

EVENTS TO-DAY.

Prepared Roofing Association, meeting, Waldorf-Astoria, morning and afternoon; dinner, 7 P. M.

Toy Manufacturers of the United States, meeting, Hotel McAlpin, 10 A. M. and 2 P. M.; smoker, 8 P. M.

Jessie Lozier Payne will lecture under the auspices of the New York Diet Kitchen, Aeolian Hall, 34 West Forty-third street, 10:45 A. M.

New York Board of Trade and Transportation, luncheon, 41 Park row, noon.

Kawanis Club, luncheon, Hotel McAlpin, 12:30 P. M.

School Children's Free Lunch Association, bazaar, Hotel McAlpin, continuing to-morrow.

Westchester County Chamber of Commerce, forum and luncheon, Hotel Commodore, noon.

National League of Professional Baseball Clubs, meeting, Waldorf-Astoria, 10 A. M.

National Garment Retailers Association, luncheon, Waldorf-Astoria, 12:30 P. M.

Book and Play, luncheon, Hotel Biltmore, 1 P. M.

American Committee for Devastated France, meeting, Hotel Astor, 10 A. M.; agricultural conference, Hotel Pennsylvania, 4 P. M.

League for Political Education, Eleanor Markell on "National and International Topics," Town Hall, 11 A. M.

New York Probation and Protective Association and the Girls Protective League, meeting, Colony Club, 51 East Sixty-second street, 3:30 P. M.

Board of Education, meeting, Park avenue and Fifty-ninth street, 4 P. M.

Meeting to foarm a citywide association of teachers, Washington Irving High School, 4 P. M.

Will Rogers on "Newspapers and Writing for a Living," at a reception to Archbishop Hayes, Catholic Writers Guild, Hotel Commodore, 8 P. M.

Jean Longuet, French Socialist, will speak on "Russia and World Socialism," Brownsville Labor Lyceum, 219 Sackman street, and New Plaza Hall, Havemeyer and Grand streets, Brooklyn, evening.

Thirteen Club, dinner, Little Hungary, 257 East Houston street, 7:47 P. M.

Yale in China, dinner, Hotel Commodore, 7 P. M.

New York Mineralogical Club, meeting, American Museum of Natural History, 8:15 P. M.

Spencer Trask & Co., dinner, Hotel Astor, 7 P. M.

Southern Society, annual dinner, District Attorney Banton, Gov. Edwin P. Morrow of Kentucky, Congressman Finis J. Garrett, Waldorf-Astoria, evening.

New York Credit Men's Association, forum meeting, "The Factored Account," I. Edwin Goldwasser, 8 P. M.

Civic Club, 14 West Twelfth street, "Russia Through the Shadows," motion picture, 8 P. M.

Engineering Societies—A. I. E. E., A. S. M. E., A. I. M. E., A. S. C. E.—joint meeting, "The Elimination of Waste," John T. Pratt, 29 West Thirty-ninth street, 8 P. M.

PUBLIC LECTURES TO-NIGHT.

MANHATTAN AND THE BRONX.

"Trend of the Times," Arthur D. Rees, Cooper Institute, Eighth street and Fourth avenue.

"Plays of the Hour," Miss Ada Sterling, Public School 27, Forty-second street, east of Third avenue.

"Book of the Hour," Prof. Carter Troop, N. Y. P. L., Woodstock branch, 759 East 160th street, The Bronx.

"The Body Perfect—Key to Health and Happiness," Miss Doris Doscher, Washington Irving High School, Irving place and Sixteenth street. A continuous course in "Body Building."

"Vocal and Instrumental Concert," under the direction of Frederick N. Tracy, Public School 101, 111th street, near Lexington avenue.

"Colorado and the Old Southwest," Robert G. Weyh, Public School 157, St. Nicholas avenue at 127th street. Stereopticon views.

"Modern Aircraft and Their Uses," E. A. Van Muffling, American Museum of Natural History, Seventy-seventh street and Central Park West. Stereopticon views and motion pictures.

"As You Like It," Miss Mona Morgan, Central Jewish Institute, 125 East Eighty-fifth street. Dramatic reading.

"A Builder's Holiday," John H. Finley, Townsend Harris Hall, C. C. N. Y., Amsterdam avenue, 138th and 139th streets.

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