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## New York Letter

by Lucy Jeannie Price



New York — Well may the Japanese take pride in their race. I have had the joy of going through a Japanese paper merchant's store. Such pains and such artistry in so fleeting a thing as paper! In the most bewitching colors conceivable, of the finest texture to the sturdiest sort, each sheet in itself was a perfect piece of craftsmanship. All the edges of this paper fairly stuffed out in what we call the deckle giving the impression that each one was made for a definite purpose. Some of the best examples seemed a cobweb of metal, and yet in the hands were as soft as gossamer. And then we send missionaries to the "heathen Chinese."

—NY—

Records for excavating rock are being smashed here in an effort to complete the great hotels and office buildings to provide for the ever increasing number of visitors, and the great increase in business now in sight. President Harding's recent prophecy of unequalled prosperity for business is becoming evident in New York, and the city is preparing for it. Contractors are competing to see how fast chunks of Manhattan can be removed to make place for great buildings. Rock removal records are being broken daily in the excavation for the great Commonwealth Hotel at Broadway, 55th to 56th street, the new 2500 room hotel. Its nearest competitor, a giant office building in the Wall street district held its own for a while in the competition, but is falling behind fast, and now removes only half the amount of rock daily, averaging a truck load of rock to every workman, while the Commonwealth average two loads per man. Equipment furnished by the Ingersoll-Rand Company, with its world-

wide reputation for rock handling, is used on the Commonwealth Hotel, and is in a great measure responsible for the new rock removal speed record. One crew of 22 men is removing a little over 200 cubic yards of rock daily, or sixty truck loads.

—NY—

How it should delight Fabre that we are to have a play built about insects. Such is the startling announcement of William A. Brady and here this is in print the "Insect Comedy" will be holding forth at the Jolson theater. When I first heard of it my thought went back to an instrumental musical number popular—oh several years ago—called the "Mosquitoes Parade." It succeeded, in the most graphic way, in depicting the sounds and motion of that pest. In the play the actors have to wear weird costumes, make peculiar noises and hop around in a strange manner suggestive of insects. One scene shows the war between the black and the yellow ants and the one hundred boys who take part have to cut up marvelous antics. It should give a chance to many who are the theatrical bug.

—NY—

A local sheet of society gossip has just given us some of the intimate details of the efforts of rich, but unknown New York women, to secure the privilege of presentation at Court in England. The sheet mentions their names and tells how these women ingratiate themselves with impetuous people of caste on the other side for a consideration to get their names before the Court Chamberlain for presentation. Even this does not always work and instances are cited of the chamberlain asking for additional references, which if not forthcoming, always caught, but he frequently finds



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keep the dear ladies from wearing their plumes and making a courtesy before their Royal Highnesses. The American ambassador's influence is always sought, but he frequently finds

himself with no basis for judgment except the swanky get-up of the applicants. He cannot admit however that he does not recognize them as the prominent Americans which they claim to be, and in god old United States, he "passes the buck" and the ladies have to depend upon their purchasing power among the British aristocracy.

—NY—

Women become more and more adaptable. An instance is in the substitution by the wife for a local college professor in his classes. The professor was suddenly called out of town and asked his better half to teach class for him that day. She proved a great success as a substitute. She said the only difficulty she had was deciphering her husband's written assignment for the next session.

### HIGH COURT'S OPINION IN THE EDGAR CASE

The Public Ledger publishes herewith the opinion of the Kentucky Appellate court in the case of the Commonwealth vs. William Edgar:

William Edgar was convicted in the Mason Circuit Court of assault and battery committed on John Hornback, a former policeman of the city of Maysville. He was adjudged to pay a fine of four hundred dollars. Appealing from that judgment he insists that the court erred in not instructing the jury on the whole law of the case, in that it failed to give an instruction on the law of self defense.

The uncontradicted proof shows that appellant is vigorous and young, and that John Hornback is an elderly man, who possesses little physical strength. The injuries received by Hornback were slight, and the fine might be deemed excessive except for the fact that according to the weight of the evidence, there was not the slightest justification or excuse for the assault. On the latter point, however, appellant and a companion who was with him testified, and their evidence tended to prove a state of facts, which, if believed by the jury, would have warranted a verdict of acquittal. In view of this testimony it was for the jury to determine whether or not the striking of Hornback was done in self defense.

It is the duty of the court in criminal prosecutions to present to the jury, in proper instructions, the defendant's side of the case if there is evidence to support it, and this includes the theory of self defense in crimes where it is allowed. It is allowable in cases of assault and bat-

tery. The rule is that the instructions should be confined as nearly as possible to the essential facts necessary to make out the charge or defense, leaving the evidence to the jury to be determined under the instructions given. This rule is elementary, and applies to the theory of the defense, if supported by evidence, as well as to the theory of the prosecution. Robinson's Criminal Law, vol. 2, page 1103; Trimble vs. Commonwealth, 78 Ky. 176; Hellman v. Commonwealth, 84 Ky. 457; Bowlin v. Commonwealth 195 Ky. 600.

As we have stated, the weight of the evidence plainly shows that the assault was wholly without justification but there was some evidence tending to show that the striking was done in self defense, and in view of that fact here is no escape from the conclusion that appellant was entitled to an instruction on that theory of the case. The judgment is reversed, and the cause remanded for further proceedings not inconsistent with this opinion.

A total of 10,620,471 motor vehicles were registered up until July last by the Bureau of Public Roads of the United States. Included in the registration were 9,467,874 private automobiles, 55,290 taxis and busses and 1,096,605 motor trucks.

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