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DESERET EVENING NEWS

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STILL MISREPRESENTING.

Ordinarily, when a question of dispute is referred to the proper tribunal for settlement, and the decision is given. the dispute is ended. Whatever the verdict is, the parties accept it, if they are reasonable beings. But for the observance of this rule of civilized conduct, there would be no other end to any controversy than the arbitrament of hrute force. It is to avoid savage warfare and endless feuds that the decisions of courts and other tribunals always are accepted as the end of controversy on any given question.

Not so, however, in the disputes raised by anti-"Mormon" fanatics. No matter what the law or the courts, or any tribunal of the people may say concerning the merits of the contention, the anti-"Mormons" are still urging their old arguments, telling their old tales, making their old appeals to the prejudices of the people, and thundering against the high heavens in their mad rage. Old Galmoneus himself, who, so the story goes, defied the gods and perished in the attempt, did not present a more sorrowful spectacle than do these anti-"Mormons" in their unequal contest with truth and justice.

We are prompted to these reflections by an attack upon Senator Hopkins of Illinois, by a Methodist publication, because the Senator voted for the retention of Senator Smoot in the United States Senate. The publication referred to, with characteristic disregard of truth, declares that the Illinois Senators, by their votes, gave great encouragement to the leaders of "Mormonism, and awarded the practical support of the Republican party to "polygamous violators of law."

This is a misstatement of the case, and it is difficult to see what the religious publication that piously makes it, can hope to gain by it, except keeping its readers in the dark concerning the real issue. It is not true that the Senate by its vote awarded any political support to "violators of law." Certain false charges were made against Senator Smoot. The Senate simply said that they were false. And that is the case in toto. Senator Knox expressly declared: "In this country of ours religious belief is not an offense and not a defense. A man may believe what he chooses without fear of molestation from the law or deprivation of his civil rights. On the other hand, his religious belief will not avail him as a protection if he violates the law." The vote of the Senate was an endorsement of this truly American doctrine. This was clearly emphasized by the

press at the time of the decision. This

the grading, curbing and macadamizof Second avenue, reads as follows

lows: "The broken stone shall be supplied in three sizes, Nos, 1, 2 and 3. No. 1 shall contain no fragments more than four inches nor less than two and one half inches in any direction. No. 3 shall contain no fragments more than two and one-half inches nor less than one inch in any direction. No. 3 shall contain no fragments which will not pass a half inch circular ring, and shall include all dust of fracture. All broken stone fragments hall have rough surfaces such as are obtained by fracture, and must be as nearly regular as practicable. Flat or wedge shaped stones and water-worn peb-bles shall not be permitted to be used."

On all the streets now being macad. amized by contractors in city work, the above important specification is being daily and hourly violated in the following particulars:

1. Stones assauring from six to eight inches in one or two directions are plentifully supplied by the contractors for the macadamizing of every street now in course of construction. This is in flagrant violation of the secend sentence of section 4. Not only so, but wagon-loads of such stones, nearly all of them in excess of four inches in at least one direction were recently hauled away from Second street after they had worked to the surface and had been raked together by "the man with the hoe." This astounding and amusing fact was duly reported in this paper at the time, and was not even disputed.

2. Many of the stones recently laid on Second avenue are smooth and water-worn. The writer recently picked up a number of these smooth stones from the surface of the newly macadamized avenues. He also saw, as was reported in our local columns, considerable loose gravel and some earth in the top layer of the work along Second avenue. This condition was in violation of section 2, which says that the stone used "shall be hard, clean broten limestone free from clay or dirt."

3. Many flat stones are laid in these pavements. Numerous large flat or wedge-shaped pieces were observed among the wagon loads recently carted away from Second avenue. Similar stones were noticed on the surface of the recently paved block on Twelfth East.

Three violations of one paragraph, section 4, which contains only about a dozen lines, is a preposterous display of defiance of the rights of the taxpayers and the integrity of the public highways.

These specifications appear to be a rather large collection of superfluous nonsense so far as their application to city contract work is concerned. Daintily printed on superior paper, they constitute a dismal joke at the expense of the public treasury.

SAMUEL W. RICHARDS.

Today is the \$8rd anniversary of birth of Elder Samuel W Richards, one of the most hale and hearty of the older generation of Church members. He was born Aug. 9, 1824, at Richmond, Berkshire County, Mass., and has ever since his maturity shared in the hardships and progress of the Church. For many years he has been a Patriarch and still holds that office. In early Utah life he played a prominent part, serving in the first legislature, the first city council, and in many judicial positions. During the Indian troubles he served as a member of the Utah militia. Of late years he has worked chiefly in the Salt Lake temple, and he is receiving many congratulais from the Cleveland Plain Dealer, a tions on the attainment of his \$3rd year.

most absolute power. Hence what are called vested interests cannot be lawfully changed by later legislation. The present question is whether of

not the North Carolina law is a confiscation of the property of the railroads, and thus a violation of the contract made by the State with the companies when it granted them their charters. They have expended their money, relying on their charters. Their interests are now vested under the law. How far they can be regulated at this stage is one of the most interesting questions ever before the courts.

THE WAVE OF CRIME.

The wave of crime sweeping over New York has risen so alarmingly that some citizens are talking about the necessity of organizing a vigilance committee. It has generally been supposed that such extraordinary institutions belong only to the infancy of settlements, before the complete organization of society on civilized lines. Who could have imagined the possibillty of a backward "reform" to sayage conditions in one of the largest and most civilized cities of the world. where immense sums of money are spent every year for police protection and the administration of justice? What is the cause of the anomalous condition?

There are several. A correspondent of the New York W rid ascribes the alarming prevalence of crime to the inefficiency of the Police Commissioner. On account of his inexperience. are told, he cannot sympathize with the men over whom he rules with autocratic power, and these become discouraged and act as automata instead of intelligent beings. "And automata do not make good police men." Another cause is the "yellow journalism" of New York. The papers constituting that class seem to take a fiendish delight in displaying before the reading public every detail of crimes actually committed, and then to draw on an impure imagination for supply, when the reality is exhausted. The crimes and follies of wealthy men and women are especially paraded before the public, and the effect of that is to breed contempt for law and indifference to crime. Sometimes they even cast a glamor around murderers. This inspires to imitation. There is no doubt about it, the "yellow press," together with a certain class of theatrical entertainment, is responsible for the growth of the murderous sentiment wherever its influence is felt. The mere details of crime, dwelt upon and horribly illustrated, are known to affect morbid weaklings so violently that they are impelled to seek renown even if the end is death. Vigilance committees cannot remedy the evil. Were the mob to take the matter in hand through such a socalled committee, the probability is that orimes would multiply still more. Many an innocent person would be made to suffer, as is always the case when

mobs operate. There would be retaliation, and finally anarchy. The remedy is to place at the head of the police department a thoroughly competent man, and, at the same time, trace the evil to its sources, not forgetting the corrupting stuff that is daily sold to the public as "news" and "amusements."

The British troops still hold fast at Belfast.

A stitch at the psychological moment saves four plus five.

is not a wooden nutmeg.

Wheeling Inteiligencer.

Wheeling Intelligencer. The recent discovery that army posts for thriving places for mosquitoes be-non and in the pilos of old cannon balls may be supplemented by another dis-overy which women attached to these posts made in the Philippines with re-spard to mosquitoes. An officer's wife it Fort Slocum told about it the other evening when some men visitors wear-ing low shoes and black hose were here long you would notice. 's he said, 'that every woman around here wears white hose. It isn't because it is the fashin, but because mosquitoes rarely bits through white stockings. We hose seem to attract these posts. There is something about white that repels when they visit an army post in mos-vito time and expect to be out of out of annoyance. A woman rubbing her or annoyance. A woman rubbing her or annoyance is not altogether at.



New York Sun.

New York Sun. If Japan sticks faithfully to business she may safely count on an important future. If she tangies herself unduly in games of either domestic or interna-tional politics or becomes involved in war, her experiment will be a failure, and her future dark and uncertain. There is also an element of danger in an issue which is too wide for consid-eration here. That lies in a possible expansion of democracy in Japan, and in a resultant interference with the policies of the present centralized gov-ernment. The new Japan must be built on and with the materials of an old Japan.

A KINGLY ASPIRATION.

Western Mail. Western Mail. Nothing could become a throned mon-arch better-not even the crown, with all its priceless jewels-than the noble aspiration which King Edward has set before him, and which he expressed at Holyhead: "As far as in me lies the influence of Great Britain shall ever be devoted to the promotion of friendship and good feeling."





paper no one can accuse of sympathy for the Church:

"Mormonism and polygamy are no longer synonymous, and mere member-ship, or even prominence, in the sect is not now prima facie evidence of criminal practice or treasonable con-spiracy sufficient to show that a given person is unworthy of citizenship oublic office. Reed Smoot was admit-tedly not guilty of polygamy and was not proved guilty of anything else."

This latter statement being absolutely true, how could Senator Hopkins, being convinced of the truth, vote otherwise than he did?

The Springfield Republican commented as follows:

"-Senator Smoot was the point at issue, not the Mormon church; it was Senator Smoot who had taken the oath in the Senate chamber, not the board of apostles; it was Senator Smoot's per-sonal qualifications which the Senate had to consider, not the constitution and character of the Mormon hierarchy. Under these conditions it must be con-ceded that the case has been disposed of wisely." of wisely.

This paper concludes its review as follows:

"For the Senate to have expelled him would have constituted, finally, a most utestionable invasion of the rights of a state in the federal union to choose freely its own representatives, and state rights in this respect are of real importance."

The religious Chicago paper that now iviciously attacks Senator Hopkins would show some good sense by accepting the Senate decision as final. There was absolutely no merit in the case against the Utah Senator. great many of the petitions were procured by wilful falsehoods told in the pulpit and the press. Some of the advocates of expulsion or exclusion, knew they had no case, and they openly and shamelessly urged the setting aside of law and the application of "the unwritten law," thus revealing the true nature of anti-"Mormonism." The Senators who at that time stood between the Constitution of the United States and the folly of the crowds that had been worked up to the point of hysteria, deserve well of the nation. And history will yet accord them a prominent place among patriois.

The Christian press of Illinois cannot afford to carry faggots with which to keep up the fires of persecution and hatred. The tragedy of Carthage should be a warning of the danger of conjuring up the spirit of hatred.

OUTRAGED SPECIFICATIONS.

An examination of the supposed reguirements made of contractors in city street work shows that an outrage of great proportions is being perpetrated on the taxpayers without any regulation or correction by the board of public works.

Section 4 of the division headed

WHAT STATES CANNOT DO.

We have said hitherto that the North Carolina railroad cases now pending before the Supreme Court are likely to make history when a decision is reached on them. The controversy is as to whether a State law fixing a maximum rate of 2¼ cents a mile for passenger traffic is a reasonable regulation of railroad charges.

The power of the State or of the Federal government, is not unlimited in the control of corporations. It has been shown that the State may do many things in the exercise of its authority over corporations operating within its boundaries, but its limitations are almost as important as its

powers. We have seen that a state may not establish a railroad tariff, or schedule of freight rates so unreasonable as practically to destroy the value of the property of companies engaged in the carrying business. Neither can it

regulate the charges at all when power has been expressly given to the rail road company to take tolls in its discretion; that is, without any legislative

reservation in its charter as to the regulation of tolls and charges. But such exemption of a railroad from legislative supervision must clearly appear in its charter, for the courts mak

the presumption that unless an exemption is clearly established, the legislature is free to act as the public interest may require.

The charter of a railroad corporation is regarded as a contract which the State cannot violate by prescribing maximum rates when the terms are clear and express that the legislature has granted away its right to regulate tolls and charges. Nevertheless it is held that, considering the nature of its occupation and pubic privileges, a railroad is bound to exact only a reasonable compensation for the carriage of freight and passengers. And this is true, irrespective of what its charter may contain,

The States may tax the property, capital stock, receipts, or franchises of

any corporations that are not the direct agencies of the Federal government, in which case the States cannot tax them. The States can lay no taxes on articles exported or imported, except for mere purposes of inspection, nor lay unequal taxes. But they may tax foreign and domestic corporations at different rates.

State or nation may at any time change the laws under which corporations operate; but if interests have been acquired under previous laws, these interests must be protected-the law

cannot change them. Any legislature may repeal a law

passed by a former legislature; but if an act be done under a law, a succeeding legislature cannot undo it. "Macadam." in the specifications for] The past cannot be recalled by the | they like.

Will automobilists never learn that the less haste the greater speed?

And now the "American" party is Halloran for Mayor Thompson's successor.

"Is the bathing suit a crime?" asks an exchange. At most it is a missdemeanor.

The greatest striker that the bollermakers of California ever produced was Jim Jeffries.

It begins to look as though France would have an African elephant on her hands in Morocco. No matter how many city officials

may resign, Contractor Moran continues to stand "pat."

Captain Richmond Hobson says that Japan has four bases. Is the statement on the "square?"

Whenever a public official courts inrestigation, his courting should be enouraged until he declares himself.

Congressman John Sharp Williams won the nomination for United States senator. Mississippi is to be congratulated.

A Coney Island magistrate declares that kissing is to be regarded as disorderly conduct. At times it does smack of it.

Commander Peary feels very positive that he will find the north pole this time. Compared with Peary, all optimists are possimists.

A well known college professor says there are too many men in the world. The professor forgets that "all are not men who wear the human form."

"Los Angeles again is in the clutches of an ice trust!" says the Express of that city. How is it, then, that the City of the Angels is experiencing such terrific heat?

"Many people have monay to burn, but 'Ouida' is the only one who tears it into little bits," says an exchange. This must be American money, which naturally divides itself into bits.

"You cannot have too much federal egulation if it is wisely administered," says Judge Peter S. Grosscup. The judge may not know it, but one may have too much of a good thing.

It is said that after his visit to Oyster Bay, Secretary Taft will have definite knowledge how to stop third term talk. So long as there is freedom of speech in this country, the people will talk third term or anything else



'Phones 2600.