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DESERET NEWS PHONES.

Persons desiring to communicate by
telephone with any department of the
Deseret News, will save themselves and
this establishment a great deal of annoy-
ance if they will take time to notice these
numbers:

For the Chief Editor's office, 74-3.
For Deseret News Book Store, 74-2.
For City Editor and Reporter, 33-2.
For Business Manager, 33-4.
For Business Office, 33-2.

THE LAW IN THE CASE.

It has been asserted by a morning
local paper that "Religion classes must
disband," and as its authority for
this dictum it has cited Superintendent
Nelson who, it claimed, gave "startling
testimony on this matter before the
Senate committee by which 'The Trib-
une' scored a big victory." This sub-
ject has been discussed very frequently
of late, but received new interest be-
cause of the position taken officially
by A. C. Nelson, State Superintendent
of Public Instruction.

That functionary was summoned to
Washington to give evidence on the
charge before the committee on privi-
leges and elections, in the Senate
Smoot case, that the "Mormon" Church
had introduced its tenets in the pub-
lic schools. This charge had been
made repeatedly in the local sheet re-
ferred to, the only color given to it be-
ing the fact that what are called re-
ligion classes had been held in some of
the district schoolhouses in this State.
It was very clearly and positively pro-
ven that no such classes were held or
attempted to be held in the public schools,
that they were separate and distinct
from district school tuition, and that
where the schoolhouses were utilized
for the purpose of holding them, they
were not opened until after the schools
closed for the day, and then for the
benefit only of such children as desired
to attend, the others being dismissed
to go home.

Notwithstanding this, and the further
fact that the religion class was usually
held but for about half an hour on
one day only in the week, the absurd
and untruthful claim was still kept
up that religion was being introduced
in the public schools, and therefore
these institutions were in danger of be-
ing brought under "Mormon" influence.
This misrepresentation caused the in-
quiry before the Senate committee, and
hence the testimony of Superintendent
Nelson which the Tribune announced
as a big victory for that paper. The
truth is that not a line or syllable of
evidence was given to show that re-
ligion or religion classes had invaded
the public schools of Utah, but the
very contrary was thereby established.

It appears that the Superintendent
had made diligent inquiries into the
matter, and learned that a large num-
ber of religion classes had been held
in schoolhouses in country places, and
in some instances the secular school
teacher, after the school had been dis-
missed for the day, also taught the
religion class in the same building.
The Superintendent formed the opinion
that this was not in harmony with the
law, although the State Attorney-Gen-
eral had twice declared that the laws
of the State were not opposed to the
practice, and so the Superintendent
issued an official letter, a copy of
which was furnished to the Tribune,
and which was read by him to the com-
mittee, as follows:

"Salt Lake City, Utah, Dec. 5, 1904.—
To the School Superintendents and the
School Boards of the State of Utah:—
Gentlemen: For some time past this
office has been almost constantly in re-
ceipt of letters from citizens in different
parts of the state protesting against
the use of public school buildings for
religion class purposes. In order to
ascertain with certainty the prevalence
of this use of the public school build-
ings, letters of inquiry were sent from
this office to all of the county and city
school superintendents. The replies
received convey the information:

First—That the religion classes are
conducted in a large number of public
school houses throughout the state.

Second—That these religion classes
are held immediately after the close of
the school; and from further informa-
tion it is found that not infrequently
the regularly employed teacher of the
school is also the teacher of the religion
classes.

Permit me to call your attention to
Sec. 1, art. 10 of the Constitution of the
State of Utah. It reads as follows:

"The Legislature shall provide for
the establishment and maintenance of
a uniform system of public schools and
which shall be open to all children of
the State, and be free from sectarian
control."

"Sec. 1485 of the Revised Statutes of
Utah, 1898, is also pertinent to the ques-
tion at hand. It says: 'No athletic,
judicial, sectarian, religious or denom-
inational doctrines shall be taught in any
of the district schools' of this State.
Moral instruction tending to impress
upon the minds of the pupils the im-
portance of honesty, truthfulness, temper-
ance, purity, patriotism and in-
dustry shall be given in every district
school, and all such schools shall be
free from sectarian control."

"It is evident that both the founders
of the State Constitution and the Legis-
lature which enacted the foregoing
statute intended the public schools of
Utah to be free from sectarian influ-
ences as well as from the influences of

atheism and infidelity. They were in
entire harmony, too, with the predom-
inating American sentiment on this
question. Even the propriety merely
of reading the Bible in the public
schools has been called into question,
because readers can read and have read
their peculiar religious views into scrip-
tural quotations. The public school is
designed as the common meeting
ground of every child and youth of the
land, regardless of race or station, creed
or party. It must ever remain free
from any influence or condition which
would have a tendency to change its
pre-eminent position among the great
institutions of our country.

"As school officers it is our duty to
guard against any condition which
might give an opportunity for sectarian-
ism to enter into or influence our
public school system. Whenever re-
ligion classes are held, before leaving the
schoolhouse for the day the pupils re-
ceive religious as well as secular in-
struction. Sometimes, too, from the
same teacher. It is not to be expected
that immature minds will discriminate
clearly as to the respective functions of
the school and the church in the re-
ligion class work, but it is to be ex-
pected that a large percentage of the
children will look upon all of their class
exercises as the school work of the day.
The religious teachings may be of the
most wholesome and uplifting charac-
ter, yet, in a country like ours, where
the right to worship according to the
 dictates of individual conscience has
given rise to varied religious belief, and
where the schools are supported by all
taxpayers of the community, to hold
children after the regular school hours
of the day for the purpose of inculcat-
ing into their minds the doctrines of
any religious creed must, of necessity,
be more or less objectionable to the
people of the community holding differ-
ent religious views.

"The constitution and laws of the
State emphatically declare that the
public schools shall be free from re-
ligious or sectarian control. Such be-
ing the case, and the conditions as here-
in set forth obtaining, I am of the op-
inion, and you are hereby so advised,
that the religion class work, when con-
ducted in public school buildings, is in
violation of the spirit of the Constitution
and the statutes of the State of Utah.
Respectfully,

"A. C. NELSON,
State Superintendent of Public In-
struction."

Now it will be clear to every careful
reader that there is nothing cited by
the Superintendent from the State Con-
stitution or the statutes that touches
the merits of this question. All his
quotations relate to religious teachings
and sectarian control in the public
schools. The use of the schoolhouses
for other than public school purposes
when the schools are closed is another
matter entirely, and there is nothing
in what he gives as authority for the
strained deductions in which he in-
dulges, that affords the slightest war-
rant for his final opinion and advice.
His own sworn testimony proves that
such religion classes as had been held
once a week in a number of the school-
houses, were not made a part of the
school course and were never held un-
til the school was closed, and therefore
could not be considered an endeavor to
introduce religion into the public
schools.

In citing the laws on this subject
Superintendent Nelson, if he desired to
be quite fair and candid, might have
referred to the section of the same
statutes which gives direct and ex-
plicit authority to the school board in
each district, to do the very thing that
he objects to. The school board is
given the "care, custody and control of
all property belonging to the district,
subject to the requirements of the law,"
and it is authorized further:

"Section 1322—TO PERMIT USE OF
SCHOOLHOUSE FOR OTHER PUR-
POSES. It may permit a school house,
when not occupied for school purposes,
to be used for any purpose which will
not interfere with the seating or other
furniture or property, and shall make
such charges for the use of the same
as they may decide to be just; but
for any use or privilege the district
shall not be at any expense for fuel or
otherwise."

It has been under this legislative au-
thority that trustees, in many places
where the vast majority of the people
who built the schoolhouses desired the
use of those buildings for part of an
hour, one day in the week for the hold-
ing of a religion class, not of the chil-
dren of other faiths, but simply of those
who wished to attend or whose parents
desired it, and so as not to interfere
with the school property or cause any
expense to the school district, complied
with the request. It has not been
shown that in doing so they violated
any provision of any law that has
been cited in this connection.

The argument that because some of
the children attending a district school
were permitted after school had closed
and many of their companions had
gone home, to engage in a religious
exercise for half an hour one day in
a week, they would jump to the con-
clusion that it was part of the regular
school work, does not appear to be very
cogent, and even if "immature minds
would not be able to discriminate clear-
ly as to the respective functions of the
school and the church," what of it?
If the law is not violated, if the schools
themselves are kept free from "sectar-
ian, religious or denominational doc-
trines," who is hurt by the use of the
school buildings once in a while for a
lecture, a concert, a debating or re-
ligion class or any other orderly and
proper use sanctioned by the trustees
in control?

But we do not desire just now to en-
ter into the merits of the religion class
question, or the wisdom or policy of
holding such classes in the public
school buildings. We merely wished to
show that the Superintendent's attempt
to quote law, as against the opinion of
the State Attorney-General, is an utter
failure and does not meet the issue at
all. No one claims that it is lawful or
right to teach religion or conduct re-
ligious classes in the public schools.
This paper is as much opposed to any
such attempt by whomsoever made, as
is the most ardent secularist. The Su-
perintendent has been fighting empty
space and simply echoing the perva-
sions of law that have found their way
into the columns of a misleading jour-
nal. And, by the way, even if the
schoolhouses were arbitrarily closed
against the classes that have been held
therein, which does not necessarily fol-
low from the "opinion and advice" of
the Superintendent, there is no reason
why "Religion classes must disband,"
as boldly asserted by that paper. The fu-
ture of those classes rests with their
promoters and conductors, and is an-
other and different matter entirely.

THE NORTH SEA INCIDENT.

The commission which is to inquire
into the North Sea episode being ready
for work, speculation is rife as to the
probable findings of that body. The
impression seems to prevail that the
Russian officers will be exonerated. It
will be shown that they feared an at-
tack by Japanese craft, and that, by
mistake, they fired, not only on the
trawlers, but on their own ships. No
offense was therefore intended, and
there is no cause belli.

If this is to be the report, the only
question will be of proper reparation.
If the Russian government complies
with the demands of Great Britain as
to apology and payment of damages,
the incident will be closed without fur-
ther consequences.

The disposition of Great Britain to-
ward peace is reflected in the view
expressed by an English naval officer:

"The opinion is strongly held by our
own officers and the officers of other
European navies that a fleet of war-
ships at sea in time of war should not
allow any war vessel that cannot identify
as a neutral to approach it. It is gen-
erally held, too, that merchant vessels
should be kept off unless they are
known to be well disposed, for other-
wise there is nothing to prevent a bel-
ligerent chartering a merchant vessel
and doing a lot of damage with her to
his enemy's fleet. No doubt the Rus-
sian commander thought two of his
small cruisers which suddenly appeared
were Japanese torpedo boats, and if he
did think so, the only proper course
was to fire on them. There is really
nothing remarkable in cruisers being
taken for torpedo boats for there is
not a navy in the world in which the
same blunder has not been made. I
counted sixteen authenticated cases the
other day involving the best navies in
the world, the British and American
not excepted."

There is no similarity between this
case and the destruction of the Maine.
On the theory that Spanish officials
were responsible for the sinking of that
ship and the death of so many Ameri-
can sailors, no other conclusion was
possible than that, that an insult had
been offered to this nation, that de-
manded immediate attention. The ship
was on a friendly and benevolent visit
to Cuba. Its place of anchorage had
been assigned to it by Spanish authori-
ties. There could have been no mis-
take. In the North Sea incident it is
clear as day that a mistake was com-
mitted. The Russian officers explain
that they had reason to expect a hostile
attack and that the mistake was ex-
cusable on that ground. Others claim
that they had "celebrated," until a
fisherman's boat appeared as formidable
as a torpedo boat. But, even in that
case, there was a "mistake," and no
intentional affront to Great Britain.

In these days many are cold but few
are frozen.

The weather man has turned the cold
shoulder to everybody.

Does the President want railroad
rates higher or lower?

Few things are more demoralizing
than a two-days' holiday.

It is safe to say that Nan Patterson
could not shoot Niagara.

Shinplasters cure a pugilist's sore
places sooner than anything else.

Charles F. Dodge is said to have col-
lapsed. Is this one of his dodges?

With the mercury around zero the
hot air man continues to be unpopular.

The government is after the Paper
trust and proposes to grind it to a
pulp.

The Chadwick securities once brought
money in abundance. Will they do so
again when they are sold?

By way of novelty and relief could
not Mr. Lawson give the public a few
chapters on friendly finance?

"Questions of state administration are
of no concern to the zemstvos," says
the czar. That sounds just like a party
boss.

"A Wife Without a Smile" has proven
a great success. It is owing to the
fact, no doubt, that she is not a wife
without guilt.

Additional guards are being placed
around the White House. This would
indicate that there is to be no tariff
revision, for it means more protection.

Even Santa Claus is not wholly ob-
livious to the ways of Dame Fashion.
Among all the thousands of gifts he
brought there was not one single pair
of red-topped, copper-toed boots.

Henry Jones of Omaha, aged ninety,
is suing his wife, Susan Jones, aged
eighty, for a divorce. They were mar-
ried two years ago, which proves for
the thousandth time that there is no
fool like an old fool.

The athletic department at Harvard
needs more funds, in spite of the large
receipts from the football and base-
ball games. Would a gift for this de-
partment be one for higher education or
not? It presents a fine point for the
college casuists to discuss.

Mayor Collins of Boston favors the
publication of the municipality salary
list. It is a good idea, tending to pub-
licity in public affairs. Its adoption
by the cities of the country would
be a good thing.

Postmaster-General Wynne has pre-
sented to the President a report pre-
pared by the department in response to
the resolution of Senator Dubois of Id-
aho, regarding postmasters or other po-
stal employees who may be living in po-
lygamy. The report finds that there
are four postmasters who have sus-
tained polygamous relations. All these
are at small places and the relations, it
is stated, have not been continued since
the passage of the Edmunds law, the
offenses having occurred prior to that
enactment. In view of this fact it has
been determined not to take any action
in their cases. This will be very dis-
appointing to Idaho's customs men who
doubtless expected to find a mare's nest
in every postoffice in Utah. These are

not the kind of facts wanted by the
"Tiger in the Jungle."

The local anti-Mormon champion
has been prophesying disasters lately.
That reminds us that Saul, too, was
once among the prophets, but that was
before he became possessed by an evil
spirit. It is no trick to prophesy dis-
asters, when the plans are all laid by
the one who prophesies. An assassin
would prove a true prophet in a limited
sense of the word, if he sent a warning
to his victim concerning an intended
assassination. An incendiary might, in
the same way, prophesy truly about a
conflagration he was planning. But
there would be no credit in that kind
of prognostication. The Tribune is in-
cessantly working to bring disaster up-
on Utah, and trying to hide its dark
plots by doing a little prophesying as to
what may be expected.

RAISING FRIVOLOUS OBJECTIONS.

San Francisco Chronicle.

Several members of the senate com-
mittee on privileges and elections are
said to be using their influence quietly
to defeat the statehood bill, by urging
its opponents to make a vigorous fight
against the measure on the grounds
that the admission of the Territory,
particularly of Arizona, may throw
down the bars to the practice of poly-
gamy. They are basing their conduct
on the evidence submitted to the com-
mittee in the Smoot investigation to the
effect that many Mormons have
settled in Arizona, and that some of
them are admitted to be polygamists.
This is, at best, a specious excuse of-
fered expressly for the purpose of
backing. The status of Arizona and
Utah in their relation to "Mormon-
ism" is entirely dissimilar. In Utah the
"Mormons" are the controlling fac-
tors in politics. They run the state.
But in Arizona the "Mormon" popula-
tion is in a hopeless minority and can
exercise no influence whatever in the
shaping of its policies or in the con-
trol of its affairs, whenever statehood
is granted. There is, consequently, no
merit to the objection. If Arizona is
denied admission to the Union on such
a foolish pretense, it will be equivalent
to say that the Territory never shall
become a state so long as it contains
"Mormon" residents, and neither the
present nor any future Congress will
venture to put itself on record as favor-
ing such a proposition. If the presence
of a few "Mormons" in the Territory
is a valid cause for the denial of state-
hood, it might have been raised against
the admission of California because it
harbored a polygamous "Mormon" col-
ony at San Bernardino in its territory.
It is, however, a matter of his-
tory that the "Mormon" residents in
this state never exerted any influence
on its policies, to the extent, at least,
of engrafting upon its laws and cus-
toms any of the principles or practices
of their faith. They will be equally
powerless in Arizona.

HEALTHY COLLEGE GIRLS.

New York Sun.

Some ancient men can't remember a
certain comic, but by no means simu-
lated, fear and wonder with which they
regarded the graduate of the woman's
college. Wise heads rattled like peas
in a dried pod and shook ominously.
"Female education" was desirable, but
could the poor weak creatures stand it?
Now, when the women's colleges are
many and mighty and their graduates
numbered by thousands, the folly of
those old fears is as absurd as most of
us are. The college girl, brimming
with health, bright with intelligence,
possesses the land, compared with un-
dergraduate "men," her superior intel-
ligence, her lack of that weakness which
is apt to linger long with the trousered
collegians, is noticeable. Not only
does she stick to her books better, but
her physical training is more uniform
and not characterized by excess.

A QUEEN'S TROUBLES.

Springfield Republican.

Queen Elizabeth of Roumania has had
a circular letter addressed to the news-
papers, in both Europe and America,
entreating that persons who write ven-
erous kinds of stuff should cease send-
ing their manuscripts to her for criticism
and advice. She has hundreds of such
requests, and in self-defense must stop
paying attention to them. This has
been one of the penalties of the liter-
ary queen, who as "Carmen Sylva"
won the affection of thousands of read-
ers who would not have known of her
had she not been of royal rank, and
righted that affliction by her philan-
thropies, to which she gave a devotion
sincere and personal—not merely by
delegation. But it is not to be supposed
that her literary work has really de-
pended for esteem on the adventitious
circumstances of its production. Car-
men Sylva's Roumanian songs, her
"Pilgrim's Sorrow," her "Rumanian
Fairy Tales," have a worthy place in
real literature. Hans Anderson, had
he been her contemporary, would have
welcomed her as a sister—and the Dan-
ish improvisatore would have done her
a just honor in that.

The Season Of Sickness

During severe weather
is the time to be most
careful in securing what

The Doctor Orders.

You can do that when
you bring your prescrip-
tion to us. Care and ex-
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the compounding, and
purity and no substitutes
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Sacques,
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Positively the Strongest Production
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Monday Matinee and Night and Tuesday
Night.
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Wednesday Matinee and Night.

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them.

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