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SALT LAKE CITY, - JAN. 28, 1904.

AN OBSCURE PROVISION.

The city officers, elected last November, will not receive the salaries fixed by the ordinance passed in December, unless some further proceedings are taken in the courts. And it is exceedingly doubtful, even in that event, that the intent of the ordinance will be accomplished.

That the compensation for a number of those offices was inadequate for the services required, was a recognized fact. And that the rates in the salaries was moderate and reasonable is not disputed. But on the construction put by the Supreme court upon Section 225 of the Revised Statutes of Utah, the present incumbents cannot receive the benefits of the change. So decides the City Attorney, in his opinion in response to the query by Auditor Felt. Judge Day is governed, as he should be, by the rulings of the court and it is pleasing to know, as is seen in each of his official opinions, that we have a lawyer in the office of City Attorney.

The section of the law on which the Supreme court has ruled, denying the right of city officers to an increase of the salary existing at the time of their election, reads as follows:

"All officers of any city shall receive such compensation as may be fixed by ordinance, but the compensation of any of such officers shall not be increased or diminished to take effect during the term for which any such officer was elected or appointed."

That is worded in a peculiar manner. Taken as it stands, no salary of any city officer can be increased or diminished from the date of the statute, in which it appears. It has been in force since January 1, 1898. The Supreme court, however, in the cases of Hulanicki vs. Ogden, and Mefssner vs. Boyle, construed the provision in this way:

"There is no ambiguity in the language used. It is plain that the intention of the Legislature was to prohibit any change of the salary of a city officer after his election or appointment, to take effect during the term for which he was elected or appointed."

That interpretation stands as the law governing the present case. It will be observed by the careful reader, that the learned justices had to read into the letter of the law the words, "after his election or appointment," in order to reach their decision. Those words are not to be found in the statute. They may be necessary to give it good sense and application, but they are not there. If the Legislature intended what the court assumed, the provision ought to be amended by the Legislature so as to make that clear.

As commonly understood, the law was framed to prevent the raising or lowering of municipal salaries during the terms of the incumbents, so that they should not be engaged in the work of changing their own salaries or those of their associates in office. The words "to take effect" were interpolated, evidently, without full comprehension of their peculiar meaning. Suppose the City Council had changed the salaries before the November election, to take effect during the term of the next set of officers. Would not the law prohibit that attempted change of compensation, "to take effect during the term for which any such officer was elected or appointed?" It certainly would, taking it as it stands. But it would involve an absurdity.

There are two views, then, that may be rationally taken of the meaning of the provision. One is that generally supposed and which was held by the late City Council; the other is that affirmed by the court and which necessitated the intervention by the court of the words "after his election or appointment." The latter is the law because the court has so decided, and the City Attorney very properly bows to that decision.

What now? Either the present incumbents of the city offices affected by the ruling will have to be content with the salaries fixed before the recent ordinance was passed, or they will have to take steps for a review of the whole question by the Supreme court, with the probability that the matter will remain unaltered. In any event the next Legislature ought to change the wording of section 225 of the Revised Statutes of Utah.

INSURANCE ORDER FAILS.

The failure of another insurance order is noted by exchanges. This time it is the so-called Bankers' Union of the World. The order was organized only five years ago by one Dr. E. C. Spaulding of Omaha. The deputy state attorney alleges, it is said, that the organizer has drawn an exorbitant salary, amounting, last year, to \$20,000, but the gentleman in question explains that only \$5,000 of this was "salary," \$7,000 having been drawn for commissions, \$1,000 paid to his wife for editing the official paper, and \$5,000 worth of stock

issued in his favor by order of the directors. He thus accounts for \$19,000 of the \$20,000. The concern reached out for business all over the country and carried insurance policies aggregating \$25,000,000. It came to grief when the revenues became inadequate to meet the demands, as every such institution is liable to do, sooner or later, unless a sufficiently large reserve fund is kept. The history of insurance in this country is full of warnings to the public, not to trust their savings to irresponsible concerns. Mutual life insurance, it has been demonstrated, can be made safe, if managed on business principles, but in many cases, the demands are to be met only by new subscriptions. Then a time comes, when new members are not added as fast as the claims of old members come due, and then the crash comes. Generally the victims are poor and but little able to bear the loss. Fraternal insurance also often carries with it social duties and responsibilities which seriously interfere with their duties to the home or to the church. For this reason too they are less popular than they otherwise would be.

SENATOR SMOOT'S DEFENSE.

Under the above heading the Literary Digest for Jan. 23, 1904, has these pertinent paragraphs:

"A noticeable feature of the anti-Smoother crusade has been the fact that the leading papers of the country have not joined in the hue and cry in a manner to be desired by the crusaders. While many petitions bringing charges against the Senator have been submitted to the Senate Committee on Elections and Privileges, most of the newspapers have believed the charges to be unsubstantiated by evidence. The opponents of Senator Smoot charge that he is a polygamist and that, as an apostle of the Mormon Church, he is bound by an oath that might conflict with his oath as a Senator. The Senator last week replied to these charges, attempting to place the burden of proof upon those who demand his expulsion. Many of the newspapers now doubt if any of the charges against the Senator can be proven. 'It seems wholly improbable that the charge of polygamy, as made against Smoot, can be sustained,' declares the Baltimore American; and the St. Louis Chronicle remarks that the searching line-light of inquiry and investigation turned upon him has failed to disclose a single ray of darkness in his life. 'More such men as Smoot in the Senate,' it goes on to say, 'might indefinitely elevate the moral and patriotic tone of that body.'"

"In his defense the Utah Senator emphatically denies the charge that he is a polygamist. He avers that he has but one wife, who is the mother of all his children. He leaves the question of his belief in polygamy open, never admitting that polygamy is a tenet of his church, and is not practiced by any considerable number of its members. Those who do practice it, according to the Senator, do so at their own risk of punishment under the laws. Mr. Smoot admits that he is a member of the Mormon Church, and says that he is one of the church's twelve apostles; but he denies that the church in any way contravenes the law. He declares that he 'honors and respects and obeys all the laws of the State of Utah and of the United States, and has never been guilty of any offense against either.' The Mormon Church, he avers, is a spiritual organization, and he challenges the Senate's right to discriminate on religious grounds against a man who may be elected to that body."

"This defense, some believe, is likely to lead to an interesting investigation into the tenets and practices of the Mormon Church, and, further, may bring on a controversy over the relationship between church and state. The Washington Post says on these points: 'Senator Smoot's position is not a new one. It has been before the eyes of the world if the investigation is held and Senator Smoot's position indicated. It will certainly be a relief to the majority of the people of the country to have it definitely ascertained whether these stories reflecting upon the morality and the patriotism of the Mormon people have any foundation in fact. Senator Smoot declares that they have not, and invites, practically demands, vindication of his position by an official inquiry.'"

"Aside from the results that may follow an inquiry, in response to this challenge of Senator Smoot, into the tenets and practices of the Mormon Church, the anti-Smoother crusade, appearing to have nothing to expect from the Senate's consideration of their charges. Up to this time no evidence has been produced, nor is there a claim that any can be produced, to show that Senator Smoot is a polygamist. The crusade has apparently been based entirely upon an appeal to sentiment, and has had no further effect than an unsuccessful effort to induce the Senate to be led into a controversy over the relationship between church and state."

We clip the following from the Rock Springs Independent of Jan. 23, 1904:

"It cannot be denied that Senator Smoot makes a pretty good answer to his critics and opponents. He is a Mormon, perhaps, but if he is not a polygamist, what difference does his belief in Mormonism make? Is it any worse to believe in the Book of Mormon than it is to believe in the books of Mother Eddy? Senator Smoot denies that he believes in or practices polygamy or that he even broke any law of the United States or of continental America. He says that he believes in the Bible, and especially the sisters, who have been so strenuous against him, propose that he shall be kept out? Are we to begin at this late date discriminating politically against any religion?"

The Great Falls, Montana, Leader remarks:

"Read Smoot's denial that he has a multiplicity of wives, or that he ever had more than one. He further denies the charge that he ever brought against him. It is up to those who oppose him to either prove their charges or forever after hold their peace."

CHURCHES AND SALOONS.

Several times persons interested have endeavored to ascertain what proportion of the inhabitants of our large cities are attending churches. The census of New York, Chicago, London, and other centers of population has been taken in recent years, with but discouraging results. But these become still more discouraging when compared with the results obtained by a writer in Mr. Stead's new London Paper. That writer made an effort to find out how the numbers that visit saloons compare with those that visit churches. In the endeavor to ascertain this, a census was taken of all the persons who entered the liquor stores, and also the churches of all denominations on a certain Sunday, in the district of London known as Paddington. The district contains 142,690 people; 31,331 were found at church, chapel or meeting hall and 32,175 were found in the public houses. The census shows that women were more than twice as numerous as men in the churches, but at the same time, of the 31,625 women in the district, 28,118 visited the pub-

lic houses. Of children under fifteen, the fact is shown that while less than 7,000 visited the churches of the district during the day, more than 10,000 entered the drinking shops. This is a terrible record. Add to this the fact, that the charge is openly made that drinking and smoking are becoming more and more common among women than ever, and it is easily understood that the progress toward the highest moral ideals is necessarily slow. Morality cannot exist unsullied for any length of time among the odors of the rum shop and the fumes of tobacco. It is bad enough that civilized communities should need saloons, but it is worse that these should be able to command more patronage than the churches. Suppose the Latter-day Saints were tested by a similar rule. They would not need fear a comparison with other denominations.

What splendid rag chewers Japan and Russia are!

Weather news from Wisconsin is very fresh, just off the ice.

A stitch in time is worth ten cents at the average tailor shop.

"We hold the ace," says Senator Hanna. The deuce, you say!

It is much better to be President than Wright in the great promoter's case.

The late Mr. Doe, who left three million dollars, evidently had the "dough."

"Bryan is losing his grip," says an exchange. How can that be while he retains his cold?

The City Attorney says that the old salaries stand. Alas and alack a Day!

Hall Caine has nervous prostration. Has he been witnessing some of his own plays?

The wet blankets thrown on some performances should be a protection against theater fires.

A Russian scientist says that radium may yet determine sex. This is the first our cast upon radium.

An electric gas measuring meter has been invented in Germany. The meter will now run with electric speed.

In various parts of the country band-wagons are being painted and touched up and made as attractive as possible.

The Bertillon system is good for identifying criminals. What is needed most is a system that will catch them.

Postmaster Thomas has been vindicated. It is good to be able to congratulate him and the town upon the fact.

Another revolution has been ordered for Macedonia in the near future. Macedonia is rivaling South America in this industry.

An American girl at the University of Berlin has taken the Ph. D. degree. There is nothing quite so taking as an American girl.

And now the semi-vertical system of writing is to be introduced in the schools. The happy medium should always be encouraged.

Milliamen at Cripple Creek have gone on strike. It now becomes their duty to put themselves in the bullpen and place a guard over it.

The New York board of health has discovered that the feather duster is a great distributor of deadly germs. This is a feather in the board's cap.

EX-Congressman Glover, incarcerated in the Cripple Creek bullpen, communicates the fact to his friends that he is incommunicado. He must have done it by wireless.

Putting Mayor Harrison of Chicago under fifteen thousand dollar bonds was a piece of luncheon, pure and simple. There was no more need for it than to place the President of the United States under bonds.

The discoverers of radium were M. and Mme. Curie, Mme. Curie being largely responsible for the discovery. It is a pleasure to know that a woman has achieved this prominence," says the Worcester Spy. Such is fame-to have your name misspelled. The discoverers of radium are Professor and Madame Curie.

READING IN BED.

New York Medical Record.

The young should be prohibited from indulging in the practice, for putting on one side the probable strain to the eyesight, there is always the fear that the habit when formed will be abused, and that the hours which should be passed in recuperating the forces of the mind and body will be spent in wasting these powers. It is never wise to burn the candle at both ends. In certain cases reading in bed is harmless, in some instances it tends to do good; but, on the whole, the practice is not one to be advised.

London Spectator.

They are no wiser than such counsel as might be contained in a recommendation not to write while running, or not to sharpen a penknife while racing upstairs. To do either thing in a certain way may be foolish and dangerous also. To get a bad light thrown on a book, to hold the book in an uncomfortable position, and to place the candle by which you read near anything inflammable—that is all, no doubt, foolish and dangerous. But with an electric light, or even a properly protected candle or a gas-jet comfortably placed for immediate extinguishing, with an extra pillow enabling the reader to recline rather than to lie down, and with a bright mild light thrown on to a well printed page, who is to contend that reading under such conditions is worse, either for yourself or your neighbor, than reading in the study or the smoking-room in an armchair?

Robert Blatchford in London Clarion.

I do not recommend novels as bed-books, not even novels which the reader knows. Now novels are for obvious reasons as impossible at the bedside as a coat of arms or a map. Now novels, talkers, prattlers, at our pillows. The ideal bed-book should be small, printed in good type, not too boisterous, not too sad, an old friend.

New York Evening Post.

Strangely enough, no English contri-

butor has confessed a partiality for the most paradoxical and delightful kind of books for bed. Travel—and particularly accounts of perils at the poles, on mountains-tops, and in bleak deserts—are perused with a singular voluptuousness between blankets. Peary and Nansen and the Duke of the Abruzzi never look more heroic than then, nor their lot more completely enviable. Tyndall and Whymper and Sir Martin Conway would keep on shivering blissfully through many changes of sheets. Marco Polo, Froissart, Dana, Herman Melville, are then most adventurous. Hakluyt is more than ever a boon. When the publishers will give us these books—or better, perhaps, selections therefrom—in manageable form, the reader of bedtime books will be fairly complete, and a stereotyped return of thanks will be offered up from an appreciable number of bolsters. But no extravagant financial hopes should be laid upon the enterprise. Only such profits as contented as a conservative publisher might reckon with a good conscience as he ends his day. Ideal books for reading in bed have rarely been of the "best-selling" variety.

STATEHOOD QUESTION.

Springfield Republican.

It will be a keen disappointment to Arizona, New Mexico and Oklahoma to learn that there will be no statehood legislation at this session of Congress. Senator Beveridge announces the fact with the authority of the chairman of the senate committee on territories. After making this record of opposition to the admission of Arizona and New Mexico the Republicans ought now at least to avoid a re-affirmation of their plank of 1900 promising statehood to the remaining continental territories. A plank once repudiated should not become a chronic "hypocrisy."

RECENT PUBLICATIONS.

In the current issue of Leslie's Weekly, a double page is devoted to illustrations of New York and Boston while in the icy grip of the cold wave. Other illustrated features worthy of special note are the midwinter wedding scene pictured on the cover; a magnificent full page of the approach to Albany, \$23,000,000 capital, the most expensive building on the continent; dramatic photographs, and a number of other timely illustrations.—New York.

The Booklovers' Magazine for February has continued to keep itself well abreast of current events. Its leading articles are timely. Such, especially, are Talbot Williams' article on Mr. Chamberlain's fiscal policy; Mr. Frank H. Taylor's account of the Panama canal purchase; and Gustav Kober's story Wagner and his story. The magazine of the February are unique. Mr. C. Varnall Abbott explains in an appreciative way, and with the aid of a dozen striking pictures, the aims and methods of the new school of photographic portraiture that is revolutionizing a hitherto somewhat discredited art. A group of brilliant color reproductions of pictures by celebrated modern painters against the contemporary of the art section.—Philadelphia.

Some of the leading features of the February number of Suggestion are: Auto-Suggestion for Health in Winter; Herbert A. Parkyn, M. D., "Philistine Philosophy"; Elbert Hubbard; "Psycho-Therapy and Its Critics"; Dr. Sheldon Leavitt; and "Radium Demolishes Theories." Scientific American. The article entitled "Is Magnetic Healing a Fraud?" is of interest as it embraces a decision of the United States supreme court holding that no state has the right to discriminate against any system of healing.—4023 Drexel Boulevard, Chicago.

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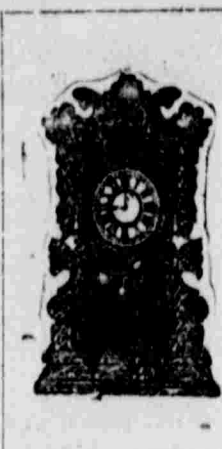
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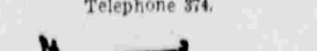
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