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JUDGE HALL'S DECISION.

There appears to be much misunderstanding of the decision rendered by Judge W. C. Hall, in the case of *Hilton vs. McCormick*, the text of which was published in the *Deseret News* on Saturday evening, and which has been commented upon by our local contemporaries. The statement that Judge Hall ruled that "sealing is not a marriage," is incorrect, as may be readily seen by reading his full opinion. It is also an error to say that the District Judge "reverses the ruling of the Supreme court."

The suit before the court in this instance was a new case. It had to be heard and decided on its merits. Mrs. Hilton sued for property in possession of W. S. McCormick, obtained by deed from John R. Park. This was defended, and in the course of the trial new testimony was adduced, bearing upon the relations said to have existed between Miss Armitage (afterwards Mrs. Hilton) and Dr. Park. The chief question was as to the nature of the ceremony performed by President Daniel H. Wells at the supposed deathbed of Miss Armitage. After hearing the evidence on both sides and the arguments of the attorneys, the judge took the matter under advisement and on Saturday rendered his decision, based upon the evidence and the arguments in this particular case.

The turning point in that decision is that the ceremony referred to was a sealing of the parties—Miss Armitage and Dr. Park—for eternity only, and therefore it was not a marriage at common law, as it related only to the world to come. But the court decided that the fact had been established that in the "Mormon" Church there were three kinds of sealings or marriages, namely: For time only; for time and eternity; and for eternity only. The first and second were recognized as marriages at law; the third was not viewed as a legal marriage for this world, and was therefore beyond the purview of the court, being purely a religious or spiritual ceremony. And this sealing, the court ruled, had been dissolved by mutual consent as shown in the document commonly called a Church divorce. Therefore, the decision is that no marriage of which the law takes cognizance was entered into by the parties named, and consequently the plaintiff has no rights to the property in dispute by reason of the claim that she is the widow of Dr. Park.

Now as to the decision of the Supreme Court in a former case. Judge Hall has not undertaken to set aside a ruling of the higher court. He is too good a lawyer and jurist to attempt to do that. He has simply decided the present case according to his judgment of the bearings of the evidence adduced therein. Of course his rulings are open to the opinion of the Supreme court, if the present case is carried there, and no doubt the learned justices will view it in the further light of the new evidence presented and the reasons and conclusions of the court below.

Judge Hall, in approving the findings of the commission, appointed to appraise the property left by Dr. Park and apportion that which the former decree allotted to Mrs. Hilton, did nothing in opposition to his ruling in this case. He simply carried out the order issued, and approved what the commission had been required to perform. It was a proper thing to do, under the circumstances, and therefore was not inconsistent with his opinion in the latest suit under consideration. We presume the end is not yet, in the litigation over the estate of the late esteemed educator and valued citizen, Dr. John R. Park.

THEIR RESPECTIVE RIGHTS.

The press champion, is a fitting title for a contemporary that turns all kinds of colors, according to the exigencies of its position and its notions on current events. Not long ago it was contending that the City Council had no right to refuse to confirm the appointments and support the vetoes of the Mayor of this city. Now it affirms that the Council is IT, and the Mayor is next to nothing. More than that, it takes the ground that the Council or a majority of that body, has the right to dictate appointments! to tell the Mayor what offices he may fill and what not. That is to say that the laws of Utah which govern this matter are null, when pitted against the notions and schemes of a political faction.

The powers of city councils are enumerated in Chapter 124 Laws of Utah, 1901, and in Chapter 138, Laws of 1902. Will our changeable contemporary please quote the section which authorizes anything like the power claimed

for the council in reference to appointments? We would like to see it if it can be found in any law or ordinance upon the statute books. The authority of the Mayor in the matter of appointments is defined in Chapter 51 Laws of Utah 1899 as follows:

"The Mayor, by and with the advice and consent of the council may appoint all appointive officers and agents that may be provided for by law or ordinance, and may likewise fill all vacancies among the same except as otherwise provided by law."

Appointments, then, are to be made by the Mayor, but they are subject to approval or disapproval by the council. The Mayor is to take the initiative. It is the same course with a similar check as is common to our entire system of government. Starting with the Chief Executive of the nation, it is provided that the President may, with the advice and consent of the Senate, make certain appointments. Now, suppose the Senate or a faction of that body should meet and decide to tell the President that they would "give him" certain appointments and no more, and if he was not content they would block him in all his endeavors, what would the country think and what would rational papers say about it? Would any journal, however partisan or insane, make such remarks as these uttered by the Tribune?

"Recognizing that it is right for the Mayor to have a share of the public patronage, they give him what is really a large share for a single official to have under our system of municipal government. We certainly ought to be content to have seven divisions out of fifteen wholly in his hands."

"The Council retains but eight divisions for the fifteen members. When we consider that under our system of municipal administration the Council is really the guiding force and has practical control of all it will be recognized that the Republican Councilmen, if they erred at all, erred on the side of generosity toward the Mayor."

"Politically, therefore, they owe him nothing, and if he is not content with the magnificent shares they have awarded him, on his head be the blame for any disagreement or contention."

The determination evidently is, on the part of a minority faction of a great party here and its organ, to keep up a spirit of hostility and obstruction in our city affairs, although the large majority of the citizens are opposed to this continual strife. Our contemporary, as we are prepared to prove, has completely reversed itself on the relations of the Mayor and the council, and each of its colors and attitudes is in favor of friction, disorder, confusion and petty partisanship.

SECRETARY HAY'S NOTE.

Secretary Hay's note to the belligerents may have been intended as a warning that the war must not be fought on Chinese soil, and that the victor must not expect to appropriate any of the Chinese territory, Manchuria included. But if the substance of it is as now published, it is difficult to see how it can influence the course of events in the intended direction. Secretary Hay merely suggests to Russia and Japan "the propriety of limiting hostilities within as small an area as possible, and of respecting the neutrality and administrative entity of China." That seems to be a suggestion to which neither power can object, reasonably, since "limiting hostilities within as small an area as possible" may mean almost any area over which the belligerents may deem it necessary to spread themselves for legitimate war purposes. The European powers seem to be perfectly willing to join the United States in the reasonable request of the note, but Great Britain desires further light on some of the details.

Some of our contemporaries have been concerned about the "entangling alliances" the note was to perpetuate upon this country, but it appears to be no more than a friendly and humane effort to restrict the horrors of war. The necessity for this is apparent. If China is involved, Russia will no doubt threaten a raid upon Peking. But in that case, would not Europe and the United States again be brought to the necessity of sending armed forces to China, in order to safeguard their general interests? How can this be avoided except by the carrying out, as near as possible, the policy suggested by Secretary Hay?

It is astonishing, though, that Korea is entirely ignored in the negotiations of the powers. That country, with its ten million souls, seems to be beforehand doomed. The reason for this is, that it cannot defend itself. According to the statement of a traveler, its army numbers a few thousand men, who, in the last few years, have been trained to the use of European, obsolete weapons. Their shooting powers are most indifferent, and they lack the qualities of courage and discipline. There is no artillery, and the cavalry is confined to a few hundred men with no knowledge of horsemanship. At a moment of emergency the entire force of mounted and dismounted men would become utterly demoralized. The navy is composed of 23 admirals and one iron-bulldog coal lighter, until quite lately the property of a Japanese steamship company. Thus equipped for a burlesque, and not for defense, Korea seems to have no rights that anyone needs to respect. She is doomed, no matter what way the wheel of war fortune may turn.

SPEAKING OF CENSORSHIP.

The San Francisco Chronicle comes out with an argument in favor of the establishment of a censorship to check the flood of books that is inundating the literary world. It points out that there is no greater menace to education. Publications without merit flood book stores and libraries, burying works of real value, and even crowding them out of existence. This is undeniable. And the book agent does his share of the mischief. Generally he urges upon the public some book with a high-sounding title and attractive cover, but which is absolutely worthless at any price, except perhaps as an ornament to a book shelf. Literary trash, freak literature, moral poison, is thus peddled out, and books of real value to the reader find but few purchasers. To save the situation, a censor is proposed, as in the good old time when nothing could be entrusted to the everlasting custody of the press, except it had the authoritative "imprimatur" stamped on it. A witty Frenchman, we are told over a century ago predicted that in the year 2000 the world would have grown so enlightened and so discriminating that a commission would be appointed to separate the good literature from the worthless, and that with appropriate rites and ceremonies the latter, in vast bulk, would be burned in the public squares of great cities leaving for public benediction only about a hundred or so books which were really worth keeping. The Chronicle adds:

"In this progressive age it would seem as if we might be doing better than issuing from our presses an enormous tonnage of expensive printed matter that can serve no better purpose than to kindle a beacon as a warning to future ages. We are a generation of economists, and here is something painful in the thought of permitting uncounted thousands to toil with hand and brain to futile purpose, that a wise administration may some day put to the flames their vapors. Better far a bureau of literary censorship, sitting in state at the copyright office and condemning all books which can show no reasonable excuse for their existence."

We are afraid an argument of this kind will strike the average reader as a blow aimed at American liberty. The trouble with censorship is that, unless censors are infallible, a truth is as likely to be suppressed as an error. The world has had experience in this line and found that censorship cannot safely be entrusted to fanaticism. The Mohammedans who consigned to the flames the Alexandrian library, with its hundreds of thousands of volumes, exercised a censorship which the world must ever regret. Of the same nature was the vandalistic censorship by the Spaniards who destroyed the priceless books of the American natives. Any kind of censorship would be liable to such partiality. The only safe way is to trust the public to exercise its own censorship. The disadvantages of that are great. But it is better to let the tares grow than to pull up the wheat. If the pearls must be looked for in the ash-barrels, their contents should not be put out of the way until the pearl has been taken care of. It is better that many silly errors should be propagated than that one great truth should be suppressed. On that principle, censorship must be feared. The intellectual advancement of Russia does not encourage the adoption of Russian methods.

WHAT THE WAR MAY MEAN.

There can be no doubt any longer that war has broken out between Japan and Russia, nor that it has broken out in dead earnest. There is some irregularity about the proceedings. Japan first attacked the Russians. The czar then accepted the challenge, whereupon Japan declared war. This, at least, is the order in which the dispatches have presented the momentous events of eastern Asia. It is precisely the reverse of what might have been expected. But then, war is itself a huge irregularity, an anomaly, a violation of the rules of civilization. Besides, oriental proceedings are generally the reverse of those of the occident, in almost everything. The fact remains, that war has broken out, and the indications are that it will be a long and brutally fierce struggle. According to appearances Japan's aim is to destroy and cripple the Russian ships, so as to have the mastery of the sea and be in a position to transport troops and supplies unhindered across the Yellow Sea and the Japan Sea. When this object is accomplished, the warfare on land must commence in earnest. Japan's object must be to clear Manchuria of Russian troops, and this can certainly not be gained without a long and sanguinary conflict.

How will this war affect the other powers? Is another question. It is quite certain that if Japan is defeated, the Slav will descend upon China and appropriate as much as possible of that vast empire. The tracks of the bear are already plainly visible in Mongolia. Russian victory means that the inundation of the Slav is to continue. If, on the other hand, Russia is defeated this time, it means that she will continue her intrigues in the direction of Persia, or Turkey, or Scandinavia, in order to obtain the outlet toward the sea, for which her rulers have fought and schemed for centuries. In either case, the war will certainly have great influence upon the rest of the world. It is bound to mark a crisis in history.

This is especially true when it is considered that an outbreak is again threatened in the Balkans. A Vienna paper publishes a communication from Constantinople, in which it is stated that the Turkish government regards war with Bulgaria as inevitable. As already stated in these columns, Turkey refuses to carry out any of the reforms promised last year. Instead, the Macedonians will be massacred as before. The insurgents will then seize their arms, and Bulgaria will come to their aid. This is the prospect, as a result of the engagement of Russia elsewhere. The European powers cannot remain idle spectators of a Balkan conflagration. The Bulgarians are growing restless already. The premier the other day declared that "Turkey is becoming more audacious and making the acts of Bulgaria an excuse for the concentration of troops on the frontier."

Such speech in the national legislature would not have been tolerated, had not Russia's attention been engrossed elsewhere. The Macedonians themselves, are anticipating the annual spring ferment, and a minor clash with Turkish police is already reported. Boris Sarajoff, their leader, it is suspected, is soon to start raiding. Such is the situation. It would not be in the least surprising to learn of the outbreak of a Balkan war in the not far distant future, involving several European powers.

So far, Russia has managed to control the Balkan situation. She has done so in her own interest, and with the well understood intention of some day taking possession of the entire country. If the European powers would prevent this, now is their time to take a stand. Should a war between Turkey and Bulgaria break out, they would have the opportunity of re-arranging Balkan affairs according to the demands of civilization. Russian diplomacy has created and fostered a situation that might be characterized as an open sore. The pre-

occupation of Russia in eastern Asia might give Europe the opportunity of healing that sore in the only way it can be healed—the retreat of the Turk to Asia, and the distribution of the territory he has occupied, among its owners. That would include the restoration of Palestine to the Hebrew race under European guarantee. Some such outcome of the war now commenced is not impossible. At all events, it is likely to affect all the civilized nations of the world, one way or another. No wonder it is watched with intense interest.

Press censorship can suppress facts, not alter them.

Egotism is the first and longest step towards self deception.

Major-General Plung has flung himself into the fray with great ardor.

The Japanese are reported to have sealed up Port Arthur. That's a corker.

Baltimore is showing all the world that her burden is not greater than she can bear.

Strange that a brewer should commit suicide instead of drowning his sorrows in beer.

Will the Supreme Court recognize the District Court as the Hall of justice par excellence?

If Germany makes a diversion in favor of Russia it certainly will be diverting to the onlookers.

Is it Secretary Hay's idea to adapt Captain Hobson's idea of the Monroe doctrine and extend it to the Orient?

Where will the next blow fall? Is asked concerning the situation in the far east. It probably will be a land fall.

If American life and property are rendered much more insecure in San Domingo, the decree will go forth: *Deletenda est San Domingo.*

An asbestos trust is to be formed. It will not be without shame, for when under fire it will drop a curtain to hide it from popular view.

The man who, in this kind of weather, goes from home any distance in a sleigh is as foolish as the five little maids who went out with their lamps but forgot to take any oil with them.

Uncle Sam wants Russia to explain why the American steamship *Pielades* was detained in Port Arthur. Such things cannot be "without our special wonder." There will be an explanation.

The president of the American Automobile league says that the automobile will replace farm wagons. Farmers who have had their wagons smashed by automobiles will be glad to hear the news.

The suit for damages for criticizing his poetry brought by Professor Oscar Lovell Triggs of the University of Chicago has been lost on demurrer. His complaint didn't scan and his allegations didn't metre requirements.

"The Russians no longer despise the enemy. That was a mistake which we made. The Japanese certainly are excellent fighters who will be treated with the respect they deserve," says a distinguished Russian. This shows both good sense and a sense of humor.

Of course the war in the Orient is a great good thing. Just see how it has sent children, parents and grandparents to their graveyards to see where Port Arthur, Chemulpo, Masampo and the Yalu river are. The geographical whistle is cheap at the price.

Professor MacDowell, who has resigned from the department of music at Columbia University, says that "college graduates are the merest barbarians. When they build a house they have no ideas of their own for its decoration, but must hire an architect. When they buy a picture they have to consult an expert, and when they go to a concert they do not know what the music means and, as a general rule, are insufferably bored." Of course this refers to graduates of Columbia and not of other universities.

THE BALTIMORE DISASTER.

Butte Inter-Mountain.

It is most fortunate, and almost miraculous, that the story of this unparalleled destruction of property is so free from loss of human life. The death of one fireman is the only misfortune of that character reported. The utter inefficiency of modern equipment to combat flames in modern buildings when once beyond control is strikingly illustrated. The Baltimore department was reinforced by aid from all the larger cities of the east, and the combined force of firemen and engines apparently was unable to check the progress of the destruction in any appreciable way.

Chicago Record-Herald.

What has been destroyed has been destroyed. But in the place of the burned buildings we shall soon hear of the erection of finer and greater structures. Baltimore is no city to succumb under a blow. She possesses within herself the solid foundations of prosperity. She has the courage to take advantage of years. We may expect before many years have passed to see a finer and a greater and a busier Baltimore than ever.

San Francisco Chronicle.

The stricken city is now counting its losses. These are variously estimated at from \$100,000,000 to \$200,000,000. The losses to the insurance companies are estimated at \$90,000,000. These losses will doubtless come as heavily upon foreign as they will upon domestic companies, and realizing on their securities to cover them may create a temporary flurry and some inconvenience in the money market. But nothing serious is to be anticipated from that source, as the country's finances generally were never in a better condition to meet the sudden strain than they are now.

Los Angeles Express.

All electric power is destroyed. thousands of persons are rendered homeless, hundreds of long-established firms are wiped out of existence and

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As well as ours we want you to get acquainted with our GLOVES. The names of our gloves mean excellence not only as related to material, but to workmanship, style, cut, trimming, finish and fashion of colors.

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Best made in France.



Our Spring Showing

Of Dress Goods and Trimmings and Tailor Made Suits and Skirts is worthy of your inspection. These are get-together days for you and the new line. Of course, you'll have full advantage of every pattern if you'll select now—but that's for you to decide. Meanwhile just a hint.

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numerous insurance companies are hopelessly bankrupt by the unprecedented holocaust. The sympathy of the whole United States goes out to the devastated city in this day of gloom. That she will emerge triumphant is certain; it is as much of a characteristic of an American city as it is of an individual.

RECENT PUBLICATIONS.

The prolonged cold waves this winter have added to the hardships of the harvesters along the Hudson River. The story of their sufferings and trials is told in the current issue of *Leslie's Weekly*. The illustrations are unusually good. The issue is a Valentine number, and the cover is a fine drawing, captioned, "Guess Who Sent It!" The double-page is devoted to photographs of the most notable Lincoln monuments and mementos of the "martyred" President.—New York.

The *World's Almanac and Encyclopedia* for 1904 has been revised at this office. The value of this publication, as a handy work of reference is so well known, that anything that can be said on that subject would be superfluous. The present volume is a full of information as the previous volumes. Special interest is added to it, as containing an official guide to the Louisiana Purchase Exposition.—New York.

The Popular Magazine for March offers an array of stories. The leading story is by Arthur W. Marchmont, the English author of adventure fiction. The story, "The Eternal Snare," has as a background Mr. Marchmont's favorite field, Constantinople. The complete novel is "The Peril of Horace Dunn," by W. Bert Foster. There are 13 other stories.—Street & Smith, New York.

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GARDNER DAILY STORE NEWS



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