

DESERET EVENING NEWS

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DESERET NEWS PHONES.

Persons desiring to communicate by
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LAW AND TESTIMONY.

It is not to be wondered at that the people of the East, and even many members of Congress, are surprised at the open avowals of President Joseph F. Smith concerning his family relations. But it is remarkable that newspapers here, that have published time and again the charge that the gentleman was living with his plural wives, and that have discussed the matter editorially, now pretend to be astounded at the disclosures of the fact. It is also astonishing that they should deny the general understanding concerning the difference between polygamy, i. e. the contracting of plural marriages, and the living with plural wives in the marriage relation.

These matters have been discussed by the Salt Lake press so often that the subject has become hackneyed and to many readers really offensive. And now, to try to make out that President Smith's explanation is something new, and startling, and "contrary to the spirit and letter of pledges given by Utah to obtain statehood," is an exhibition of dense ignorance or wilful perversity. The subject was threshed out in the constitutional convention at which the Constitution of the State of Utah was framed. The clause in it concerning the vexed question was adopted, after a full discussion of the very point presented by President Smith before the committee on Wednesday.

This matter was also clearly understood when the Enabling Act was passed by Congress. Here is the only reference therein to the subject: "Provided, That polygamous or plural marriages are forever prohibited." President Smith was exactly right. The Constitution contained this provision in the same language. It was so inserted with full understanding that it meant just what it said and nothing more. It was the only "pledge" on this matter either asked of or made by Utah. To plead misunderstanding of that, at this late date, is to confess deplorable ignorance. To say, too, that this was not intended to stop at the point indicated and to go no further, is to ignore the entire discussion of the matter in Congress and in the convention.

The broadminded and liberal people here and elsewhere who have understood the situation, as President Smith avowed, have let alone the family concerns of people who contracted plural marriages previous to statehood, or previous to the manifesto. That is well known. To claim to the contrary is farcical if not mendacious. The ignorance of the eastern public ought not to be emphasized by the pretended surprise and sneering comments of Utah papers that ought to, if they do not know better than they talk.

One morning paper, the Tribune, trying to be smart and censorious, talks about President Smith's remarks concerning a "hearing before the master in chancery (on the suit for the Temple lot at Independence). That is a sample of real ignorance both of fact and of principle. There was no suit of the kind by this Church about the Temple lot at Independence. So in regard to the same paper's assertions about prosecutions for unlawful cohabitation. It says:

"The public attorney who prosecuted too vigorously would never be elected to any office again; the judge who might be too severe might as well never be a candidate again; the Mormon juror who consented to a verdict that was resisted by the accused would likely be disestablished and perhaps ruined; the witness too zealous would be under the ban."

Is that so? How about Judge Zane and Judge Baskin? Were there ever any more severe judges or lawyers on this very question than they and have they not been "candidates again" and elected to the bench? But why should an attorney prosecute such cases "too vigorously"? Or a judge be "too severe"? That kind of procedure was very common in the old times of bitterness and vengeance, but is not popular now in these parts, although there are

still venomous writers who would like to revive them.

As to witnesses in cases before the courts when attorneys were "too severe" and judges showed their anger by frothing at the mouth, there is no wonder that they were careful to testify to nothing but what they knew absolutely. It is very easy to say, out of court, that we know such and such things, but when under oath and not required or expected to give hearsay evidence, it is remarkable how little a person often is found to actually know of such matters "of his own knowledge." Writers who talk so glibly about "perjury" because a witness says he doesn't know, would be in the same fix if called upon to testify under oath to statements they freely make in print, but which are only common rumor or fabricated accusations.

President Smith's candid statements have been made freely and frankly and not by compulsion, nor can they rightly be said to be "confessions." As to other "Mormons" when before the courts, have not scores of them stated openly that they had plural wives and lived with them, and gone to prison because of their own testimony? When even that was not permitted by reason of attorneys and courts being "too severe," compelling defendants to plead direct, did not many more plead guilty to unlawful cohabitation and receive sentence and serve their terms?

The old anti-"Mormon" gull and wormwood and sinuous prevarication and abuse in the Tribune, oozes out in acid volume mingled with a pretended half-eulogy, half sarcasm, about the testimony of President Smith before the committee. But it matters little. The protestors and their organ will elicit more than they want in the examination and will fall in other directions. The country will learn the facts, and the rational and sensible will perceive the true situation, and whether prejudice prevails against Senator Smoot or not, the result will be the spread of "Mormonism" throughout the land. But we advise the anti not to shout too loudly or too soon.

THE OLD FOLKS' TREAT.

The old folks in this vicinity of all sects, parties, colors and conditions who are 70 years old and upwards, will be delighted to learn that the committee have made arrangements for a free entertainment at the Salt Lake Theater, on Tuesday, March 8 at 2 p. m. The performance will be of much variety and will include the interesting play, "A Scrap of Paper," which was so finely presented not long ago by the University dramatic company, and which they have generously offered to reproduce free of cost. Everybody connected with the entertainment has exhibited praiseworthy liberality in aid of the affair. The theater, the lights, the performance, the streetcar service and all the rest has been donated, and the committee feel greatly encouraged at the spirit that has been manifested. Tickets should be secured for the aged people, as announced in another column by the committee, and we are sure that their efforts will be universally commended, and that the old folks of both sexes will have a most enjoyable occasion. God bless their old souls!

A SAD BEREAVEMENT.

There will be many sad hearts in this city and county today. The unexpected death of Dr. J. S. Witcher, son of General J. S. Witcher, at the Holy Cross Hospital, is a heavy blow to numerous friends as well as to the family of the deceased. He was a kind, genial, generous soul, a skilful physician and surgeon, of a sympathetic nature and a free-hearted disposition. To the poor and afflicted he was as a ministering spirit. How many such patients he attended without exacting a cent for his services, and how many he provided with aid and medicine at his own expense will never be known until the recording angel opens the books, and men are judged out of the things written therein "according to their works." In a wide circle of associates there will be deep sorrow and intense regret at the sudden taking away of Dr. Witcher, and his cheerful countenance will be sadly missed, particularly around the police and fire departments of the city. We join in the general grief and sincerely condole with the bereaved. Particulars of the illness and demise of the departed will be found in another part of this issue of the Deseret News.

MAY PROVE A BLESSING.

It is not impossible that the war now forced upon Russia will prove a benefit to that country, though in a way different to that hoped by the war lords. That, at least, is the opinion of the New York Press. That paper quotes a United States naval officer of high reputation, to the effect that Russia will find that her soldiers, owing to lack of education, are inferior to those of Japan. They may have the same qualities they had thirty years ago, but the tactics of modern warfare are different.

In the olden times, the soldiers were not required to think, only to obey without question. Today the men of the ranks are strung out in lines, in open formation, and each must be capable of independent action. An efficient soldier now must be capable of being his own sub-lieutenant, lieutenant, and captain when necessary. And he must know some of the science of war, of which the American officer declares, the Russian in the ranks, having an extremely low intelligence and absolutely no education (96 per cent of the Russians cannot read), is totally and densely ignorant.

If this estimate of the Russian soldier is correct, the czar may find his armies defeated, and if their inferiority in the field is traced to their lack of education, he may find it necessary to surround his throne with men who are willing to open the country to modern ideas. Education may be made general, if it is found needed for the efficiency of the army. And in that way the war may become a blessing to the Russian people.

With general education the internal disturbances would disappear, since the causes would be removed. Russia

at present is threatened with revolutionary agitation from many directions. There are the anarchists who advocate assassination of the rulers. There is the social democratic party, that is seeking to bring about parliamentary rule. The Jewish revolutionary party which had its origin in the persecution of the Jews, aims to bring about religious toleration, and the removal of Jewish disabilities. And there is the Students' Revolutionary League, which seeks to do away with present arbitrary forms of government, and to attain liberty. It is confined to the educated classes, and is a protest against the rigid censorship exercised by the czar's government with relation to books, periodicals and newspapers.

All these parties have their headquarters outside of Russia, and carry on their agitation within the empire by secret means. Millions of little folders and pamphlets are distributed among the Russians by private agents. Formerly, revolutionary agitation in Russia was confined to the educated classes, and more particularly to students. But now, it is said, disaffection with absolutism has gained much strength among the peasantry, and even in the army. In some instances troops have refused to fire upon mobs engaged in rioting, and some time ago, at Vilna, a soldier shot the colonel of his regiment instead of executing the order to fire upon strikers.

General education would pave the way for popular government, and that form of government would be the true antidote against revolutionary agitation.

FOREIGNERS AS CRIMINALS.

It is customary with a certain class of people, to charge the foreign element in this country with criminal tendencies, and on that ground it has been proposed to restrict immigration, as well as on the ground that the foreigners compete unfairly with American labor. It seems, however, that statistics, as far as available, do not sustain the charge of criminality, beyond the average percentage. One of the publications of the Chicago Bureau of Statistics contains, says the Chicago Record-Herald, a table showing the percentage of population and arrests in 1900 by nationalities for twelve large American cities. It appears that for all these cities the foreign-born residents formed 26.1 per cent of the population and furnished 23.3 per cent of the arrests. The Italians, numbering 1.1 per cent of the population and furnishing 1.4 per cent of the arrests, were above the average in criminality, but the Russians (including Poles), with percentages respectively of 3.5 and 3.7, were below; while the Austrians, with percentages of 1.2 and 1.8, had a still better record. It may be said, also, that the Italian record was by no means the worst on the list.

The Record-Herald wisely remarks: "As the arrests referred to include arrests for misdemeanors and for the violation of city ordinances, as well as for crimes, the figures cannot be said to have any great value. So far as they go, however, they are distinctly unfavorable to the alarmist's point of view."

INTERNATIONAL LAW NEEDED

Considerable disappointment is expressed in this country, and not without ground, over the decision of The Hague tribunal, in the Venezuela matter which was referred to that court, on the suggestion of the United States. The decision was in favor of the countries that threatened to collect their accounts by force. So far as the monetary consideration goes, the decision is considered of little importance, but it is pointed out that it gives a precedent in favor of war for the purpose of collecting bad debts. The United States contended that all the creditors should be given an equal chance, while the court held that the powers which resorted to force should have the preference in the matter. That, certainly, is a queer decision. It is as if, in private litigation, the court should give preference to the creditor who could prove that he had threatened his debtor with personal violence, before asking the court for a judgment. It does not prove, though, that arbitration is wrong in principle, or that The Hague court is a useless institution. But it proves the need of a code of international law, according to which all cases can be adjudged. Let the nations come together in a universal congress and adopt such laws and rules as are needed, and The Hague court will fill its mission. But in the absence of such laws, the decisions will naturally be more or less unsatisfactory.

SENATORIAL MANNERS.

New York Evening Post.
As to senatorial manners, the passage between Senator Warren of Wyoming and Mr. Tillman tended to bring a certain levity into usually grave proceedings. Mr. Warren's production of a bottle-contents unanalyzed, but described as "cough mixture"—from Mr. Tillman's pocket amidst the galleries, and was strikingly like the humor of the play as described in Mr. Wister's "The Virginian." Mr. Tillman took the jest in good part, but other senators could not laugh at it, which shows that the most august bodies fail to arrive at uniform conceptions of humor. Nobody thought the joke good enough to appear in the Congressional Record, though doubtless its wit was not inferior to much that enlivens those grave pages. In the interest of the dignity of the Senate, it seems well to agree by common consent that all bottles shall be left in charge of the sergeant-at-arms.

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Boston Herald.
Senator Warren of Wyoming is the Elephant's Child of the Kipling story. The trouble with the Elephant's Child was his insatiable curiosity. He asked his aunt, the ostrich, why her tall feathers grew just so, and the ostrich spanked him with her hard claw. He asked his uncle, the Gnu, what made his skin spiky, and the Gnu spanked him with his hard hoof. He asked his aunt, the Hippopotamus, why her eyes were red, his uncle, the Baboon, why melons tasted just so, and thye both spanked him with their handiest weapons. And still he was full of "satiable curiosity," just as Senator Warren of Wyoming was when he stuck his hand in Senator Tillman's pocket, pulled out the bottle of boracic acid and smelt of the contents. Senator Warren of Wyoming ought to be spanked.

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The Maryland legislature has passed a "Jim Crow" car ordinance. It is a little late, is it not, to put such laws upon the statute book of any American state?
When the locomotive that hauled the trains across Lake Balkal went through thrice, horses were substituted as the motive power. A donkey engine would seem more appropriate.
Colonel Henry Watterston declines longer to be responsible for the Democratic party. And presumably the party declines longer to be responsible for the gallant Colonel.

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New York World.
The announcement that the British program of naval construction for 1905 has been cut down, presumably because of the Russian sea reverses, adds the comment of fact and the emphasis of example to Congressman Burton's protest against the rapid increase of our naval expenditure.

Springfield Republican.
The courage and independence shown by the Republican congressman from Cleveland, Mr. Burton, in attacking the naval appropriation bill as extravagant and uncalled for by the nation's needs, deserve cordial recognition. Even if Mr. Burton errs in his judgment as to the proper size of the American navy, his readiness to stem a popular current that he believes is headed in the wrong direction must be generally admired.

New York Evening Mail.
It seems to us that Mr. Burton's attack on the naval bill is inspired by the same nervous fear of enlarged national responsibility. The country is too big, too interested for an extended let us not take the measures to defend them; let us disarm and seek "the victories of peace, not those of war." Let us get back to the good old days. This in substance is Mr. Burton's plea, and it is blind, as all such pleas are blind, to the fact that no nation's voice is potent for peace in the world, or for the defense of its own interests, unless the force is behind it to make it effective, if necessary.

RECENT PUBLICATIONS.

St. Louis Globe-Democrat.
When a prominent Republican like Representative Burton comes out against naval extension his act attracts the country's attention. In these days, when the value of a great navy effectively handled is strikingly illustrated in Japan's case, anybody who would imitate the work of American naval extension is sure to excite the resentment of his countrymen.

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