

## DESERET EVENING NEWS

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SALT LAKE CITY, DEC. 26, 1901.

LET LAW TAKE ITS COURSE.

The editorial remarks of the Deseret

News, protesting against the "sweet-

ening" process resorted to by officers of

the law, for the purpose of extorting a

confession from Peter Mortenson as to

his complicity in the murder of James

M. Hay, have met with very general

favor from the public. A number of promi-

nent attorneys have spoken emphati-

cally against the means adopted, ap-

proved of the protest of the offi-

cers was not only illegal, but unwise

as to its availability for evidence in the

trial.

The term "sweetening" as used in this

case, seems to have been misunder-

stood by many persons. So much has

been published about it as a method of

"breaking down" the prisoner, that it

was imagined he was put into a literal

sweet-box and physically tortured.

Nothing of that kind has been at-

tempted. It would not have been per-

mitted. We do not think any officer

however zealous in endeavoring to

clear up the mystery of the murder, and

however satisfied of the guilt of the ac-

cused, would take such an extreme step.

The "sweetening" was simply question-

ing, cross examining, narrating to the

prisoner what had been learned against

him, working upon his fears, his con-

science and his sense of duty to his

family, and other similar measures. No

physical force of any kind was used or

attempted. The public may be assured

of that, and the officers should not be

unjustly charged with any such thing.

Attempts to draw from accused per-

sons confessions of their alleged crimes,

appear to be common in some parts of

this country. In France they are viewed

as legitimate and necessary. In Eng-

land they would not be tolerated for a

moment. Courts there would be very

severe on any officer adopting such

methods. Even when an accused person

desires to make a voluntary con-

fession, officers are required to caution

him and inform him that anything he

might say would be used against him,

at his trial. Anything extorted from a

prisoner, or obtained by threat or in-

ducement of any kind, is void, when

brought before a judge or jury. It is

barred out of court at once.

A similar view is held by the higher

courts of this country. Under the Con-

stitution of the United States, no per-

son may be "compelled in any criminal

case to be a witness against himself."

A wife cannot be required to testify

against her husband. In this State the

consent of the husband must be ob-

tained before her evidence, for or

against him, can be admitted. As we

have stated, the worst criminal has cer-

tain rights under the law which must

be respected. It appears to the public

that Mortenson has been treated more

like a condemned criminal, than a per-

son arrested simply on suspicion and

without any formal charge against him.

No court had taken action concerning

him in any way while he was being

subjected to the so-called "sweetening"

process. All that appears to have been

extreme, to say the least.

The public mind has been much in-

flamed over this case by exaggerated

descriptions of the condition of the ac-

cused, and the methods resorted to for

the purpose of inducing him to tell all

he knew about the tragedy which has

the golden rule, would have caused sympathy to overwhelm that morbid curiosity, which we regard as highly creditable to a body of citizens who so surely must know better than to so conduct themselves.

By the time this issue of the "News" will reach its readers, Peter Mortenson will be in all probability have been arraigned before a court, and charged with the terrible crime which he is believed to have committed. Now let the case proceed on lawful lines. Let him have the benefit of the law's protection. Let facts be brought forward in the place of so many theories. Diligence, which has been well displayed by the officers, should not be relaxed. Every thread of real evidence that can be obtained should be gathered. The guilty should not be permitted to escape. At the same time, the general sentiment should prevail that the innocent must not be condemned, and that the prisoner must be so considered until the proofs of his guilt are established beyond reasonable doubt. The excitement which has been at fever heat should now subside, and while we abhor the crime that has been committed, and our hearts go out in sympathy for the bereaved wife, children and kindred of the young man so foully slain, and to the suffering family and friends of the accused, we should look upon the whole occurrence with calmness and patience, and let the matter be determined by due process of law.

THE UTAH LAKE PROJECT.

The course which is being pursued in relation to the proposed movement to make Utah lake a reservoir, from which supplies for Salt Lake county can be drawn sufficient for irrigation as well as Utah county, is highly creditable to those engaged in it. The meeting held in Provo seems to have been conducted in an excellent spirit. While much plain talk was indulged in, it was to the point and in moderation. The appointment of a committee of Utah county gentlemen to confer with a Salt Lake county committee, was a wise step, and we have every reason to hope will result in some practical measures which will be agreeable to all parties concerned.

We think the people of Utah county will be impressed with the truth, that the projectors of the reservoir project do not wish to do anything to their injury. Of course the people of this city and county desire to provide for a permanent water supply, which will be proof against those fluctuations, that occur in the volume obtained from rain and snow in the mountains. They naturally turn to the freshwater lake from which the Jordan runs, as the most feasible and natural source for that supply. But while strongly desiring to secure that which is absolutely needed, they must not and will not attempt to secure it in a manner that will damage the interests of the county that has prior claims on the lake situated there.

Everything that is done for the welfare of Salt Lake county, must be undertaken with a view to maintain the rights of Utah county, and for mutual benefit. It is absolutely necessary to the accomplishment of any really practical measure in this direction, that our neighbors on the south shall have their minds relieved of the suspicion, that we in this city and county stand ready to rob them or injure them in any way whatever. We must work together as friends and not seek to take any course as enemies. Amity, brotherhood and good-will should animate us all, for there is no real dividing line between us as citizens of this State, to say nothing of closer connections.

We believe that by working together in this spirit, arrangements can be made by which the people of Utah county will be benefited, while the people of Salt Lake county will obtain what is really necessary for the future development of the agricultural and civil interests here. We shall look with eagerness for the action of the joint committee, for upon it, perhaps, depend developments which will greatly advance the prosperity of both counties, and add to the wealth and progress of the state.

ITALY'S COMPLAINT.

Italians are still talking about the lynchings of their countrymen, that have occurred at various times in this country. Baron Fava, it seems, has interpreted the Italian premier as to what progress the government at Rome is making towards an adjustment of the questions still pending.

According to a treaty with Italy, citizens of either country while traveling in the other, are entitled to the protection enjoyed by native citizens. The Italian authorities should guarantee this protection by punishing offenders, while our government holds that, when the foreigners have recourse to the state courts, as American citizens have, the treaty stipulations are fully observed.

This question was fully discussed between Secretary Blaine and Marquis di Tulladi, at the time of the New Orleans lynching. It will be remembered that in 1890 Chief Hennessy of the New Orleans police was killed. Several Italians were arrested, but six broke into the jail and lynched several prisoners confined there, including the men who had been acquitted. The Italian government protested and Secretary Blaine wired the governor of Louisiana urging that the mob leaders be brought to justice. Tulladi insisted that the United States guarantee the punishment of the offenders. Mr. Blaine replied that the only thing possible was to prosecute suspected persons in the courts. Italy then asked that the federal government begin proceedings and when this request was refused, withdrew his minister from the ground that it was useless to keep up relations with a nation that could not guarantee justice to foreigners within its bounds.

In connection with this matter, it is interesting to notice that Senator Hoar, too, is in favor of federal jurisdiction in lynching cases. It is not probable, though, that his proposition will be adopted by Congress. It is not believed that federal courts can deal more effectively with that ugly problem than can the state courts. Foreigners who

come to this country will have to be satisfied with the protection our own citizens have under the laws. An efficient remedy against that class of crime is earnestly desired, but so far none seems to have been suggested. Enlightened public opinion may be relied upon to do the work finally, for it is quite sure that lynchings are sincerely deplored and abhorred by the best men and women of all sections and states.

THE NOBEL AWARDS.

The United States minister in Stockholm, Mr. Thomas, reports to the state department that the Nobel prizes were awarded, for the first time, on the 10th of this month. The first three prizes went to German professors, Roentgen, Vanthoff and von Behring; two Frenchmen, Sully-Prudhomme, and Pasteur, and one Swiss, Henri Dunant, were the other beneficiaries.

The Nobel awards are among the most unique made by any multi-millionaire. Their object is to aid directly the progress of mankind toward light and intelligence.

Alfred Nobel was the inventor of the dynamite. He made a large fortune and left part of it to relatives. The remainder, about \$3,000,000 kroner, he set apart for the benefit of mankind. The interest on that capital was to be distributed annually to persons, who during the year had "rendered the greatest service to their fellowmen." There are five prizes. One goes to the one who has made the most important discovery in physics; another to the one who has made the most important discovery in chemistry. The other prizes are distributed among the most prominent physiologists, literatures, and active laborers in the interest of peace and the abolishment, or reduction, of standing armies. The first four premiums are distributed under the auspices of Swedish scientific and literary institutions, and the fifth, by a committee of five selected by the Norwegian Storting. No regard is to be had to nationality, but the competition is open to all the world.

The first distribution of premiums is considered very satisfactory, especially so in the award of prizes to Pasteur and Dunant for their work in the interest of peace. Dunant was born in Geneva in 1828. In 1857 he published a pamphlet against slavery. A few years later he wrote his "Memories of Solferino," having witnessed this sanguinary battle, that cost 40,000 men their lives on the field of battle, and 40,000 more who died of fever and various diseases. The sight of innumerable wounded soldiers, made an indelible impression upon him. He laid the matter before the world, and he, finally, the satisfaction of making himself heard. In 1863 an international congress gathered in Geneva, and the Red Cross society was formed.

Dunant's work has borne good fruit. During the wars that have been waged lately, many of the horrors of the battlefield have been mitigated. There is now an international committee which takes the lead in the work of caring for the wounded, no matter where the war may break out. Alfred Nobel, though the inventor of a most powerful agent of destruction, was a friend of peace, and it is singular that a large portion of the profits of his invention will be permanently devoted toward the furtherance of the objects of peace. The prizes are large, each being over \$40,000, and they should be quite an inducement to men and women, to employ their genius in the service of mankind.

It was a merry Christmas even though some turkeys were tough.

The art of tempering copper is a lost one, but the cuts in copper seem unnumbered.

The Pawnees are on the warpath, but this particular path will scarcely lead to hostilities.

It begins to look very much as though nothing would pan out of the Pan-American congress.

Archbishop Chappelle says that the Philippines are the key to the Orient. Skeleton keys, of course.

By peremptorily dismissing Edgar S. MacLay, Long made short work of the historian of the navy.

Mr. Carnegie is deeply interested in fish culture; of course he wouldn't raise anything but gold fish.

If Venezuela does not settle Germany's claims against her, Germany will settle Venezuela's hash.

There are many patrol orders but a treasury gold note holds first place in the hearts of most Americans.

As though the insurrection in the Philippines were not enough, war is to be made on the Philippine tariff bill.

The brigades have made Miss Stone a subject of prey and the Armenian Christians have made her a subject of prayer.

Mr. Andrew Carnegie is said to be contemplating establishing a home for aged telegraphers. Something about "39" would be the right figure.

Chili and Argentina should avail themselves of the services of Winston Churchill to settle their difficulties. He is an authority on "The Crisis."

A hundred and twenty-five years ago yesterday Washington crossed the Delaware. He didn't have a Merry Christmas that day by any means.

If Senator Hoar's suggestion that the anarchists should be concentrated on some island if the sea is to be acted upon, Devil's Island would seem to be about the right place for them.

By selecting ex-Governor Shaw for secretary of the treasury, Iowa may not have been honored beyond her just merit, but the political ledger now shows that there is no balance due her.

Thomas A. Edison's friends are alarmed at the state of his health. They say that he is burning his candle at both ends. It would be much better for him if he would burn his incandescent lamp at both ends.

M. Morand's committee of experts to study American trusts has arrived. They have struck the fairest field in the world for their purpose. They need one

caution. They should not put too much trust in all they hear about trusts.

Sarah Bernhardt was to have played "Romeo and Juliet" in English, but finally decided not to. Maude Adams was to have taken the part of Juliet. The dear little lady was not to be balked of her ambition. She accordingly sent this telegram: "Charles Frohman, Empire Theater, New York: I'll do it in French. Who's afraid?" "Yankee Doodle do it, Yankee Doodle dandy." Three cheers for Maude!

At a recent sale of General Adam Badeau's effects, the original telegram of General Grant to Secretary of War Stanton, announcing General Lee's surrender, was sold for seven hundred and sixty dollars. It runs:

"Headquarters, Appomattox, C. H., Va., April 9, 1865, 4:30 o'clock, p. m. Hon. E. M. Stanton, Secretary of War, Washington."

"General Lee surrendered the Army of Northern Virginia this afternoon on terms proposed by myself. The accompanying additional correspondence will allow the conditions fully."

"U. S. GRANT, 'Lieutenant General.'"

Mr. Carnegie took luncheon with the President the other day. Together they discussed the former's offer to found a great university. It is understood that Mr. Carnegie has agreed to amend the form of his \$10,000,000 offer and that a public announcement to this effect will soon be made. Mr. Carnegie told some of the educators who advised with him concerning his project, that if \$10,000,000 were not enough to carry on the work he would give \$25,000,000, or even \$50,000,000, provided so large a sum could be used to good advantage. Mr. Carnegie is certainly setting a pace that few philanthropists will ever be able to follow.

Speaking at the New England society dinner the other day, Senator Hoar had this to say about wireless telegraphy:

"A wireless telegraph came down across the ocean from the men of Marathon and Thermopylae to the men of the Mayflower, and came from the men of the Mayflower to the men of the Revolution, and came from the men of the Revolution to our splendid youth in 1861. It is not everywhere on earth that the receiving stations of these signals are yet to be found. Possibly there is a spot in South Africa today where a race of Dutch farmers have been able to comprehend the message. I trust there are some men still left in the United States who have ears to hear. Possibly Aguinaldo may have gotten a little intimation of it."

M. Marconi never got a message like that. All he received was a signal.

THE SCHLEY INQUIRY.

Now that the Schley partisans have had two days in which to study the report of the court of inquiry, there is every indication that the plan for a Congressional inquiry is rapidly being abandoned. This is as it should be. The fact that Dewey approved conclusions far more damaging to Schley than those from which he disassembled the conduct of the Schley campaign, is nothing to be gained by a rehearing. Indeed, there is every probability that a Congressional committee might find itself as unable to disagree upon the cold hard facts about Schley's "vacillation, dilatoriness, and lack of enterprise" as did the naval court.

Kansas City World.

There is an expressed belief among the partisans of Admiral Sampson that the report will be returned to the court with the instruction that the finding of Admiral Dewey that Schley was in absolute command of the "American Squadron at the battle of Santiago, and that he is entitled to full credit for the glorious victory be eliminated. Their contention is that the opinion of the court on this question was not asked and that Dewey, in giving Schley the credit, transcended the instructions contained in the precept, and that his opinion is just so much surplusage to the record.

Boston Transcript.

Admiral Schley was appointed to an honorable command, in which he served until the time of his retirement by reason of age drew nigh. Here certainly is not a record of "treason." When assailed by a "historian" he elected to try his cause before a court of his own profession, rather than resort to an action for libel in the ordinary tribunals. The insulting insinuations which this historian leveled against Schley the court pronounced groundless. He is left in the position which other men personally brave but hesitating under responsibility have been left by military or naval inquiries.

Los Angeles Times.

The frenzy into which the naval clique have worked themselves over Admiral Dewey's decision, plainly shows that there is a "coon in the chicken coop." The next move is to catch the coon and demand an explanation.

Boston Herald.

Admiral Dewey's dictum in respect of the credit due to Commodore Schley in the battle of Santiago is not the first occasion when he has shown that his notions of propriety from about as sound as to save him from about as sound things. This latest performance will recall what he did with the house which the people gave him as a present, and still more distinctly, his self-interest in the presidency and the nomination of Dewey while he thought himself a real candidate. Dewey has a right, of course, as an individual and as a naval officer, to his opinion on the subject of the commander of the battle, but he has no right to express that opinion as a judge in a case where this question was not an issue, and to do so when he had two or three times during the inquiry joined in a formal statement that Admiral Sampson's rights were not under consideration.

Worcester Spy.

The only useful purpose of this inquiry that we now see is to cut out of MacLay's history some of the harsh epithets. It has been proven that Admiral Schley disobeyed orders, that his duty was not performed as it should be in every instance, but there is no justification for accusations of cowardice. Whatever errors were made were not to avoid the enemy or to save his own skin, but because he thought he was taking the best course possible under the circumstances.

St. Paul Pioneer Press.

But, after all, they are the findings of the court to which Schley submitted his case, and on the whole those findings, when due weight is given to the dissenting opinion of Admiral Dewey, are a triumphant vindication of Schley from the serious charges against him. Even the findings of the majority appear to be nothing more than that he made several mistakes of judgment, and even these are so weakened by the dissenting opinion of Admiral Dewey that there is little left of them. It is an appeal to all other tribunals, Schley has substantially won his case.

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Maybe there's some friend that was forgotten in the rush.

There are plenty of things left.

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Maybe a suit or overcoat is wanted. Now is the time to get one.

All styles are still here, and all prices. Some suits as low as \$5 and good wearing, good looking suits, too; better ones at \$7.50, then at \$10.00, \$12.00, \$15.00 and up to \$30.00; at each step they're just as much better as the difference in price can buy.

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Maybe you want something for the boy before school starts again; then come.

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