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CONSTITUTION AND CONGRESS.

A contemporary has taken to task the politicians who see, in the decision of the Supreme Court in the Porto Rico case, great danger to the Constitution of our country. In the course of its defense of the decision it says:

"We in the West while in the Territorial condition understood that we had to look to Congress and not to the Constitution for our charter of government; without Congressional enactment, no Territory can be organized as such, and this organic act is what we have in lieu of a constitution."

The writer of those sentences is a little mixed in his own understanding of the matter. While it is true that no Territory can be organized without congressional enactment, it is also a fact that no State can be admitted to the Union without congressional enactment.

As soon as a State is admitted, the Constitution applies to it as fully as to the original States. The contention has been on one side of the argument, that a Territory is part of the nation, and therefore the Constitution is extended over it, ex proprio vigore. This seems to be the position taken by the majority of the court in the De Lima case.

But on the other hand, Congress, if it is decided, could legislate for an organized Territory or possession of the United States, absolutely and without the restrictions of the Constitution. But even granting this to be right, "we in the West" did not understand, "while in the Territorial condition, that we had to look to Congress and not to the Constitution for our charter of government," for the Organic act contained this specification:

"That the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory of Utah, so far as the same or any provision thereof may be applicable."

At a later date this provision was made applicable to all the Territories in these words:

"The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the Territories, and in every Territory organized as elsewhere in the United States"—Revised Statutes of U. S., Sec. 1391.

As every officer of the government, national and local, is sworn to uphold the Constitution of the United States, the provisions of that instrument must govern the official actions of them all. Our contemporary argues that "the overshadowing power of the Constitution," once extended over a territory or possession of the United States, can never be withdrawn. So, then, "we of the West" were under the Constitution, and we looked to it as well as to Congress for our rights and liberties and "our charter of government."

As to the argument that the Constitution once extended cannot be withdrawn, we only have to say, if Congress has the absolute right to withhold or to extend it over a part of the public domain, it would seem that Congress has the same power to withdraw it. If the Constitution of itself spread its "overshadowing power" over Porto Rico before Congress acted, as the Supreme Court has decided, and it was withdrawn as soon as Congress legislated for the island, what is to hinder Congress, after extending the Constitution over an island, from withdrawing it by the "absolute power" which the court says is invested in that body?

We may look for much contention over the decisions of the court. The doctrines enunciated relate to the very fundamental principles of our governmental system. And seeing that the learned jurists composing that tribunal are so strongly divided among themselves, and the division is not altogether on party lines, there is no wonder that the opinions rendered occasion so great a diversity of views among the people. There need not be any bitterness of feeling, however, nor is there any need for vehement denunciation on one side or the other. It is better for all disputants to concede honesty of purpose to their opponents, and to give reasons rather than resort to epithets.

The ruling of the majority of the court is the logical conclusion of the argument, that Congress possesses all the powers not prohibited by the Constitution. The contention against that idea is, that Congress with each branch of the national government has no power but that specifically given to it by the Constitution, and that if further powers become necessary to the national welfare, they must be given by the people through an amendment to that instrument.

These opposite opinions will doubtless be held as long as there are two great political parties in the country. Happily, they may both be freely and safely entertained, while the will of the majority, as expressed through Congress and interpreted by the courts, is held and obeyed as the supreme law.

CUBA AND THE AMENDMENT.

The trouble in Cuba about the Platt amendment seems to be, principally, on account of the clause that reserves to the United States the right to intervene in Cuban affairs for the preservation of

the integrity of the new republic, and the safety of the government.

The convention adopted without modification, these provisions: That the Cuban government shall not enter into any treaty with foreign powers which may tend to impair the independence of the island; that it shall not assume or contract any public debt to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island shall be inadequate; that all the acts of the United States in Cuba during its military occupancy of the island are ratified and validated, and that the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island. But when it came to the question of interference in Cuban government affairs, there was much difference of opinion.

The Platt amendment provides that: "The government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba."

The convention finally adopted this clause, but with the following addition: "It being understood that the United States has the right to intervene to prevent the action of a foreign power or disturbance causing a state of anarchy, and that the intervention shall always be the act of the United States, and not of isolated agents. The intervention shall suppose neither sovereignty nor a protectorate, and shall only last sufficiently long to establish normal conditions. Said intervention, it is also understood, shall not have the right to interfere in the government, but only the right to preserve independence."

The clause referring to coaling and naval stations was also adopted with an explanatory statement to this effect: "It shall be understood that the naval stations do not give the United States the right to intervene in the interior government, but are established with the sole purpose of protecting American waters from foreign invasion directed against Cuba or the United States. Cuba will sell or lease the necessary lands at points to be agreed upon."

It is to be presumed that these defining clauses are in accordance with the explanations made by Secretary Root to the Cuban delegates, and if so, there should be no difficulty in reaching an understanding. The Cuban patriots are anxious to throw every safeguard around the independence of the island, and the United States is pledged to see this independence established. They should be able to work together for the one common end.

The Cubans cannot be blamed for their anxiety to have the status of the new republic clearly defined at the outset. Secretary Root's explanations of the Platt amendment are, of course, not binding upon any of his successors. Unless the amendment is clearly defined, trouble may arise in the future.

If it is capable of more than one construction, it is just as well to have it stated from the beginning which interpretation is the one intended by Congress, as nearly as this can be done beforehand and in the absence of a contingency.

GEOLOGY AND THE DELUGE.

Professor Frederick G. Wright, of the Oberlin college, has ventured a suggestion as to the order in which the various sections of the earth were settled by human inhabitants. He thinks he sees a way whereby the Scripture narrative and the deductions of scientists can be harmonized, on this point.

It appears that, while traveling in Asia, the professor made some investigations and found the geological evidences of a vast deluge in the region where the Bible locates the ark after the flood. In McClure's Magazine he speaks about his investigations, and sets forth his theory. He believes man came into existence in central Asia, at a time when glacial ice covered Northern America and western Europe. From that point he spread westward to the Atlantic seaboard, and eastward to the Pacific coast, whence he passed over to Alaska, and by degrees found his way to the Atlantic coast. But during the closing stages of the glacial period, the rapid changes very likely exterminated the race.

In Asia, however, the changes alluded to were more slow. Yet, toward the close of the period, "there were 120 years (especially mentioned in the Bible as a time of warning) in which the movement was accelerated to such a degree that the rising waters gave point to the preaching of Noah. During the last 371 days of this period the catastrophe culminated in the facts specifically related in the Book of Genesis, when the reverse movement began and cleared a space near Mount Ararat on which the ark could rest, and where the race could make a new start under more favorable conditions."

Professor Wright's investigations are important as proving that geology admits of an historical basis for the narrative of the deluge. But his assertion that the human race, in all probability, first came into existence in Central Asia, is not in accordance with the conclusion arrived at by some archeologists, and notably Augustus Le Plongeon. The latter thinks that this continent was the cradle of the human race, and that from here it spread to other parts of the world. The civilizations of Egypt, India and Babylonia, he traces to the ancient civilization of America, and he seems to be well supported in this conclusion. The Prophet Joseph Smith promulgated this theory long before it was mentioned by others.

The subject is a fascinating one. Revelation will be needed to clear up fully all the mysteries connected with it. And in time it will be made plain. As Moses once wrote both of the past, the present and the future, in the light of the divine intelligence that illuminated his soul, so writers will again appear, to whom the veil that separates them from the past will be drawn. The sciences are groping in the dark. They are digging out much valuable truth, but they are missing much more. In the light of revelation they will be enabled to enrich themselves more fully with the treasures of knowledge that now are hidden in the dark recesses of the past.

PEACE OR WAR?

The dispatches from the seat of war in South Africa tell of peace overtures through General Botha, who is said to be in communication with President Kruger, appealing to him to sue for peace. They also tell of heavy fighting not far from Johannesburg, with severe losses on both sides.

There is nothing improbable in the statement that General Botha is exerting himself in favor of a termination of hostilities. That conservative Boer leader must long ago have realized the futility of continued armed resistance. But it is remembered that once before he was represented as having negotiated for peace, while afterwards it was learned that the English commander had really taken the initiative, and that the terms offered were not acceptable to the Boer commanders. And the question now naturally arises, whether Lord Kitchener has once more approached his antagonist with peace terms, this time more favorable. The report of a heavy engagement would almost seem to support this supposition for if the Boers are still able to attack a strongly entrenched position, they cannot be entirely subdued. And if it is desired to bring the war to a speedy end, a treaty of peace seems to be the only means by which that can be accomplished.

The battle at Vlakfontein proves that the burghers still have arms and ammunition, and courage to attack, and that if the war is to be continued until their power of resistance is entirely broken, there is still much sanguinary work for the British troops to do.

The published dispatches from the scene of war are brief, and leave room for surmises, and the British war office is not liberal in its distribution of news. That, itself, looks suspicious. For were the trend of events unusually favorable to the British cause, it is not believed that the office would withhold reassuring information of which it may be in possession. The recent engagement is said to be the severest within the last twelve months. It certainly proves that the Boer resources are not yet exhausted.

RESOURCES OF PALESTINE.

Concerning the industrial resources of Palestine, the following data are given by the Baltimore Sun:

Palestine's exports and imports are improving, though last year they were less than in 1898. Her industries have always been chiefly agricultural. Formerly the Promised Land excelled in corn, wine and oil. As respects corn, it does not keep to its ancient promise, but the wine and oil are still of the portland. Melons were once a famous product, and to these now the orange is added. Its Jaffa oranges and its grapes at present figure largely in trade.

Southern Palestine is occupied largely with German colonists, who near Accra have modern scientific principles. The vineyards have modern machinery, underground cellars and the other requirements of twentieth century wine making. At Richon-le-Sion, according to the London Standard, there are cellars that store 1,000,000 gallons of wine, not to mention large quantities forwarded to Hamburg. A light climate and a dry white wine of fine quality are produced here, while at Saron a variety of wines is produced. All these wines of the Holy Land excel, it is said, the common French and Italian wines. There is an excellent prospect, says the Standard, that the vineyards of Palestine may once more be of note as in the golden days. Many parts of the land seem to be naturally adapted to grape growing, although the industry has for long been neglected, partly, perhaps, because the Koran frowns upon the vine. One traveler speaks of a vast tract of the branches of which formed a shelter more than thirty feet broad and long and bore bunches weighing ten or twelve pounds. The late Dean Stanley describes, as one peculiarity of Judea, the abundance of the terraced vineyards, with their watch towers and walls, just as they were for centuries before the fall of Jerusalem. But in those days the culture of the vine was far more general than now; it extended south of the boundary of Judah into the region possessed by Simon, and the late Professor Palmer tells us how he saw, even in the arid Negeb, or South Country, the signs of former vineyards. The revival of the ancient industry, says the Standard, is largely due to the Jewish colonies which have been planted by the liberality of their efforts at once to help their own people and to make Palestine a land of bread and wine for the hearty connoisseur.

The steady, though slow, redemption of Palestine is one of the notable phenomena of the present time. There is no reason why that country, under a modern government, should not sustain a population larger than it had in the days of David and Solomon. And there is, moreover, no reason, why the Zionists should not in time realize more than they now hope for. Palestine is in every respect a wonderful land.

Grand concert in the Tabernacle at 8 o'clock tonight.

A progressive yet strange town is Butte. There they have the sliding scale in wages, and now the town itself has started to slide. There is also back sliding in Butte.

Gov. Gage of California has offered a reward of five thousand dollars for the arrest and conviction of the Look-out lynchers. Now the lynchers and everybody else will be on the lookout.

The department of agriculture is making an investigation as to the possibility of supplying Porto Rico and Cuba with American dairy products. This is eminently proper for are not Americans "milk" Porto Rico and Cuba?

Recent newspapers usually make correction of blunders when they are clearly pointed out, and also make amends when they do injustice to a contemporary. The little Sanpete weekly, that has been assailing the "News," does neither; but, then, it is neither decent nor a newspaper; that's all.

The concert to be given in the Tabernacle this evening will be for the benefit of the mission to Japan. A splendid program has been prepared. The house ought to be crowded. All who attend will enjoy the musical feast provided, and at the same time contribute to the fund for the opening of the important mission in the Orient.

The administration has decided that it will maintain its hold in Cuba until the constitutional convention does substantially comply with the terms of the Platt amendment, and that substantial

compliance is to be determined by the administration at Washington. The Platt amendment, stripped of all verbiage and interpretation, means an American protectorate over the island. The Cubans may as well make up their minds to accept the situation gracefully, for accept it they will have to.

If it be true that Jews in Chicago are worse treated than they are in Russia, it is a shame and disgrace to the country. But it may well be doubted. A few years ago a notorious Jew brawler came from Germany to make a propaganda of anti-Semitism. He received no encouragement, but on the contrary was universally condemned and given to understand that in America we take men for what they are worth. He returned to his own country a disappointed if not a wiser man. Chicago owes it to herself to see that her Jewish citizens receive the same fair and just treatment that all her other citizens do.

Our anti-"Mormon" contemporary has had another convulsion. It seems to be in a bad way. Those fits recur too often for its falling constitution. Jim-Jams are as shocking to the system as they are unpleasant to behold. We assure the afflicted one that no "insult" was intended, either premeditated or otherwise, in the brief and truthful sketch given in the "News" on Saturday of one of the "Old Salt Lakers" who figured in Utah's history. There was no "assault" upon his character or his memory, and our agitated contemporary had better not try to draw contrasts which will have no effect except to exhibit its own unfortunate state of mind.

Every little while the announcement is made that some new explosive has been discovered that is so terrible in its effects that it will practically do away with war. The latest explosive that is to work a revolution of modern warfare is maximit. It is claimed that it can be shot through twelve inches of harveyized steel armor, and that then it explodes. It may do all this yet it is altogether improbable that it will cause nations to abate in their mad rush to prepare for war. It looks as though the reign of peace was farther off than ever and the ultimate aim of civilization was the destruction and annihilation of man and the apotheosis of the god of war.

There has been an "agnostic" marriage in Cincinnati, said to be the first of its kind ever celebrated in this country. This is incorrect. A quarter of a century ago or thereabouts there was substantially the same kind of a marriage entered into by a leading lawyer of this town and a lady physician. They, too, agreed to live together so long as it was agreeable, and no longer. Such weddings as these are against religion and morality, and against the welfare and interests of the state, considering the family as the unit upon which society is built. The fewer there are of them the better it will be for everybody.

A member of the Yonkers, N. Y., board of education has been arrested for playing golf on Sunday, and clergymen of the same town who signed a petition for a strict enforcement of the Sunday laws are threatened by church members with a severance of their church relationship if their signatures are not withdrawn. It is a very peculiar threat and nakedly means the withdrawal of financial support from the clergymen. Sunday golf playing cannot be termed a strictly Christian occupation for it cannot be claimed for it that it is keeping the Sabbath day holy. But it is no better and no worse than many other Sunday amusements and occupations that are becoming so common throughout the land.

IMMIGRATION FIGURES.

Chicago Evening Post.

One striking feature of the phenomenally prosperous times which this country is now enjoying, is the large flood of immigration attracted to our shores and the unusually large proportion of which is seeking final settlement in the North Pacific coast states. Returns of the north Pacific coast roads show that between February 12 and April 1, 25,000 settlers passed over the lines to new homes in the far northwest. One peculiarity of this influx of population is, that it is moving in colonies to a greater extent than ever before. Some of these individual colonies have acquired as many as a dozen trains to move them and their effects to their selected destinations. It is estimated that of the 25,000 settlers that were carried in the six weeks specified, 80 per cent went to the State of Washington, and the remainder was divided up among Oregon, Idaho, and North Dakota.

There has been a large movement of Italians to these states. They have gone there by the thousand, attracted by the activity in railroad construction which is now in progress in that section of country.

New York World.

The steamship companies' books show that by the end of May, 40,000 persons from Italy, two out of every three of them men, will have arrived in the United States this early in the season. The rapid increase of Italian immigration to this country has been remarked for several years past. In 1895, Italy furnished only 26,961 immigrants out of a total from all Europe of 211,223. In 1900, she sent us 106,135 out of a total of 424,700, or nearly one-fourth of all.

Ireland, which in 1895 contributed 47,912 immigrants last year sent only 35,730. While Germany's 35,251 of five years ago dropped in 1900 to 18,507. Nevertheless, the popular impression that the Italians now lead all other nationalities in our immigration figures is not correct. Austria-Hungary sent us 111,947 here in 1900, or over 14,000 more than Italy. And it is interesting to note that Russia stays quite close to Italy in this matter, having added 90,781 persons to our population last year.

HOSTILITY TO THE UNITED STATES.

London Spectator.

There is no prize left in this rapidly dwindling little place in South America. Germany would like the whole of Brazil, in which she is already strong; Italy even now sends her children by the hundred thousand to Argentina; France would feel richer if she could acquire the hinterland of Guiana; and even Hungary would much rather that her Slav children, who in tens of thousands are doing the hard work of North America, should find acceptable homes under their own flag in Uruguay.

All are warned off by the Union in a way which is so well known that it is even allowed herself to be responsible for these territories, seems to the statesmen of the Continent the very height of selfish impotence. Why, they think, should their children be shut out

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Winnipeg Tribune.

If the Dual Monarchy secures favorable terms for the admission of Austro-Hungarian goods into other European countries, those countries must not admit American goods on the same or equally favorable terms under any most-favored-nation clause. If Austria-Hungary carries that point, of course all other European countries, Britain possibly excepted, will insist that discrimination against American goods be made by Austria-Hungary as well as by each of the other countries. That will mean simply a commercial war on the United States by all Europe. And the discrimination, as a matter of course, will be made to affect American goods entering the ports of all Europe and dependencies.

London Saturday Review.

America neither keeps its protegee in order nor allows others to do so, a hopelessly illogical position which can not continue forever. Before they [the United States] became a conquering power there was perhaps some shadow of justification for this attitude; now that they are themselves attacking and enslaving Eastern races, the claim to speak on behalf of freedom against encroachment from without loses all logical basis. The occupation of Cuba has placed the United States in a position the strength of which no maritime power with interest in South America can afford to ignore. Cuba in old days formed the pivot of Spanish rule on the continent, and from thence American expansion will work.

Toronto World.

If it ever comes to a fight over the Monroe doctrine, the United States will probably have to face continental Europe as a whole and not any isolated country. The whole of Europe is interested in the Monroe doctrine, and especially in its validity under existing conditions; and when the doctrine is carried to the court of last resort it will be Europe vs. America.

Recent Publications.

Ella Wheeler Wilcox, in the June Cosmopolitan, undertakes to answer the question whether there has ever been a woman who has reached the highest pinnacle in any of the many walks of life. She arrives at a negative conclusion and asserts that even in the vocations of cooking, dressmaking and millinery men excel women. "Women," says Mrs. Wilcox, "have not the concentration which gives a clear perspective. They lack system and patience and are distracted by details or turned aside by vanity." Under the title of "The Youngest Soldiers in the World," Allen Saunders writes about the make-up and life of General Dewey's commandos. Among other contributors are Jan MacLaren, Richard J. Gallienne, and O'Neill Lathorn—Irrington, N. Y.

Harper's Weekly for June 1 has a very striking cartoon by W. A. Rogers, representing capital and labor in hostile attitude, while commerce steps in between them, supplicating for peace. The picture bears this legend: "Come, brothers, you have grown so big you cannot afford to quarrel." The Weekly is, as usually, richly illustrated and filled with the best of reading matter.—Harper Bros., New York.

Tales from Town Topics for June contains an interesting novelette, "Naughty Elizabeth," by Mark Livingston. Besides this there are a number of short stories, poems, humorous sketches, criticism and satire.—Town Topics Publication Co., New York.

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