DESERET EVENING NEWS of the Church of Jesus Christ of Latter-day Saints. PUBLISHED EVERY EVENING.

(SUNDAYS EXCEPTED.)

Cerner of South Temple and East Tomple Streels, Sult Lake City, Utah. Charles W. Penrose, - - -Editor Horace G. Whitney, Business Manager. STIBSORIDITION PRICES

dvasce	57290

NEW YORK OFFICE a charge of B. F. Gummings, Manager Foreign ertising, from our flome Office, 1127 Park Row iding, New Tork.

BAN FRANCISCO OFFICE.

a charge of F. J. Cooper, 36 Geary St. pendence and other reading matter on alound be addressed to the EDITOR. s all business companylisations: THE DESERT, NEWS,

Sait Lake City, Utah

Entered at the Post Office of Sait Lake City as second class matter according to the Act of Con-gress March 3rd, 1879.

SALT LAKE CITY, - AUGUST 1, 1903.

THE INTENT OF THE LAW.

W have received a respectful communication from counsel for defendant in the polltax case, in reply to the edltorial in the "News" of Friday evening. Those able attorneys admit that the law of 1886, under which the polltax ordinace was passed, because section 2480 of the Revised Statutes of 1898 repeated the laws previously enacted. But it is claimed that all the other questions raised in the "News" article were discussed before the court. This raises a question that needs some further investigation of the subject. Here is the language of the repealing section cited by the attorneys:

"All acts and resolutions passed by the Legislative Assembly of the Territory of Utah, and all acts and resolu tions passed by the Legislature of the State of Utah, prior to the second regu-lar session of the Legislature are here-by repealed, subject to the limitations and exceptions herein expressed," &c.

The same chapter that contains this repealing clause provides that the Revised Statutes shall take effect on the first day of aJnuary 1898. On the same day that the repeal of former laws became of force the Revised Statutes went into effect. As a matter of fact, then, all the old laws that were continued, and only those that had been expunged therefrom, or had been so amended that the amendments only were carried into the revision, became void or invalid. The statute of 1886, requiring a polltax of every man over twenty-one and under fifty years, and giving authority to incorporated cities and towns to collect and expend said polltax under such regulations as may be by ordinance prescribed, was continued in force in the Revised Statutes. There was no lapse or hiatus or period during which the polltax law

from 1886 onward was inoperative. There was at the same time an ordinance of this city which prescribed the manner of collecting and expending this polltax, provided by the legis-

to be injuriously affected by the compllation of the statutes, when the evilent intent was to continue that right and require that duty. We do not think there is any conflict between the city ordinance which has been in force since April 6, 1886, and the provisions in Title 10 of the Revised Statutes, and therefore hold the opinion that it is stil vital and valid and that the matter should be carried up to a higher court, if necessary to the highest court of the State.

AID FOR THE CONGRESS.

It is gratifying to learn that Salt Lake business men and firms have not all buttoned up their pockets and locked their tills, against the Ogden appeal for aid lo conducting the Irrigation Congress, and earing for the army of influential persons who will flock to that city by the middle of September. Generosity in that direction is wisely bestowed, and benefits from the great

gathering will not be enjoyed exclulively by our Ogden neighbors; the whole State will participate in the results and Salt Lake will be "strictly in

The National Irrigation Congress has been endorsed not only by the big men of the West, but by distinguished leaders in national affairs in the East. It should be remembered that President Roosevelt has always been favorable to the congress, and has made special remarks in support of the meeting in Ogden. On May 29, 1903, at that place he said, among other good words in its proleer

"I am delighted that the National Irrigation Congress is to be held here next fall, and I congratulate the State of upon the fact that its Legislature was the first ever to pass an appro-orlation for such a congress. There can be nothing of greater importance to the welfare and growth of our country dur-ng the half century that is opening than this question of irrigation. It is of vital const, quence to the growth of all of the States of the Rocky Mounline, and immediately to either side anything that is of such conse

ence to one portion of our country is cessarily of consequence to all. I hope most earnestly that you and all the other States in interest will oush all the other States in interest will oben forward and will in every way endeav-or to make the meeting of the Irriga-tion Congress here in Ogden a thor-ough success. And I say that, not merely in the interest of the States which are to be benefited by irrigation, but in the interest of the Union, I want to see that converse a success.

o see that congress a success; I want a see the work of irrigation made the greatest possible success. Hon. James Wilson, Secretary of Agriculture, expects to take part in the

proceedings, and has written to the executive committee a letter of encouragement in which he says: "I am well satisfied with the good work that has been done by your con-

gress, and believe that it will result in very great benefit to the country re-quiring irrigation. I will make it a point to have as many of the scientists of this department attend your next ession as can conveniently do so." Director Charles D. Walcott of the United States Geological Survey is also

a supporter of the congress, and is expected to be present. He is in favor of the Utah lake proposition, and his views and efforts in that direction are of great importance, as are the energy and counsel of Col. Newell, who intends. to aid the congress by his presence and advice.

illiance treaty, which was signed by cessor and successor. We are losing from the top, or from among those who want the privilege of playing cards, racing horses, dancing, theater going, the czar, the king of Prussia and the emperor of Austria, and was presented for the same purpose to the king of stock gambling and ilquor drinking England and other monarchs. We may against which we have an unenforced and hence much despised law. We are add, that the present Czar, inbued with osing from the bottom, or from among hose who believe in humfilty and self the same spirit, took the initiative in the matter of the universal peace conacrifice and go to the newer denomina-ions who stand in this respect where gress, and is now expanding his em-Methodism stood a hundred years ago." pire to the eastward, while he is watching out for chances to the south and Perhaps the most interesting part of the west-all in the interest of the orthis matter is the cause which Mr. Hothodox church of which he is the head. gan assigns for the decline. He claims Concerning the Russian ideal, M. Gerthat in April, 1896, he proclaimed in

the pulpit that"the Methodist Episcopal are says church has until the last day in May,

"The religious view, that of the or-thodox Russian church, is that the Russian creed is the only correct form of Christianity: that Roman Catholi-1896 to take a righteous stand for Jesus Christ and justice and against the saloon and other political slns. On ism, Protestantism and heretical sec-arianism will merge ultimately into orthodoxy' and then, in an age of that day her probation ends and, if found wanting and unworthy, she will eneral forbearance and consent, the

eign of violence will be at an end. Its vork is to repress proselytism by the leterodox; to convert the heathen. The erritorial expansion of Rugsla is a nears to attaining its ends. The view The Methodist church, he says, in stead of heeding this warning, scoffed at it, and rejected it. In May of that year, we are told, the Methodist Genf the Russian church and of the Russian people is that Asia is to be ab-sorbed by Russia, not always by ac-tual conquest, but as destined, in order eral conference met in Cleveland, Ohio, and "from the beginning to the end prostituted every agency and influence that Russia's mission may be fulfilled. Such is the Russian ideal. There is no , , and struck ou reason to doubt that, though it may appear fanciful and impracticable to of the book of discipline all of the previously delivered strong utterances in eople of other nations, it is actually eld by many men whose sincerity is reference to the liquor traffic and politi question and these not only cal complicity therewith." And true ope for, but also expect, its early reenough, so says Mr. Hogan, in harmony with Mr. Hogan's prediction, Decline,

As for the probable success of this Discredit and Disgrace has been the program, the author argues as follows: story of the once influential M. E.

adt, working outside Russia could waken the West. The commercialism

the United States of America, of Eng

and and her colonies, is widening

gulf between the classes, is making th

few richer, the many poor poorer still. The despairing poor of all Anglo-Sax-

"It is possible the Russian church church ever since. nay attain a large measure of success All this is interesting. But we believe Representing primitive and communis-tic Christianity particularly, it posthe decline is not peculiar to the Methodist church. It is more or less general sesses essentials which appeal to all Christian sects and now that the Roamong the sects, whatever the true man church has passed its zenith of cause of this may be, mporal power and Anglican Protest-

ntism is sterile, the next great relig-A BATTLE FOR LIBERTY. ous revival may emanate from the astern church. A priest of the power of Serglus, the father of John of Kron-

If the British government carries out ts threat to institute criminal proceedngs against the leaders of the so-called passive resistance" movement, there s sure to be trouble. For those engaged in this crusade are doing so on conscientious grounds, and they are supported by a very strong sentiment, as was proved when a quarter of a milion people gathered in Hyde park and cheered the speakers who represented

decline and dis."

of the church,"

non-conformists. The "passive resistance" movement s a protest against the education bill of 1902. According to a writer in the Outlook, the non-conformists look upon this bill as an attempt to levy a church rate under the guise of an educationsla's ideal 'world-policy.' rate. The schools of the Church of England are to be partially supported by dissenters, and yet remain under denominational management. To this

they object. They demand that if the schools are to be supported by common funds, they must cease to be sectarlan. This self-evident truth should need no argument. The writer in the Outlook says in part:

'American readers should understand that in eight thousand parishes in Engand and Wales there is only one pub-lic elementary school available in each parish, and that that school is under of England auspices, and that il children in the parish are by law ompelled to attend it. The non-conformist therefore asserts that the new education-rate is worse than the old church-rate. The old church-rate went to keep up the parish church, but at least the non-conformist was not compelled to attend the parish church. Th new education-rate goes to support a sectarian school, and non-conformist children are compelled to attend this To understand the intensity o school. the free-church opposition to this new system, something must be known of the social and religious conditions which prevail today in many parts of England. The power of the estab-lished church in thousands of parishes is almost absolute. The squire of the parish, who probably owns most of the land, expects his tenants to be loyal to the Church of England; and multi-tudes of laborers and small shopkeepers are given to understand that their very livelihood denands on the conversion

velihood depends on their conformity the will of the squire and the par-

which is so potent. It all depends on

whether the spirit that prompts the op-

pressive enactment is strong enough to

RUSSIA'S IDEAL.

Mexander L. imbued with the senti-

vaged a religious war against Napo-

con for the sake of universal peace; he

istened to Moravians and Quakers and

amé under the influence of Fran Krue.

world, with much interest.

labors through the week has no inclina-tion to go to church on Sunday. But it is rather doubtful if the business roman prove more open to conviction n this subject than is the nan. Long ago she accounted to her self for her non-churchgoing habits and she found her reasons so stable that she will not be likely to give way on any one of them when she is approached by those attempting to lead her to think differently. Women in general may act on impulse and without rhyme or rea-son, occasionally, but the average busi-ness woman knows why she does things and also why she omits certain things

New York Sun. Some of the enthusiasts in the Alli

some of the entities in the All-ance have taken the attitude, at times, that the stage was to elevate the church, rather than the church elevate the stage. In fact, there has been a great deal of talk about the ethical val-ue of plays and players. The public have taken all this with a grain of salt have taken all this with a grain of salt They don't care a straw about that side of the question. They go to the theater to be amused and entertained, and let it go at that. Bishop Potter now remains the great link between the church and stage in this city. He holds that if an actor should be a bit of a preacher, so a preacher should be a bit of an actor.

The Nushville American.

The ministry seems to be loving its attractions for young men. The pay of lergymen is better than it once hough in many instances it is very small yet. The churches are finer, but comparatively fewer people attend them. The simple days of old-fashioned faith and primitive ideas have passed. The Durthan period, have been The Puritan period has vanished Whether it be science or commercialism or liberalism or education or the free xercise of thought, any of these or ai of these that have influenced religious hought and conduct, there has been a change within the church and without. The conditions that once prevailed in this country, the isolated churches, the forsteaveling atinerant ministers, the far-traveling ircuit riders, the periodic revivals camp-meetings, the periodic transform tional religion and the simple, earnest and intense faith, and other festures that characterized a new or a thinlysettled country, have in a large measure been succeeded by other conditions, not less moral or religious, in fact, but different.

Christian Work and Evangelist. A London contemporary remarks that

ondom might see in 'orthodoxy' an as-pect of Christianity not only new to them, but one they could accept. At the right psychologic moment some such wave of religious emotionalism as the world has several times seen will again quicken Europe, will roll over the American continent from Cape Nome to Key West, spread to the British island nations and unite all to one creed If it should be Russian orthodoxy that triumphs, Russia will become the world power. That, for Anglo-Saxons es-pecially, is the political danger of Rus-

There is much force in this reasoning Still, it is not probable that the Russian creed will ever become general. Russia, undoubtedly, has a great mission to perform in the world, but not as a religious missionary. On the politica and industrial field she will yet attain importance, if not predominance, in or der to take her part in the closing cenes of this part of the world's drama. We may expect her forces arrayed



An accumulation of about 50 Ladies' TAILOR-MADE SUITS ranging from \$20.00 to \$45.00, to be closed out at the uniform price of \$10.00 a Suit.

Not strictly new, of course, but for those not positively particular about "the very latest" this is indeed an extra-ordinary offer. The sale will commence Saturday morning at 8:30 and continue, if the goods hold out, until 8:30 p.m.

The Suits will be Sold "As Is."

No Alterations Allowed. . . No Exchanges. . . No Approvals. Nothing should prevent you from being on hand Saturday morning. "Saving is earning" and you can "earn" \$10.00 to \$35.00 in a few minutes at this sale.



DESERET EVENING NEWS: SATURDAY, AUGUST 1, 1903.

But it is contended that under section 311 of the Revised Statutes the special charters of the respective cities were repealed and Title 10 confers on cities the power they may exercise, and the authority to levy a polltax which was in previous charters is not to be found in that title. In answer to that we have already shown that this city did not proceed under any charter, special or general, in collecting and disbursing the polltax, but under the law of 1886 which was continued or repeated in the Revised Statutes of 1898.

Against the contention that the law of 1886 was repealed and that therefore the city ordinance passed under it became void, we bring the language of the repealing clause, which says it is subject to the limitations and exceptions therein expressed. Well, section 311, which simply repeals special charters of cities and towns, has this express limitation or provision:

"The ordinances and resolutions now In force in any city or town shall con tinue in full force and effect until re-pealed or amended, notwithstanding the change herein provided for, so far as such ordinances and resolutions are not in conflict with the provisions of this title."

Now wherein does the ordinance passed under the act of the legislature of 1886 "conflict" with Title 10? It h true that there is no polltax clause in that title. It was not needed there, in the light of section 1743 of the same Revised Statutes. To conflict, means to collide, contend, resist, combat, antagonize. There is nothing in the polltax ordinance passed under authority of statutory law that conflicts with anything in Title 10. And there is nothing in section 1743 which conflicts with it, either. The last clause of section 311 seems to be ample to cover the ground of the city ordinance under considera-

In the construction of these provision courts will or should be guided by sec tion 2489 of the same statutes which Bays:

"The Revised Statutes establish the law of this State respecting the sub-jects to which they relate, and their provisions and all proceedings under them are to be liberally construed with a view to effect the objects of the statutes and to promote instice." statutes and to promote justice,

It was evidently the intention of the Legislature to continue the powers granted to cities and towns to collect and expend the polltax provided, and also to exempt from repeal, addinance that did not conflict with other provisions. It has been judicially decided that "A statute should be so exponded as to give effect to what was manifest ly the intention of the Legislature. (Eclipse Mfg. Co. vs Nichols 1 U. 252.) Another provision of the Revised Statutes, section 2492, is:

"The repeal of a statute does not revive a statute previously repealed nor affect any right which has accrued any duty imposed, any panality incurr d nor any action or proce ed under or by virtue of the statute

Only a part of that section applies in the present argument, but that part 1 pertinent, in view of the other citations we have made. For, the City Council had a right which had accrued and a duty imposed by law which ought not

When it is stated that the Union Pacific rai-way will run a free excursion train for the benefit of newspaper correspondents from Washington, D. C., to Ogden to attend the congress, it is evident that the gathering will be a big event, and that the great dailes of the East will have "write-ups" about Utah that will be of advantage to the whole State. Everybody here, therefore, should take an interest in the matter, and assist in every possible way the eleventh session of the National Irrigation Congress.

METHODISM DECLINING.

The Open Letter is the name of a small periodical, published at Baltimore, Md. Its current number is largey devoted to the decline of Methodism. It quotes Rev. J. G. Hogan, pastor of Emmanuel meeting house on this subject. That gentleman, in a recent sermon, said that M-thodism is dying at a rapid rate. He stated in proof of this

proposition that the Baltimore annual onference of the Methodist Episcopal hurch at its recently concluded spring ession gave reports showing that the nembership in the churches of this conerence had had a loss, or de-

rease, during the past year of 145 nembers and probationers. That is to say, he added, more than 200 modern Methodist ministers came to the one hundredth and nineteenth session of their annual conference in the city of Baltimore this year, and were compelled o acknowledge defeat or a loss of 145 nembers and probationers after a whole year's work.

ther conference, in which the experi-

and with all this army of workers the nembership during the year.

some excitoment among the Methodists. nd Mr. Hogan was severely criticized or his deductions. He replies in part: "An examination of page 646 of th inuits of the Annual Conferen-Methodist Episcopal Church fo hole Methodist Episcopal Church ove a loss in one year-1899-of 277 mbers and probationers, when it arly eight years previous the chur

It seems that the decline in member ship is generally admitted, but that some explain the fact on the ground

that the ministers are more careful not thout "pruning" their trees. In othe words, they expel unworthy members nore conscientiously than formerly. Th this Mr. Hogan quotes, in reply, this Methodist:

"There may be more conscience put into this work than aforetime, but who does not anow that the most pastors are hattanily ambitions to report as largely inembership as possible, for it pourt stand comparison with his prede-

. The latter is very usually, now ys, what is known as high church The old priestly notion of the ministry has been revived with great success He repudiates the name Protestant. He gards the non-conformist as chismatic and a heretic, and the chil ren of non-conformists as proper sub-octs for his priestly influence. Ever he Pilot, which is an Anglican week! per of conspicuous moderation an at influence due to its statesman e opinions,declares that if the Church f England is to be re-Protestantiz-en thousand clergymen must be turn

at. These men are interested in the ovement for reunion with Rome, and their teaching is hardly distinguishable from that of Rome. The schools which these men manage are the most valu-able instrumentality they possess for proselytizing young England. Backed therefore, by the social influence the squirearchy, they are able to make the position of the independent nonconformist almost intolerable." That explains fully why the non-con-

formists are up in arms, and determined to suffer persecution, rather than submit to the unjust requirements of the law. Probably they will win in The speaker said he could name anthe end, by that "passive resistance,"

nce had been similar. In this confer nce the minutes showed that during the year there were 329 effective minis ters, who preached in all about 23,816 inies, held about 10,808 prayer meet-

battle is on, on the soil of Great Britnes, were assisted in this work by 144 ain, where so many conflicts have been ocal preachers, 7 presiding elders, 1 fought successfully in the past for the resident bishop, besides their Sunday principles of human liberty. The outschool superintendents and teachers: come will again be watched by the

churches in that conference lost 167 in Naturally these statements caused

id been gaining at the rate of near 190.000 a year.

mragraph from the Pennsylvania

Asla.

Camerlingo is Vatican financial lingo. The paths of glory lead to brigadlereneralships.

The best way to cure back-biting is o face the blters.

No cardinal was ever heard to say he yould rather be right than pope,

It begins to look as though Venezuela would have to have another dressing lown

The story that imitation rubies can-

not be distinguished from the real stones is a gem.

What the cardinals who have receivd complimentary votes want is comlementary votes.

A Chicago elevator man has been left great fortune. This will enable him O rise in the world.

The tail of the Borelli comet is 700,-000 miles long. Does the comet wag the tail or the tail wag the comet?

The men who blew up the Sun and Moon mine buildings are now seeing

stars, stars of the officers who are aresting them. Russian agents are said to be under-

alning the English in Afghanistan. And they are not doing it by tunneling brough the Pamirs.

A Murray youth appropriated another man's bicycle and the Justice gave him ninety days in jail. Truly it was an appropriate sentence

Not having carried them over safely, the good people of Portland, Or., cannot speak well of the Marrison street oridge over the Willamette.

keep up the flame of persecution a sufficiently long time. At all events, a Of course Sir Thomas expects the Shamrock III to beat the Reliance, still there is reason to believe that he would be willing to swap boats and then make the race for the cup.

> Mr. Rockefeller is said to have los aundred million dollars by the recent slump in stocks. This will make it nec essary for Dr. Harper to let up on his

Mrs. Aurora Hodge says that Ryan equested her to bind him so that he should not assault her. And she shot him so that he should not assault her. This was making assurance doubly

"Gen. Clay led a strenuous life, and yet it did not prevent him from reachng the ninety-third milestone," gays the Cleveland Plain Dealer. True, but prevented some others from reaching

diasenters, all becomes perfectly na-The first press dispatch over the new ural, and logical. As M. Gerrare says, Pacific cable could tell of nothing more aportant than the sentencing to imneuts of the French humanitarians, asprisonment for contempt of court of a lied to the formation of a Christian Manila editer. The cable might comation to embrace all races, and for plain of what a base use it is put to at his formed the Holy alliance. He

first. ON RELIGIOUS TOPICS. Boston Transcript.

dener, a pupil of the mystic, Stilling, and she inspired and revised that Holy



og pulling for a time In a recently issued work, entitled

ominion of Russian orthodoxy. If this cogram is kept in view, Russia's po-

tion becomes clear and Intelligible, fer isolation, her gradual expansion in ery direction, her intolerance against