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A QUEER DECISION.

Two of the Justices of the Supreme court of the state rendered an opinion today in the case, appealed from the District court, of John E. Cox vs. the Board of Education, etc., in which the question was raised as to the lawful power of the city Board of Health, to require the exclusion of unvaccinated children from the district schools. Judge Cherry decided against the Board; Justices Miner and Hartsch—the majority of the Supreme court, reverse his decision, and the text of their opinion will be found elsewhere in this issue of the "News."

Justice Basden dissents from the majority, and his opinion will also be found in this paper. We invite careful inspection of both reports, that it may be seen which side of the argument is the stronger and better founded on law and reason.

The opinion of the majority is predicated on the powers of the Board of Health defined in the laws of 1899, page 70, as here copied:

"The local boards of health shall have jurisdiction in all matters pertaining to the preservation of the health of those in attendance upon the public and private schools in the State, to which end it is hereby made the duty of each of the local boards of health: (1) To exclude from said schools any person, including teachers, suffering with any contagious or infectious disease, whether acute or chronic, or liable to convey such disease to those in attendance."

It should be observed that in the case under consideration, the child who was excluded from the district school was not suffering with any contagious or infectious disease, and was not "liable to convey such disease to those in attendance." These being the facts, how the majority of the court could justify the child's exclusion by the terms of the statute, is a judicial mystery. The child was not prevented from attending to receive that education which is made compulsory under our laws, because she was in either of the conditions described in the statute quoted above, but simply because she was unvaccinated. The law makes no provision for exclusion for any such reason.

A child who has been vaccinated is just as liable to carry the germs of disease into a public school, if it has been exposed to contagion, as an unvaccinated child. A vaccinated child is not "in a healthy condition." It is afflicted with a disorder which sometimes develops into serious illness. To exclude a healthy child that has been unexposed, and admit unhealthy children who may have been exposed, is certainly a singular method of preserving the public health.

The majority of the court adopt the theory that vaccination is "the only safe preventive of smallpox." We are sorry for the lack of medical knowledge this conclusion exhibits, but it is not to be expected, perhaps, that judges, who give their time to the investigation of legal questions, will acquire very much familiarity with progressive medical and sanitary science. It has been demonstrated beyond reasonable dispute, that sanitary and hygienic rules have proven far more powerful in stamping out zymotic diseases, including smallpox, than all the inoculations of various kinds that have been adopted by the medical fraternity.

The great question, however, in this controversy is as to the lawful power of boards of health in this State. We think the opinion of Justice Basden will be found to cover the ground completely. But let us look at the extent of the power which the two Justices of the Supreme court declare is vested in those bodies. Under their ruling, a board of health, which is an appointed irresponsible body of physicians, very often with extremely limited experience, may arbitrarily establish regulations which will exclude the great body of our children from attendance on the public schools. Whenever they imagine an epidemic is probable, or want to compel vaccination or some other operations, they may institute regulations founded on their own notions which the public may entirely repudiate, and thus stop the progress of education at will. It is in vain that we may search through the statutes of Utah and the State Constitution for the converse of any such legislative power, or to these irresponsibly appointed bodies.

Viewing the situation in this State, it is pretty clear that there was no reason whatever for the smallpox scare, started by some doctors who had never seen a case of smallpox in their lives. Experience has shown that there was no reason for the desperate efforts on their part to compel vaccination. No case of smallpox is known to have prevailed from the association of vaccinated and unvaccinated children in the public schools. The whole agitation was needless. The disease that has prevailed has not been fatal or even malignant. The closing of the schools was without reason. The shutting out of unvaccinated children was an outrage.

We regard the decision of the ma-

jority of the court in the light of their own admissions as an absurdity. But as it stands it is now the law and will remain so until some definite action is taken to nullify its effects. It establishes a kind of "imperialism" where anything that is now being denounced in this country under that name.

It may be asked, as it will be by the majority at least of the people of this State, what can be done in the matter? There are two things that may occur by which a more rational condition of affairs can be established. One is a change in the composition of the Supreme court, which is quite likely to occur; the other is action by the next legislature, more carefully defining and limiting the power to be placed in the hands of a few medical practitioners, appointed as guardians of the public health, and not to be tyrants under any circumstances, or to be endowed with authority, either to prevent the education of the children of tax-payers unless they comply with arbitrary regulations, or to force their theory and practice of medicine upon scores of thousands of unwilling victims. A remedy may be found for most of the ills which afflict humanity. The people must be patient for awhile, but take due action when the proper time shall arrive.

IN SOUTH AFRICA.

As near as can be gathered from the latest dispatches from the seat of war in South Africa, the Boers are again retreating before the immense army of invasion. Lord Roberts' plan of surrounding them and repeating the coup of Paardeburg, seems to have failed, the burghers having retreated in time further north.

Lord Roberts has proved himself, so far, the master of the situation. He has been as judicious in his aggressive movements, and justified the confidence placed in him by the British government and people.

The latest reports of British successes must not, however, be taken as an indication that the unfortunate South African affair is about ended. The Boers have recovered from the panic that struck them at the capture of General Cronje and the relief of Kimberley and Ladysmith. They are learning something of regular tactics and having their military talent well developed. They are believed to have more men in the field than ever, and their artillery has been strengthened by the addition of captured guns. All this tends to make them more formidable than they were at the beginning of the conflict.

It is now believed that the last fight will not be fought until the invaders have reached Pretoria. And this place is said to be almost impregnable. The war has brought many surprises, and its termination may add to the number, possibly, but if it does not, the conclusion is in yet far off. Some uneasiness has been felt in Europe about the safety of the mining property at Johannesburg, in case the war should be carried into the heart of the Transvaal. The matter has been the subject of discussion between a French editor and Dr. Leyds, the Boer representative in Europe. The latter is said to have expressed his sincere hopes that events may not force the Boers to resort to such extremities, which is a diplomatic way of saying that if it is in the judgment of the Boers such a step is deemed necessary, or expedient, it will be taken. It is further said that the mines are now being mined with a view of making a simultaneous explosion that will destroy property to the amount of several hundred million dollars. President Kruger has promised that the price for the independence of his republic will be "appalling."

Of course such destruction of property would be deeply regretted by the entire civilized world, but if it could be proved that the raiding of Johannesburg would be an act of defense of the capital, friends of the Boers would not blame them very much, if with that they destroyed, as far as possible, the mines from which its wealth comes. But it is time enough to contemplate what will take place when the Boers are reduced to the necessity of raiding at their capital. When Lord Roberts commences his advance in earnest, he will soon reach the defensive positions north of the Vaal river, and there, it is believed, the Boers will be able to hold almost indefinitely against a superior force.

BRUTAL SPORT.

Are we as a nation, progressing or retrograding in point of refinement? Is a perfectly natural question, when it is announced in the public press that man hunting with the aid of bloodhounds is becoming a form of amusement among wealthy loafers.

The following dispatch to the New York Journal tells its own story: "The Deep Run Hunt club of Richmond, Va., has secured the loan of a pack of bloodhounds kept at the State prison farm, and will have a man hunt. There are six hounds in this pack. The start is to be made from the Boesmans park, in the western suburbs of the city. The finish is to be at the club's quarters in Henric county. It is the purpose of those who have arranged for this sport to allow the man hours' start of the dogs. In the event that the bloodhounds catch up with him the man is to take to a tree. Should he fail to do this and the dogs get him the man is quite sure to be torn to pieces. This sport will no doubt attract unusual attention. The Deep Run Hunt club is composed of some of the best known business and professional men here."

It stands to reason that after a while this sport will be too tame, unless the bloodhounds actually tear the man to pieces in the presence of the "best known business and professional men," and as the demand for more intense excitement grows louder, it will be satisfied.

In ancient Rome the fights between wild beasts in the arena gradually lost their charm, and human beings had to take part in the sanguinary "sport." The flow of human blood, the quivering of the human frame under the fangs and teeth of hungry lions and tigers were needed to raise the enthusiasm and excitement of the people of the great empire.

But it is remembered, this was during the days of its decline. The deeper the nation sank, the more cruel and

inhuman were its public entertainments. Their character was an indication of the weakness of the state. Is our civilization decaying? What conclusion must be drawn from the fact that people are proceeding from the prize fight to the man hunt with bloodhounds? Is that not in line with the craving for human lives which mobs at times seek to satisfy by so-called lynchings? Is the lawlessness of mobs to be rendered respectable in some new garb, and under the name of "sport?"

It is, we believe, high time to take the matter of amusements under review, and stamp with public disapproval all those that obviously have a demoralizing effect upon the public. Recently New York tried to banish from its stage a certain class of public exhibitions. The attempt was commendable, though unsuccessful. But it should not be forgotten that reform is needed in other directions, too. Shows, amusements, and sports that tend to brutalize the participants, or to render them familiar with murder, robbery, falsehood, deceit and so on, are as pernicious in their effects, as any public exhibition of the vice of the age. The fight against the latter will be in vain, as long as other forms of vice and crime are tolerated.

MOUNTAINS MOVING.

According to the New York Herald, a large chain of mountains in the Cascades of British Columbia is in constant motion, following the course of the Columbia river. The chain is said to consist of three layers of dark brown basalt formation, about eight miles long, and rising to an elevation of 2,000 feet. As an evidence of the curious phenomenon it is mentioned that a forest which was previously located back of the mountains on the river side, has now disappeared, nothing but large, thick stumps of trees sticking out of the water here and there.

Such observations as these should not be without value when the question is of forming theories from the facts revealed by geology. It is customary from the presence of certain strata in a certain order to conclude that ages were necessary for their formation. But once in a while movements on a large scale are seen in nature, which should remind the theorist of the necessity of going slow in his conclusions. Nature, undoubtedly, generally works slowly, adding drop to drop, one grain of sand to another for ages; but sometimes she performs in a day what, according to human calculations, would be the work of millenniums. A sound theory can never be formed, if this fact is left out of due consideration.

IN THE SOUTHERN SEA.

The south magnetic pole now having been discovered, according to the report of the Norwegian explorer, Borchgrevink, the next is to find out whether it is stationary or not. If this is not the case, a comparison between its position and that of the north magnetic pole at different times, would show the direction and rate of their motion. These facts being ascertained, it is hoped that the law underlying such motion may be discovered, and that the constantly occurring changes may be predicted, as are eclipses of the heavenly bodies.

Borchgrevink, it is said, made a journey of 500 miles over the icefields of the Antarctic continent and penetrated farther south than any of his predecessors. What he saw and experienced there is not yet fully known to the world, but it is reported that he thinks the southern icebound continent will be the place from which wealth, forecasts for the entire Australasia will be made. If this is correct, his journey will be of more practical use than most of the Arctic explorations have been. It will result in the establishment of observatories in those regions, from the work of which good will come to farmers and stockmen of Australia and to navigators all over the world.

UR OF THE CHALDEES.

To Biblical students the announcement will be welcome that Dr. E. J. Banks, formerly United States consul at Bagdad, is forming an expedition for the purpose of making explorations and excavations at Ur, in Chaldaea. The enterprise is in the interest of the Smithsonian Institution. About \$12,000 is needed to start the expedition, and \$20,000 will be needed to complete the work, which is planned to last two years.

Ur is situated about half way between the ruins of Babylon and the Persian gulf, and six miles south of the river Euphrates. It is interesting as being one of the oldest cities mentioned in history. But still more so, because there, it is supposed, Abraham and Sarah were born. There they were married, and from there they emigrated westward to the country the Lord was to point out to them. Ur was for a long time the center of idolatry, especially the form devoted to the moon-god, Sin, and the great temple Gishshir-gal, dedicated to that god, is yet the best preserved specimen of Babylonian architecture.

About 60 years ago, Mr. Taylor, a British consul, made some excavations at the site of the ancient city, and succeeded in uncovering some inscriptions which proved the historical character of Belshazzar, who before that time scholars had pronounced a mythical person. It is hoped that in the ruins may be found a library, that may contain original stories of the creation, the flood, and other events of the early history of man. We do not deem it improbable that in some such ruins may be found ultimately data elucidating what now is dark in the chronology of the human race.

The present appearance of Ur is said to be that of three stories of an ancient temple rising 75 feet above the plain. Surrounding this magnificent ruin is a group of mounds half a mile in diameter. Nobody can say that Senator Hoar's plan is impracticable. Anybody who says so must begin by tearing out of our own history the brightest page it contains. He must obliterate the sayings of our Revolutionary fathers, the struggle on our Declaration of Independence, and take George III for an exemplar and a pattern instead of George Washington.

New York Evening Post.

Senator Hoar's speech on the Philippines is the language of an orator; much of it is the language of a poet; but little of it is the language of a man either in touch or in sympathy with the great worldwide movement of civilizing organization into which the United States was swept by the war with Spain. In stately rhetoric Senator Hoar appeals to the United States of today to shape its policy on one of the greatest questions that ever confronted it, in the glimmering light of the past rather than in the full radiance of the present.

the people of a neighboring city are using the bricks they can excavate in the ruins to build their own houses with, and it is by no means certain that they will not, ignorantly, destroy some relics of inestimable value to science.

Strikes are on the increase, and it is notable that the not unusual accompaniment of violence is growing rampant in Chicago.

China's crisis may be a little delayed because European nations are watching another game at present, but it seems to be approaching rapidly.

The Chicago Journal ventures the opinion that when the stump speakers are through with Admiral Dewey, the battle of Manila will be really a species of assassination perpetrated upon a gallant but unprepared foe.

The American-Turkish dispute will be settled when Turkey pays the bill; and none need be content that the Sultan has fixed the time up till the cash is actually handed over.

Mrs. Charlotte Perkins Stetson is to lecture in the Assembly Hall tonight at 8 o'clock. Everybody who can should attend. Her fame as a lecturer is known in both hemispheres.

Burglars in Illinois seem to be having a very successful time of it. The officers there ought to score one or two triumphs, just to convince people that there is an effort at legal protection from thieves.

It is said of the disastrous explosion of the Boer arsenal at Pretoria, that the cause thereof is unknown. There may be some tall guessing when it is remembered that the shell factory at Johannesburg was blown up by spies.

It is announced from London today that the Boer forces operating in the southwestern Free State have "escaped unhurt," but have "accomplished an immense amount of damage." On this statement it is easy to figure where the punishment of recent operations has fallen.

A little while ago the Colombian government announced that the revolution there was an insignificant affair. Now the exchange of places is such that the revolutionists make the announcements that reach the outside world. It does not take much to place a South American government in peril.

Wu Ting Fang, the Chinese minister to the United States, has been credited with being a very clever diplomat, but he came near wrecking his reputation last night by telling a Boston meeting that in China Boston was unknown, though the people there were familiar with America in its great commercial expansion.

The story about Russia proffering to back up the Sultan in a refusal to pay the bill recently agreed upon, is, in vulgar parlance, "too thin." Russia has no fears of the United States interfering in the eastern question, and has all its interests in cultivating friendly rather than other relations with America. Russian diplomacy is far removed from being so idiotic as the London Telegraph's Constantinople dispatch would make believe. Nor will Turkey's "sop" deter the pressure of American demands.

A Manila correspondent of a Hong-kong paper is quoted as saying that great improvement is noticeable in and about Manila, and in the provinces, as a consequence of the civil rule established. He says industry has entered upon a new era, and Americans are beginning to be understood by the more intelligent classes. He adds that it is true guerrilla raids, attacks and looting continue, and occasionally large bodies attack American forces, and sometimes take prisoners and arms. But in the main the guerrillas have been scattered.

The Salt Lake Herald has a virtue not often exhibited by some of its contemporaries. It is that of "open confession," which is said to be "good for the soul." Speaking of our acceptance of its apology for a mistaken reference to the "News," on the ground of the Herald's doing so "absent-mindedly," it remarks: "That sounds like a confession." Certainly. We so understood it. We accepted it as such. It sounds like a confession, it looks like a confession. It has the odor of a confession, it is a confession. And we commend the Herald for making it so frankly and, this time, not "absent-mindedly."

SENATOR HOAR'S SPEECH.

Boston Transcript.

All of Senator Hoar's speech on the Philippines is the language of an orator; much of it is the language of a poet; but little of it is the language of a man either in touch or in sympathy with the great worldwide movement of civilizing organization into which the United States was swept by the war with Spain. In stately rhetoric Senator Hoar appeals to the United States of today to shape its policy on one of the greatest questions that ever confronted it, in the glimmering light of the past rather than in the full radiance of the present.

Worcester Gazette.

Senator Hoar, unfortunately, views the question from a purely academic standpoint. He does not stand on firm, practical ground. His utterances, therefore, can have no effect except to furnish the Democrats with campaign arguments. He is thus injuring the party which he supports and hurting the President, who, he says, is the best-beloved since Washington.

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of Mr. Lodge's strained effort is so easily effected that one is moved to remark on the desperation of the case which resorts to such quibbling. The difference between former expansions of territory and this is pretty convincingly proved to be the difference between the growth of a healthy youth into a strong man, and that of the anacanda after it has swallowed its victim.

St. Paul Pioneer Press.

The great difficulty with Mr. Hoar is that he has what may be called a transcendental idealism in politics—that his ideals are the product of his New England education and environment, exalted by a fine imagination to a plane far above all human experience and fit only for some planet inhabited by beings superior to the rude races of this rather world. No portion of the United States or of the world has ever been governed upon the lofty Utopian principles which he would apply to the government of the United States in its relations with our new possessions.

New York Mail and Express.

Admiral Dewey and other practical men who know the situation say that our withdrawal from the islands would probably involve us in a European war, and expose the Philippines to hardships almost as severe as they suffered under the domination of Spain. Yet Mr. Hoar would have us adopt this hazardous course simply on the sentimental ground that we have not obtained "the consent of the governed"—meaning by this the bloodthirsty Tagals who are now beheading American soldiers in Luzon!

Philadelphia Bulletin.

It is futile to urge that all the events of the past twenty-three months shall be ignored. This country has assumed obligations which cannot be repudiated at this date.

Philadelphia Public Ledger.

Senator Hoar is not a mere fanatic, with no plan for his own or the disposition of the country and peoples which the fortunes of war have thrust into our guardianship. His proposition is to reject a session of allegiance, which to him implies that sovereignty is a saleable and purchasable commodity.

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