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SALT LAKE CITY, FEB. 5, 1901.

THE STATUS OF THE BILL.

The bill which passed both houses of the Utah Legislature by more than a two-thirds majority, is now in the hands of the Governor. He will have five days in which to decide what he will do with it. Within that time he may veto it or sign it. If he vetoes it the Legislature can pass it over the veto, by a yeas and nays vote of two-thirds of the members elected to each house.

As there has been a great deal of misrepresentation of the measure, and consequently much misunderstanding of its purpose, we here present it in full as sent to the Governor:

"House Bill No. 15—By McMillan.

"An act to prevent compulsory vaccination and to prevent vaccination being made a condition precedent to entering the public schools of Utah.

"Be it enacted by the Legislature of the State of Utah:

"Section 1—That hereafter it shall be unlawful for any board of health, or any other public board, acting in this State, under police regulations or otherwise, to compel by resolution, order or proceedings of any kind, the vaccination of any child, or person of any age, or making vaccination a condition precedent to the attendance of any public or private school in the State of Utah, either as pupil or teacher.

"Section 2—This act shall take effect upon approval."

There are many rumors afloat as to the probable action of the Executive. One statement is, that he will veto the bill on an alleged constitutional objection. That is, one that was raised during its passage, that the title does not fully cover all the subjects contained in the bill. Careful comparison of the title and the body of the measure, however, fails to give color to this alleged objection. There is only one subject legislated upon in its text; that is, compulsory vaccination. It makes that unlawful, and specifies in particular the making of vaccination "a condition precedent to the attendance of any public or private school in the State." The Constitution provides that:

"Except general appropriation bills, and bills for the codification and general revision of laws, no bill shall be passed containing more than one subject, which shall be clearly expressed in its title."—Art. vi, Sec. 23.

A foot note cites a judicial decision explanatory of the meaning of this provision. It is as follows:

"The title: 'An act relating to and making sundry provisions concerning elections,' limits its subject to elections, and is sufficiently definite, but provisions of such act relating to the filling of vacancies in certain offices by appointment, are invalid under this section. Ritchie v. Richards—47, P. 676. This section is mandatory. Id."

It will be seen on examination that the subject of the bill in question is but one. It is "clearly expressed in its title" as the Constitution requires. True the word "private" as well as the word "public" does not appear in the title, but it is not expected that the title of any bill shall be a repetition of all that is in its body. If an act relating to elections, with all its provisions as to details, is covered by the title named above, then, surely, the bill concerning compulsory vaccination would be fully covered by its title, even if it was simply named: "An act to prevent compulsory vaccination," without any further specification. And if so, then it would not be vitiated by that which follows in the wording of the title.

We think the legislature should have stopped at those six words, or, desiring to be more specific, might have inserted the word "private" as well as the word "public" in reference to the schools or, better still, have left out the word "public." But granting that the title would be sufficient, if it had been simply, "An act to prevent compulsory vaccination," comparing it with the title to an elections act as judicially declared to be "sufficiently definite," then that which follows, making it even more explicit, cannot take away anything from its adequacy.

We again draw public attention to the fact that the bill, which is endorsed by at least eighty-five per cent ninety would be nearer the mark) of the people of the State, does not repeal any provision of the laws concerning the public health, nor deprive the health officers of any power conferred upon them by law. The State board has neglected to perform many of those duties, and its secretary has assumed authority that cannot be found in the statutes. There is no law about compulsory vaccination, or vaccination at all. It is to make that clear that this bill has been framed and passed. It is not a party or a sectarian measure. It is endorsed by people of all classes alike.

What is needed is the enforcement of the laws as they stand. That would help to preserve the public health and stamp out disease. But the efforts of our health officers have been directed chiefly to one end—the forcible exclusion of healthy children from the

schools. The reports of cases of alleged smallpox fail to show that there has been anything like an epidemic among school children. They have not been afflicted as older persons have.

The great majority of cases have been and are of persons above school age. Yet the children who are of the most healthy class, gathering in buildings under special sanitary inspection, are singled out for the attack of these compulsory vaccinations, and while feeble children, too unhealthy to be vaccinated are admitted by doctors' certificates, the healthy children are denied admission if unvaccinated. If such compulsion under another guise is rational, it ought to be enforced on the class of people shown by the doctors' own reports to be the most afflicted, and the most likely to spread contagion. The attack on the schools is void of the slightest shadow of common sense.

The schools are now in running order. If by any mysterious means the bill to protect them from attack should fail, litigation would follow of a very protracted kind. The sensational and inaccurate report of the Secretary of the State board, and all the baseless rumors about the alleged epidemic, and the absolutely erroneous figures and guesses it contains would be denied. So with the theories it advances which can be refuted by facts. The admissions made in a previous case would not be conceded in those that will come. The matter will be fought out to the end.

Further, the "orders" of the Secretary of the State board will be found to have no legal force or authority in law. The schools will be kept open where there is no need for them to be closed. The prevalence of disease of any kind among children will be sufficient to cause the adoption of measures to protect the healthy, either by the closing of the schools or other measures that the local authorities shall determine.

But it will be found that the "one man power" which has been assumed, and exercised with a fanaticism bordering on insanity, will not be submitted to by the people of this free State. They will not defy the law. They will bow to all lawful authority. But they know their rights and will dare maintain them, whether the present needful measure becomes a law or not. And they have confidence that their chosen representatives in the two Houses of the Legislature will stand by them, and show that we have popular government and not an autocracy in Utah.

TALK ABOUT QUARANTINE.

A contemporary prints a "special" dispatch from Denver, in which the public is informed that the health authorities of Colorado are contemplating the advisability of establishing quarantine against Utah, and the reason of this is said to be that "smallpox has been on the increase in Utah ever since the Legislature of that State repealed the vaccination law." When that calamitous event happened is not stated. No one here knows anything of the repeal of any Utah vaccination law. But we presume the misinformation sent out, after being duly printed and reprinted, will serve as irrefutable evidence in support of a pet theory. Strong arguments are often built up on just such loose foundations.

But what about Colorado herself? We noticed in the Los Angeles Times of January 19th, a "special" from San Francisco, in which it is alleged that according to a private letter from a Californian residing in Denver, there is a much more serious condition in our neighbor State, than in Utah, though this is not charged to the repeal of any existing law. The correspondent says, "Colorado is rotten with smallpox." He alleges that there are 300 cases in Cripple Creek and about as many in Denver, and that 25,000 people are sick. The pest houses at Denver and Cripple Creek are filled, and one school at Golden is closed on account of the epidemic. He adds that the outside world does not hear much about these health conditions, because "the people here are afraid of 'knocking' Colorado."

This statement is important. It proves, if true, that the health authorities of our neighboring State are doing their duty without trying to create a senseless scare to the injury of the community.

It is true that Utah has not entirely escaped the epidemic that has swept nearly every State of the Union, but the affliction has been less widespread here than in some other sections of the country. It has appeared in a mild form. Vaccination has been very generally attended to, willingly or unwillingly, particularly by children of school age. There have been very few deaths, if any, from the epidemic, and it is believed that there have been less cases of actual variola than some reports, published for a well understood purpose, allege. These are facts which would be fully established by an impartial investigation. At all events, even admitting that all the sensational reports are true, there is no need of establishing quarantine against Utah any more than there is, if reports are true, against Colorado.

CAN GOOD COME OF EVIL?

The exploits of Mrs. Nation at Topeka, Kan., are still attracting widespread attention. The situation in that State is anomalous. Prohibition is the rule, but it seems that liquor selling is still legalized by a statute providing that the vendors of intoxicants shall pay a certain fine when arrested, and that no one shall be arrested for illegal traffic of this kind more than twice a year. Such regulations are clearly intended to aid by law the violators of the law, and the situation must be a most trying one to honest believers in prohibition.

But when this is said, it must be added that the method adopted by Mrs. Nation and her friends is inconsistent with the principles upon which the great temperance movement is based. To do evil that good may follow, is neither right nor wise. To overcome evil with good, is the only effective mode of moral warfare. If the lady persists in her course, it may lead to murder, as it has already caused dis-

graceful street scenes. Her warfare is that of the rabble, and if it is permitted to continue, it is sure to end in more unsavory violations of law than even the liquor sellers are guilty of.

And this will not be confined to crusades against one form of evil. Examples of that kind are contagious. If temperance friends are suffered to fight with hatchets and rocks, what is there to prevent others from protesting against what they consider wrong, in the same way? Many people in this country are opposed to what they call trusts, for instance. Is it not conceivable that the saloon-smashing machine may at last seize some of them, and that they may marshal their forces against such places of business as they think are controlled by trusts? Or against any other places of business that may be considered injurious? When people take the law into their own hands, they become anarchists of the order that consider the assassination of heads of government a virtue. They identify themselves with the class that furnish lynchings.

The New York women, too, are uniting in a crusade against another class of vice. But they do not believe in reform by violence. They propose to approach the fallen ones with gentle kindness and to ask for such legislative measures as they think are needed. Their names may not be paraded in the press dispatches, but it is safe to say that the result of their labors will be of more benefit than those of the amazons that defy both decency and law.

WILLIAM AS ARBITRATOR.

The most interesting news relating to the Boer war is a Berlin rumor to the effect that Emperor William is willing to assume the role of arbitrator between Great Britain and the South African belligerents. If there is any foundation for this rumor, the British government must have intimated its willingness at this time to consider the question of arbitration. That the German emperor would act as mediator, provided his offices as such were acceptable to Great Britain, is probable enough, since there is much sympathy in the empire for the Boers, if not for their cause, but the rumor certainly needs confirmation, before any conclusions as to its importance can be formed.

Those who have followed the South African campaign lately have noticed that General Kitchener, instead of withdrawing his troops from posts they occupy, keeps these guarding the lines of communication, while the Boers are making excursions into Cape Colony and even into Portuguese territory. The result of this will be that after a while the fighting Boer forces will find themselves on foreign territory without much chance of re-entering their own country. If Kitchener's apparent policy of pursuing and capturing the Boer commanders is due to a strategic plan, and not to inability to prevent their progress south and east, there is no special reason why the British government should have changed its attitude relative to arbitration. It is only a question of time, when the Boer resources shall have been exhausted and conditional surrender become a necessity.

"The times are out of joint" in Topeka.

Mrs. Nation is the "daisy" of the Sunflower State.

When the Nation and the Sheriff combine in Kansas the saloon has to go.

Senor Mabini deported to Guam may regard himself as a modern Marius. But then other people won't.

Carrie isn't holding the mirror "up to nature's face." She's smashing 'em right and left in those Kansas "drug stores."

King Edward promises "his people" that he will walk in the footsteps of the late queen. If he does he will have to walk pretty straight.

A bill has been introduced into the Illinois legislature for the relief of drug clerks. Let the clerks remember the admonition, "Physician, heal thyself."

The entire responsibility for the exaggerated stories that have gone out from Utah about its sanitary conditions, rests upon Dr. Beatty of this city and his absurd and untruthful pamphlet, with its sensational and repulsive quack-medicine frontispiece.

Everybody who has praised the great organ in the Tabernacle and approved of the testimonial to its builder, can now show their appreciation by taking tickets for the grand concert to be given for the benefit of Joseph Ridges. Send to Geo. D. Fryer for as many as you want.

The methods resorted to, in order to defeat a measure that interferes in no way with quarantine and other legal protective measures for the public health, are reprehensible in the extreme, and show how weak the cause is that requires such miserable subterfuges for its support.

But a few days since and Earl Rosebery was telling the English people of the danger of foreign competition, especially the competition of America and Germany. And now right on top of this warning German measles invade the household of the Duke of York, heir apparent to British throne.

To British military authorities it is becoming more and more evident that the Boer invaders of Cape Colony have "shot their bolt." It may be but as soon as they shoot one bolt they seem to forge another. Or, like William Tell, they have an arrow hidden that they may use should their perchance miss the apple and hit the boy.

The Washington correspondent of the New York World is credited with the statement that it cost the government only \$1,675 to expel Mr. B. H. Roberts, "charged with being a 'Mormon,'" from the House. "Charged with being a 'Mormon'" will strike most people as a

peculiar expression at this advanced stage of civilization, and yet, the correspondent hit the nail on the head, if his intention was to characterize the opposition to that gentleman, as first conceived by the clerical originators thereof. To be a "Mormon" is, in their opinion, the crime.

Some members of the Daughters of the Revolution charge that at the last continental congress there were some women who were not honest politicians, as they did not stick to their promises. How inexperienced in politics these Daughters are. They charge that some are not honest politicians because they do not keep their word. If they were honest and kept their word would they be politicians?

So the Boers, under Blake, who is reputed to be a West Pointer, are threatening Lourenço Marquez. And Portugal is reported to have appealed to England for aid. England could succor her from the sea but not otherwise, as Gen. Kitchener finds he has quite enough to do to look after British interests. The threat of the Portuguese to surrender to the English the Boers in their territory is doubtless the cause of the rumored intended demonstration against their seaport town.

The sale of the late Marcus Daly's Bitter Root stud at Madison Square garden was almost as much of a society function as it was an auction. William C. Whitney got the great Hamburg. The bidding for him must have sent a thrill of excitement through all who witnessed it. How lively John D. Rockefeller could have made things for the bidders had he so minded. Years ago he was a great lover of horses, and at one time owned the fastest team hooked up in New York—Edward and Dick Swiveller. They had a record double of 2:15, and were good for 2:25 any day in the week.

The Sampson-Schley controversy was up again in the Senate yesterday, and amounted to little more than recrimination and reprimand. This controversy is a most unfortunate one and every time it comes up it only intensifies already too bitter feeling. Both men are gallant officers and served their country well, and the country is proud of their record. Why cannot their immediate partisans take the broad patriotic view and give to their opponents the true meed of praise to which he is entitled? The only thing that betrays these two naval heroes is the unseemly zeal and rancor of their supporters.

EXTRA SESSION TALK.

New York Mail and Express.

With the enlargement of our territorial boundaries, the increasing importance of our relations with other great powers and the complex details of our commercial development we have reached a point where there may be worse things than an extra session of Congress. One of these would be the evasion of great national obligations, and the interest of safety, honor and good faith, should be discharged immediately.

Springfield Republican.

The suggestion of an extra session appears to fall upon the proceedings at Washington with demoralizing effect. There is a great congressional delay left for this Congress. The promise of a deadlock over the tax-reduction bill is excellent, and the chances that some of the appropriation bills, along with the other important measures of the majority program, may be caught in the tangle, are nearly as good. The threat of an extra session usually serves as a club to force the two houses to a hasty and expeditious action, but so hopeless is the crush of business now, in view of the administrative call for Philippine legislation, that the extra session is coming to be regarded as inevitable. The more that feeling grows upon Congress the less it will do at this session.

San Francisco Chronicle.

Day by day the indications point more distinctly to the probability of an extra session of Congress. Immediately following the 4th of March, an extra session is contrary to the wish of all who must be in attendance, every one of whom may be assumed to have made plans which their compulsory presence in Washington would disarrange. But the public business must be done. If the conditions in the Philippines require the speedy establishment of a civil government, it would be a national disaster to keep them languishing in suspense until next winter. If, therefore, Congress is unwilling to intrust that duty to the President by the passage of the Spooner bill an extra session is imperative.

New York Evening Post.

The talk at Washington about an extra session of Congress in order to legislate on the Philippine question is probably put about by the ship-subsidy people, who have despaired of passing their bill at the present session. There is no least chance that Congress will pass any law on the subject of the Philippines, either at this session or any other, while the decision of the Supreme Court on the various colonial questions is pending. Nor will the President take any step or form any opinion in reference to an extra session during that interval.

Boston Herald.

It is interesting to recall some of the instances of bad luck that have attended extra sessions of Congress. One of the most notable of these was in the year 1841. The Whigs, when the Congress that then met was chosen, had won a phenomenal sweeping victory. They had carried every State in the Union but six. They could not wait for the regular session of Congress to put their policy upon the country. They went into the extra session in the full flush of their triumph. They came out of it broken, divided, dispirited, and in the next year all that they had gained in 1840 was lost to them, and they were once more in a minority in the land.

Milwaukee Wisconsin.

The report comes from Washington that the country is to be afflicted with an extra session of Congress. We trust not as an extra session is bad for the country, bad for the people and bad for everybody except the residents of Washington and the hangers-on and suckers upon the national treasury who flock to the capital to carry away plunder in some form. There is time enough to do all the work if Congress faithfully attends to its necessary business. The time spent in eulogistic humbuggery upon dead members of Congress is an abomination to all the people of the land. During the present short session days have been wasted in these funeral sermons. The marine subsidy bill can be voted upon, the Spooner Philippine bill can pass and all the appropriation bills become laws if the members attend to the business for which they are delegated.

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RECENT PUBLICATIONS.

The Living Age for February 2, opens with an article on "The Pekin Legations," by Sir Robert Hart. It throws much needed light upon the events that led to the national rising of the Chinese. There are a number of other valuable selections from the best that current literature offers.—Living Age Co., Boston.

"L'Esquime de Maintenon" is the subject of "Studies of Great Women," by Margaret Deland, in the current number of Harper's Bazar. "Posing as a Fine Art" by John W. Alexander, is a copiously illustrated article that attracts attention. Fashions, novelties, and news of women's clubs, and such topics are interestingly handled.—Harper and Bros., New York.

The World Almanac for 1901 is, as usual, an encyclopedia of useful knowledge, such as every intelligent reader will desire to have at hand for ready reference. The information given covers a multitude of subjects, and the data furnished are reliable. The World Almanac leads the long procession of similar publications, in all matters of national and international interest.—The World, New York.

Coiner's Weekly for February 2, is the 1,000 anniversary number of that publication, and it appears, consequently, in appropriate holiday attire. It is a beautiful holiday. Much space is given to articles relating to Queen Victoria and the new ruler of England, and there are many fine illustrations. The section is, as always, of a high class.—New York.

Burpee's Farm Annual for the current year is a notable publication of its class. It is a book of over 200 pages, beautifully illustrated with photographs and colored plates. Farmers and gardeners are sure to find in its pages much really useful information.—W. Atlee Burpee & Co., Philadelphia, Pa.

The popular picture of Frank Leslie's "The Progress of the World" is a reproduction of "The Surrender of Burgoyne," the second of Trumbull's historical paintings. This February issue is full of entertaining features. For those who love the water there is an article on the "Fishermen of the Great Lakes." For the lover of art there is a pleasant paper of reminiscences of Ridgway Knight, filled with beautiful illustrations. For those who prefer adventure, the "Sand Hogs of Caisson Sinking" will prove absorbing, and all who care for the study of human nature will read with keen interest the true history of "The Last of the Fighting Editors." The historians of our navy, Mr. John R. Spears, contributes a paper upon the "Mutiny on the Somers." Among great numbers of the American people, a love for the study of genealogy is steadily waxing. The subject is treated by Mr. Duncan Rose. The fiction in this number maintains a particularly high standard. Among all Mrs. McCulloch-Williams' stories we remember nothing more effective than "Martens' Culpeper Ways," a story of negro life, by William R. Lighton, forms a capital sequel to "The Case of Sam Weeks," which appeared in December. There is also a parable, entitled, "The Land"—41-17 Fifth Ave., New York.

"The Progress of the World" in the Review of Reviews for February includes in its survey of current history the passing of Queen Victoria and the coming to the throne of a new king of England, the return of Lord Roberts to England, Lord Kitchener's campaign in pursuit of Dewet, the Prussian bicentenary celebrations, the great debate in the French parliament on the regulation of the religious orders, the negotiations in China, Congressional reapportionment in the United States, the January elections of United States senators, the ship subsidy and river and harbor bills, army reorganization, the West Point overhauling, the disposition of the French rights off the shores of Newfoundland, our negotiations with Denmark for the Danish West Indies, and the arguments in the Supreme court on Porto Rican citizenship. Appropos of the twentieth anniversary of the Christian Endeavor Society, Mr. Amos R. Wells, of the Christian Endeavor World, summarizes the wonderful progress of that movement. In connection with a brief discussion of the question of Japanese immigration, the editor publishes a personal letter of an eminent Japanese scholar, Mr. Mitokuri, to President David Starr Jordan of Stanford University, on the relations between the two countries.—New York.

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