

DESERET EVENING NEWS

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Salt Lake City, Utah.

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SALT LAKE CITY, - FEB. 13, 1907.

SENATOR BERRY'S EFFORT.

Senator Berry of Arkansas, addressing the Senate in favor of the exclusion of Senator Smoot, took the view that the Senate has constitutional authority to exclude any senator by a majority vote. He sustained this proposition by further contending that the Senate undoubtedly has the right to protect itself against criminals, or against those who would disturb or interfere with its proceedings. Would, he asked, anyone maintain that the Senate cannot exclude a man exhibiting symptoms of insanity?

Now, admitting for the sake of argument, that the Senate has the authority to exclude, by a majority vote, criminals, disturbers of the peace of the Senate, lunatics and similar characters, what possible bearing can that have on the case of Senator Reed Smoot, whose character, as even his enemies admit, is without stain, as far as human vision goes? The Senator from Arkansas is said to have cited the case of Thomas of Maryland, who was refused a seat in the Senate, because he had committed acts prior to his election, disqualifying him for the place. But how does that effect the case of Mr. Smoot, who has not even been accused of having committed any such act, except by a perjurer? He also quoted the case of Whittemore, a member of Congress from South Carolina, who was found guilty of some act of dishonesty. In the debate in the House upon his case it was argued that, we cannot say that a member elected shall be of certain politics or of a certain religion, but we can say that "he shall not be a man of infamous character?" Again, how does that apply to a Senator whose character will not suffer from comparison with that of the Senator from Arkansas, or any other member of either division of Congress?

Senator Berry's argument is self-destructive. It does not prove that the Senate can exclude ANYONE by a majority vote. If it has the force of an argument at all, it merely proves by precedents that either house of Congress can exercise the power of excluding CRIMINALS, but that is a question entirely foreign to the present case. If Senator Berry's contention is true, the Senate can deprive any state of full representation, because the objectionable senator happens to be a "Mormon," or a Catholic, or a Hebrew; or because he has red hair, or no hair; or for no cause at all. Surely, common sense forbids such interpretation of the Constitution.

In the case of a senator from Ohio who was accused of being associated with Aaron Burr in a conspiracy against the government, the investigating committee of which John Quincy Adams was chairman, laid down this governing principle:

"When the trust is elective it is not to be presumed that the constituent body will commit the deposit to the keeping of worthless characters. But when a man whom his fellow citizens have honored with their confidence on the pledge of his spotless reputation, has degraded himself by commission of infamous crimes, which become suddenly and unexpectedly revealed to the world, defective indeed would be that institution which should be impotent to discard from its bosom the contagion of such a member, which should have a remedy of amputation to apply until the poison had reached the heart."

If the Senate abides by this principle there will be no danger of committing any wrong against any of the members of that body. By excluding a senator on account of infamous crimes, the approval of the entire country will be earned. But this has no application to the present case.

In the case of another senator who was expelled for corresponding with Jefferson Davis, it was pointed out during the debate, that:

"The general rule and principle of law and of common sense is that whoever disqualifies a member of the Senate from the proper discharge of his duties, whatever it may be, is sufficient, and ought to be held sufficient, for his expulsion."

These quotations indicate sufficiently the principles that have in the past obtained in the disposition of such cases. The doctrine that the Senate can exclude anyone by a majority vote, seems to be new. If so it must have been formulated with special reference to the case of a Senator against whom no unworthy act can be even alleged.

The Associated Press report of Senator Berry's oration is rather brief, but it contains at least two glaring misquotations from the testimony of Senator Smoot. Mr. Berry, if correctly quoted, alleged that Mr. Smoot "admitted" that revelations to the early leaders of the Church not only permitted, but commanded, polygamy. Senator Smoot's testimony was the very opposite of this. It was as follows:

"Mr. Taylor. Was the law commanding polygamy a revelation from God?"

"Senator Smoot. I understand so."

"Mr. Taylor. It was just as such a revelation."

"Senator Smoot. Wait. Excuse me. I do not think there is any revelation commanding polygamy."

"Mr. Taylor. I mean the plural-marriage revelation."

"Senator Smoot. If you will say that the plural marriage or the revelation including plurality of wives."

"Mr. Taylor. I quote from the Doctrine and Covenants, which describes, as Doctor Talmage insisted in my remembering, a revelation on the eternity of the marriage covenants, including plurality of wives."

"Senator Smoot. That is right—including plurality of wives. I want to get it right, that is all."

"Mr. Taylor. That came directly from God?"

"Senator Smoot. I understand so. Mr. Taylor. When God commands, as you interpret it, it is equally a command whether it is to do one thing or another, is it?"

"Senator Smoot. I think so, but he did not command a man to go into polygamy or to practise it."

"Mr. Taylor. I understand."

"Senator Smoot. It was permissive and not mandatory."

Such was the testimony on that point by Senator Smoot. As is seen, it is directly contrary to that ascribed to him by the Senator from Arkansas. The same is true of another statement by the senator. He alleges that:

"Mr. Smoot also had said that members of the Mormon Church did receive revelations from God and that if such a revelation should come to him (Smoot) which was in conflict with the oath he had taken as senator he would leave the country before he would obey the senatorial oath and the Constitution of his country."

Here is the testimony of Senator Smoot on that point:

"Senator Overman. Then if you yourself got a revelation from heaven, I understand you would regard that as superior to the law of the land, and have to submit to it or leave the country?"

"Senator Smoot. That would be a revelation from God to me direct, and if I believed that it was from God, I would consider it compulsory on me to obey it, and, as I stated, Senator, if I lived in this country and that command of God was against the laws of my country I would move to some other country where I could obey that law."

Furthermore Senator Smoot testified that he considered it improbable that the Lord would give a revelation contrary to the laws of the land, since obedience to the laws is one of the fundamental principles of His Church. Here is the testimony:

"Senator Knox. If there should be a revelation now that commanded you to disobey the law of the land, that revelation would be in conflict with one of the fundamental principles of your religion?"

"Senator Smoot. It would."

"Senator Foraker. I understood you to say that rather than to undertake to obey such a revelation you would leave the country and go where the law of the land would permit obedience to the revelation?"

"Senator Smoot. Yes; if God had given it to me himself, then I would, because I would feel that I was under direct obligation to my Maker to carry out what He revealed directly to me, and if I could not do it in this country I would go to some other country where I could."

Senator Smoot, it will be seen, did not say that he would rather leave the country than to obey the senatorial oath and the Constitution of his country. What he did say was that, if his choice were between a divine revelation and the laws of the land, he would rather leave the country than to break the laws. That is just what the Pilgrims did who came to this country to worship according to the dictates of their consciences. We hope the Pilgrim fathers were not by so doing disqualified for a seat in the United States Senate.

What induced Senator Berry to misquote Senator Smoot, although the record is available, is not for us to say. He assured the Senate that he was not prejudiced. Then he put words into the mouth of his colleague which he never uttered. He referred to the Senate proceedings in the past against "criminals," as if Senator Smoot was one of them. He alluded to a deplorable incident of the history of Utah, that took place before Senator Smoot was born, as if he could be held responsible for that. Taken all in all, the effort is a pitiful appeal to the prejudices of a certain class of anti-"Mormons."

RUSH LEGISLATION.

The rush of bills in the lower branch of the Legislature is something unprecedented in the history of Utah law-making. Yesterday eighty-two protective measures were introduced and referred to committees. The question will at once arise, what is going to be done with them? It is hardly probable or possible that a majority of the members will give them support.

The Legislature has started on the last half of its sixty days' session, this limit of the period fixed by law, in which it can sit. In the House two hundred and fifty-seven bills have been introduced. Six have been passed and a few have been killed. The remainder are to be disposed of. Plainly, undeniably, there is a mountain of work before the statute makers, particularly in this branch. One of its first duties is to get prompt action on the measures in the hands of committees, and which are reposing in pigeon holes. It would be a good and entirely proper thing to fix a date in the House for the slaughter of useless and unnecessary bills. No one will believe for a moment that it should enact into law all those now before it. Let the slaughter day be named, and the tables cleared for work upon the few really important bills that are to be dealt with. From this time forth it should be a case of hard and serious work until adjournment shall come. Unless that be done, haste, confusion and hilly considered legislation will surely follow and the governor of the state be overwhelmed with measures it will be physically impossible for him to intelligently pass upon in so brief a time.

"AMERICANS" GAVE NO HELP.

Ordinarily it takes something much stronger than party to influence the "American" party organ. But of late it has been visibly affected by the waters of the Big Cottonwood conduit, as shown by its inconsistent and hiccoughed utterances upon that subject. The fact that Mayor Thompson, an executive of its own selection, stands up in the face of a large gathering of officials and prominent citizens, and introduces Former Mayor Morris, "as the man who made the building of the conduit possible" in no wise deters it from attempting to place the credit for that great undertaking where it does not, and never can, belong.

It is a matter of common knowledge that Morris never received the support of a single "American" member of the council in any of the long and difficult negotiations or transactions associated with the project. On the contrary they fought the proposition, alone, in pairs and all together. The help and the votes came from the Democratic and Republican members of that body. But for them the solution of the water scarcity problem would have been a task for future settlement and not a matter of recorded accomplishment as it now is. And particularly did they oppose, organ, claque and all, the purchase of the East Jordan Canal company's stock, one-fifth of its entire holdings. The sum paid was \$40,000. That water is to be used for additional exchange with the farmers, to whom it is now leased at rentals that aggregate something like 10 per cent in earnings to the city. It was one of the wisest moves of the whole conduit enterprise, and yet the "American" organ and councilmen charged all sorts of ulterior motives. Besides the price was very reasonable, and today the value of the stock is placed far in excess of what it cost. If the morning Knecker has any doubt of the correctness of this statement, let it ask Mayor Thompson, and it will secure information from him that in the dishonesty of its policy it dare not and will not publish.

This morning the same shameful sheet contends that the conduit comes to the people of Salt Lake City as a result of "American" party progress. That statement is so bald and maliciously untrue that the "News" once more declares and stands ready to prove what the whole community knows to be a fact: That the "American" councilmen persistently and continuously blocked the enterprise; that the organ incoherently, but nevertheless, in season and out, misrepresented its purpose and sought its defeat. All that was done in face of the fact that it was the biggest and best individual improvement in the later growth of the city. There was no cessation of knocking or defamation. Finally when the bonds were issued and held to be legal by the courts, when the exchange of water with the farmers was made, rights purchased, contracts let and a great proportion of the work done, the "American" party came into complete control of the city government, and in spite of what it had attempted, was COMPELLED TO FINISH THE CONDUIT or plunge the city into interminable litigation. All the plans of the previous administration's engineers were followed, and the work finished on the lines laid down by them.

Again the Deseret News says, No, gentlemen of the "American" party, you are in no wise entitled to the credit for the building of the Big Cottonwood conduit. Your officials were its opponents throughout and only did what the law said they had to do.

Combination cars are a different thing from merger cars.

"Exaggerated ego" seems to be a bad case of swell head.

The winter being so spring-like will the spring be winter-like?

In the manufacture of infernal machines Russia leads the world.

If kissing spreads disease, as doctors say, some girls are regular epidemics.

It looks as though the commons did not intend to let the lords lord it over them.

The President is charged with exceeding his powers. Doesn't the United States exceed most of the other powers?

The San Francisco school board, according to Mayor Schmitz, has made a school for scandal of the Japanese school question.

In the speech from the throne the King rather patted Governor Sweetenham on the back. He could do no less publicly.

The Sultan of Morocco is giving Raisul absent treatment, but he would be glad to substitute present treatment for it.

In her bill for divorce a Cleveland woman claims that her husband has been drunk every night for thirteen years. Unlucky number!

The members of the companies of the Twenty-fifth infantry that were discharged will not admit that black sheep dwell in every flock.

The Chicago city council has passed the franchise ordinances over Mayor Dunne's veto. If it were Dunne it were well if it were Dunne quickly.

The Progress company has brought injunction proceedings to stop the flow of water through the Big Cottonwood conduit. This is anti-progress, not progress.

Summed up, Dr. Evans' characterization of Thaw's condition when he saw him that his eye was in a fine frenzy rolling, that he was fierce as ten furies, terrible as inferno.

An ex-sergeant of company B, Twenty-fifth infantry, testifies that the Brownsville shoot-up the shots came from the town. While people may doubt this, they cannot say that it is a white lie.

Boiled down, Senator Berry's argument against allowing Senator Smoot to hold his seat is that the Utah Senator is a member of the Mormon Church. It can hardly be termed a broad and statesmanlike view.

"The people of California do not give a rap about the school question, but they are opposed to the admission of Japanese coolies into this country," says Mayor Schmitz of San Francisco. If that is true, they have made much ado about nothing, and deserve nothing but contempt. If his honor represents them correctly, they have been guilty of a most gigantic piece of demagogism.

EARLY NORTHWEST VOYAGES.

Century.

Beginning with the American discoveries of John Cabot in 1497, the search for the northwest passage was for many years the object of rival expeditions from Denmark, England, France and Portugal. It was Frobenius, however, who, in 1576-78, first gave a distinct national character to the quest. John Davis, of Davis strait, followed in three voyages, 1585-88, and then, in 1612, came the illustrious and hapless Henry Hudson, whose motto was that explorers should "achieve what they had undertaken."

or else give reasons wherefore it will not be." The search from the Atlantic side closed for two centuries with the voyage of a great seaman, William Baffin, who, in a tiny boat of fifty-five tons, with a miserable equipment, but an undaunted heart, attained, in 1616, the highest north in the western hemisphere, 77 degrees 45 minutes N., and discovered three radiating sounds, Jones, Smith and Lancaster, the last being the entrance to the long-sought passage.

NO SPECIAL RATES FOR TROOPS.

Army and Navy Journal.

The refusal of the Union Pacific and the Northwestern railway companies to make any special rates for troops and equipment passing over their lines en route to or from the Philippines is entirely justified by the new law forbidding discriminations in freight or passenger rates on roads engaged in interstate traffic. It will doubtless cause some embarrassment, which is already obliged to practise the strictest economy in disbursements for transportation, but as a matter of business policy it is not open to criticism. If the government should seek or accept favors in the way of special rates from carrying companies, its example might easily persuade individuals to do the same, secretly or otherwise. In such things the principle of special privileges should apply to the government as well as to individuals.

THE REALM OF THE AIR.

Philadelphia Public Ledger.

Blackstone tersely says that "land hath in its legal significance an indefinite extent upward as well as downward. The title of the landholder extends to the center of the earth and to the zenith. The sovereignty of a nation is similarly extended, and it appears that the assertion of national jurisdiction over the upper regions is becoming a matter of some importance in view of the recent development of aerial navigation. The Netherlands parliament has been considering a curious bill which, if passed, will forbid any airship from landing on the territory of the low countries under a heavy penalty. An amusing feature of the bill is the provision that any airship maneuvering over Holland must instantly comply with the signals made to it from below and come down, in order that the pilot may be punished. If the trespassing aerial navigators are imprudent enough to descend somewhere else in that country, the sentence will be greatly increased.

JUST FOR FUN.

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The Little Boy—Oh, yes'm; I've got a home.

"And loving parents?"

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"I'm afraid you do not know what love really is. Do your parents look after your moral welfare?"

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"Will you ask your mother to come and hear me talk on 'When Does a Mother's Duty to Her Child Begin?' next Saturday afternoon, at 3 o'clock, at Lyceum hall?"

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Tourist—Are we not near the Falls?

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