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SALT LAKE CITY, JULY 31, 1903.

THE POLL TAX CONTROVERSY.

Our friends in this city who have paid or worked out their poll taxes, under the provisions of a city ordinance which has been judicially declared invalid, should not become excited over the alleged unlawful enforcement of the law, nor imagine, as suggested by some enthusiasts, that they can recover from the city the amounts they have paid in cash or labor. Apart from the trouble and expense of litigation over the small amount involved in each case, is the obstacle that they did not pay under protest, and so their cause has lapsed and they are not likely to succeed in a suit-at-law.

There is another consideration: While the chief point in the demand, entered by the defendant in the suit of the city to compel payment of poll-tax and which was sustained by the city court, affects the validity of the city ordinance, and so applies to the general question of the right of the city to levy and collect such a tax from anybody, there are two more judicial questions to come, namely, of the District court and the Supreme court to which an appeal can be taken if necessary. So, people who have settled their poll-tax had better not rush in a hurry to try and recover their little three dollars apiece.

There is still a question to be decided in the case under consideration. The City Council, as long ago as April 6, 1886, passed an ordinance requiring two days work or three dollars apiece, as an "annual poll-tax" upon every man in the city over twenty-one and under fifty years of age, who was not physically incapacitated to work." This was done under the provisions of the general polltax law of March 11, 1886, which required this tax of all such persons, and gave authority to towns and cities to collect it, "under such regulations as may be by ordinance provided." The power of the city to pass the ordinance and collect the poll-tax was therefore clearly conferred by the Legislature. Let this be carefully borne in mind.

When the statutes of Utah were revised in 1898, the laws respecting the powers of the cities under their respective charters were compiled, and a repealing clause embodying the provisions of sections 1720 and 1721 of the laws of 1886, appeared as Section 311. It is now argued and so ruled upon by Judge Tanner, that under that section, authority to collect a polltax was taken from this city under the ordinance to which we have referred, because the power to levy and collect such a tax is not included in Title 10 of the Revised Statutes, which is in the nature of a new charter to cities and towns, and which repeals "all the special charters of all cities and towns in this State and all amendments thereto." The decision amounts, then, to this: The city ordinance which has been in force since 1886, and appears anew in the ordinances of 1892, has been invalid since the passage of the Revised Statutes of 1898, because of the repealing clause which we have cited.

But a little close investigation will show that the City Council, in passing the polltax ordinance, did not proceed under any special or general charter repealed in 1898, but under the power given by the general polltax law of 1886, which is included in the Revised Statutes of 1898 and is still in force as Section 1743, and provides that:

"Within incorporated cities or towns sold polltax may be collected and expended under such regulations as may be by ordinance provided."

It is evident that the fact has been overlooked, that the City Council in passing the polltax ordinance did not act under any "special charter," for that only gave the power to impose one day's labor or one dollar and a half cash on each person liable, while the statute we have quoted permits the levy and collection of twice that amount, and that is what the city ordinance has imposed.

It is not surprising, considering his record, that the City Attorney blundered in making the misjoinder of parties plaintiff in the suit before the court, but it is strange that neither the lawyers nor the court perceived the important point to which we have here drawn attention.

No one contends, we understand, that the City Council has not the power, now, under Section 1743 of the Revised Statutes of 1898 to pass an ordinance requiring a two-days' polltax. Well, then, that power has existed from the time the law was passed, which was March 11, 1886, and was acted upon by the council on April 6 of that year and therefore the polltax ordinance, not being passed under any special city charter but under a statute that has not been repealed, must be as good today as ever, and as valid as a new ordinance would be if passed now under the same statute.

The repealing section of the city charter also has a proviso which is of some importance, viewed in the light of the law that we have cited. It is this:

"The ordinances and resolutions now

in force in any city or town shall continue in full force and effect until repealed 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."

Apart from the reasons we have given there is quite an opening for an argument as to whether the ordinance in question is really in conflict with the provisions of Title 10. But seeing that it was not passed under any charter repealed by that title its validity under section 1743 seems to be fully established.

We are not in favor of a poll-tax at all. It is a relic of early provincial times. The roads and streets and highways should in our opinion be made and kept in repair out of general taxes for the purpose. A poll-tax is unfair and partial and imposes on a few individuals' work for the benefit of the entire public. It ought to be abolished. But it is now required by law and that should be complied with while it remains upon our statutes and ordinances.

A NATIONAL DISEASE.

Not long ago, Professor James, of Harvard, took occasion to express his views on lynching. Briefly stated, it is that such outbreaks of lawlessness mark a distinct line from civilization. That is a sad commentary on our own brand of it, but who can deny the truth of that statement? The civilized world has so long been unconcerned spectators to American massacres, and other atrocities committed at its very threshold, that it is no wonder the contagion has spread. When the filth is permitted to accumulate around a house, disease will soon enter it. And that is the case with the civilized world. As the professor puts it, the lynching madness is no transient contagion, but "a profound social disease, spreading now like a forest fire and certain to become permanently endemic in every corner of our country, unless heroic remedies are swiftly adopted to check it." The professor predicted, three years ago, that sooner or later there would be civil war between the races, and he now says "there is nothing now in sight to check the spread of an epidemic far more virulent than the cholera."

Professor James is right in his estimate of human nature, when he states that only the greatest pressure can keep the beast within from breaking out. He justly observes that "the average church-going citizen realizes, one may say, absolutely nothing of the deeper currents of human nature, or of the aboriginal capacity for murderous excitement which lies sleeping even in his own bosom. Religion, custom, law and education have been filling their pressure upon him for centuries, mainly with the one intent that his homicidal potentials should be kept under."

But the watertight compartment in which the "civilized" within us is confined is artificial and not organic. It will never be organic. The slightest diminution of external pressure, the slightest loophole of licensed exception, will make the whole system leaky, and murder will again grow rampant.

Perhaps the truth of these observations was never better illustrated than in the case of the Danville mob murder, last week. Danville is a civilized city of 15,000 people, having schools, churches, and newspapers. But suddenly, as if the entire community had become possessed by demons, all law and order were overturned. A negro had committed a crime. The officers had him, and justice would certainly have been meted out to him. But the mob gathered, crying for vengeance. Murder was committed on the way to the jail. The prison was then attacked and a courageous sheriff fought off the miscreants; the latter rushed off to glut their fury on another negro, who was lynched with every circumstance of atrocity; the militia was called out, and Danville was saved by military rule from being sacked by its own citizens. And while these horrors are taking place in the north, two simultaneous lynchings occur in the south—one of them of a woman, the other of "the wrong negro"—and another lynching is threatened and barely averted in Pennsylvania. And so it goes. It certainly looks as if the observation of Prof. James was true, that we are passing through an epidemic of lawlessness.

It is something to study this loathsome disease philosophically, and another to suggest a proper treatment. And there is but one. Officers of the law everywhere must do their duty, and be held to strict account, if they fail to do it. Lynchers should be shot down, as wild beasts. If they refuse to listen to reason, and disperse. And all who aid and abet in the bloody work should be found by the law, and treated as they deserve. A sacred duty is incumbent upon every law-abiding citizen, to use his influence to bring about a more rational sentiment among the people everywhere on this question. The statement that lynching is but a manifestation of an uncontrollable craving for justice, is false as the dark pit where it first originated. Lynching represents nothing but the bloodthirsty instinct, against which civilization has slowly and laboriously raised a barrier of law and courts. The idea of the spirit that prompts mob murders is, to break down these barriers, to let in again the flood of barbarism which means destruction and ruin, intellectual as well as moral.

THE ZIONIST CONGRESS.

On the 23rd day of August the Zionists will hold their 6th annual congress in Basle. It is expected that 400 delegates will be present, representing almost every country on the earth. And they will deliberate upon the subject of a home for the oppressed children of Judah. Herzl will be there, and Zangwill, and Gotthelf and many other distinguished leaders.

But what makes this congress of overwhelming importance, is the fact that it is expected at this gathering, that plans will be presented and discussed, of a most practical character. The tragedy of Kishinev, and the refusal of the Czar to listen to a respectful prayer for protection, have centered the interest of Jews all over the world

in such plans, because it is apparent that outside of Zionism there is no salvation. And Mr. Herzl has promised his followers that something practical will be offered to them. To the annual convention of American Zionists held a short time ago in Pittsburgh, he sent this message:

"The situation of our Russian brethren is very serious, and calls for our most earnest attention. A great emigration movement from Russia is to be expected. We shall bring to the Basle congress a program which, we believe, will help our people."

In a letter to American friends, he also says:

"The actions committee is fully conscious of the serious import of the situation and of the greatness of their duties. After having worked unceasingly for the preparation of our program the committee will bring its plans before the congress. These proposals will be open for discussion in Basle. The sixth congress will surely express itself for the continuous progress of the movement. We already know that new groups of Zionists have been formed in South Africa, Algeria, Morocco, Tunis, South America, India and Australia. We also expect for the first time delegates from Greece, Morocco and India."

What the plan that is to be presented is, does not seem to be generally known, but there is some talk of negotiations with the English government for the purchase of a large stretch of land in Egypt adjacent to Palestine. The result of these negotiations will be heard at Basle. In some quarters it is believed that the purchase has already been made. This may be a good preliminary to the colonizing of Palestine. Possibly the road to the land of promise again goes over Egypt.

Not only Jews, but others who believe in the final restoration of the nation, will watch the Basle congress with intense interest. For the hope of that nation—Israel and Judah—is the hope of the world.

COLOMBIAN PATRIOTISM.

Report now has it that the Colombian congress is about to ratify the Canal treaty, with an amendment which raises the sum this country has to pay, from \$10,000,000 to \$25,000,000. Hitherto the question with the Colombian patriots has been the impossibility of alienating Colombian territory, but it now turns out that a few million dollars will settle the patriotic difficulties. The question of money has been thoroughly considered in this country, and \$10,000,000 has been thought fair. It is not probable that another fifteen millions will be added. The benefits to Colombia of this canal will be so great, that the country could afford to grant all necessary concessions gratuitously. The United States want that canal built, but not if it must submit to being swindled.

That uprising in Cuba is at most but a case of atavism.

"Ask and ye shall receive" was never written of the railways.

King Edward's tour of Ireland is drawing to an end—Land's End.

Mary Ellen Leese has turned spiritualist. In Kansas she once turned tables.

Kansas City's new directory indicates a population of 250,000. This is 2 utterly.

Just one more month for the summer girl, for September will take a fall out of her.

The President is going to sound the finances, presumably to see if they are sound.

It was an ill wind last night, but it blew some good, it being considerably cooler today.

The Washington Hookbinders' union has found that there is strength in Union as well as union in strength.

Mr. Roosevelt is a man of very broad views. The country never had a President who (brigadier) generalised as he does.

Boston negroes came near assaulting Booker T. Washington. Was it not in Boston that William Lloyd Garrison was once mobbed?

There are thirty-three brigadier-generals now. This indicates that we are becoming a nation of generals rather than of colonels.

The Furniture men's convention had more presiding officers than any other convention that was ever held. Each member was a chairman.

Latest reports from "Mother" Jones are that she is still at Sagamore Hill trying to find the latch string that doesn't always hang out.

Those who haven't paid their poll-tax are congratulating themselves while those who have are priding themselves on their good citizenship.

How those Missouri delegates must wish they were Missouri judges that they might impose five hundred dollar fines upon those who criticize them!

"A well-equipped eye sanitarium will soon be traveling through Egypt in a tent," says an exchange. The outfit is trespassing on Colonel Sellers' preserves.

A history of the Standard Oil company has been written. Professor Triggs of Mr. Rockefeller's University of Chicago doubtless regards it as standard literature.

The Central Labor Union of New York has officially decided that the jurisdiction of barbers over their patrons continues even after death. No government by injunction ever made such a claim as that.

To read of an uprising in Cuba sounds like the good old Spanish days when the Cubans used under the king. But this little uprising is born to bluish un- seen and waste its sweetness on the desert air.

The cardinals have visited the "cells"

they are to occupy during the convalescence and are not very enthusiastic over them. The object is to expedite the work of electing a pope, and the "cells" answer the same purpose that locking a jury up and giving them nothing to eat does.

The other day a lad was shot with a .22 rifle by his companion, who was out shooting at sparrows. It was a very distressing and regrettable accident that easily might have been avoided, that is by the boy's parents forbidding him to shoot birds in the city. It is a bad practice, too frequently indulged in by boys, and is in direct violation of the city ordinances. The .22 rifle is only less deadly than the .207 pistol.

CASSIUS M. CLAY.

Portland Oregonian.

Hon. Cassius M. Clay and Pope Leo XIII were born in the same year (1806) and within a few months of each other. The difference in the retention of mental and physical vigor by different men is shown in the conditions in which these two men passed the later years of their long lives. Temperament, environment and occupation were the ruling forces of these lives. Both were men of superior intelligence, both were active in life as these came to the lot of each, and both were honored in walking the ways of men. The serenity of Leo was that of a scholar, an ecclesiastic, a recluse, a man to whom honors came, the unrest of Clay was that of a man of pronounced physical as well as intellectual vigor, worldly care and aspirations, a politician and statesman accustomed to contend stoutly for what he held in the battle of life. The one passed serenely out, though with a conserved vital force that protested against death until the last; the other passed out stormily, fighting to the end, his mind in and eclipse.

Kansas City Star.

Cassius M. Clay, who died yesterday at the advanced age of 93, was, in his prime, a figure of notable consequence. The last years of his life were given over to eccentricities that denoted a lack of mental responsibility, due, perhaps, to senility and a naturally erratic nature. But Cassius M. Clay made a place for himself in Kentucky history, and his part in national politics, including two separate assignments as minister to Russia, gave him general prominence. Clay was a conspicuous type of those few hardy Southerners who stood out against the almost unanimous sentiment of the South on the slavery question. His pugnacity, and the abundant cause that prompted it, to action, made him a veritable crusader in the cause of abolition. His daring in attempting to publish an anti-slavery paper in Kentucky, and in going on the stump for his cause, betokened both courage and recklessness. The strange thing about the history of Cassius M. Clay is that one who took so many chances should have lived far beyond the average allotment of life.

Boston Transcript.

To the present generation he had become but a name long before he died. His last years passed in a sort of eclipse, and the public heard of him from time to time, as an eccentric grown senile, but he was ever the same man, capable of fighting at the slightest provocation and equally capable of administering a rare picture or enjoying a rare book. He has passed away at the great age of ninety-three, and his years have constituted to many his sole claim on their interest. We may add that the lives of Cassius Clay and his father, General Green Clay, spanned 146 years, and that the latter was born a British subject before George III came to the throne.

Boston Herald.

The generation now on the stage, certainly the younger part of it, knows little of what Cassius M. Clay was in his strenuous manhood. From 1840 to 1870 he was one of the most talked-of men in the United States, and in evidence most of the time. A typical product of Kentucky and its school of idealism, he had been reared in the ideal of social life and personal responsibility for his opinions that were in favor there. He was rich, educated, handsome, eloquent, and there is little doubt that he had been reared in the ideal of social life and personal responsibility for his opinions that were in favor there. He was rich, educated, handsome, eloquent, and there is little doubt that he had been reared in the ideal of social life and personal responsibility for his opinions that were in favor there.

New York Mail and Express.

A melancholy end to a stormy, undisciplined life is the demise of Cassius Marcellus Clay. His career was one of unrelenting impulse, of convictions obstinately perverse to his adversary and resolutions, of argument backed with shotguns, of bloody encounters, of impossible diplomacy, of passion that degenerated into senile extravagance, and finally into mental incapacity. Henry Watterson describes Clay as a giant and as a lion. He was a giant who never directed his own strength, a lion who lashed his power into the service of a mad idea. Yet throughout his fretted years there runs a strain of great heartiness and of lovable quality that made men condone his eccentricities.

A NEW NEURONAZER.

New York Commercial Advertiser.

Dr. Edward Stanton, a character of Kokomo, Ind., for 60 years, died recently, aged 80 years. Years ago Stanton lost his practice and fortune, and it affected his mind. Since then he had inclosed himself in an ox, and grass and hay was his principal diet. He walked on all fours in the pasture of the county farm, grazing constantly with the cattle, horses and sheep. He almost lost his power of speech, and of late years his conversation consisted of guttural sounds, resembling those of an animal. He died suddenly, with mouth and stomach filled with grass. It is thought poisonous herbs killed him.

SALT LAKE BEACH.

Salt Lake & Los Angeles Ry.

DANCING.

Afternoon and Evening.

SACRED CONCERT SUNDAY.

Aug. 2—Primary Associations of the Salt Lake Stake.

RAFTS A GREAT SUCCESS.

TAKE YOU OUT TO DEEP WATER FREE OF CHARGE.

TIME CARD.

Leave Salt Lake: Arrive Salt Lake:

No. 2 1:20 a.m. No. 1 1:30 p.m.

No. 4 2:20 p.m. No. 3 2:35 p.m.

No. 6 3:20 p.m. No. 5 3:35 p.m.

No. 8 4:20 p.m. No. 7 4:35 p.m.

No. 10 5:20 p.m. No. 9 5:35 p.m.

"Sunday's" last train leaves Salt Lake at 9 p.m.

Trains from Salt Lake and 4th West Streets.

ROUND TRIP, 25c.

J. E. LANGFORD, Mgr.

GRAND THEATRE.

JONES & HAMMER, Mgrs.

MONDAY EVE, AUG. 3.

BOXING CONTEST.

JERRY MCCARTHY

VS.

CHICAGO JACK DALY.

20-ROUNDS-20

ROY CONDIE

VS.

TOMMY MARKHAM.

10-ROUNDS-10

PRICES \$1.00, \$1.50, \$2.00. STAGE \$2.50

Suits on sale at the box office.

SALT PALACE.

LOOP THE LOOP

Here on the 29th.

8:15 and 10:15 p.m.

Matinee Thursday, Saturday and Sunday at 4:15.

Twenty-two thousand people saw "Dutch" Ruel make the perilous ride on opening day.

BICYCLE RACES.

TUESDAYS AND FRIDAYS.

New

Programme in Theatre This Week.

DANCING EVERY NIGHT.

CALDER'S.

FREE

VAUDEVILLE

ALL WEEK.

5:30 and 8:30 p.m.

Watch for Cummings Blindfold Drive, Thursday noon, corner 2nd South and Main.

FRIDAY,

SWEDISH

BROTHERHOOD DAY.

In honor of the Birth and 100th anniversary of John Erickson, the Inventor of the Battleship Monitor.

Races, Rowing and Running.

Excellent Musical Program.

Prizes for Everything and Everybody.

PROFESSOR

WAYNE ABBOTT

Balloon ascension and Parachute Jump at 4:30.

EVERYTHING FREE.

It's a penny a mile, and five miles to

CALDER'S.

Beware of

A Fruit Diet

In hot weather, corn meal dainties, made from the new process corn meal.

"MAIZENE"

Is just the thing for hot weather. It can be prepared on short notice in a one hundred different ways and helps to brace you up for manual as well as mental labor.

RAY & SONS, Wholesalers.

9-11-13 South Third West, Tel. 817.

Pride of Colorado, High Patent.

The coal for your winter's use can be put in in September to good advantage to you and to us.

BAMBERGER

The Man on Neighn Street

A Sightless Mummy

Can not be effectually benefited by glasses—He's too far gone.

At the first sign of eye trouble seek an Optician, and have your eyes scientifically examined.

KNICKERBOCKER, O.D.

Examination Free.

259 MAIN STREET.

Ladies' Suits

\$10.00

\$20.00, \$25.00, \$30.00 and up to \$45.00 Suits for

\$10.00

The Biggest Bargain EVER OFFERED

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 extraordinary 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.

Z. C. M. I. Utah's Greatest Department Store.

LAGOON.

If you want to find the chilliest proposition in town come to our store and look at the soda fountain.

Schramm's