

DESERET EVENING NEWS

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SALT LAKE CITY, - SEPT. 25, 1903.

GENERAL CONFERENCE.

The Seventy-fourth semi-annual
conference of the Church of Jesus
Christ of Latter-day Saints, will com-
mence on Sunday, Oct. 4, 1903, in the
Tabernacle, Salt Lake City. A general
attendance of the officers and members
of the Church is invited and desired.JOSEPH F. SMITH,
JOHN R. WINDER,
ANTHONY H. LUND,
First Presidency.

CHANGE OF FAST DAY.

The last Sunday of this month, Sept.
27, will be observed as fastday in the
Salt Lake Stake of Zion, on account of
the General Conference occurring on
the first Sunday of October.ANGUS M. CANNON,
JOSEPH E. TAYLOR,
CHARLES W. PENROSE,
Stake Presidency.

SUNDAY SCHOOL CONFERENCE.

The general conference of the Deseret
Sunday School Union will be held at
the Tabernacle, Salt Lake City, Sunday
evening, October 4th, at 7:30 o'clock,
and the attendance of all officers and
teachers is desired. A general invita-
tion is extended to all Sunday school
workers and Saints to be present.JOSEPH F. SMITH,
GEORGE REYNOLDS,
JOS. M. TANNER,
General Superintendency.

RELIEF SOCIETY CONFERENCE.

The general semi-annual conference
of the Relief Society will be held in
the Salt Lake assembly hall in this
city, Saturday, Oct. 3, 1903, meetings
commencing at 10 a. m. and 2 p. m.
It is desired that each stake organiza-
tion should be represented by the pres-
ident or an authorized representative.
There will be an officers' meeting in
the evening in the same building at 7
p. m. sharp.BATHSHEBA W. SMITH,
President.
ANNIE TAYLOR HYDE,
First Counselor.
IDA SMOOT DUSENBERRY,
Second Counselor.

PRIMARY OFFICERS' MEETING.

All officers engaged in Primary work
are invited to attend the Primary off-
icers' meeting which will be held on
Monday, Oct. 5, at 4 p. m., in the L. D.
S. University Memorial building,
room 25.LOUIE B. FELT, President.
MAY ANDERSON, Secretary.

THE NATURALIZATION SCARE.

The sensation sought to be sprung on
our citizens in regard to invalid natu-
ralization seems likely to "die a bor-
ing." The assertion that the Utah
territorial courts had "no common law
jurisdiction" and therefore could not
naturalize aliens, and consequently many
hundreds of persons who had ob-
tained their "papers" from these courts,
and also their wives and children who
had supposed themselves naturalized by
virtue thereof, are threatened and have
voted for years illegally, is all stuff and
nonsense, founded on a big blunder and
promulgated for a big "bluff."As we have already explained in these
columns, the Supreme and District
courts of the Territory of Utah were
specially endowed with both chancery
and common law jurisdiction by the
Organic Act, which was approved
September 9, 1850. This provision was
subsequently made applicable to those
courts in all the Territories (see Sec.
1865 Revised Statutes, U. S.) By act of
Congress of April 7, 1874 proceedings of
courts in the Territories in which there
had been a mingling of chancery and
common law jurisdiction, under codes
and rules of practice adopted in said
Territories, were validated and con-
firmed. So much for the Supreme and
District courts of the Territory of Utah
under the laws of that Territory.Now as to the Probate courts. We
understand that the attempt to scare
some of the people of Utah as to their
right to vote was based, after all, on the
old, settled and almost forgotten dis-
pute as to the power of the Probate
courts in early Utah days to issue cer-
tificates of naturalization. The power
and authority of the Supreme and Dis-
trict courts to do so cannot be reason-
ably questioned. Under the act of the
Utah Legislature approved Feb. 4, 1852,
the jurisdiction of the several courts
provided for in the Organic Act, was de-
fined. Section 29 of that act says:
"The several Probate courts in their
respective counties, have power to ex-ercise original jurisdiction, both civil
and criminal, and as well in chancery as
in common law, when not prohibited by
legislative enactment; and they shall
be governed in all respects by the same
general rules and regulations as regards
practice as the District courts."Section 34 of the same act provides
that:
"The clerk of the Probate court shall
be the clerk of this [county] court, shall
keep his office at the county seat, and
shall attend himself, or deputy, all ses-
sions of the court, keep the records, pa-
pers and SEAL of the court. The office
of the County court is to be kept open
for business at all usual times."It was also provided that the Probate
courts should be considered in law as
always open, but the judges were re-
quired to hold regular terms in March,
June, September and December.
Now the United States laws as to the
naturalization of aliens require the
alien to make application under oath
"before a Circuit or District court of
the United States, or a Supreme or Dis-
trict court of the Territories, or a court
of record of any of the States having
common law jurisdiction and a seal and
clerk." The application of this to the
courts of the Territories is clear from
the third clause of Section 2165 Revised
Statutes U. S. requiring the court ad-
mitting the alien to be satisfied that
"he has resided within the United
States five years at least, and within
the State or Territory where such court
is at the time held one year at least."The Probate courts proceeded under
these provisions and under the United
States statute which defined the author-
ity of the courts having the right to
naturalize aliens as, "every court of re-
cord in any individual State having com-
mon law jurisdiction and a seal and
clerk or prothonotary; and further
that any alien who may have been nat-
uralized in any such court, shall en-
joy, from and after the passage of this
act, the same rights and privileges, as
if he had been naturalized in a District
or Circuit court of the United States."Further, the Organic Act provided
(Sec. 17):
"That the Constitution and all laws
of the United States are hereby extend-
ed over and declared to be in force in
said Territory of Utah, so far as the
same or any provision thereof, may be
applicable."As to the power of the Legislature in
defining the jurisdiction of the several
courts, including Probate courts, the
Organic Act says that jurisdiction shall
be "as limited by law," and that "the
legislative power of the Territory shall
extend to all rightful subjects of leg-
islation, consistent with the Constitu-
tion of the United States and the pro-
visions of this act."Although the Probate courts had been
endowed by the Legislature with chan-
cery and common law jurisdiction and
each had a clerk and seal as required
by the laws of Congress, the legality of
their proceedings was disputed in later
years and the controversy was contin-
ued until settled by United States
statute. By the act of June 23, 1874,
called the Poland law, much of the pow-
er given to the Probate courts was tak-
en from them and vested in the Dis-
trict courts, but this important provision
was made and which ought to settle the
matter:"All judgments and decrees hereto-
fore rendered by the Probate courts
which have been executed, and the time
to appeal from which has by the ex-
isting laws of said Territory expired,
are hereby validated and confirmed."In addition to that, it should be un-
derstood that all the laws of the Ter-
ritory were required by the Organic
Act to be submitted to Congress, and
if disapproved were to be "null and of
no effect." The laws conferring upon
the Probate courts civil and criminal
jurisdiction, including common law and
chancery powers, and placing them
under the same rules and regulations as
the District courts, were never dis-
approved by Congress and therefore all
their judgments and decrees were valid,
even if the Poland law had not con-
firmed them.Some dispute has arisen over the legal
meaning of the terms "judgments
and decrees." That the naturalization
of an alien partakes of both seems clear
to a layman who understands English.
But in Bouvier's Law Dictionary a de-
cree is defined as: "The judgment of
a court of equity." That we believe is
pretty good authority. Here, however,
is another citation bearing on the ques-
tion even more pertinently:"A judgment is a decision or sentence
of the law, given by a court of justice,
or other competent tribunal, as a re-
sult of proceedings instituted therein.
While usually the term 'judgment' de-
notes the determination of an action
by a court of law, yet, in a large sense,
it embraces the decision of any court,
including courts of equity, admiralty
and probate. But the judgment of a
court of equity or admiralty, as distin-
guished from the judgment of a court
of common law, is generally known
as a decree, and this term usually
applies to the judgment of a court of
probate."—17 Am. & Eng. Encyclopedia
of Law, p. 762.Since 1874 there have been no natu-
ralizations by our Probate courts. The
decrees of those courts issued previous-
ly were validated and confirmed by act
of Congress. But the Utah Commission
in the exercise of its arbitrary powers
in favor of the anti-Mormon crusade,
ruled during their reign that Probate
naturalizations were not legal, and so
a large number of our people went to
the District courts and were re-natural-
ized, in order to maintain their citizen-
ship and not be cheated out of their
right of suffrage. There are, then, very
few if any who depend on Probate
court naturalization for their citizen-
ship, and folks who imagine they can
make a point on that question will have
their labor for their pains. Raising
new these dead issues will not prove
remarkably profitable to those who en-
gage in the delectable work of disinter-
ment.

IRRIGATION TROUBLE.

A Washington scientist is quoted as
having predicted that there will be
trouble about irrigation, sooner or later.
He claims that "Genuinely arid coun-
ties are always 'ruined' sooner or
later by irrigation. Permanently suc-
cessful irrigation is possible, he says,
only in what we call humid or semi-
humid regions, where the drainage is
natural from the clouds to the sea."
The explanation offered for this state-
ment is somewhat as follows: "When
the water either of rainfall or from
irrigation, soaks down a few feet intothe surface soil and then slowly by
capillary action rises to the surface
and is evaporated, it lifts with it the
salts and there follows a gradual in-
crease of salts or alkali near the sur-
face." Speaking specially of New Mex-
ico and Arizona, it is asserted that the
irrigation water, which also contains al-
kali, would gradually increase the de-
posit of the salt near the surface and
thus prevent the land from becoming
fertile. It is argued that if through nat-
ural drainage the water could sink
through the soil to bedrock, and carry
the salt down to the sea, the case would
be different, and irrigation would be
successful.The Milwaukee Wisconsin seems to
take all this very seriously, and sounds
the following note of warning:"If there is anything fundamentally
harmful to the great irrigation move-
ment in the west it ought to be ex-
plained now, before the government has
entered upon the construction of dams
and waterways that will cost millions
of dollars. If there is any area in the
west or southwest that is not drained
naturally from the clouds to the sea, the
fact should be made known by the
surveyors and the possibilities of irri-
gation thoroughly discussed before ex-
pensive irrigation works are undertaken."People out here, when listening to
such arguments as those of the Wash-
ington scientist, can hardly help be-
ing reminded of the dire prophecies
that were made about the fate of the
first settlers of this region. They were
told that starvation would be their lot.
They were told that no grain could
grow here. The theories were, no doubt,
founded upon known facts, but the ex-
perience of the settlers was different
from the predictions made. Irrigation
is no longer an uncertain experiment.
It has already rendered an uninhabita-
ble region populous and prosperous.
It will continue this work, and as it is
progressing, the farmers will gain more
experience. New facts will be made
known, by which existing theories will
be upset. There can be no danger of
"ruining" an "absolutely arid" country,
by water. An "absolutely arid" coun-
try must be somewhat of a "ruin." Is it
probable that a scientist would use such
unscientific terms in discussing a sub-
ject of national importance?

THE RACE PROBLEM.

It would be folly to deny the fact that
the race problem is growing in impor-
tance in this country. It is about to
become the most stupendous issue con-
fronting the nation. The white people
are not growing more tolerant toward
the black. On the contrary. The lat-
ter are in many places denied the right
of franchise. They are not accorded
the rights of courts and trials, and they
are even refused the right to work for
a living, as became apparent during the
heated debate on that question in the
convention of electricians. What will
the race problem lead to? If the negro
is denied the right to live, he will most
assuredly "turn" against his persecut-
ers. Even the worm turns, when trod upon.Mr. John Temple Graves of Georgia
advocates a separation between the two
races, as the only safe solution of the
difficulty. He believes that such sepa-
ration could be effected by sending the
negroes to the Philippines or Africa, or
by concentrating them on the lands to
be developed by means of irrigation,
and which the experts have claimed, are
capable of supporting a population of
60 millions.This plan has been discussed before,
but it has always appeared to be im-
practical. One thing is certain. The
race problem is one that demands im-
mediate attention. Some solution should
be found to it. Even if it involves the
expenditure of large sums of money, in
the way of procuring means of trans-
portation, or lands, it should be done,
for that may prove cheaper after all.
And if there is no other effective way
of handling the problem, than by the
separation of the races, let them sepa-
rate in peace, and as friends.Judge Seels thinks that General
Chase should go chase himself.Will money make the mare Lou Dil-
lon, go to beat her own record?
/Edward VII's motto seems to be: Ev-
ery king his own cabinet maker.Were King Edward's views on the
royal prerogative "made in Germany?""What is liberty?" asks an exchange.
One of the things ever hoped for but
not always seen.Turkey and Bulgaria will do well to
note that Russia's latest note is of
the nota bene variety.It will yet be recognized that the ir-
rigation congress is among the great
water powers of the world.An ex-queen of the Sacramento car-
nival has brought suit for divorce. Too
much carnival, no doubt.The political pot is all ready to be
put on the fire and the olla podrida
is being prepared to put in it.The Berlin omnibus drivers have
struck for shorter hours. Omnibus pa-
trons should strike for more room.Someone must be driving the iron in
to the soul of the Steel trust to judge
by the way its shares are going down."What is meant by 'fanatics' in the
Philippine dispatches?" asks the
Springfield Republican. Irreconcilables.Booker T. Washington tells negro
ministers to give facts and not flattery.
Splendid advice, equally good for white
ministers.What more natural than that the
marble firms should give their em-
ployees the marble heart by locking
them out?Under Cheyenne there is said to be a
great lake. And under that there
may be another great lake, which is
not of water.Sam Parks is on top in the Bridge
Workers' convention and is crowing
justly. After awhile he may Sing Sing
a different tune.Miss Ruth Bryan is going to marry
a Mr. Leavitt. Yet she was always
deemed a serious young lady in no sense
given to Leavitt-y.Russia informs Turkey and Bulgaria
that they are free to do as theychoose, so long as they do as the pow-
ers tell them.Pride goes before a fall. Sam Parks
won at Kansas City, but he still has
to answer to four indictments in New
York.The Hearst Auditorium, presented to
the University of California, has been
formally dedicated. It must be a bird,
Aristophanes "The Birds" having been
presented.The new Macedonian reform scheme
contemplates allowing Turkey to give
Bulgaria a good thrashing. Will Rus-
sia and Austria then go and do like-
wise to Turkey?Many covert and insinuating attacks
are being made on the alignment of the
people on national political lines. Such
alignment is perfectly proper, (though
any citizen is as much at liberty not
to so align himself as to align him-
self) and those who are making these
attacks are doing so for sinister and
evil ends. Beware of them!

SPEAKING ABOUT TURKEY.

Chicago News.

It has been suggested that a way out
of the perplexities of the Balkan situ-
ation might be found by a common
agreement among the powers to effect
radical reforms in the administration
of the Balkan principalities and pro-
vide for the opening of the Dardanelles
free to the ships of all nations. A
new "buffer state" governed by Chris-
tians might thus be set up to replace
the obsolete Mohammedan despotism of
the Turk. The fact that no such solu-
tion of the problem seems at all prob-
able shows the hopelessness of trying
to get the powers to subordinate sel-
fish ambitions to the general welfare.

San Francisco Call.

As a citizen the Turk is bad, as a
neighbor he is troublesome and rude, as
a worker he is worthless and socially he
is vile, but for all that he is a first-
class fighting man. There are upwards
of 1,000,000 of him, drilled and armed
for war, commanded largely by Ger-
man officers and equipped with the
best weapons the gun factories of the
world can furnish. He has a large faith
in his religion and in the promises it
holds out to those who die fighting for
Islam against a heretic foe. Were
Europe to enter bravely upon the task
of expelling the unrepentable one there
would result a struggle that would be
even more unspicable. In the face of
such a foe Europe hesitates, and Eu-
rope is right. There are conditions of
evil that are much better cured by
time than by the sword, and as mat-
ters now stand around Constantinople
it would seem that to go slow is the
surest way of getting there without los-
ing one or both feet on the trip.

Springfield Republican.

If war comes, the military suprem-
acy of the Turk will probably be es-
tablished in Turkish territory without
a very severe struggle. A conquest of
Bulgaria would be more difficult, and
doubtless the concert of powers would
intervene before the Turks could over-
run that country or capture Sofia. The
Bulgarian army, however, may prove
much more powerful than the Greek
army. It is of considerable size, con-
sisting of 200,000 men, on a war footing,
and 42 pieces of artillery. The war
strength of Turkey is some 500,000 men
and about 1,900 guns.

St. Paul Globe.

It is strange that a people capable of
the remarkable things that have been
accomplished by the Turks in making
the worse appear the better reason
should allow this awful indictment that
has been framed in the happenings of
the last few years to stand without
refutation. The reports of Turkish atro-
cities are so circumstantial as to be
quite believable and it is possible that
the Moslem feels that he is making
his last stand in Europe. If this last
be true then the world may be pre-
pared for the most sanguinary war of
modern times, a war a France. But
the alliance of the Turk may yet be
broken. St. Petersburg dominates the
politics of Bulgaria; it inspires the
Macedonian. And St. Petersburg does
not move at the instance of the dic-
tates of humanity or Christianity as
we know it.

Portland Oregonian.

The present situation ought to be
solved by the expulsion of the Turkish
government from Europe, and the cre-
ation of a great confederacy of Balkan
states from the Gulf of Salonica to the
Black Sea. Albania is inhabited by a
race of robbers who are Mohammedan
in religion. Italy should be given Al-
bania, with the understanding that
these robbers were not expected to
change their religion; they would be
obliged to abandon their brigandage or
endure expatriation. The Albanians
should be treated as the British gov-
ernment, after the Jacobite rebellion of
1745, treated the Highland clans in
Scotland. They destroyed the tribal or
clan government. They forbade the
wearing of the distinctive Highland
dress, and they disarmed the most tur-
bulent clans. In other words, the High-
lander was henceforth governed by mu-
nicipal law and British statutes, and
not by the authority of his hereditary
chief. The Albanian, who is, like the
old-time Scotch Highlander, a moun-
taineer, fighter and brigand, needs the
same kind of stern discipline to fit him
for civilization. Turkey never dared
apply coercive measures to Albania,
but Italy would enjoy pacifying Al-
bania with a club.

Pueblo Chieftain.

It is of course possible that the pow-
ers have desired to put themselves tech-
nically in the right before proceeding
to the steps that are considered by
many shrewd observers to be inevita-
ble. Turkey cannot suppress rebellion
except by extermination, and the ex-
tension of Turkish massacres outside
of the present boundaries of Turkish
rule would be and ought to be a suf-
ficient excuse for intervention. Possibly
the powers are counting upon this, but
it hardly seems worth while to sacrifice
the lives of thousands of Christians in
Macedonia to a diplomatic technicality.SATURDAY
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DOUBLE TRADING STAMPS THIS WEEK.

"PRINTER'S INK"

The National Authority on Newspapers,
says in its issue of August 19th: "The
Semi-Weekly Deseret News has a higher
circulation rating than is accorded to any
other paper in Salt Lake City or in the State
of Utah."