DESERET EVENING NEWS.

DESERET NEWS PUBLISHING COMPANY, LESSEES.

Tuesday, - January 28, 1896.

The Deseret Evening News is published daily (Sundays excepted) at Deseret News Building, East Temple Street, Salt Lake City.

Time Edition at 5:30 p. m. Regular Edition at 8 o'clock.

The Deseret Semi-Weekly News is published on Tuesday and Friday of each week.

The Deseret Weekly is a magazine form paper issued every Saturday.

TERMS OF SUBSCRIPTION.

Daily 12 Months	$10.00
Daily 6 Months	5.00
Daily 3 Months	2.50
Daily 1 Month	90c
Daily by the Week	20c
Saturday Edition, 12 Months	2.00
Saturday Edition, 6 Months	1.00
Semi-Weekly 12 Months	3.00
Semi-Weekly 6 Months	1.50
Weekly 12 Months	2.00

Payments for Subscription always in advance.

Subscribers changing their place of residence should always give English as well as present address.

The News is on sale at the principal News Stands and on all passenger trains leaving the City after 9 p. m. daily.

City Subscribers will kindly notify P. T. Dudley, Editorial, of any irregularity in the delivery of their papers.

All communications should be addressed to

DESERET NEWS PUBLISHING CO.

Telephone 526.

LITTLE, BUT GOOD.

The above adjectives we deem to express the proper qualifications of all the law-making with which the Utah Legislature ought to busy itself for some years to come. In the transition from the Territory to the State, an extra amount of new legislation at the outset is made inevitable. But there is not nearly as much of this as some people imagine, certainly not as much as most legislators dream of. If our present statutes could be boiled down to half their present length—some of them stricken out altogether—there would be an increase in the law-abiding tendency, because more people would understand what the laws are. The Governor has already rendered great service in knocking out two or three needless or slipshod measures, and he may be expected to continue the scrutiny during the whole of the perilous time that the Legislature remains in session. But in the rush of business, and in the perfect flood of enactments which are threatened, it is impossible to expect that any one man will be able to detect and defeat every unnecessary and improper proposition. The lawmakers themselves must aid in the good work, by recognizing the duty not only to pass good laws but to prevent bad ones. A very little legislation, and that little to be of the best quality—this should be the program of those who desire the greatest welfare to the State and the highest measure of success to its officials.

THE TEMPLE LOT CASE.

Among the decisions rendered by the United States Supreme court yesterday, January 27, were two in which Utah people are directly interested. One was the case of William Gatland against the Bear River canal company, on appeal from the Utah Supreme court, in which Mr. Gatland's appeal was dismissed. The other involved the Temple lot in Jackson county, Missouri. In this case the organization called the Church of Christ, commonly known as the Hedrickite church, had possession of the Temple lot. The Reorganized Church of Jesus Christ of Latter-day Saints, generally known as the Josephite church, set up a claim to the property, alleging that the organization was the successor of the Church of which the Prophet Joseph Smith was President, and began suit to gain possession of the property. The Hedrickites contended that the Josephites were not the legal successors, and based their own title on purchases under tax sales and in various ways. The case was first heard before Judge Phillips, in the district court, Missouri, and he upheld the contention claims of the Reorganization. The case was taken up to the circuit court of appeals, Judge Caldwell presiding, and Judge Phillips's ruling was reversed as being contrary to the facts. Thus the "legal adjudication of succession," by which some persons seemed to place a great score, was set aside by the higher court as illegal.

From this decision of the circuit court of appeals the Reorganization dissented, and took steps to have it set aside. This was through an application for a rehearing, which was fully presented to the court. The proceedings and result are thus succinctly set forth in the following press dispatch:

ST. LOUIS, Dec. 16.—Several important opinions were handed down by the court of appeals at its sitting yesterday. One was of the Church of Christ, of Independence, Mo., et al., as appellants, vs the Reorganized Church of Jesus Christ of Latter-day Saints, appellees. The decision was adverse to the interests of the Reorganized church, on their petition for a rehearing was overruled. One of the most important points in the controversy was as to which faith (might the doctrine originally promulgated by Joseph Smith, and each assumed the other of being). The authenticity of polygamy, among other things, was argued at great length, and an elaborate attempt was made to show that such an institution was never authorized by the founders of Mormonism.

From this ruling the Reorganization appealed to the Supreme Court of the United States, by asking for a writ of certiorari. This review of the case, the decisions from Washington state, was denied by the Supreme court, which thus affirms Judge Caldwell's opinion, and gives the Temple lot to the Hedrickites. It is held by them through purchase, as stated, while to the question of succession raised to the controversy between the two parties (Mind) there is no legal decision is force, if any is to be implied upon this point from the whole proceedings in the case, it is adverse to the Reorganization rather than otherwise, but virtually the question is just where it was before the Temple lot suit was instituted.

THE VACANT JUDGESHIP.

It is urged, with a great deal of truthfulness and force, that the judiciary should be separated from and placed far above common party politics. The NEWS heartily endorses the idea, and has defended it many a time and oft. A new occasion for its consideration comes now in the voluntary retirement of Judge Hawat of this judicial district from the position to which the colleagues of the people elected him last November. That he is a Democrat and was nominated by a Democratic convention, is a well-known fact; but that he could not have been elected solely by Democratic votes is equally well known. His success at the polls was therefore the triumph of a majority who desired the success in judicial offices of the best fitted nominees, regardless of politics. Practically he was under obligation to hold the office as a non-partisan, a promise which he no doubt sincerely intended, and which his colleagues no doubt sincerely intend, to fulfill.

His resignation, therefore, seems to make necessary the selection of a non-partisan successor. It need not by any means follow that the man chosen to act in his place must be a Democrat because Judge Hawat is a Democrat. Nor need it be considered necessary to appoint a Republican to the position because the district is strongly Republican. Neither argument is deserving of notice in the choosing of an incumbent for the vacancy. Yet both arguments seem to render plain the idea that the man to be selected to at least one who has not already been defeated for the place. As to certain candidates who aspired to the position, the people expressed themselves unfavorably in all the majesty of the votes of the ballot. To receive appointment, after failing of election, would appear to be an impropriety, to say the least of it.

A STALE LIE'S PROGRESS.

The bogus interview with the alleged "Bishop" Hart in Kansas, the complete falsity of which has been shown several times in these columns, is still swinging round the journalistic circle, having progressed now to the sphere of the weekly and weekly religious press. The Christian Statesman of the 16th inst. quotes it with much unction, and as a concluding comment says: "The Mormon problem has advance't to a more dangerous stage, as the future will prove, unless we are greatly mistaken."

The last clause is the only thing which will save the Christian Statesman from the charge of bearing false witness and being a false prophet. That the land is still afflicted with blind, bigoted and small-hearted editors of religious papers is easily seen when such senseless stuff as the Bishop Hart-Kansas interview, in which there is not a single solution of truth, is republished and credited after a dozen denials of it have been given and accepted by all who love truth better than a lie.

CRITICISM FROM THREADNEEDLE STREET.

The governor of the Bank of England is a very important and generally a very conservative authority in the financial world. His views carry much weight, as they ought to do; and it would be deemed the blight of temerity, if not impudence, for any one of less experience and responsibility to venture to criticise his monetary suggestions. Nevertheless, there is more or less of this temerity or impudence on daily tap in the western American newspapers of the present time, and if his worship will read his exchanges regularly, his digestion will be kept in a constant state of high activity.

While his intentions appear to be honorable, his manner of fault-finding with and his general meddlesomeness in the affairs of this country are becoming really obnoxious. He not only wants us to know that British confidence in American securities was seriously diminished by the Venezuela message, but he also wants us to know that he does not approve of the popular reception which the message was accorded. Of course this is a great sorrow to us all, but there seems to be no present way of sorrowing it at this late day. Then he finds cause for complaint in what he calls "railway defaults," which, however, he is good enough to say are not new elements of distrust. But currency derangement is one of our grievances—the money question persistently refuses to stay settled; and most grievous of all is the fact that "your Congress declines to insert the word 'gold' in its bonds, which raises a doubt in the minds of the investors."

There ought to be consolation for the governor of the Bank of England, and for foreign capitalists generally, in the fact that no one is being either American money or American bonds upon them. If they do not like our securities, because of our sentiments, they are not required to take them. Sentiment is one of the last things with which your bondholder has to deal; it merely enters into his calculations at all. He wants his interest regularly, and his principal at maturity; and this, no matter what American policy or sentiment happens, he has always had on time so far as government bonds are concerned. Moreover, he has always had his money in his favorite gold, being in this respect, more humored than perhaps the strict letter of the bond required. Just what actual ground he has for complaint is therefore not clear; and as to grumbling being one of his time-honored trade and distinguishing attributes—the fact does not make it any the less offensive or intolerable. His money bags ought to reserve his attention to the exclusion of all criticism of those who keep them so well filled.

THE STATEMENTS of the London Daily News, given in the dispatches, that Turkey is to be partitioned between Russia, France, Great Britain, and the other European powers, the czar taking Armenia and Constantinople, France getting Syria and Palestine, England taking Egypt and the eastern shores of the Persian gulf, and the rest to go to other nations, may have in them much more than speculation. But as to the partition still set it is not so sure that Britain will allow Syria and Palestine to go to France. The Jewish money power would rather see that part go to Britain or be held as an independent nation, and Britons would greatly prefer it that way as a second country; as France may be content to take something else, if only in deference to financial interests.

THE SENTINEL of the Union (South Carolina) Times, has been telling his subscribers something about the Mormons. Like many another gossip that gets neighbors into trouble by retailing stories which are untrue, the Times man has told more of what neither he nor anyone else knows of the Mormons than of what is known. He may learn more and set a better example some day.

THE RETIRING of Hon. T. C. Platt, that New York should have the presidency because it has not had that honor for many years, moves the Chicago Herald to invite Utah to step forward and make the same claim. Many, many thanks; but Utah's modesty forbids her from entering this year into an undignified scramble for the place.

FROM PRESENT appearances it would seem that the California supreme court will declare the bulk of the assessments of the last legislature to be unconstitutional, as many have been placed in that list already. It is a good thing to have a court which will view partisanly even the work of legislatures.

A CHICAGO paper says:

It is ascertained that among the state governors are ten Presbyterians, five Congregationalists, five Episcopalians, four Methodists, three Unitarians, one Baptist, one Christian, and sixteen unconnected with church organizations.

That one Christian must be quite lonesome.

MR. MOZOOMDAR's celebrated doctrine is an excellent tonic once in a while, but what the U. S. of America principally need just now is common, every-day sense embodied into financial legislation.

THE UTAH legislators should note the fact that the recent California primary election law has been declared unconstitutional. If Utah is to have a law, the weak point should be strengthened.

IT is a New York paper which is the latest to propound the query: "where is hell?" Considering the source of the inquiry, an answer to the question would seem to be superfluous.

SENATOR GORMAN'S Waterloo in Maryland is emphasized by the fact that he will have for his next colleague a solid-man-cared man by the name of Wellington.

MRS. DOMBEY has found a very satisfactory solution of the waking problem, "what shall we do with our ex-President?"

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Electric Bitters is a medicine called for any season, but perhaps more generally needed in the Spring, when the languid exhausted feeling prevails, when the liver is torpid and sluggish and the need of a tonic and alterative is felt. A proper use of this medicine has often averted long and fatal illness. No medicine will act more surely in counteracting and freeing the system from the malarial poison. Headache, Indigestion, Constipation, Dizziness yield to Electric Bitters. Only fifty cents a bottle. Z. C. M. I. drug department.

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From a letter written by Rev. J. Gundersma, of Dimondale, Mich., we are permitted to make the extract: "I have no hesitation in recommending Dr. King's New Discovery, as the results were almost marvelous in the case of my wife. While I was pastor of the Baptist Church at River Junction she was brought down with Pneumonia succeeding La Grippe. Terrible paroxysms of coughing would last hours with little intermission and it seemed as if she could not survive them. A friend recommended Dr. King's New Discovery; it was quick to do work and highly satisfactory in results." Trial bottles free at Z. C. M. I. drug department. Regular size 50c and $1.00.

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Utah Day at the Louisville Ice Palace.

February 14th has been selected as Utah day at the Ice Palace; it is also the special jubilee day of the order of the Mystic Shrine. February 15 and 16 are Elk days, so that a continuous and of gayety is insured. The Rio Grande Western Railway has just announced a round trip rate of $12.50 for train service Salt Lake City at 5:00 p. m., February 13th, on which train a large delegation of Utah Shriners, Elks and others will visit the Ice King and enjoy the hospitality of the Chief City. Utah should not fail to send a strong delegation to Louisville on this excursion to strengthen and encourage the mining interest of our respective camps, etc.

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