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STATE OFFICIAL SALARIES.

The State Auditor, Mr. C. S. Tingey, has a statement in the "News" today in reference to the salaries of State officers. At first sight it seems illogical and self-contradictory. Taken in its entirety, however, and viewing its opening in the light of its closing sentences, it appears rational and consistent, and the action determined upon shows caution and self-protection. The statement of Attorney-General M. A. Breiden has already been published in the "News." Put together the arguments of the two officials tend to establish the position, that the present State officers are entitled to the increased salaries provided in the act of March 14, 1901.

The intention of the framers of the State Constitution, if judged from the debate over the provision as to those salaries, was to fix the amounts unchanged for one term only; that is, the term next ensuing after the adoption of the Constitution. After that they were to be "as fixed by law," that is, by act of the Legislature. The opinion appeared to prevail that the Legislature could at its first session make a change in the salary list, either by increasing or reducing the amount provided in the Constitution, but that the Legislature should not take effect so as to apply to the salary of any officer during the term then existing.

Judging also from the debate over the act of 1901 fixing these salaries, it was the intent of the Legislature to make the increase apply to the incumbents of the present term of office, and this was emphasized by the provision in the appropriation act designating the sum necessary for the proposed increase. There can be no reasonable doubt, after reading the expressions of the majority of the members who took part in the discussion of the question, that the purpose in view was to raise the salaries of the incumbents as well as of the officers who should be thereafter elected or appointed.

It is the custom of courts, we believe, to arrive at the meaning, intent and spirit of a law, whether it be in the interpretation of a constitution or of a legislative enactment, to take the instrument itself, comparing part with part, instead of reverting to the opinions expressed by its framers. If the contention over the meaning of the law and the restriction in the Constitution shall be taken to the courts, a different conclusion may possibly be reached, than that arrived at by a number of able lawyers who have expressed their opinions on the subject. Other attorneys disagree with them on the point in dispute, and it is very rare indeed that all members of the bar are a unit on a legal question.

The Constitution of the State of Utah in article 7, section 20, provides that:

"The Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Public Instruction, and such other State and district officers as may be provided for by law, shall receive for their services quarterly a compensation as fixed by law, which shall not be diminished or increased so as to affect the salary of any officer during his term, or the term next ensuing after the adoption of this Constitution, unless a vacancy occur, in which case the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment. The compensation of the officers provided for by this article, until otherwise provided by law, is fixed as follows:

Then follow the sums to be drawn by the State officers named in the Constitution. The phrases "provided for by law," and "fixed by law," evidently mean by act of the Legislature. The restriction imposed appears to be particularly and specially against any change in the salaries named in the Constitution, during the first term after its adoption. Careful scrutiny of the section we have quoted bears out this impression. The language employed to convey the intention of the provision might have been made much plainer, if a little more care had been exercised in its composition. The word "or," in reference to "the term next ensuing after the adoption of this Constitution," seems to signify "that is." The phraseology is permissible according to the best standards. In this connection it would be "a conjunction coordinating two or more words or clauses, each of which in turn is regarded as an equivalent of the other or others."

There can be no doubt of the intention of the Legislature, in fixing the salaries of State officers, to make them apply as the compensation for the present as well as future incumbents. The only real point of contention is the exact meaning of the clause in the Constitution which we have quoted. No matter what the Legislature intended, if the Constitution really forbids the action taken so far as it applies to present salaries, that provision is void. The only way to settle this question is by an appeal to the courts. The Supreme court of Utah can decide the matter finally, if any State officer chooses to make a test.

We have touched on this matter because there has been considerable misrepresentation of the facts in the case.

There has been no attempt at a "salary grab." There has been no conspiracy among State officials to increase their own salaries. The Legislature, which is authorized to make changes in the salary law, fully discussed the question and decided that the salaries temporarily provided for in the State Constitution were insufficient. That body, and not the State officers, increased the compensation. It was proposed to raise the salaries of the Justices of the Supreme court. The attempt failed, although there was just as much reason in its support as in regard to the increase that prevailed. The impression conveyed by the act of the Legislature was that it affected the present officers and that they would receive the advanced salaries. If any of them chooses to demand the amount fixed by law, he ought not to be accused of anything reprehensible. The Legislature is alone responsible for the salary increase.

The State Auditor, according to his own showing, would have been justified in issuing warrants for the payment of the sums provided for by law. He will not do so, because he wishes to avoid the appearance of being influenced by personal motives. He is one of the officers entitled to the increase of salary. In declining to issue warrants at the increased rate, he avoids the charge of acting for his own personal benefit. The Attorney-General is in line with the same course. It would be quite proper for some other State officer to demand the increased salary, and if it is refused, to carry the question of law to the Supreme court of the State. He ought not to be assailed for such action, any more than he would be if the Legislature had reduced instead of increased his compensation.

There are two sides to every question, and the Deseret News in touching, though very lightly, on the other side, has no personal "ax to grind" nor any other object in view than to put the matter before the public on its merits, without reflecting upon the acts or views of any individual, whether interested or not in the settlement of this question. If the present State officers are legally entitled to the advance intended by the Legislature, they ought to obtain it, and any blame cast upon them in lawful efforts to claim what they are entitled to is unjust and should not bring upon them any stigma or reproach.

Of course if none of them desires to test the question, the dispute will soon come to an end, for there can be no question that the increase of salaries for the State officers will apply to the persons who will be chosen at the next State election. If they cannot be truthfully denounced as "salary grabbers," that term ought not to be applied to the gentlemen who were selected to fill those places at the last general election. Let us be fair to everybody, no matter what may be their politics or their creed.

UTAH'S MINERAL WEALTH.

The San Francisco Chronicle notes that, according to the statement published by the United States assay office, the mineral products of Utah for 1900 surpass the record of 1899. The paper says:

"In the latter year, the value of the state's mineral productions amounted to \$17,266,384. In 1900, their value reached the sum of \$22,759,625, or an excess over the previous year of \$5,493,241. The chief mineral products of the state are gold, silver, copper and lead. Of the first named the production in 1900 amounted to \$3,506,582; in 1899, \$4,035,619, an increase of \$529,028. The greatest gain of the year was in silver. It amounted to \$2,842,604 in excess of 1899, when the total value of the white metal produced amounted to \$9,267,250, last year's production reaching the sum of \$12,109,854. The copper production of 1899 was valued at \$4,542,024; last year's at \$2,243,075, an increase of \$762,042. Lead mining is next in importance to silver in the value of the results, aggregating in 1899 \$3,939,418 against \$4,260,196 last year, an increase of \$320,777. As a mining state, Utah is steadily pushing to the front. There is a vast amount of prospecting going on and a large amount of capital being invested there in mining enterprises."

Utah is rapidly forging ahead on all lines of progress. It is a mining state rich in every mineral of value in the commercial world. It is an agricultural state, capable of supplying food for several times the present number of its inhabitants. It produces as sweetly flavored fruit as that of any region, and the variety comprises that of nearly every climate. It has vast herds of sheep and cattle. As a sugar producer it is in the first ranks, and its health resorts are now, or will become, world famous, while its schools and institutes of learning are all first class.

Unfortunately, Utah has in the past been handicapped somewhat by the agitators of bigoted zealots, who have not hesitated to injure her business interests, for their own selfish purposes, by making all kinds of absurd and false representations. Figuratively speaking she has been infested with a number of cartoonists eager to make a living by selling caricatures of fair Utah, to the rest of the world. And the State and the people are becoming known for what they are. And there is no reason why the future of Utah should not be in every respect most glorious. The resources are here, and the people are here, too, to make the best use of those resources, in a steady, sound, and natural development.

WEST VIRGINIA FLOOD.

Accounts of the terrible disaster caused by floods in the Pocahontas coal district in West Virginia show that the first rumors were much exaggerated.

The loss of life and property is, fortunately not comparable to the Galveston horror last year, or to the Johnstown calamity twelve years ago. Still it is appalling enough, and will remain on record as one of the great visitations, of which there have been so many in late years.

The stricken region is in the southern part of the State of West Virginia, near the border line. The Elkhorn creek flows through a narrow valley. The cloudburst occurred near the headwaters of that and Dry Fork river, and the rapid rise of the former made escape very difficult. Miners' cabins, cattle plants, company stores and saw-logs were swept away with irresistible

force, and many lives were lost. It was one of the disasters that human wisdom cannot foresee, or prevent. Fortunately the flooded district was not densely populated. Otherwise the destruction would have been much greater.

Calamities of this kind are to be looked for among the occurrences of the last days. Years ago the nations of the earth were told that disturbances of the elements were to follow the testimony of the Elders. It was said that "the testimony of the voice of thunderings, and the voice of lightnings, and the voice of tempests, and the voice of the waves of the sea heaving themselves beyond their bounds," should cause men's hearts to fail them. It is impossible for one acquainted with these forecasts, to can the daily papers without noticing the literal fulfillment thereof in many places.

Undoubtedly many poor people in the stricken region need financial aid, and the sympathy of the nation should be extended to them, if need be. Those who have lost their dear ones in the flood cannot be compensated; their heart wounds cannot be healed, but they can be shielded from destitution, and their burdens can be made easier by sympathetic hands. And that should be done with the liberality the American people always extends to those in misfortune.

Down in Texas they say that oil is well that ends well.

A crematory in the heart of the city will raise a protest and a stench.

In the Fair will contest case, Mrs. Craven intimates that another heir is in existence. Isn't the lady putting on a good many heirs?

Yale beat Harvard in the boat race. Yet, notwithstanding this Yale has the Blues, but Harvard turns Crimson at the mention of her defeat.

When a man sues for thirty thousand dollars and gets a verdict for eighty cents, he must feel like exclaiming, "O grave where is thy victory?"

Vice President Roosevelt was hailed the other day thus: "How is your health, Vice President?" To which the Rough Rider replied: "Feeling bully; but, don't call me Vice President. If you want to call me anything, call me colonel." Bully for the colonel.

The medals provided by Congress to commemorate the achievements of the United States navy during the campaign in the West Indies during the Spanish-American war, bear Sampson's head. On the reverse side they bear many bitter heart-breakings.

Miss Margaret Washburn has been appointed to a lectureship in psychology at Cornell University. Will she, like Vittoria Colonna, have to lecture behind a screen so that her beauty shall not distract the attention of the students from their work?

Miss Sarah Orne Jewett has been made a doctor of laws by Bowdoin college. The lady is a charming writer of stories of New England life and is doubtless more worthy of an L. L. D. than many upon whom it is conferred. It will become her like a cap and gown.

Our anti-"Mormon" local contemporary seems to imagine that it will cover up its falsehoods in assailing the Deseret News, by coining new untruths. If the writer of those squibs could hear the comments of his readers, he would probably desist from exposing himself in such an indecent manner.

The movement for a general half holiday, some day in the week most convenient to all parties concerned, is one to be commended from many points of view. The butchers have accomplished their purpose and we believe the merchants and business people generally (except newspaper folks) can be induced to fall in line. Keep on trying!

We congratulate the people of Provo on the increased importance of the "Garden City," evidenced by the postal station to which it has arrived. It's postoffice is to be ranked in the second class, with the increased employees and salaries to which it will be thereby entitled. The capital of Utah county is one of the progressive cities of our flourishing State, and we wish it further advancement and additional honors.

Ex-Senator Chandler of the Cuban claims commission doubts the capacity of the Cubans for self-government, and, as he seems to think, tortures his position by telling of an election in the Isle of Pines where the alcalde, who was a candidate for re-election, used his own appointed police force to aid him. Of course this was very bad and reprehensible, but the Isle of Pines alcalde had plenty of precedent in the actions of American mayors. We Americans are at times a little over keen to see the mote in the political eyes of the would-be self-governing peoples.

Dr. Jordan, of Stanford University, proposes that the Hawaiian islands be attached to California as a county. It is not at all probable that the suggestion will be acted upon. One reason for the suggestion is that politics there are in such a bad shape. Would California county politics be any improvement on Hawaiian territorial politics? The incorporation of the islands as part of California would settle the question of the political status of their inhabitants. But if they are fit for participation in our national politics via California why are they not fit for such participation in them per se? The general proposition raises many questions that are hard to answer.

Philadelphia has but one rival in municipal corruption and that is New York. Some five thousand people of the City of Brotherly Love have held a meeting to protest against the infamous rule that now holds sway there. The protesters belong to the party that is in power, but they recognize that in politics corruption may assume a party name but is of no particular party. Republican rottenness in Philadelphia is composed of exactly the same ingredients as Democratic corruption in New York. When it comes to stealing and robbing in municipal affairs, so far as party is concerned it may well be asked, "What's in a name?" All decent people everywhere throughout the

country will wish these Philadelphia protestants success.

We are pleased to announce that the addition to the Latter-day Saints' College, which is to be erected in memory of the lamented Samuel M. Barratt, of this city, is in fair way to be finished according to the original design. It will be remembered that Mrs. Matilda M. Barratt generously donated the sum of \$20,000 for this worthy purpose, but after all the plans and specifications had been arranged, it was found that a further sum amounting to \$3,520 would be required for its completion. As soon as Mrs. Barratt was informed of the situation and had made necessary inquiries into the matter, she unhesitatingly agreed to furnish the additional amount, which will make her magnificent donation aggregate \$23,520. The Deseret News congratulates the L. D. S. College on the prospect of this immediate addition to its facilities for education, and Sister Barratt herself on the monument that this will prove to her name and the memory of her beloved son. It is an example which we hope will find many imitations.

SYMPATHY FOR MR. HAY.

Springfield Republican.

There will be universal sympathy with Secretary Hay in this tragic death of his son, Adelbert S. Hay. It is a blow out of the clear sky at a time when all the fates had favored the family in rarest measure, and it is not to be wondered at that the father should be crushed by it. The solemn sense of the familiar words, "In the midst of life is the midst of death," is not often conveyed in a more startling way than through this death. It stands against the bright background of the commencement festivities in New Haven in which young Hay had come on to share, with all the best that health and success give a fellow only three years out of college. The pity of it!

Boston Herald.

The young man was in New Haven for the purpose of attending the triennial meeting of his class this week, the first general meeting since its graduation, and expected to be an occasion of unalloyed happiness and jubilation. Young Hay was its most distinguished member, having had such opportunities of important public service as seldom come to a man so young or so soon after leaving college. Now all joy and festivities are prevented. Grief and mourning have usurped the place. Indeed a gloomy shadow will rest upon the entire commencement week. The saddening influence of this event cannot be avoided in any assembly of students or alumni.

Milwaukee Wisconsin.

He was found dead after midnight on the sidewalk in front of the New Haven house, where he was sojourning in order to attend the closing exercises at Yale University. Nothing can be learned as to how he fell from the window of his room. The latest supposition is that he dropped on the floor a ring, which he valued, and in searching for it he accidentally fell from the window, a distance of sixty feet, to the stone pavement below. There is not a scintilla of evidence to prove that he had been indulging in intoxicants. His habits were spoken of as those of a gentleman of the highest type. He had only one weakness, and that was for too much tobacco, and accidentally fell from the window to the pavement below.

Chicago Record-Herald.

How absolutely indifferent the law of accident is to the worldly condition and circumstances of men has a fresh and shocking illustration in the terrible death of Adelbert S. Hay in New Haven. Here was a young man of barely twenty-four years, before whom the promise of life opened up its fairest ways. The heir to large wealth and son of a father who had won distinction and honor in literature and statecraft, there was every reason last Saturday night why Adelbert Hay should look forward to a successful career in the diplomatic service of his country.

St. Paul Pioneer Press.

Though few are likely to have either his opportunity for conspicuous service or his ability, there are scores of places where that require the services of men of ability and sound ideas who will regard public office not as a means of gaining a livelihood, but as an opportunity to oust corruption and inefficiency, and to give the public the service they pay for but seldom get. Had Adelbert Hay lived he would doubtless have continued to be, as his father is, an example of the true gentleman in public life. His services would have been of great value and his example of even greater value.

THE KENNEDY VERDICT.

Kansas City Star.

It is believed that the result of the trial will meet with general approval. While the evidence in the minds of many persons shows a deliberation on the part of Mrs. Kennedy and a premeditated purpose to kill her husband, it has not been desired by anybody that she should be hanged. Whatever measure of her guilt may have been there seems to have been a popular desire that she should not suffer the extreme penalty provided in such cases. It is impossible to stay or check the natural sympathy which is excited by the misfortunes of women, even when they are wholly to blame for the consequences of their sins, and the struggle which the jurors had to make against that sentiment, in behalf of justice, entitles them to generous praise for the courage with which they displayed in discharging a difficult duty.

Peoria Journal.

The Kansas City papers are not prepared to say that the verdict in the Lulu Prince Kennedy case was a righteous one, but they do assert that the sentence of the conviction and the sentence of the handsome young woman that will be good. There is no doubt that the Kansas City papers are right in this, even though it be a little rough on Lulu. There has been altogether too much of an inclination in the past for juries to be lenient toward young and handsome women, where the facts in regard to their guilt were clearly proved. The women have been able to commit crimes with impunity for which a man would be severely punished.

Troy Press.

Meanwhile, we envy not the thoughts that will keep the guilty soul of Mrs. Kennedy close company during the dreary decade that she must face within prison walls. In killing her husband she invoked a penalty stronger and surer than any human statutes, and which she must explain in tears and anguish. The prison cell, or death if it is not so terrible as an ever-present sense of guilt.

RECENT PUBLICATIONS.

The July Forum is largely devoted to articles on current political questions, and educational subjects. Among the general effect of the RAYNEIER BROS. The Howards, Wm. H. West. Moving pictures, L. E. Blakesley. Admission 10 cents.

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