

new discovery in the field of literature of the early ages corroborates their testimony. For this reason, if for no other, such discoveries are of immense importance.

NOT AN EDIFYING SPECTACLE.

Ever since the inauguration of President McKinley, an exhibition has been in progress in this State which is the opposite of edifying. It is no excuse for it to say that other states have the thing. In Utah it is an innovation that contravenes the wholesome customs and public opinion of half a century, spreads a hurtful influence among the bright young men of the State, and undermines the manhood and self-respect of those who actively participate in it; or perhaps it would be more accurate to say that it tends to create new and false standards of manhood and respectability.

The scramble for office is here referred to. In some cases at least it is being carried beyond the bounds of decency. Some of the office-seekers are exposing themselves to the merited contempt of their high-minded fellow citizens by the lengths to which they are going in an effort to secure an appointment to office. The trips to Washington, the canvass for endorsements, the columns and columns of gossip in the papers in relation to candidates, and the mania into which the office-seeking fever develops, are among the features that make up the situation.

The young men of Utah ought not to join in this scramble. They ought not to drink of the spirit that inspires those engaged in it. In some cases the accompanying circumstances justify a respectful and dignified application for an official position; but office-seeking as it is now being carried on by a number of citizens of this State is humiliating and disgraceful; and if there existed any practicable method by which the offices to be occupied could select their own incumbents, it would be a wholesome thing for the commonwealth to see them filled in that way, and the consequent discomfiture of the hungry crowd.

The young men of Utah should not suffer themselves to be deluded into the belief that the capture of a political office means success in life. Such is rarely the case. Ten times more frequently a political appointment spoils a young man. Once in office, he is very liable to become a chronic office-seeker, and when defeated, as he must be often, chagrin and disappointment embitter the cup of life, besides weakening in him that manly independence which enables him to enter bravely into the grand battle to win on his own merits.

PROSECUTING AN OSTEOPATHIST.

William Hartford is a doctor of the Osteopathic school and holds forth in Ogden. Last week he was tried before Justice of the Peace Ternes on a criminal charge, brought under the State medical law, the substance of which was that he had "treated" one Richard Thorburn, for a sprained ankle, had charged a fee therefor, but had not taken out a license. The complaint was founded on section 1736 of the code, which is as follows:

"Any person practicing medicine, surgery or obstetrics within this State without holding a lawful certificate or license or otherwise contrary to the provisions of this title shall be deemed guilty of a misdemeanor."

The justice of the peace acquitted the defendant in a written opinion, from which the following is quoted:

"It appears from the evidence that the defendant has been practicing in the city of Ogden that science known

as Osteopathy by manipulating, rubbing and kneading with the hands, the injured parts of those who have applied to him for relief. The question now is whether or not the practice of Osteopathy is the practice of medicine and in violation of the foregoing statute. If so then defendant is guilty as charged, he having admitted at the trial that he had taken out no license to practice medicine.

"The whole question it was agreed by respective counsel, hinges on the word 'treat' in section 1736 of the revised statutes of Utah (1898), which reads as follows:

"Any person shall be regarded as practicing medicine within the meaning of this title, who shall treat, operate upon, or prescribe for any physical ailment of another for a fee, or who shall hold himself out by means of signs, cards, advertisements, or otherwise, as a physician or surgeon."

"It is a fundamental principle of law that penal statutes as against the prisoner should be construed strictly and in his favor liberally. This construction must, however, not be taken as against him so strict or in his favor so liberal, as to defeat the obvious intent of the Legislature.

"If the language of a statute is ambiguous, vague or uncertain, we must try and ascertain the intent of the Legislature in the enactment of it. So with the section under which the complaint in this case has been brought. The prosecution claims that inasmuch as the word 'treat' is used in the section referred to and that the defendant has been giving treatment for the cure of the physical ailment of the witness Thorburn, that defendant must be guilty of the offense charged.

"The strict construction of this section appears to be that if any person, for a fee, without having first obtained the required license or certificate therefor, practice medicine by treating, prescribing or operating upon mankind for the cure of human ailment, that he is liable. The legislative intent, in my opinion, was, when they inserted the word 'treat' in the section, that a person should treat with respect to medicine and drugs—prescribing drugs and medicine and operating with surgical instruments.

"It certainly appears from the evidence in this case that, as some of the witnesses have termed it, 'treatments' were given and that manipulations were resorted to with the hands. To say that such treatments fall within the foregoing section, would be to accuse those who give Turkish baths and barbers who treat a person's head with their hands, of a mild misdemeanor.

"To sum up matters, I am of the opinion that if the defendant had used or employed drugs or medicine in connection with the treatments he gave, he would be liable; but, as it stands now, I believe it to be entirely devoid of justice to hold the defendant guilty.

"I therefore order that the defendant be, and he is hereby discharged, and his bondsmen released."

This case involves some questions that, in former years, have been the subject matter of a good deal of agitation in Utah, and concerning which there is still some tension. The conservative and sensible course the State board of medical examiners has pursued has done much to allay the feeling and apprehension that the medical law created at the time of, and subsequent to, its passage in its present form; but from time to time cases arise under the statute concerning which there is a radical and widespread difference of opinion among the citizens of the State. No doubt the Ogden case will prove to be one of them.

Some citizens, probably including the medical profession generally, will insist that osteopathy is largely a fake, whose object is to gull and swindle suffering

humanity; others will hold it to be a scientific and beneficial method of treatment. Out of such conditions may easily arise questions of public policy and personal and constitutional liberty of the highest importance.

The "News" is disposed to favor the medical law, reasonably and sensibly administered. It has been in force in its present form nearly four years, and has been a protection to the public without seriously invading the personal liberties of any citizen, either patient or practitioner, of any school or sect, scientific or religious. That so much can be said is largely due to the wise policy of the medical board, because the law itself does not sufficiently guard against abuses. At the same time the "News" is inclined to sustain Justice Ternes in discharging Hartford, though there is no denying the fact that a very liberal interpretation of the statute had to be made in order to reach that result.

Hartford's case was one in which a line had to be drawn somewhere, and the justice of the peace, in drawing that line at the use of drugs, medicines and instruments, came to a conclusion that was probably about as sensible as the conditions admitted of, though his interpretation and application of the law may be held open to question. He virtually lays down the rule that a person who uses neither drugs, medicines nor instruments is not a medical practitioner within the meaning of the law, and therefore needs no license. Whether a higher court would sustain this rule is a question; but it might be well to give it a trial. Should abuses arise under it, it may be possible to correct them by amending the medical law.

THE ZIONIST MOVEMENT.

Efforts have been made to create an impression that the movement among the Hebrews for a return to the Holy Land, so far from being viewed with favor among the representatives of that people in this country, is rather opposed by at least the more intelligent portion of them. In view of this fact an Associated Press dispatch from San Francisco, dated Jan. 31, is of special interest. It reads as follows:

"At a meeting last night of 'Zionists,' or orthodox Jews, who are in favor of the purchase and occupation of Palestine, the speakers were Rabbi Elias Berman, Rabbi M. A. Markwitz, and Rabbi N. Moses, D. D., editor of the Light, from Dallas, Texas. All of these speakers made earnest references to the present feeling against the Jews in France as an occasion for the propagation and the better interpretation to the world of the aims and principles of 'Zionism.' It is claimed that at least a portion of the agitation in France is due to the misunderstanding of the entirely peaceable and largely spiritual aims of this movement to unite the Jews."

The statement that the anti-Semitic agitation in France is partly due to the fact that the Jews are considering plans for a return to Palestine is probably true. Undoubtedly the gathering can be accomplished only in the face of much opposition, and it is to be expected that this will continue and perhaps increase in force until the great climax is reached, after which the adversary shall be "bound" and peace be established. But the so-called "Zionists" will do well to remember that He who enabled their fathers anciently to rebuild the walls of Jerusalem and the Temple, although they were compelled to wield the sword with one hand and the trowel with the other, has their destiny, and that of the nations of the world, in His hand, and