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SALT LAKE CITY, JUNE 13, 1906

IRRELEVANT CITATIONS.

The report of the majority of the committee which sat so long upon the case of Senator Reed Smoot, reveals its inherent weakness more and more, as it is subject to closer and closer investigation. One great effort put forth by the framers of that document is to induce the Senate to exclude or expel the Senator from Utah, without tangible evidence of conduct on his part that would unfit him for the office to which he was without doubt legally elected. To further that endeavor they urge upon the Senate to exercise its power to judge of the elections, returns and qualifications of its members, and also to deprive of his seat a Senator whose conduct has been such as to be "prejudicial to the welfare of the government" in a manner contrary to all precedent. But the authors of the report cite the attention of the Senate to several cases in which Senators were expelled as being unfit to perform their official duties, although they had done no act of which a court of justice could take cognizance. But they are not cases in point. They are these:

The first is that of William Blount, a Senator from the State of Tennessee, who in the year 1797 was deprived of his seat in the Senate for conduct "inconsistent with his public trust and duty as a Senator." The evidence against Mr. Blount showed that he had been guilty of writing a letter to a government agent among the Indians, named Carey, in order to seduce Carey from his duty as an interpreter and use him as "an engine to alienate the confidence of the Indians from the public officers of the United States residing among them." He was expelled from the Senate by a vote of 23 against one, and his conduct was denounced as amounting to a high misdemeanor. Here there was a clear case of conduct incompatible with the man's duties as a Senator of the United States.

The next case cited is that of John Smith, a Senator from Ohio, who in the year 1807, was accused of being associated with Aaron Burr in a conspiracy against the peace and prosperity of the United States. The committee appointed to investigate the case, while holding that in the examination the strict forms of judicial proceedings and the rules of judicial evidence might not be insisted upon in such inquiries, and that the power of expelling a member must be "discretionary" and "always more summary than the tardy process of judicial tribunals," the power of "expelling a member for misconduct is founded upon the principles of common sense and the interest of the nation." The committee added: "But when a man whom his fellow citizens have honored with their confidence on the pledge of his spotless reputation, has degraded himself by commission of infamous crimes, which become suddenly and unexpectedly revealed to the world, defective indeed would be that institution which should have no remedy of amputation to apply until the poison had reached the heart." Senator John Smith was found guilty of conduct incompatible with his duty and station as a Senator of the United States, in conspiring against the peace, union and liberties of the people of the United States, and was expelled by a vote of 19 against 10.

In the year 1862 Jesse D. Bright was expelled from the senate for writing a letter to Jefferson Davis, President of the Confederacy, introducing a man who wished to dispose of an improvement in firearms. It was not claimed that Senator Bright had been guilty of treason, but he was deprived of his seat because "his conduct and desires were opposed to the welfare and interest of the nation." In the course of the debate it was argued that the senate may act upon "any evidence which shall be satisfactory to show that one of its members is unworthy of his seat, without bringing it to the test of any rule of law," but that "whatever disqualifies a member of the senate from a proper discharge of his duties ought to be held sufficient for his expulsion." It was further stated that "any conduct, any opinion, any line of action as a Senator which is inconsistent with the duty of a Senator, is a sufficient cause for his expulsion and ought to be the rule of reason and of common sense." But there was a clear case against Mr. Bright in the letter which it was proved he had written, and which really amounted to giving aid and comfort to an organization in armed hostility to the United States.

Another instance of expulsion for a somewhat similar cause was that of Philip P. Thomas, who in the year 1867 was denied a seat in the Senate, to which he had been duly elected, for conduct such as to "give aid, countenance and encouragement to persons engaged in armed hostility to the United States." He had been in the cabinet of President Buchanan and resigned his position on account of his disagreement with the policy of the President, whom he endeavored to relieve the garrison of the forts in Charleston harbor. Thomas had also given a sum of money to his son who was about to enter the service of the Confederate army, for use in case of imprisonment or suffering. While such conduct might not render him amenable to the criminal law, yet it was deemed sufficient to disqualify him for a seat in the Senate.

The majority report in the case of Senator Smoot then refers to some instances in the British Parliament, to show that the same principle had prevailed in decisions against members who were expelled from that body. In 1812 Benjamin Walsh was adjudged "unworthy and unfit to continue a member of the House of Commons," because he had been guilty of "gross fraud and notorious breach of trust," although his offense was one "not amounting to felony." In the year 1816 Sir Thomas Cochrane was expelled from the House of Commons for "being concerned in a conspiracy to spread the false report that the French army had been defeated, Napoleon killed, and the allied sovereigns were in Paris," the object being to "occasion a temporary rise and increase in the prices of the public government funds."

It will be observed by the careful reader and reasoner that there is not the slightest parallel between any of these cases, either in the United States or in Great Britain, with that of Senator Reed Smoot. It is not claimed that he has been guilty of any such offenses as those for which the persons named were deprived of their seats in the national legislature. There is no personal accusation against the Senator from Utah. The conduct alleged against individuals in the "Mormon" Church is not chargeable against the Senator under investigation. By a great stretch of implication the attempt is made to render him responsible for the acts of others, which he had no power to control and which remain unsubstantiated by definite proof, and depend chiefly on doubtful report and circumstances or common conjecture and construction.

It was not necessary to devote so much space to an effort to show that the committee, or the Senate, was bound to the rigid rules of a court in their investigations. Nobody claimed that so strict a procedure must be followed. It was objected, perhaps, that evidence to be justly accepted should be something more than town talk, or the say-so of hired informers, or the conclusions of witnesses evidently biased, prejudiced and embittered. While not demanding or even suggesting that the proceedings should be conducted as at a criminal trial, the propriety of admitting such gossip and tale-bearing as evidence was mildly suggested, and in our opinion ought to have been met with a vigorous protest. But, after all, there was nothing adduced that classed Senator Smoot with the persons who were expelled from the Senate as shown in the majority report.

We have here touched upon but one of the weak and wobbly attempts in the majority report to justify the Senate in depriving Reed Smoot of his seat in that body, without fastening upon him any definite offense against law or good government, or with conduct of his own that could be justly considered prejudicial to the nation or such as to unfit him for the duties of his office. The entire space in the report devoted to the cases of expulsion, all by more than a two-thirds vote, is by much the most wasteful ammunition, for it has no bearing whatever upon the case to be considered by the Senate. We have no doubt that this will be clearly perceived by the members of that body, who take any interest whatever in the final disposition of the matter that has been held in abeyance for such a lengthened period.

FLAG DAY.

June 14 is, by the members of the Grand Army of the country, observed as "Flag day," and the thought has been so generally endorsed, that there is reason to believe that the day will, by and by, attain to the prominence of a national holiday. It is certainly a good idea to set apart a day yearly for the contemplation of the principles which the flag of this Republic symbolizes, and the marvelous chapter of world-history its existence covers. The trouble, however, with national holidays is that their meaning is generally lost in frivolities, and their observance is therefore without moral force.

Flag day in this country ought to be an occasion of joy, because the Stars and Stripes became the standard around which gathered, the noblest men and women of the earth, whose endeavors and sacrifices resulted in the blessings of liberty and the recognition of human rights. It ought to be a day of self-examination, too. And if tendencies exist, the prevalence of which would mean the enchainment of liberty, the waving of the flag in the gentle breeze should be a warning and a rebuke, to be heeded before repentance is too late.

The production of the Stars and Stripes was gradual. The need of a national flag became evident in 1775, and Congress in that year adopted the Stars, already in use by a troop of Philadelphia cavalry, on the recommendation of a committee consisting of Franklin, Lynch, and Harrison. The British union mark was retained in the new flag. This emblem was raised over the American headquarters at Cambridge, Mass., one of the first days of January, 1776. After the declaration of independence, Congress ordered the "union" displaced by thirteen stars. This was June 14, 1777. For this reason June 14 has been set apart as "flag day." The first flag, it appears, was made at 239 Arch St., Philadelphia, and was first displayed at the battle of Brandywine, September 11, 1777. When Vermont and Kentucky, in 1794, were admitted to the Union, two new stripes were added, but by act of Congress of April, 1818, the number of stripes was limited to thirteen, and the stars were to increase with the addition of states to the Union.

AMERICA'S GREATEST PERIL.

Only a short time ago Judge Henry Billings Brown, who is well qualified to speak authoritatively on legal matters, expressed the opinion held by many that "the delay in bringing criminals to justice, and the escape of many who actually are guilty, is responsible for that lack of confidence in the law which finds its manifestation in lynching. Lynch law, he is quoted as having said, "is the natural result of the failure of the courts to perform their natural functions." He then continued: "It is a deplorable fact that lynchings seem to be on the increase, but it is easy to trace them to their source. If it was assured

to the public that a criminal was sure of conviction, lynchings would be few. That is, if there always had been the confidence in the criminal law that there ought to be, the custom of lynching would not have grown to the proportions it has assumed."

Although this comes with the full weight of authority, it is impossible to reconcile the conclusions presented, with some of the facts on record. For instance, not long ago a man in a North Carolina jail awaiting trial on a charge of murder, was taken out by a mob and killed. There is no reason for believing that the man, if guilty, would not have been convicted and made to suffer the full penalty of the law, but that did not suit the mob. What happened is related by the Charlotte Observer:

"They fired a full volley upon reaching Main street, and all along the route of a mile they kept up a desultory fusillade. The barefooted tracks of the lynched man show that they had him on the run. He was pleading for mercy and praying all the way. In front of a certain house he caught hold of a gate post or other stay and resisted. It was then, as is supposed, that his wrist joint was severed with a knife thrust. His corpse bore a cut across the forehead, a long diagonal cut across the chest, besides this severed wrist. His left arm was broken by a club blow. The coroner tells me that there is not a square inch of space above his knees not penetrated by bullets. Below the two knots of rope on the little pine limb the ground is still clanking."

Is it possible to account for such fiendish cruelty on the theory that the administration of the law is defective? Reports from the interior of Africa relate the cruelties practised upon the natives by the rubber collectors under the direction of the Congo company agents. Some of the unfortunate victims are put to death by means of lighted gum placed upon their heads. Others are placed upon high platforms and tied in a position in which they are compelled to gaze upon the sun for hours. It would be just as true to say that such atrocities are necessary because of the defects of the laws of the Congo state. They are not necessary. They are simply the deeds of fiends.

The Judge also took occasion to say about the lynching evil: "It has gone so far now that I doubt the possibility of eradicating this deplorable evil." This expression of opinion is well calculated to cause alarm. For if it is true, mob rule will extend further and further until the very foundations of American government will be unsafe. Civilization cannot exist with mob rule flourishing. The most beautiful works of art perish in the raging flames, when unchecked, and in the same way civilization falls before the ravages of furious mobs. Law, order and liberty are entrusted to the safe-guards of the courts, but when the functions of the courts are usurped by irresponsible crowds, there are no more safe-guards. Has the evil gone so far in this country, as to be beyond remedy? We trust not. The country must be saved from a peril that is all the more grave because many do not even recognize it as a danger.

"Fling the Starry Banner out," tomorrow.

"The Lord loves a cheerful grafter," is not true.

The Hottentots are making it hot for the Germans.

Friends are fair weather friends this kind of weather.

Coming events cast their shadows before the society column.

All this talk about a blow to the live-stock industry will soon blow over.

Down in the Blue Grass state they are all singing, "My Old Kentucky Home."

It is no use for the 'Car and the nobles to try and hold the lid down. It's gone.

The Pennsylvania inquiry has established this as an axiom: the smaller the salary the bigger the graft.

Summer is not a good time to eat meat anyhow, and by fall the packing-houses will all be as clean as a whistle.

Delaware is to be congratulated on the election of Colonel Dupont as United States senator. No disagreeable odor attaches to him.

Maxim Gorky's Chicago experience has placed him in a dilemma. He doesn't know which to prefer—the shower of gold or the reign of peace.

The University of Missouri has made Governor Folk a doctor of laws. He certainly did give some of the lawmakers and others some strong medicine.

"A satisfactory meat law will be enacted. It will be a law which will have teeth, too," says Representative Henry. Of course it will, seeing that it belongs to the carnivora.

Some day some one will file on the waste water that runs down North Temple street during the spring and early summer, and the city will pay a big price to get it back.

All is made plain now. Mrs. William E. Corey, wife of the president of the Steel trust, went to Nevada to get a divorce. Going to Nevada is an improvement over going to South Dakota.

The law presumes every man innocent until proved guilty. When a trust or great corporation is accused of a crime everybody presumes it is guilty until it is proved innocent, and even then many have their doubts.

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"Secretary Coburn has a chance to make history the most talked about Kansan in America by refusing to hold United States senatorship," says the Kansas City Star. He did refuse it, but he was not talked about. He was simply ignored.

"The American people must keep the standard of their fighters as high as that which any race can show," said Secretary of the Navy Bonaparte addressing the naval cadets. They have always done so and without being constantly reminded that they must do so. This constant talk about the fighting

man, like the report of Neill and Reynolds, gets to be a little nauseating with repetition.

THE BRYAN RENASCENCE.

Cleveland Plain Dealer.

There seems to be a prospect that William J. Bryan, who has been for a decade a power in politics, may become even a greater power than ever. There is no more reason to question the spontaneity of his widespread Bryan boom than his widespread extent. County and state conventions continue to reaffirm their faith in him and to make fresh demands that he again make the race for president. If the combination were to be made this summer it would be his for the asking and perhaps his against protest. Nothing but a flat refusal on his part could prevent the otherwise inevitable.

Springfield Republican.

The Missouri Democratic convention's demand for the nomination of Mr. Bryan in 1908 would not have been quite so important had not ex-Gov. David R. Francis, as well as Gov. Folk, expressed personal sympathy with the feeling of the mass of the Missouri Democrats. Mr. Francis since 1896 has been Missouri's leading good Democrat. His record in Mr. Bryan's last cabinet is familiar, and until after the presidential election of 1904 he had fully identified himself with Mr. Bryan's Democratic opponents. The present demand for Bryan that comes from Missouri, therefore, more nearly approaches unanimity than the cry for him in 1896 or 1899.

Chicago Record-Herald.

When Mr. Bryan was first nominated for the presidency there was a disposition among those who were opposed to him to treat him contemptuously. He was the "boy orator" and nothing else. Since then he has been twice defeated for the office, and in 1904 his party felt constrained to nominate a "conservative" candidate in order to escape the odium of his radicalism. But the conservative was worse beaten than Bryan had been. Moreover, he has been reduced to a political dead end. While Bryan's stock has been steadily rising since 1904, the chances are that the Nebraskan will be nominated again in 1908.

New York Mail.

Editor Watterson's favorite diversion of carrying his "Courier-Journal" for one Democratic candidate after another, and another, ending yesterday, when he called it "marching through a slaughter house into an open grave," to follow the doom-prediction of Bryan. In 1904 Marcellus Henry took a look at Parker and decided that "another Tilden has arrived on the scene." At the same time that he discarded in Theodore Roosevelt "a self-willed adventurer on the high seas of political life." Now the going looks good to him behind the whilom slaughter house candidate, and he is for Bryan. He has "other scores nor scores," he says, to nurse.

Boston Transcript.

An examination of the votes cast in 1904 in the states in which the Bryan boom has developed shows that with the exception of Arkansas, which remained Democratic, they cast big Roosevelt pluralities. Roosevelt carried Indiana by 23,844, Iowa by 135,766; Missouri by 23,137; Ohio by 215,421; South Dakota by 50,114. To these figures the Bryan men have the retort ready that the Roosevelt voters of 1904 will be favorably inclined to Bryan in 1908; but the Roosevelt landslide continued the Republican progress of 1904. Indiana gave McKinley 8,000 greater plurality in 1900 than in 1896. His Iowa plurality in 1900 was 58,000 against 66,000 four years previously. Missouri went Democratic both times, but the Bryan plurality sank from 58,000 in 1902 to 37,000 in 1906. Ohio's McKinley plurality was 48,000 in 1896 and over 69,000 in 1900. South Dakota was carried by Bryan in 1896 by 143; it gave McKinley nearly 15,000 plurality in 1900.

JUST FOR FUN.

Exorbitant.

TH BLS.

"John, dear," wrote a lady from the continent, "I enclose the hotel bill." "Dear Jane, I enclose a check," wrote John in reply; "but please don't buy any more hotels at this price—they are robbing you!"

It Pays to Tip.

New York Tribune.

Jean Gerards, the well known capitalist, at a dinner in Philadelphia, praised American wit.

"You are all witty," he said. "From your millionaire down to your gamblers you are quick, nimble and sparkling in retort."

"Your Gamblers' wit is sometimes cruel. It caused a friend of mine to flush and mutter an oath one day last week in New York."

"My friend, in a hurry to catch a train, ran out of his hotel toward a cab, and a ragged little boy opened the cab door for him and handed in his valise."

"He gave the boy nothing. In his hurry, you see, he forgot."

"The disappointed urchin smiled sourly, and called this order to the driver: 'Nearest poorhouse, cabbie!'"

Hot Off the Giddle.

Punch.

Housekeeper (to shopkeeper)—"Are these buns today?"—"Because what I bought yesterday weren't!"

Pure, But Dangerous.

Sacred Heart Review.

A milkman, while serving a customer the other morning, was asked, if he could guarantee the milk was pure.

"Oh, yes," he replied. "It has been paralyzed by the public analyst."

"A man in politics should have lots of friends, shouldn't he?" "It depends," answered Senator Sargum, "on whether they are friends who want to do something for you or who want you to do something for them."—Washington Star.

Deacon Giles—Doctor, there's a question I have been wanting to ask you. In what language did the ass speak to Balaam?

The Rev. Dr. Pourthly—in its own language. Balaam had been making an ass of himself, and he had no trouble in understanding.—Chicago Tribune.

FLO-MIZ.

The present cool weather will soon be over. The hot, broiling days of summer, which produce that unquenchable thirst, are close at hand. When you feel that you need a cool, delicious and refreshing drink, try

Flo-Miz

The most popular drink in Salt Lake. Sold at our fountain only.

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DRUG CO.,

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Make special prices to ward societies, dances, parties, etc. Prompt service. All 'Phones 3224.

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"Old Heidelberg." William

Under the Direction of P. G. MacLean.

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No Raise in Prices.

Matinees Wednesday and Saturday.

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SEAT SALE FRIDAY, 10 A. M.

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CROSMAN

In the Merry Comedy.

MARY, MARY,

QUITE CONTRARY.

Prices—Nights, 25c, 50c, 75c, \$1.00, \$1.50.

Matinees at Reduced Scale.

New Grand Theatre

R. J. RIDDELL, Manager.

S. R. O. last night.

LAST TONIGHT!

Miss Ethel Tucker in the thrilling melodrama,

"A MAN OF MYSTERY."

New specialties and illustrated songs.

First Time Here Moving Pictures of the San Francisco Disaster. No extra charge.

Thursday, "Sunny Africa."

Night Prices—10-20-30-50c. Matinee—15-25c.

CASINO PARK

EVERY NIGHT AT 8.30.

ZINN'S TRAVESTY CO.

OF 21 PEOPLE.

Now Playing "A Night in Morocco."

LYRIC TO-NIGHT

"FOR HER CHILDREN'S SAKE."

Nights—10, 20, 30 cents.

Matinees Wednesday and Saturday.

10c and 25c.

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The Place for Rest

And Recreation.

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Everybody has a good

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Is a real treat. Try other creams.

Then try ours. You will be delighted

with the delicious flavor, the very excellence

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manner—in the coolest of

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service. All 'Phones 3224.

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