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Charles W. Penrose - Editor.
George G. Whitney - Business Manager.

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THE SENATE AS A COURT.

We copy in full on this page an editorial from The Independent, a religious weekly magazine published in New York City. It has a wide circulation and great influence among thinking people. The position it takes on the subject indicated in the heading to the article, is unassailable from a rational or a political standpoint. Its arguments meet the quibbles of the apologists for the petitioners, who have attempted to sway the Senate and bias the committee in the investigation of the case against Senator Reed Smoot. It answers all their pretended reasoning on "the sacred right of petition." No one has contended against that right as to measures of public interest or a legislative character, but only as an interference with judicial functions. It has not been asserted that either the committee on privileges and elections or the Senate of the United States in full session, is a court in the same sense as that of a judicial body like the supreme court of the United States or other courts of the land. But it must be admitted that the Senate exercises judicial functions in its proceedings on a case like that under consideration, and that such functions are held by a committee appointed by the Senate to inquire into the elections, returns and qualifications of members-elect, or in relation to disorderly behavior on the part of a member and the question as to the rightfulness of his expulsion. When acting in this judicial capacity, it is just as improper for people not connected with that body to endeavor by petition to influence it, or any of its members, against the individual under investigation, as it would be to attempt to influence a judge or a jury in a court, whether state or national, in its decision on a civil or a criminal case.

The course that has been pursued by a number of religious ministers of different denominations in this matter has been in the highest degree reprehensible. This has been pointed out repeatedly, but anti-Mormon newspapers have taken up the cudgels in their defense, and in doing so have avoided the gist of the question, confounding the right of petition on proper subjects, with the highly improper attempts to sway the Senate of the United States when exercising judicial functions. The hosts of women who signed the petition prepared for them by their unwise pastors and preachers are not so much to blame, because they were, with but very few exceptions, entirely ignorant of what they were doing.

Most of them believed that Senator Reed Smoot was the proud possessor of numerous wives; that he was elected to the Senate by the "Mormon" Church; that he was sent there to represent a religion which they had, like the New York Independent, been led to "detest"; that he was a "menace to the American home," that by his expulsion or exclusion "Mormonism," the principles of which they knew nothing about, would receive a "deadly blow," and that in their endeavors to influence the Senate of the United States they were doing God service. All these false notions were instilled into their minds by professed ministers of the Gospel. But quite a number signed the petition like other people do, through persuasion and imitation without knowing or caring what they were supporting by appending their names.

The New York Independent has taken a logical, legal and rational stand on this matter from the beginning, and in doing so has vindicated its right to the title which it bears. At the same time it has fallen into the apologetic rut in which most of the defenders of right and truth pursue, when they champion a cause which might possibly be construed as a leaning toward the "Mormon" Church. They usually have to say something to guard against this imputation, and express their deploring of a Church the real tenets of which they had not taken the pains to investigate, except from the reports of its enemies, and thus they display a weakness that is pitiable.

In this instance there was no need for the Independent to make any apology. The "Mormon" Church had nothing to do with the election of Reed Smoot to the Senate of the United States. That Church does not elect any individual to an office in the civil government, whether of the State or of the Nation. While it is true, as that paper has clearly shown, that there is nothing in the Constitution of the United States to prevent a union of church and state in any State of the Union, and that the provision in the Constitution in regard to making laws respecting an establishment of religion, refers entirely and only to the Congress of the United States and not to the legislatures of any State, yet at the same time the Constitution of the State of Utah forbids any such union, and as a matter of fact it does not exist in this State. Therefore the remarks of the Independent about its having no liking for "Mormonism," or the "Mormon" Church, are irrelevant to the subject on which it has so clearly expressed its views and set forth the right and the truth of the matter.

As we have repeatedly explained, the "Mormon" Church is composed of people of differing political opinions and parties. No matter what may be asserted by its detractors, it does not attempt to control the political beliefs

or actions of its members. The presiding authorities of the Church never direct the members how or for whom they shall vote at political gatherings or elections. The stories that are told to the contrary are nothing but the effusions of heated brains or malignant hearts, or the echoes of such sounding and brazen falsehoods. And they are all mere generalities. They are never substantiated by the production of individuals who have been told how to vote. The Australian ballot is the lawful means by which every elector is protected from any scrutiny that might be desired, if an endeavor was made to direct the citizen in the exercise of that liberty which is accorded to him by the Church as much as by the State.

Reed Smoot was elected to the office which he holds and which he has a clear right to retain, by the votes of his party, composed of persons of different religious faiths, and he was opposed by thousands of "Mormons" who did not belong to the Republican party. The facts in the case are directly against the theory that has been accepted by so many people not conversant with Utah affairs, and will prove to the careful investigator that the assertions on this point in the majority report of the committee on his case, are in absolute contradiction of the evidence presented before them, as appears in the official record.

It is gratifying to note that influential public journals are arriving at rational conclusions in reference to the case that has occupied public attention for about three years; that the smoke raised around it by the plotters against his rights is clearing away; and that he stands before the country in the light of the investigation, not only as a moral, upright, consistent and conscientious representative of the party which elected him, but as fully entitled to the seat which he holds, not as a representative of any church or of one political party, but to voice the interests and sentiments of the entire people of the State of Utah in the councils of this great nation. The truth, or error, of "Mormonism" has nothing whatever to do with the question before Congress and the country.

WOMEN LABORERS.

A Philadelphia corporation is said to have announced its intention of dismissing all the women in its employ, and not engage any in the future. The stated reason for this decision is not stated, but it is intimated that the employment of young girls is, as a rule, not satisfactory. Their ambition, naturally, is to have a home and perform duties different from those of the factory, or the office. It is thought by some that a "reaction" against the employment of women in industrial pursuits has set in, and that the action taken by the Philadelphia corporation is in line with this new departure.

It is doubtful whether a "reaction," as supposed, has set in. But it certainly is an open question, whether the employment of women in bread-winning activities is something to be proud of. Statisticians claim that in this country there are over a million men in excess of the total number of women. Something must be radically wrong, if the men, though there are over a million more of them, cannot support the women except in drudgery. That is the case among some of the poorest nations, in countries where labor is so penuriously paid that both women and children must join the army of workers in order to keep body and soul together. A woman helping a donkey, or a cow, to pull a plow, is a sight not uncommon in some parts of the world, but somehow it does not seem right, under American conditions, to put the yoke of heavy labor on the neck of woman. It may be necessary, but it does not seem just the proper thing.

And yet, if it is done. According to the last census the total number of women employed in various occupations, since 1880, increased at a greater per cent than either the total population or the total female population. In the group of "trade and transportation" the increase was nearly 50 per cent. In "manufacturing and mechanical pursuits" it was only 19 per cent, but the occupation of "stenographers and typewriters" more than tripled its numbers during the decade covered. Three other occupations—saleswomen, accountants and bookkeepers, and nurses—more than doubled their numbers. Strangely enough, only in such occupations as dressmaking, domestic service and tailoring was a decline recorded by the census.

This is the story as told by figures. Whether it is one to merit applause, or not, is a different question. Were the different parts of modern society in perfect order and working without a hitch, every young woman would, at the proper age, find a good husband and a comfortable home to take care of. There would be employment enough for the men of the family, at more than living wages, and there would be no poverty to fight, no accidents of sickness and other mishaps. But the conditions are vastly different. And we presume that fact has driven the women to the factories and the offices, thereby rendering the lot of the natural bread-winners still more difficult on account of the competition. All is not as it ought to be in our modern society.

THE POPE AND MEDICINE.

If an account in the Paris Figaro is true, the present Pope does not believe in the virtues of medicine. That paper gives what purports to be a statement by the Pontiff himself to an Italian prelate, respecting his health and his experience with regard to cures. The Pontiff is quoted as follows:

"I began to feel the first symptoms of gout about fourteen months ago. One evening I felt generally indigested and had pains in two toes of the left foot. I did not pay much attention to it, but next day the whole foot was affected and I was obliged to give up walking. Fever followed, and I was forced to keep my bed. My doctor told me that it was a first attack of gout. His treatment did not succeed in checking it. On the third day the knee was affected. The gout made rapid progress, and I became very anxious as the prospect of being unable to move is anything but pleasant."

The Italian prelate suggested that the Pope should try some of the remedies for gout, and particularly certain German pills which had a great reputation. Pius X. replied: "Caro mio, doctors and medicines which are said to be infallible have been recommended to me

on all sides. I am always grateful to those who are inspired by such good intentions and also to the doctor. But after all, what can you expect? Fictions are all very well, but as to the swallowing of drugs that is a different matter. I arrange the bottles and pills before me, and after looking at them, I say to myself: 'These are the things which I ought to take.' But the idea of taking them produces such an effect upon me that I feel as if I had been cured. Bottles and boxes follow each other into the cupboard, which now contains a collection of the medicines of all countries."

FLANNEL AGAINST HEAT.

It does not appear probable, at this time, that this region is to be visited by excessive heat, but the information conveyed in a bulletin of the Chicago health department, for the benefit of laborers who work in the hot sun, is nevertheless of interest. According to that authority, heavy flannel underwear is the best possible protection against the heat, and if the flannel is not heavy enough, it is recommended that cotton bathing be worn along the back to protect the spine against the hot rays of the sun. It is claimed, will protect the wearer against sun-stroke or exhaustion from heat.

The following rules laid down by the authority quoted, should be generally known:

"In the case of heat exhaustion, which is not actually sunstroke, the skin is cold, pale and clammy. While death sometimes follows, the patient, under good treatment, will recover. Persons affected in this way should be removed to a shady spot and have their heads and chests drenched with cold water. Spirits of ammonia should be applied to the temples. In case of heat stroke the face becomes purplish, eyes bloodshot, veins swollen and corded and the flesh burning to the touch. A doctor should be summoned at once in this case, and ice should be applied to the head and spinal column of the victim until his arrival."

The greatest danger in ocean travel these days is the card sharps.

"Told in the Hills" is the name of a new play. Why wasn't it told to the marines?

The meat inspection bill is defective in not providing for an inspection of the weight.

"What's the matter with Bishop Potter of New York?" asks Punch. Nothing. He's all right.

Mr. Bryan is off for the North Cape. It would be inconsistent for him to be off for the golden fleece.

Congress may have left undone some things it ought to have done, but it has done enough to make up.

Premier Goremykin is in great disfavor. To be in office in Russia is to be in disfavor; also to be in danger.

Some papers express surprise at Mr. Rockefeller's garrulity in France. They should not, for does not money talk?

Prosecutions for violations of the Elkins and Sherman laws are no longer regarded as the jokes they once were.

"Very rich men never whistle," says Senator Elkins. They don't have to; they can keep up their courage without it.

Emperor William treats the Longworths as equals. That's right. They are part of the sovereign people of America.

One would think that in the Dowds case it would be the father and not the son who would repudiate the relationship.

The extradition of Greene and Gaynor cost the government a hundred thousand dollars. They came high, but the government really had to have them.

It is said that the Interstate commerce commission will recommend government ownership of the anthracite coal mines. If it does, it will be a very poor recommendation.

It is nearly a year since some of the sidewalks were ordered paved and nothing has been done. But owners know that the interest on the assessment goes on, and that should satisfy them.

President Samuel Gompers of the American Federation of Labor has sent representatives to Chicago to arrange for a "union exposition." A strike, with non-union men being beaten, would be a very realistic feature. A Midway or a Pike with pickets would also be an attraction.

One of the Castro newspapers says: "Venezuela will not take part in the Pan-American congress at Rio because there is no disposition on her part to serve as the instrument of the United States in the latter's sinister designs against the weak republics of South America." The United States has no sinister designs against any South American country. But Venezuela furnishes a beautiful example of the ingratitude of republics.

THE SENATE AS A COURT.

(The New York Independent.)

"The Senate, like the House of Representatives, is primarily and chiefly a legislative body. But it has certain judicial duties. For example, in the case of the impeachment of the President or of a Federal Judge, it acts as a court, in its judicial capacity. Of that there can be no doubt. Equally is its function judicial in its decision of the qualification of its own members, and the same is true for the House of Representatives. It is because people are confused in this matter that petitions have been sent, aware of them, to the Senate against the admission of Mr. Smoot.

"For or against the enactment of a law petitions are in place, but they are utterly wrong and out of place when they are addressed to the Senate as a court. The Senate has no right to act on the preference of bias or sympathy on the existing law and Constitution in judging of the admission of its own members, for the question is purely one of qualification. The Constitution says: 'No Senator shall be chosen by the legislature of his State, or temporarily appointed by the Executive, which means 'elections' and 'returns,'

that a senator must have 'attained to the age of thirty years,' been 'nine years a citizen of the United States,' and shall be 'an inhabitant of that State for which he shall be chosen,' which means the 'qualifications' there are none others. But the Senate has another judicial function.

"To punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." To do this in any other way or spirit than judicially would be an outrage.

"It is a confusion of thought to suppose that because the Senate is chiefly legislative, therefore its judicial action may be affected by petitions.

Hour was right when he said of certain petitions against Mr. Smoot in 1903:

"It is as much out of place to address such petitions to this high court which is to determine those cases as it would be to petition the Supreme court of the United States to take up some case which was before it or decide it in a particular way."

"There is in the present case no parallel, such as has been asserted, with the petitions against slavery presented by John Quincy Adams. Those were addressed to the law-making power, urging enactment of laws, a very different case from the present."

"Accordingly we join in no petitions to the Senate that it reject Mr. Smoot. All we are allowed to do is to express our personal opinion that we see no constitutionally valid ground for rejecting him. He has been validly elected, and he is returned, and he possesses the valid qualifications under the Constitution. He is the kind of man the people of Utah, a State in the Union, want. He is not 'disorderly,' for there is no pretense that he has broken any law such as a Senator from Kansas was guilty of, an offense which compelled him to resign so as to avoid expulsion. We have no liking for Mormonism or the Mormon Church, but we would not have Utah refused its chosen representative on the demand of men and women elsewhere, so long as Mr. Smoot possesses the constitutional qualifications."

The report against Mr. Smoot was adopted in committee by one majority, and the latter lawyers with the minority. The majority would exclude him on no personal ground, but because he is one of the twelve Apostles who have ruled the Mormon Church, who have conducted polygamous relations, "and have brought about in said State a union of Church and State contrary to the Constitution of the State of Utah and to the Constitution of the United States." Now there is nothing in the Constitution forbidding the union of Church and State in any State, and the only provision is this, that "no religious shall ever be required as a qualification to any office or public trust under the United States." But that does not forbid the election of a Mormon as Senator, any more than a Presbyterian or a Catholic. Indeed, the complaints made against the Mormon hierarchy are precisely those that are frequently made against the Catholics, and the same in Connecticut against the "standing order." We do not like to champion the Mormon Church, which we despise and detest as a monstrous delusion, but even Mormons have their political and constitutional rights."

CRIME OF PASSION.

New York Evening Sun.

If women keep on killing their rivals and are acquitted as a matter of course by sentimental juries, the sooner we accept the French theory of the "crime of passion" the better.

1908.

Kansas City Star.

Unless there is some radical change of sentiment or dislocation of plans in the next two years Mr. William J. Bryan will be the next Democratic nominee for the presidency. He will be a more formidable candidate than he was in 1896 or 1900. The Democratic party is more nearly united and stands in better light before the thinking people of the country than at any time since the third Cleveland campaign.

FOR OLD-AGE PENSIONS.

Chicago Record-Herald.

Several weeks ago the British house of commons adopted a resolution declaring that a measure for universal old age pensions was imperatively needed. In France an old-age pension bill following men is actually pending in parliament. It has passed the chamber, and now that the general election has increased the majority of the parties in power the senate is expected to take similar action on the bill, being, as it is, a prominent feature of the republican radical-socialist platform and of the government's program for the year.

NO STYLE HERE.

Boston Transcript.

Styles in hats for horses will show very little change from those in vogue last year and the year before and ever since the humane fashion set in. They are for service only, and beauty, if they have it, is but an incident.

ADVICE FROM HOME.

Chicago Tribune.

The packers may fittingly show penitence for the past. They ought surely to show enlightened business sense for the future. They should accordingly realize that the most effective way to win public confidence is to satisfy fully—and not grudgingly, but cordially—the reasonable demands of the government for the future inspection of their industry.

A COMMON MISTAKE.

London Globe.

One of the first rules that a man who sits down to write a novel should force himself to observe is the one which urges the advisability of writing in one language. Speaking for ourselves, there is nothing in a novel which we find more irritating than a sudden incursion into some language other than English. It is bad enough even when the translation is given in brackets. Novels of Indian life are particularly full of this type of outrage. "Oho!" cried Muscullah Khan, removing his skull (tippe) from his chota hazre (mouth). "An ass (donkey) is already lying in the bundobustwahah (sky). Oho! thou lazy rhotah (ditto, foolish one), bhukunpow (bestir thyself)." Mr. Kipling starts the last straw in our opinion, is administered by a Welsh novelist, who positively sprinkles her pages with pure Welsh.

JUST FOR FUN.

"Everything comes to him who waits," said the Wise Guy.

"Yes, if he waits on himself," added the Simple Mug.—Philadelphia Press.

"Bridget—It's sorry I am, mum, but you'll have to get a new cook. I'm after leavin' yer."

Mistress—Why, Bridget—do you expect in better yourself?

Bridget—Jelly, no, mum! Far from it—I'm goin' to be married.—Cleveland Leader.

"You don't buy so much meat now, Mrs. Malaprop."

"No, indeed; since all the awful tales, our family has turned valetudinarian."—Baltimore American.

"Would you call Offenbergs a conceited man?"

"Conceited? Why, when Offenbergs has a headache he thinks his throbs are registered on the seismographs in Japan."—Life.

Friend—Didn't your husband rave when you showed him the dressmaker's bill?

Wife—Rather.

Friend—And how did you quiet him?
Wife—I showed him the milliner's account and then he became simply speechless.—Stray Stories.

Poets are born, not paid.—Philadelphia Record.

"Do you know why the chickens came out of the eggs, Robbie?"
"I guess they knew they'd get boiled if they stayed in."—Harper's Bazar.

Farmer Honk—My nephew, who graduated from the academy, week before last, is a finished ecologist.
Farmer Hornback—That so? Kill him yourself?—Puck.

Kvoter—It takes two to make a bar.
Kvoter—Yes, and that doesn't seem right.
Kvoter—Why?
Wise—Because only one of them can get it.—Philadelphia Press.

Mr. Parvencu—This is a fine prospectus of that resort we saw advertised, but it says it has a very low temperature.
Mrs. Parvencu (decidedly)—Then we won't go there.—Baltimore American.

Reider—I wonder what Jingleton gets for his magazine poems?
Noxly—I don't know; but I know what he ought to get.
Reider—What?
Noxly—Six months twice a year.—Chicago Daily News.

"Do you know that there is money in Angola goats?" "I know that there is in one. It ate a vest of mine and there was a \$2 bill in one of the pockets."—Chicago Record-Herald.

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