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SALT LAKE CITY, FEB. 26, 1901.

A DANGEROUS BILL.

The "News" has already directed attention to a bill introduced in the House, amending Section 5500 of the Revised Statutes of Utah, relating to property subject to eminent domain. We expressed doubts as to the wisdom of the measure, and suggested inquiry into its merits before it became a law. We now feel assured of its danger to both public and private rights, and therefore again urge the Senate not to pass it in a hurry.

House bill number five, as it appears on the calendar, is a simple measure, providing for two small changes in the existing law. But as the post has suggested, "great things from little causes spring," and very important changes may result from these small alterations in the law. They are these:

1. All real property (water, or water rights) belonging to any person.
 2. Lands (water, or water rights) belonging to the State, or to any county, or incorporated city or town, not appropriated to some public use.

The present law reads as above without the interpolations we have placed in brackets. The proposed amendments are the words we have bracketed to be inserted in the statute, which otherwise remains unchanged.

The question is, what is the reason for the proposed amendments and who has suggested them? There is evidently some special object in view, and it would be interesting to the public to know what it is and who is to obtain advantage from it. The purpose is clearly, to lay open to condemnation both private and public water rights. For what purposes? Read the previous section of the statute and the answer will be found. There are numerous uses for which the right of eminent domain may be exercised, among them railroads, flumes, pipes; outlets for the deposit or conduct of millings, refuse or water from mines; reservoirs, dams, water-gates, canals, ditches, aqueducts, works for the reduction of ores, with water for domestic or other uses or for irrigating purposes; also for storing water, for the operation of machinery for the purpose of generating and transmitting electricity for power, light or heat, etc.

These are but a few of the uses for which, under the law as it stands, the right of eminent domain may be exercised. Real property may be condemned for that purpose, whether belonging to a person or to the State, county, city or town. But now add to this power the right to condemn water or water rights belonging to private persons, or to the public represented by any branch of local civil government, which may for some reason have not been fully and continuously used, and imagine the result!

It is just such power as some speculative or enterprising corporations would like to exercise. It is a power that ought not to be extended to them. Individual and public water rights ought to be closely guarded by the law. They were not included in the statute now in the book, when the right of way over land and the condemnation thereof, when necessary, was given for the purposes mentioned. This was doubtless intentional. Now to interpolate the changes proposed, would throw down the bars that were put up when the law was framed, and open a very dangerous opportunity for private corporate advantage.

We believe there is something behind this proposition that ought to be dragged into the light. We do not charge any wrong intention to the introducer of the bill. Many such measures are presented "by request." The supposed author may be entirely innocent of ulterior design: the real framers are concealed and their purpose with them. All we ask for now is diligence on the part of the representatives of the people, that advantage may not be taken to encroach on individual or public rights, in the haste that sometimes attends the passage of measures that appear to be simple in language, but turn out to be vast in their consequences and wrong in their intent.

A DESERVED FATE.

We notice with pleasure that a number of the bills introduced at this session of the Legislature, have been killed by cutting off their heads; that is, by striking out the enacting clause. One of them is the bill abolishing the office of district attorney, to take effect in four years. The Deseret News pointed out some reasons why it ought not to be passed, and we are glad to see that it is now defeated.

There are others that we hope will meet with the same fate. One of them is the bill requiring judges to clear up their dockets within a given time, and Justices of the Supreme court to render their decisions by a certain period, on pain of deprivation of their salaries. It may be very desirable to bring about speedy settlement of litigation. It is exceedingly annoying, and sometimes very expensive, to wait week after week for decisions affecting property rights and the public welfare. But it is a question whether the kind of force now

proposed ought to be put upon judges, and whether the result would be beneficial. The law's delays are proverbial. But undue haste in important matters, requiring much research and the exercise of legal acumen and calm judgment, on point after point, would, in our opinion, be much more disastrous than the long waits that often irritate parties deeply interested.

The exercise of discretion is secured to the judiciary, and that very properly. Dispatch in the ordinary business of courts is to be commended. But to put the screws on the administrators of the law, and fix the time in which a judgment shall be declared, is startling to the conservative mind, and smacks of a sort of coercion that ought not to be exercised. Attorneys, doubtless, would like to have all court matters expedited. But how would they like it, if they changed places with the judicial officers, to be compelled to make up their minds, and formulate their opinions and the reasons and precedents therefor, whether they were ready to do so or not?

The financial club in which the bill takes shape, looks too much like compulsion to comport with American ideas of government, and while dispatch in judicial proceedings is highly desirable and should be urged, we do not believe it is advisable to hold out such a threat over the heads of our judges, as is contemplated in this peculiar measure. We think it is likely to die the death which has come to other bills introduced "by request."

THAT EIGHTH WARD PROPERTY.

It is to be hoped that the ladies of the Relief Society of the Eighth ward will succeed in securing the piece of property they are endeavoring to obtain from the city, for use in charitable purposes. The society is part of a benevolent organization, connected with a great national institution, and should not be viewed as a sectarian concern.

It has been represented that the property was to be sold to the "Mormon" Church, and some opposition to the movement has thereby ensued. That is a mistake which we hope the city authorities will see through, and that they will not suffer themselves to be prejudiced by it in any way. The Relief Society is an incorporated institution, having the right to hold property, to sue and be sued, and to conduct its own affairs separate and distinct from other organizations.

The property, if acquired, will be put to uses beneficial to the public, and particularly to the poor and distressed. And the society which labors for the welfare of the unfortunate, receiving no remuneration for its noble work, ought to be encouraged and aided, instead of obstructed, by the municipal authorities so far as they have the legal right to lend a helping hand. There should be no desire to run up the price of the property, beyond the reach of the worthy society that is endeavoring to acquire it for the best of purposes.

DR. LIFF'S SUCCESSOR.

Rev. John Luther Lellich, of Lewisburg, Pa., is the successor of Dr. Liff, as superintendent of the Utah Methodist mission. The gentleman is a stranger in these parts, but we hope his sojourn here will be pleasant, and that he may be able to accomplish some good. There is, in Utah as elsewhere, plenty of room for earnest, conscientious laborers in the cause of morality and benevolence.

The great mistake of sectarian teachers who come to Utah—Dr. Liff not excepted—is that they come here with the preconceived idea that the majority of the people are ignorant, deluded fanatics, priest-ridden and otherwise degraded, and that their own superior intelligence, their flowing eloquence, their polish, ought at once to cause, as it were, the sun and the moon to stand still, and the stars to bow in humble admiration. Then, when they find a people trained to think for themselves; accustomed to the eloquence that is born of a firm conviction of the truth; when they find in that majority, united, free, and devout worshippers of God; their attitude is often changed to one of hostility. Then no means to gain an end seem despicable to them. And so it has happened that confessed preachers of the gospel, instead of looking for that which is lost, have become slanderers and persecutors. They have identified themselves with all sorts of political schemes and agitations, to attract attention and to make money.

It is well known that preachers of various denominations inwardly often feel jealousy, and worse, toward one another. But outwardly they maintain a certain decorum. But in their attitude toward the "Mormons" they do not even deem this outward appearance necessary. This whole community is, in their opinion—as the Pharisees said of the Nazarenes—"cursed." There is absolutely no reason for such sentiment. "Mormonism" is perfectly willing to stand on its own merits, both doctrinally, ethically and scientifically. If it has none, the "Mormons" are willing that it should fall. They are perfectly willing to receive light and truth, no matter from what source, and there is, therefore, no justification for the bitter controversy its adversaries are engaged in.

Let the preachers of various creeds understand the "Mormons" as they are. They are welcome to the "converts" they can gain by righteous means, and if they can make none among the Church members, there is still a wide field in the larger cities and mining camps, among people who are not identified with any church whatever. Let those who profess to preach the gospel be messengers of peace and good will to all men, and they will not fall into the errors that have made the life of some Utah ministers, according to their own confession, a burden to themselves and without profit to others.

CUBAN INDEPENDENCE.

The Cuban constitutional convention dissolved without making any provision for the protection of such interests as are supposed to be common to the new republic and the United States. And one of the delegates, Cisneros, refused to sign the copy of the document that is to be submitted to the American government, on the ground that the

United States authorities have no right to pass upon it. Cisneros was president of the Cuban republic that fought Spain, and his action may be taken as an indication of the sentiment among some of the influential Cubans. That he lost his temper and talked about fighting the United States can be passed over in silence, but the fact that he declared in favor of launching the republic, without even asking for a word of friendly advice from the country that gave him and the other delegates the power to sign a Cuban constitution, is significant. It is not to the advantage of the cause of Cuban patriots.

That his views will obtain in this country is not probable. The Senate committee on relations with Cuba has agreed to insist on several conditions, which Cuban independence shall be admitted. These include that the island shall not enter into treaties with foreign countries by which her independence may be endangered; she must not contract debts for which the ordinary revenues are inadequate; she must give to this country the right to intervene, if necessary, for the preservation of her independence, and she must pledge herself to maintain sanitary conditions, and to give up the Isle of Pines. There are a few other conditions, all of which must be embodied in a permanent treaty with this country. If these provisions are adopted by Congress, there is a chance for a controversy which may bring about a more or less serious crisis.

Cubans should not forget that one object of the war waged for their independence was, to establish peace and tranquility in a neighboring island, for years the scene of disorders under which our own commerce suffered heavily. How this can best be done is a question in which this country is interested, as well as Cuba. The general desire is that Cuba shall be a free and independent country, in accordance with the Teller resolution before the commencement of the war, but this does not mean an arrangement by which our own peace may be jeopardized. A mistake now may bring direful consequences for many years to come. The conditions agreed upon by the Senate committee are clearly to the advantage of the Cubans, for they are a safeguard around their independence, stronger than they could create, themselves, with their inexperience in international diplomacy and slender defensive resources.

There are now nine British field marshals. There are also just nine muses.

There is to be no extra session of Congress, for which fact the people will vote extra thanks.

Some New York actors are on strike. So far as known, they have not made a "hit" on the boards.

If Edward Markham will bring his "Man with the Hoe" to town, he is not fit plenty of work for him scraping off street crossings.

Rev. Dr. Wright's letter on his geological investigations in Asia and their bearing upon the Noachian flood, is apt to bring a great deal of discussion on the much mooted question.

And if the Cuban constitutional convention does not accept the Senate amendments to the army appropriation bill what then? Well, that is a bridge to be crossed when it is reached.

Mrs. Nation has gone to Peoria, the home of the Whisky trust to edit the Journal. If she can smash the Whisky trust she can do more than the rest of the Nation has been able to do.

The publication of the records of the rebellion has cost today two million, seven hundred and fifty thousand dollars. This isn't quite as much as the rebellion itself cost, but "it is enough."

The British arms in South Africa seem to be meeting with great success, but the public would like to hear from Dewet before accepting without qualification all reports from anti-Boer sources.

There are some measures that would perhaps be right and beneficial in themselves, but become vitiated and obnoxious when evidently framed for the purpose of wreaking private vengeance and venting individual spite.

"Generally speaking, it is the impression in Chicago that as a truth-teller George Washington is very dead," says the Chicago News. Our Chicago namesake should remember that it is not right or safe to judge others by oneself.

It is said that beggars should not be choosers, but this rule does not hold good in Salt Lake. One accosted a citizen yesterday and asked for money with which to buy a meal. The citizen offered to pay for the meal, which so angered the beggar that he made an assault with a knife upon his would-be benefactor. The moral is that citizens should not be choosers when beggars ask.

In a day or two the general postal authorities will destroy some \$38,000 (face value) worth of Hawaiian postage stamps and postal cards. Had these cards been sold to philatelists it is said they would have easily brought \$100,000. To the ordinary citizen who acts on business principles and who is usually actuated by common sense, this seems to be a wanton waste of \$100,000. Of course there are governmental reasons for the course adopted by the postal authorities, but such reasons are often beyond the comprehension of the ordinary mind and can only be understood by those in governmental positions.

Every little while complaints of hoodlums are heard from all parts of the town. It is probable that they will not cease until the guilty parties are severely dealt with. The law will be vindicated when it is rigidly enforced. The right treatment to be accorded these hoodlums is that given a number of boys in New York the other day, an account of which is taken from the Evening Post. It says: "Twenty-seven boys were fined \$10 each by Magistrate Mott in Yorkville court today for throwing stones. The boys were arrested last night in Avenue A, between Sixtieth and Sixty-third streets where about 500 boys impersonated the Boers and an equal number represented

ing the British forces engaged in combat in the Avenue A field. They were armed with stones and the passers-by and the windows in the vicinity suffered. It took three trips of a patrol wagon to take away the prisoners. Only two of the boys had their fines paid, and Magistrate Mott sent the others to the Catholic reformatory and the Juvenile asylum, where they will have to remain ten days." The warning here given should be sufficient in our own city.

THE NEW CHINESE RAID.

New York Evening Sun.

In a campaign against Tayan-fu the allies would have to penetrate a wild country and clear it as they proceeded. Perhaps their communications would not be seriously threatened, but if the enemy proved to be armed with modern rifles the allies would pay dearly for every pass forced by them. It is not to be supposed that even the Japanese staff is familiar with the country, so that progress would necessarily be cautious and slow. The problem of water would be as grave as the strategic problem; and if the campaign should be prolonged into the summer the health of the troops would suffer. Of course, the German field marshal has considered all the obstacles to an elaborate campaign against Tayan-fu, but able soldiers have met with disaster when conditions were more in their favor.

San Francisco Chronicle.

The powers have demanded reparation from China for the atrocities committed during the Boxer rebellion against their citizens and representatives. It really does not concern us whether compliance by China with the conditions is possible or not, nor are we interested in the methods which the powers may adopt to enforce compliance. Our policy should be to stand by the original declaration of the President with that declaration, and commercial consideration should influence us to sever from it. We cannot afford to depart from that policy now. It would be fairly construed as assisting the Chinese policy of delay and might involve us in other entanglements of a serious nature.

Baltimore Sun.

An expedition against the Chinese in the north has resulted in the capture of Pekin. There will be more looting, more butchery of peaceable natives, and more assaults upon defenseless Chinese women. Civilization has enough crimes of this kind to answer for already without adding to the list. If the demands made upon the Chinese government had been of a reasonable character there might be some justification of another campaign to enforce compliance with the terms of the ultimatum. To begin a new massacre of Chinese simply because the government cannot enforce impossible conditions would be an act of brutality in which the United States can take no part.

Chicago Record.

Above all is the obvious danger of provoking a protracted war, in which Germany and its freshly confirmed ally, Great Britain, would take the lead as opposed to China. The "concert" of the powers may remain unbroken in the face of such a complication, but it is not likely to do so. In the end, the world's peace and the open door to the United States, more than ever now, should do its utmost to prevent the ineffective and perilous tactics proposed by the German commander. The raids into the Chinese interior do not weaken the Chinese resistance. They tend to stimulate it. The zeal which Count von Waldersee shows in promoting them gives ground for the question whether at least one of the interested powers is sincerely desirous of avoiding conflict and preserving the integrity of the Chinese empire.

New York Evening Post.

We know not what horrors attend the march of foreign troops in China; how the nations are driven to fury or despair; how the mounting cost of these expeditions, to be charged upon the Chinese treasury, makes the ruin and criticism of the empire more inevitable; and how all the professions with which the Christian nations went to China would be given the lie by such a military incursion into the interior. The United States it is clear, can take no part in a piratical raid of this nature. We have not the troops there to serve Waldersee's ends, and the President will not send any for that purpose.

Chicago Times-Herald.

The best policy now would be to withdraw from the capital to the coast and to arrange for a settlement before an international tribunal at The Hague. This is an alternative which would be welcomed by the Chinese and which would help materially to prevent misunderstandings and jealousies among the invaders. Meantime, during the arbitration, foreigners should keep out of China except for the conduct of business at the treaty ports.

New York Mail and Express.

That the proposition of Waldersee to renew military operations southwest of Pekin was in the first place a "bluff" to be made a reality only in case it failed of its purpose, seems probable in view of the circumstances that it is promptly followed by an ultimatum from the ministers giving the Chinese eight days to comply with its terms. The fact would take on a more innocent aspect than it presented when first broached were it certain that the western concert, as represented by the ministers and allied generals in the East, was single-minded in its belief or desire to close the incident in summary fashion by diplomatic or military pressure.

Los Angeles Express.

It is gratifying to realize that the moral sense of our diplomats is thoroughly aroused over this latest suggestion of more slaughter. The United States has practically said that it will not be a party to the proposed Waldersee expedition for enforcing "wholesome" trade among the Chinese. There was a storm of indignation in this country when Emperor William dispatched his troops to China with a message to give no quarter raising in their ears. The protest should now be a little stronger when it is observed that the instructions are being obeyed literally by the followers of Europe's greatest anchorman—the emperor by divine right. There is no better guidance for a country in the Chinese affair than the policy of one of her best soldiers, who is on the scene. Gen. Chaffee is reported as saying: "We had to come right up to relieve these people in the legations, and now the sooner we can get out and back home the better pleased I shall be."

RECENT PUBLICATIONS.

The great feature of the current number of Collier's Weekly is the funeral pageant of the late Queen Victoria. This event is admirably illustrated. There are other features of timely interest, well handled both as to illustration and description.—New York.

The following is the list of contents of The Living Age for Feb. 23:
 "Thomas Huxley," by Leslie Stephen. Nineteenth Century. "An Englishwoman's Love-Letters," VIII. XVIII. "The Amir's Autobiography," Blackwood's Magazine. "The Chinese Wolf and the European Lamb," by E. J. Dillon. Contemporary Review. "Lost Fyx," by Thomas Hardy, Sphere.

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