

DESERET EVENING NEWS

Organ of the Church of Jesus Christ of Latter-day Saints.
PUBLISHED EVERY EVENING.
(Sundays excepted).
Corner of South Temple and East Temple
Streets, Salt Lake City, Utah.
Charles W. Penrose - Editor.
Horace G. Whitney - Business Manager.

SUBSCRIPTION PRICES.
(In Advance)
One Year \$2.00
Six Months 1.25
Three Months75
One Month25
Saturday Edition, Per Year 2.50
Semi-Weekly, Per Year 2.00

NEW YORK OFFICE.
In charge of B. F. Cummings, manager
Foreign Advertising, from our Home Office,
127 Park Row Building, New York.

SAN FRANCISCO OFFICE.
In charge of W. J. Cooper, 74 Geary St.
Correspondence and other reading matter
for publication should be addressed to the
EDITOR.
Address all business communications
and all remittances
THE DESERET NEWS,
Salt Lake City, Utah.

Entered at the Postoffice at Salt Lake City,
Utah, as second class matter, September 15, 1895,
under Act of Congress, March 3, 1879.

SALT LAKE CITY, - SEPT. 28, 1905.

GENERAL CONFERENCE.

The seventy-sixth semi-annual Conference of the Church of Jesus Christ of Latter-day Saints will commence on Friday, October 6th, 1905, at 10 a. m., in the Tabernacle at Salt Lake City. All the officers and members of the Church are invited and urged to be present during the sessions of the Conference.

JOSEPH E. SMITH,
JOHN R. WINDER,
ANTHONY H. LUND,
First Presidency.

SUNDAY SCHOOL CONFERENCE.

The semi-annual conference of the Deseret Sunday school union will be held in the Tabernacle Sunday evening, Oct. 8, 1905, at 7:30 o'clock. Officers, teachers and pupils are requested to be present, and the public is cordially invited.

JOSEPH E. SMITH,
GEORGE REYNOLDS,
JOSEPH M. TANNER,
General Superintendency.

A JUST JUDGMENT.

It will be remembered by readers of the Deseret News who followed the reports furnished by the Associated Press during the investigation before the Senate Committee on Privileges and Elections, that an attempt was made to show that the Church of Jesus Christ of Latter-day Saints assumed to regulate land affairs, and to interfere with the functions of the civil courts and of the land department. The scheme utterly failed as far as any real proof was concerned, but a witness was summoned from Sevier County, Utah, to testify concerning a case of dispute between his daughter and a non-Mormon resident of that county, which was decided by Church tribunals. The matter in controversy has at length been decided in the District court of the Sixth Judicial district of Utah. The particulars are these:

A non-Mormon named James E. Leavitt, some years ago acquired by purchase a squatter's right to a tract of land through which runs the Sevier river. He made some improvements upon it, besides cultivating it or a portion of it. James Birdsell entered a claim to a quarter section which included the Leavitt acres. This entry was afterwards relinquished in favor of his daughter, Cora Birdsell, an unmarried woman of proper age to make an entry, and she filed upon it under the homestead law. An understanding was entered into between Mr. Leavitt and Miss Birdsell as to his rights, and what was to be done after she had perfected her title. However, through the influence of her father she refused to act up to the agreement, and as Mr. Leavitt could not prefer his claim through the land office or the courts, he appealed to the church to which Miss Birdsell belonged, to see that he had justice.

He entered a complaint in the Bishop's court of the Monroe Ward, in the Sevier County, charging Miss Birdsell with un-Christianlike conduct, in refusing to carry out the arrangement made between them. In that complaint he claimed sixty acres of meadow and pasture land, for which he had paid out money and which he had fenced and improved, and being deprived of the use of the land, after having occupied it, he was damaged to the amount of \$500. The case was entered, and a trial was had. Miss Birdsell making no objection to the proceedings, and after both sides had been heard, a decision was rendered that Cora Birdsell had been guilty of un-Christianlike conduct in the premises, and that she should turn over to Mr. Leavitt the land in dispute, he to pay her the sum of \$100. Miss Birdsell demurred to the decision and took an appeal to the High Council of Sevier State, and afterwards to the First Presidency, pressing her cause most vigorously, but the Bishop's decision was uniformly sustained, and she was notified that on refusing to comply therewith she would be disfellowshipped from the church. Still persisting in her resistance, being strongly influenced, as clearly appears, by her father, she was excommunicated on June 19, 1905, but her situation preyed very much upon her mind and affected her health. She sent for the Elders, who administered to her, and she became somewhat better and signified her wish to be restored to the church and to comply with the decision rendered against her. She thereupon executed a warranty deed, conveying forty acres of the land to James E. Leavitt, who paid the \$100 in cash. The transaction being made through her sister, Cora Birdsell was thereupon baptized.

On the 3rd day of August, 1905, Miss Birdsell was taken to the State mental hospital at Provo for treatment, having been pronounced insane. Her father as

her legal representative brought suit in the District court named above, asking that the deed referred to be declared void, that his daughter recover the land and that Mr. Leavitt be required to account to the court and the plaintiff for the rents, issues and profits of the property while in his possession and pay the costs of suit. The grounds on which the suit was entered were that Cora Birdsell was at the time of executing the deed wholly incompetent and incapacitated to care for herself or the property. That the defendant, knowing her condition, fraudulently took advantage of her incapacity, that she was deranged in consequence of the defendant having caused her to be disfellowshipped from the "Mormon" Church, that undue influence had been used by the defendant, and that she was unconscious of her act and unable to give reasonable consent thereto.

The case having been duly heard and argued, Judge Childers rendered his decision on September 25, 1905, finding for the defendant. The court reviewed the whole case from the beginning, relating the controversy in the Church courts, going over the testimony of witnesses, showing that Miss Birdsell was perfectly sane and competent to execute the deed at the time when it was formulated, that no "undue influence" had been used by the defendant or the Elders or any one with the exception of her father, Isaac Birdsell, who, the judge said, had evidently stood in the way, preventing Cora from deeding the land to Mr. Leavitt and working to get a deed from her for some of the rest of the land to himself. It appeared that this endeavor succeeded, and that a day or two after Cora had conveyed the land to Mr. Leavitt, her father and mother obtained a deed from Cora which they still held.

The court cited the testimony of a number of witnesses showing that Cora was perfectly competent to make out the deed, that Mr. Leavitt had accepted less than the amount of land on which he had a claim and had paid the money agreed upon, and that there was not the slightest proof that Mr. Leavitt himself took any part in what was claimed as "undue influence." And further, that there was no evidence in the case to show that the Elders who visited Cora on the day she signed the deed used any influence whatever to induce her to do so, but simply administered to her and assisted her in carrying out her own voluntary desires. As to the action of the church the court ruled that

"All churches, orders and fraternal organizations have a right to discipline their members, and when any member of such church or organization does an act that is unbecoming and against the regulation and bylaws of their order or church they have a right to handle such person, so far as their fellowships in such order or church is concerned. The members, however, are under no legal obligations to obey such regulations or decisions of their respective orders or church organizations, and if they do so voluntarily, the fact that they did it by reason of such adjudication of such order, could not, I take it, be considered undue influence."

The conclusion of this case should be satisfactory to all persons who have regard for justice, fairness and the validity of contracts written or verbal. It may be considered that the Bishop's court departed somewhat from the usual course of entertaining a complaint from a non-member of the church against a member thereof, but it is evident that the purpose was to secure a member who had been guilty of un-Christianlike conduct, in refusing to recognize the just rights of a human being, no matter what were his religious views or standing.

The attempts to bring trouble upon the church for the action taken was inspired by the same spirit that sought to deprive Mr. Leavitt of his property and to violate a fair agreement. The church refused to fellowship a member who would take the course pursued by Cora Birdsell, and by doing so stood for equity, honesty and right, and did not in any degree infringe upon the authority of the courts or of any department of the national government. That the District court of the Sixth Judicial district of the State of Utah has supported in principle the decision rendered by the church courts in a matter of equity and fair dealing, is highly gratifying, but only that which might have been expected from a competent and just tribunal.

GREAT BRITAIN AND JAPAN.

By the terms of the new treaty between Great Britain and Japan, Russia is effectively barred from further aggressive movements in the direction of Eastern Asia, and India. Any hostile demonstration against the interests of either Japan, or Great Britain, would call out the armed forces of both island empires, for the agreement between the two nations is that if either nation finds itself involved in a war of defense, the other will come to its assistance. Russia alone will not risk a war with the combined forces of the two mightiest powers of the Old World. So there will be no Russian expansion at the expense of the countries belonging to, or claimed by, the allies, either as possessions or as spheres of influence. By the alliance with Great Britain, Japan has gained all that could have been secured by imposing more humiliating peace terms upon her defeated antagonist.

But the limitations thus placed upon Russian ambitions in Asia makes that country more dangerous for the tranquility of Europe. For Russia, as long as she remains an autocracy, governed by the whims of a single man, will necessarily follow the lines of least resistance. Russia driven back from the Pacific may turn toward the Atlantic, with more energy than formerly. The unrest in the Balkan states and the disturbances in the southern districts of Russia may also furnish an excuse for interference in that region, particularly if some secret understanding exists between Germany and Russia, as has recently been given out.

The effects of war upon nations are, generally speaking, bad. As "war is hell," so the fruits of it are morally considered, poisonous. But it must be admitted, that by the late war with

Russia, Japan has obtained a standing among the nations, which she could not, under present conditions, have acquired by excellent in any of the arts of peace. It is deplorable that this should be so, but it is a fact, nevertheless. Through successful war, hitherto Japan, as the term is, has become the ally and partner in politics of Christian Great Britain. This is a remarkable partnership. We hope Great Britain will be able to influence her ally in the interest of humane civilization and peace.

AS THE KING SEES IT.

KING OSCAR, it appears, still refuses to permit any of his sons to occupy the Norwegian throne. But he does so on personal grounds, ignoring the considerations of statecraft. To a French reporter he said recently: "Personally I am persuaded that none of my sons or grandsons will be King of Norway. Neither the Queen nor myself desires to be separated from any of our children. If one of my family occupied the throne of Norway he would be reproached with acting, not as king of that country, but as my son."

The King, in this interview, manifested intense feeling toward the Norwegians, particularly because they had, as he expressed himself, sought to throw on him responsibilities which rested on them entirely, and because they had endeavored to make foreign nations believe he had rendered the rupture inevitable by declaring that it was impossible for him to form a Norwegian ministry when Hagerup resigned.

TO BECOME ONE.

Word comes from Panama about a plan for the amalgamation of that little republic and Costa Rica. Report has it that the minister of foreign affairs of Panama is about to visit the capital of Costa Rica and propose the annexation of Panama by the somewhat bigger neighbor.

It is claimed that the proposition is favorably regarded in Costa Rica. It is thought the arrangement would be advantageous to both countries. It would give to Costa Rica the benefits of more territory, and to Panama the benefits of the government, hygienic regulations, and educational system of the neighbor. To the canal enterprise the amalgamation would certainly be advantageous, because it would materially reduce the chances of insurrections and war. President Roosevelt is said to be in favor of the scheme. He believes, we are told, that a great Central American republic, comparable with the Argentine in one direction and Mexico in the other, is needed for the development of this hemisphere. He would be glad to see Costa Rica, Panama and Colombia united as a Central American republic, because the size of a country has, in his opinion, so much to do with the patriotic impulses of its people. Many internal complications would be avoided, he thinks, by such a combination, to say nothing of the settlement of boundary disputes, which are frequent occasions for controversy.

The plan is only in its preliminary stage, and the report may be sent out merely as a feeler, to ascertain the public sentiment. In this country encouragement should be given to any plan that has the consolidation of national interests for its aim. The Central American republics are too small to exercise any influence worth mentioning. If they all were united, they would command more respect and, undoubtedly enjoy greater prosperity.

THE RUINATION OF SELF-HELP.

New York Evening Post.
One of the evils of corporate money in politics is that it kills the spirit of self-help. The parties are impoverished. The rank and file do not give their \$2 and \$5 contributions as in the Lincoln days. What do the great corporations exist for, is the tacit question, if not to put the party in funds, without troubling the individual member? It is like the demoralization of the Baptist Church by the gifts of J. D. Rockefeller. The statistics show that the average benevolence of the denomination is much lower than before the method of "Till you give \$100,000 and double it." So the demoralizing contributions of corporations have changed the party attitude from that of every man striving what he can, to every man getting out of the campaign treasury as much as he can.

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Friday and Saturday, Matinee Saturday,
Isidore Witmark's Comedy Opera,
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TONIGHT! TOMORROW NIGHT.
"The Brigadiers"

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Week Starting Saturday Afternoon, 8:15.
"The Brigadiers" with BATTING NELSON.
WITH JIMMY BRUTE, who will
sing all the songs of the
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"Go forward. You owe it to yourself, you owe it to your party, and more than all you owe it to your country," writes Mr. Bryan to the President. Now will he go forward and be good?

Several hundred representative men of Cleveland have called upon Mr. Rockefeller and assured him of their high regard and esteem. Here is a case where a profit does have honor in its own country.

"Mrs. Schott says the Mormon authorities have condemned Senator F. J. Cannon to death. But what for? and how does she know it? Mrs. Schott is president of the national mothers' congress, and on her way back from an investigating tour in Salt Lake City, she said that among other sensational things to an audience of women at Denver," says the Springfield Republican. The lady was talking through her hat, which was not even on straight.

Comment in St. Petersburg on the Anglo-Japanese treaty is characterized as "alarmingly." That is very natural. To England or Japan there can be but one menace in East Asia, and that is Russia. If the treaty is honestly lived up to it simply means the paralysis of all Russian efforts towards the Indian or the Chinese frontier. It may work out unintended good to Russia by compelling her to concentrate her energies upon her internal growth instead of dissipating them in a costly and exhausting expansion. But if the agreement amounts to no more than did the celebrated Franco-Russian entente then it will have comparatively little influence upon developments in the Orient.

TREES AND PYRAMIDS.

Popular Science Monthly.
Tradition has it that Napoleon encouraged his soldiers before the battle of the Pyramids with the picturesque phrase "Forty centuries look down upon you," and yet the span of a single second about equals what to the biblical chronologies of Napoleon seemed the limit of time. Many of those still vigorous and growing trees sprouted about the time that Christ was born at Bethlehem in Judea. Most of those still standing had commenced to grow at least before the fall of Rome. We can count the annual layers in the wood of those which have been cut down, and calculate with considerable accuracy their age and varying rapidity of growth.

COLOR TONE OF CITIES.

New York Evening Mail.
Seen from a height and a distance, somewhat as the birds see them, cities have their own distinctive colors, as a Washington writer sets forth. From that vantage London "gives the impression of blue-gray dotted with creamy spots, and divided by a deep blue band, which is nothing less than the historic Thames." The general aspect of Paris is "decidedly a soiled cream." Budapest has an emerald green character. "It is an exquisitely picturesque gem set in a sea of harmonizing tones of which it is the center." New York is "a maroon, dotted with cream and blue," while Washington, which this writer naturally deems first of all cities, is "a waving mass of deep green."

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OUR ENTIRE LINE OF FALL AND WINTER UNION SUITS, PANTS, VESTS, PLANNETTES, GOWNS, KNITTED SKIRTS, etc., are now here, and we are prepared to offer the best goods at the lowest prices.

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KID GLOVES. LACES, 5c a Yard.
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