

DESERET EVENING NEWS

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SALT LAKE CITY, - JAN. 9, 1900.

LAWYERS' LOGIC.

A most remarkable change appears to have come upon the legal mind in this city. Lawyers are usually clear-headed and logical in mundane things. They perceive the force of an argument and recognize the evidence of facts. Of course it is sometimes their business to reason both ways. The interests of their clients often require efforts in that direction, and fidelity to those who engage their services becomes for the time their first duty. Still, on general principles, their training renders them acute and quick to perceive an inconsistency.

It is therefore surprising to the unprofessional reading public to see the sudden turn-over of leading lights of the law on the question of a new Federal circuit court. While the last Legislature was in session the gentlemen of the bar besieged the members of the Senate and of the House, to send a memorial to Congress for the creation of a Tenth Circuit. The arguments advanced and the necessities explained for this movement appeared to be conclusive, and the memorial was framed and adopted.

Since then, the subject has been discussed by the local press, and we believe has been generally favored, as the desire of the bar as well as of the business public. The facts and reasons set forth need not be now repeated, because, so far as we can see, they are not denied. They are in the main admitted. But at a meeting of prominent lawyers on Monday evening, the Salt Lake bar, by a vote of thirty-six to seven, decided against the very project they have so long supported!

A majority report was made by a committee, favoring the bill which has been introduced into Congress for the organization of the Tenth Circuit, and opposing the attachment of Utah to the Ninth Circuit, as suggested by some objecting persons. A minority report recommended a protest against the passage of the bill, on the part of the bar and business men of this city, and expressing preference of attachment to the Ninth Circuit rather than the organization of the Tenth. The minority report carried by the extraordinary vote we have mentioned.

A number of reasons were alleged for this astonishing change, but the most potent cause for it appears so clear that the others fade out of sight in comparison. It seems to be considered a foregone conclusion that if the new circuit is organized, some person or persons will be appointed to the bench who will not be regarded as competent for the post.

Is not that rather extraordinary reasoning? If the former arguments in favor of the new circuit were sound, are they not good today? If it is a fact that some persons considered incompetent are candidates for the judgeship, would it not be more consistent to prevent their appointment, if possible, than to try to defeat the desirable measure?

The gentlemen of the bar may know of some scheme, which is not patent to the public, that favors individuals obnoxious to the legal fraternity. If that be so, is it of sufficient importance to render needless that which, a short time ago, was declared to be essential to the public welfare? If the Tenth Circuit is a crying necessity, as formerly and recently proclaimed, we fail to see the logic and consistency of opposing its creation, because some objectionable individuals are said to be seeking the positions in it which would necessarily require to be occupied. Such reasoning from a body of smart lawyers is certainly very remarkable.

GERMANY AND ENGLAND.

Naturally some fuss is made by German papers over the seizure of German steamers bound for Delagoa bay, but it is safe to infer that the government views those little incidents with intense satisfaction. The energy of the imperial government is bent upon the enlargement of the navy, until Germany shall attain upon the sea a place equal to that on land, and every supposed affront to German shipping will be used in the Reichstag as an argument for a new battleship.

In the meantime it may be well to remember, that the right to search merchant vessels, under certain circumstances, is one by international law accorded to belligerents. It is not considered a cause belli between civilized nations, for the reason that the government that exercises the power of seizure and search expects to pay amply for any mistake committed, so as to reimburse the owners of ships and cargoes for any loss sustained by them. Our own government at the opening of the war with Spain detained merchant vessels of various nationalities, some of which carried no contraband of war.

The fact that the port, to which the steamers were bound, do not belong to the South African republics but to a neutral power probably complicates the matter, but Delagoa bay is virtually the ocean inlet of supplies for the two coun-

tries at war, and before any tribunal of arbitration Great Britain would undoubtedly be sustained in the course adopted.

THE RACE QUESTION.

Senator Morgan in his speech against the resolution condemning racial restrictions on suffrage, complained that in the South thousands of negro votes could be bought at a dollar each. He did not say anything about those who paid the price, though. But it seems fair that if one party to the dishonest transaction is to be disfranchised, both parties should be treated alike. Indeed, if any discrimination is to be made at all, this should operate against the white politician who offers to buy the black vote, for a race which Senator Morgan says possesses "natural supremacy" should also have natural honesty in a superior degree, and, consequently, much greater responsibility.

The race question may be a difficult one to solve, but it can be set down as certain that any attempt to adjust it in violation of the Constitution, will prove a failure. If the spirit of equality and regard for the rights of human beings, without regard to race, color or creed, were more earnestly at work among the great majority of the people, there would be less of a negro question than there is in some sections of the country.

ARE THE TROPICS HEALTHY?

Different views have been expressed lately as to the possibility for northern races to enjoy perfect health in the tropics.

It is held on one hand that it has been abundantly shown in India, for instance, that those who come there, instead of adapting themselves to the climate, spend most of their time endeavoring to adapt the surroundings to their own conditions. A man who has spent three-quarters of a lifetime in India, shutting himself up in darkened rooms during the day, and never taking any exercise except in a carriage, can hardly be said to be acclimatized. It is with man as with specimens of the vegetable kingdom. There are certain European fruits and vegetables which thrive in Australia, but in India are either totally unacclimatizable or, where this is not the case, are far from prospering equally in the two countries. In some cases the vegetables do tolerably well, but the seeds are incapable of giving rise to a second crop of similar quality. The fact cannot be accounted for on the supposition of the pernicious influence of microbes. It is not the bacilli that make the difference between the magnificent Australian horse, and the Indian scrub.

On the other hand it is believed that the tropics are well adapted to the physical needs of man. A German contributor to the Tagliche Rundschau who has spent a long time in the tropics, finds life there much longer on an average than in northern countries. He says Germany has few centenarians. Spain, in her hottest provinces, has many. In the Republic of Guatemala twenty per cent of the people are between the ages of forty and one hundred. Were our climate as healthful as that of Guatemala, he adds, Germany ought to have about 34,000 centenarians.

Another German writer takes the same view. He says there can be no doubt that people live to riper age in the tropics than here. The effects of more light are certainly beneficial, and acclimatization is less difficult than is generally supposed. Malaria is dangerous to those alone who play with fire, and the fire in this case—alcohol. The danger of the tropics to the northern races is ignorance of what the changed conditions require. Some of the first European colonists in Palestine died of fever. But as they learned to live more like the natives; as they learned to locate their houses and villages on hills, away from low, marshy plains; as they learned to avoid certain mistakes with regard to the eating of tropical fruit and drinking stagnant water, they found the country healthy and the climate invigorating. There are many indications that man in a far off period of his history existed on warm plains with a tropical climate and tropical luxuries, and that from such a home, his family spread to the various parts of the earth. But if this is so, the tropics cannot be fatal to man.

The question is of some interest, because sooner or later the time will come, when American youth will consider the advisability of settling in the colonies acquired by the late war with Spain.

A CATHOLIC VOICE.

The attitude of a large portion of Canadian Catholics in the present British crisis is not one of enthusiasm, or even loyalty, to the home government. La Semaine Religieuse, the organ of the Catholic hierarchy in the province of Quebec, reflects that attitude. According to a special dispatch to the New York Times, from Washington, that church paper, speaking of "Anglomania in Canada, says: 'Lift up your eyes, French-Canadians, for the day of your redemption is at hand,' and then continues:

"You (French-Canadians) conquered by England, ever-hated and oppressed by the race which is your enemy, whose children are forced to speak the language of their oppressors in the schools of the United States and Manitoba, you shall at last see the star of your liberty rise for you and your rights respected by those who have so long violated them."

This can only be interpreted as a prediction that the British empire is nearing the threshold of decline, perhaps disintegration. Party politicians may, perhaps, express such views, but not a church party, at least consistently. The church is loyal to the government, as to the Creator, and where loyalty rules, it is easier to make predictions of good than of evil.

The article quoted also throws light on the attitude of the French-Canadians toward the annexation of Canada to the United States. The paper says: "The situation would become much more critical for the French-Canadian race if the Anglo-Americans of Ontario and of Canada, instead of being little sympathetic with the Yankees and their Republic, as they are just at present, should become reconciled with them and undertake to bring about the annexation of Canada to the United States. Such a reconciliation is quite possible,

for the hatred of the Catholic religion and the French-Canadian race is profound among a very great number of English Protestants in the country; it may easily lead them to forget the secondary differences which divide them and unite them in a firm alliance against the religion and the race which they hate.

"Once annexed to the United States, Canada would become rapidly and wholly English. Engulfed in the turbulent sea of American life, swallowed up in the mire of national schools, immersed in the great swirl of Yankee business, could we long retain our French-Canadian traits and characteristics? What, indeed, would there be left of us at the end of fifty years or so? Would not ours be the fate which was that of our former compatriots of New Orleans? We believe that if Canada became a part of the United States, another century would see us without a trace of the spirit, the language, or the customs of our fathers."

The fact should be made a note of, that the Catholic mouthpiece is no more in favor of the American non-religious atmosphere than the British Protestant air. To preserve the "spirit, language, and customs of the fathers," a Catholic self-governing Canada seems to be the ideal. What about the United States then?

MIERS ON ROBERTS.

The New York Sun of Jan. 1 has the following dispatch from Bloomington, Indiana. As it expresses the views of one of the special committee on the Roberts case, we give place to it in the "News."

"The Hon. R. W. Miers, Democrat, representing the Second Indiana Congressional district, and a member of the House committee that is investigating the charges of polygamy against Mr. Roberts, the Utah member-elect, has declared himself in an interview on the case. He says:

"The committee may not be a unit on the question of his right to be sworn, but I will vote in the affirmative. It may be the House will agree that he is entitled to a seat, but I do not believe he is in all honesty guilty of polygamy in the true sense and meaning the term implies. If Roberts is ousted it will be due to public sentiment which, were a member of Congress to heed in all cases, he would only be violating the oath he has taken to support the Constitution. The report of the committee will be presented in a few days, and it will no doubt agree as to the facts and that he should not retain a seat but possibly disagree as to his right to be sworn in."

"Continuing Mr. Miers showed in his conversation that he is fully in favor of the oath of office being administered to Mr. Roberts and points out why:

"The committee is charged with the duty of investigating and to report the facts with any recommendations as to Mr. Roberts's right to be sworn in as a member and, if sworn, his right to retain such seat. The right to be sworn as a member and the right to maintain his seat as such are very different propositions. The Constitution defines the requirements necessary to be eligible as a male person, 25 years of age, a resident of the State and seven years a citizen of the United States. None of these requirements seem to be disputed in the case of Mr. Roberts. The question then arises is a person possessing such qualifications entitled to be sworn in, presenting a certificate of election from a sovereign State, entitled to be sworn in as a member? If sworn in, has he a right to retain his seat in violation of the law against polygamy? Although he has been convicted of a misdemeanor, that of unlawful cohabitation, Mr. Roberts contends he has been released from that conviction by reason of the amnesty proclamation of President Cleveland and Harrison. Each of these proclamations provided that no persons were entitled to the benefits of the proclamation who were not respecting the law. I suspect the committee will conclude that Mr. Roberts was not obeying the law at the time and never has up to the time of his presenting himself to be sworn in as a member of the House."

A suggestion is made to turn some of Chicago's streets into parks. Anything to clean them.

To a dizzy brain the simplest as well as the most solid truth is frequently "incomprehensible."

In giving statistics of losses in the war, it is notable that no figures are presented for the Filipino killed and wounded.

Colorado's chief industry is agriculture, with a total product for 1899 of \$86,608,855. That is a great showing for the centennial State.

"What the doctor says must be true," is a saying that doesn't "go" in these days when some members of the profession have to get a living out of the scare noises they make.

Specific complaints are made by the Boers of English misuse of the white flag. It appears as though both sides are a little given to taking chances outside of the ordinary rules of war.

The German suggestion that a long whisky tube on the seized German steamer was mistaken for a cannon, is hardly big enough joke to sweep away German anger at the seizure of the Bundesrath.

The anticipated sensational speech of the German emperor, expected this evening, may turn out to be a very different affair from that prognosticated in the Berlin cablegrams. The Kaiser has a penchant for springing surprises on the people.

While there is no great change in the respective situations of the hostile armies in South Africa, the defeat of the Boers at Ladysmith has improved the morale of the British forces, who have gained heart for the conflict above that which they had a week ago.

If Senator Beveridge's resolution will stop the war in the Philippines, let us have it, by all means. But it looks as though the resolution, good in its way, will have to have considerable backing yet, in the way of establishing peace by force of arms.

It is almost forgotten, in the midst of more exciting if not more serious news, that a terrible famine is raging in India, and that millions of people are on the verge of starvation, while thousands are added to the death list daily. There is need for some move for humanity in that part of the earth.

The principal question now being asked in England is as to what Gen. Buller was doing on Saturday, when the Boers were attacking Ladysmith. The censor has not allowed an answer yet, and wagish military critics are suggesting that he was recovering from being surprised that the Boers had assumed the offensive.

The advocacy of obedience to law, and the simultaneous exposure of persons who falsely charge the infraction

of law against the advocate, seems to be beyond the comprehension of a fading editorial mind. Sorry; but the "News" is not expected to furnish brains with facts and principles. None are so blind as those who do not wish to see.

That San Francisco ex-official who caused trouble by holding to his office when he knew the people had designated someone else to take his place will find little sympathy for his troubles and expense. Whatever the qualifications of his successor may be, he should have conformed to the will of the voters when they put him on the shelf.

As mail reports come in concerning British defeats, it is easy to see why the special dispatches gave evidence of severe handling by the censor. Without exception the writers of detailed accounts hold more prominently than any other feature the blundering of the British generals. If the judgment of those correspondents is accurate, their record of events is a terrible arraignment of most of the leading officers in command of the new forces sent to South Africa.

The money part of the French claim against Santo Domingo has been fixed up, and now France wants an apology, to which the Dominicans demur. Suppose the little republic persists in its refusal, what will France do? There has been no affront to the French flag, so there is no justification for war, and if France were to push the matter to hostilities, this government would have to intervene in behalf of American interests. It looks now as if the scene had changed from French advantage to the Dominicans being one ahead in the game.

The expression of a desire that the editor of the Deseret News be "either muzzled or killed," is not surprising in the source from whence it comes. The wish that is father to the thought has been manifested for a long time. If we had any sentiment of retaliation, we would simply hope that the soured soul, which cherishes such malice, may live long while the feeling rankles and torments with its ungratified craving. As it is, we merely wish that it may have strength and sense enough left to overcome its bitterness that sentility hinders from materializing into action. We pity while we gaze upon the warped and waning spectacle of baffled spite.

CHICAGO'S BIG DITCH.

Chicago Record.

The few cubic feet of water a minute now flowing from the Chicago river into the main drainage channel assumes immense importance when it is considered that over \$11,000,000 had been expended on the great work before the shovel of the dredge scooped out the last yard of earth which separated Lake Michigan from the channel. Eight years and four months ago, less one day, the first shovelful of earth was lifted to begin the construction. Thousands of doubters then declared that the day never would dawn which would see the completion of the work. But now the end is in sight. The waters have been turned back; the current of the river has been reversed. Yesterday marked the beginning of the final stage of the enterprise, which is national in character. In time must come a deep waterway connecting Lake Michigan with the Mississippi river. The story of the Chicago sanitary canal illustrates the audacity, pluck and enterprise which have made Chicago a familiar name the world over.

Chicago Times-Herald.

Chicago did not spend this \$33,000,000 to create a water way for vessels from Lake Michigan to the gulf. Its utilization for that purpose is an engineering possibility for the federal government to work out in the future. Chicago made this vast expenditure for pure water, and the manner in which the gigantic project has been carried to completion in the face of great engineering difficulties and political obstacles reflects lasting credit upon the sanitary trustees to whom the people committed the direction of the work from time to time.

Chicago News.

It must have occurred to many thoughtful citizens that the method adopted by the drainage trustees yesterday, in the matter of opening the great channel, has some obvious advantages over the tiresomely familiar way of doing everything by injunction suits. The best engineering skill in the United States has been engaged on the drainage problem. The conclusions of the most capable men in the field, as to the results which will follow the opening of the channel, have been made public and those conclusions are the best guides that any one will get until there has been an actual demonstration through the turning on of the water. Water is now flowing in the canal. If any interest anywhere is actually injured, that interest will have its remedy in a suit for damages or other legal process based not upon theoretical apprehensions but upon accomplished results. If a mistake has been made anywhere it will now be brought to light and rectified.

Milwaukee Wisconsin.

The commercial aspect of the opening of the new canal is one that fore-shadows lake navigation for Central Illinois, and perhaps for some of the States along the Mississippi. The hard-earned situation would be materially changed at many points west of the Mississippi river, if large lake carriers could proceed through the Chicago drainage canal and enter the Mississippi by way of the proposed extension of the canal to make it a navigable waterway. Chicago having secured a back-door outlet for her sewage, will now try to get her riverfront to deepen her main river and its south branch, on the plea that they form a part of a proposed waterway to the Mississippi river; but the government should withhold the proposed dredging appropriation until the drainage canal is a ship canal in fact as well as in imagination.

Cleveland Plain Dealer.

To be on the safe side it was thought best to quietly let the water in and say nothing about it until the deed was done. If Congress feels huffy about it, questions may be asked of the secretary of war, a joint resolution may be introduced, forbidding the diversion of Lake Michigan water until a congressional committee has investigated the whole subject, and representatives and senators may ventilate their views and ask leave to print speeches in the Congressional Record, but in the meantime the Lake Michigan water will be steadily flowing towards St. Louis, taking Chicago sewage along with it for St. Louis bacteriologists to investigate. There will be no protest from the Missouri city when it is discovered that the sly Chicagoans have stolen a march upon them and they may turn out with brooms, like so many Mrs. Partingtons, to sweep back the flood of diluted filth pouring down the big open sewer. But it will be in vain. Chicago has turned the trick, and when it can be safely done, there will be a celebration of the affair, with noise and glorification enough to make up for the quietness and modesty of

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San Francisco Call.

The lands along the Des Plaines and the Illinois rivers are comparatively flat. Water does not flow rapidly down the streams, and the danger of contamination from the sewage is therefore great. In the long, hot summers of the Mississippi Valley it will not take much in the way of sewer stuff lodged along the banks of the rivers to spread disease in case of need from the lakes to the defense of New Orleans. With the Nicaragua canal added, and the inland coast waterway from New York to Norfolk improved, our navy will have a mobility that all the other fleets of the world combined cannot match.

New York Journal.

Now that the water route between Lake Michigan and the Mississippi has been opened it will gradually be improved, until in the more or less distant future a fleet of battleships can go in case of need from the lakes to the defense of New Orleans. With the Nicaragua canal added, and the inland coast waterway from New York to Norfolk improved, our navy will have a mobility that all the other fleets of the world combined cannot match.

Boston Transcript.

In time this is expected to be a mammoth ship canal connecting the great lakes with the Mississippi river, and the Gulf of Mexico. When this system gets into good working order, it will give a flow of 30,000 cubic feet per minute under perfect control, toward Lockport, where it enters the Des Plaines river, and thence through the Illinois and Mississippi rivers to the Gulf of Mexico. There has been a good deal of ineffectual protest made by St. Louis, though if the engineers, chemists and bacteriologists speak the truth that city will be no worse off than it was before. The sewage has been passing down this same course at the rate of 40,000 cubic feet per minute, so it is the same actual flow, diluted seven and a half times.

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