

# DESERET EVENING NEWS

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## THE NEW COUNCIL.

The City Council is now organized, and the struggle over its presidency has ceased. Charles Cottrell, Jr., has received a majority of the votes of his associates, and should be cordially sustained as the President of that body. He enters upon the duties of that position, as we understand, without pledges, to any party or faction. That is eminently proper.

From what we have learned of the contention that has been in process for several weeks, an attempt was made to pledge candidates for the office of President of the Council to certain appointments of chairmanships, etc., which have failed, and the candidates have also failed of election because they would not bind themselves to those requirements. We think that every man so approached was justified in refusing to be so tied up, and it should be a gratification to the people of this city that such schemes have not been permitted to prevail.

The great names of our citizens care very little what may be the politics or views on national affairs entertained by the members or committeemen or the President of the Council. They want a business administration. They desire to see the proceedings of the Council conducted decently, orderly and with a view to the best interests of the municipality. The private ambitions and personal quarrels of the members they do not wish to be aired in that body. Exhibitions of anger, petty jealousy and verbal rivalry are simply disgusting to intelligent lookers-on.

We hope the new City Council will not be distinguished by the bitterness and squabbles of some past municipal bodies. This organization should rise to a higher plane. If the members will unite in support of all measures for the benefit of the city, and conduct their deliberations respectfully, expressing differences of opinion in a gentlemanly and parliamentary manner, they will receive the applause of their constituents, and the good effects of their labors will be seen in the advancement of the city's interests, and in the votes that will be cast whenever they are again candidates for public office.

## THE SALARIES QUESTION.

The decision of the Supreme Court of Utah on the question of the increased salaries of state officers, has already caused a difference of opinion among lawyers and newspapers and the general public. This was to have been expected. The subject had been pretty thoroughly discussed throughout the State. Opinions had been formed pro and con. Whichever way the decision had been rendered, there would have been still a difference of views in relation to it. The unanimity of the judges is a very satisfactory feature in the settlement of the dispute. It ought to have weight with the public. If there had been a minority opinion, room might have been made for greater contention. The three justices, having well considered the matter in all its bearings, are a trinity in unity as to the right of the State officers to the salaries fixed by law at the last session of the Legislature.

That there is room for dispute as to the exact meaning of the provision of the State Constitution on the compensation of state officers, must be admitted. But the meager salaries temporarily provided by that instrument were clearly intended to be only until "fixed by law," and as the court has demonstrated, that phrase signifies a legislative enactment. The Constitution further provides, as we understand it, that no change should be made by law which would affect the salaries of the officers first elected. That is, during "the term next ensuing after the adoption of this Constitution." The Legislature made no provision for change of salaries until the session of 1901. While there was some dispute as to the application of the law to the officers that had been recently elected, the intention of the majority of the Legislature was evidently to do justice to the incumbents as well as to their successors.

The court has taken these two views of the subject, and they are those which were expressed by the Deseret News when the dispute first arose on this point. But the court has made very prominent the principle that: "When the Legislature by enactments, either implicitly or expressly construes a provision of a statute or a constitution, in doubtful cases, the courts will accept the legislative construction and enforce the provision in accordance therewith, if the ambiguous language of the provision is such as admits of such construction." This appears to be sound and in accordance with judicial precedents.

As to the question of the insufficiency of the original amounts of compensation, as provided in the State Constitution for the time being, there should be no further contention. That was settled by the Legislature. Members representing both political parties were agreed concerning it. The Constitutional Convention was influenced by a spirit of close economy, not to say parsimony. The small salaries agreed upon suited, perhaps, the great body of the people when about to enter upon the responsibilities and expenses of Statehood. But they were not at any time adequate to the services and duties of the positions to be filled. They were far below the incomes obtained in the professions from the ranks of which the officers were selected. The Legislature very properly endeavored to rectify this, and the court has placed upon their enactment the judicial seal of its constitutionality.

It is not just, in the discussion of this subject, to put blame on Governor Wells because of his application to the courts to settle the salaries question. It is not correct to state or insinuate that he "demanded an increase in his pay." The Legislature, both Democrats and Republicans united, made the increase after full debate on its propriety. It was not granted on any demand or request by the Governor or any of the state officers. It was the result of a desire to carry out the duty imposed by the State Constitution, on a principle of fairness and justice, in payment for services rendered.

After the law was passed, the dispute arose which has now been settled by the highest judicial authority of the State, and during that contention the State Auditor refused to issue warrants for the amounts of salary designated in the law. There was hesitation on the part of the officers, although they believed they were entitled to those sums, to take the necessary steps for the purpose of settling the matter. Governor Wells has simply showed the courage of his convictions, and he deserves the thanks of his associates and of the public for bringing it to an issue. We do not see wherein he can be reasonably blamed for his step. On the contrary, we think he is entitled to credit for stepping forward and obtaining a decision in the only manner that could be made effectual.

To people whose income is very small and who toil daily for a bare subsistence, the salaries named in the Constitution may seem to be sufficient for the State officers, and it may appear to them that the increased amounts are excessive. But they should not gauge the value of the talents and abilities necessary for the proper performance of official duties of a high character, by the wages of the laborer or the mechanic, or the income of a small farmer. Why? Because those qualifications are uncommon. Persons possessing them can obtain much larger compensation for their exercise in those professions that are lucrative, than even the increased salaries fixed by the Legislature.

The State can afford to pay its officers a fair compensation for their time and services, and which will be consonant with the dignity and importance of those positions. Compare the present salaries with those of officials in other States, and it will be seen that there is nothing in them excessive. Double or treble those sums are earned by lawyers, and doctors, and other professional gentlemen, and many of them would not accept either of the State offices with the salaries attached, even with the honor attending them associated.

Now that the matter has been settled judicially and finally, there should be no further ill-feeling over it, nor should there be any insinuations against the gentlemen, or either of them, who profit by the court's decision on the law which has fixed their compensation. We think they are all fully entitled to every cent of it, and also that they cannot be fairly censured for the course they have pursued in relation to it. We believe, further, that the opinion of the court is fortified by sound reasoning, and a fair construction of the intention and meaning of the law enacted by the Legislature and the Constitution of the State of Utah.

## NEW YORK'S SALOON QUESTION.

New York, like some other cities, is, at the beginning of the year, confronted with the saloon question. The problem there is whether places where intoxicants are sold shall be permitted to keep open part of the Sunday, under certain regulations and restrictions, or not. What is desired in New York is "local option" on that question, permitting the people of a given district to have open saloons, if they so desire.

Governor Odell, in his message to the Legislature discussed this matter thoroughly. He takes the view that "if by local option is meant the right to determine whether the doors of the saloons may legally remain open on Sundays, then a different proposition is presented and a departure is proposed from the fixed rules which have governed the administration of our excise laws, and it then becomes a question which concerns not only a particular city but every section of our state." He believes that the whole state should be heard, and that "local option" properly means that in all communities, other than cities, the inhabitants shall have the right to determine whether liquor shall be sold in such communities six days of the week. "Local option," in his view, does not refer to Sunday selling at all. That, he apparently considers a question about which, under the laws, there can be no "option," unless so decided by a majority of the people of the state. He thinks open Sunday saloons would open the way for a general desertion of the Sabbath. He says:

"If open saloons should be authorized in cosmopolitan cities, demands would soon follow for licenses from other branches of business, and might reach an extent that would arouse the consciousness of every man and every woman in our commonwealth who believe not only in a day of rest, but in rendering to God, who has blessed us as a nation, the homage that is due Him."

The further fight in New York on this question is one that will be watched with interest throughout the country. The claim is that the saloons of that great city cannot be closed as demanded by the friends of reform, and that attempts to do so, will result in greater evils than those complained of. Even some of the strictest temperance advocates have expressed the opinion that proper restrictions are about all that can be asked for at present. It is tolerably clear to all, however, that what-

ever the law is, it should be enforced. Dead laws are dangerous. They encourage lawlessness. For lawbreakers naturally conclude that if one set of legal enactments can be defied with impunity, others can be set aside. It is better to have few laws, honestly enforced than a number of statutes that remain inoperative.

## X-RAY SHOWS A SNAKE.

Nearly everybody has heard of persons who claim to carry live snakes in their stomachs. But everybody has known that that is impossible, and the sufferings and peculiar sensations of such patients have been set down to hallucinations, or to other causes.

Now the Chicago News, in a local item, tells of a case in which the X-ray is said to have revealed the actual presence in the stomach of one Mr. Huesselman, a living water snake. The unwelcome intruder has been there for years, it is said. The patient has sought medical aid, but in vain. But now, the cause of the trouble has been discovered, that is, if the reporter and the X-ray can be relied on. The item is told, in part, as follows:

"Monday Prof. Puchs had developed a second skinkograph and it showed plainly the outline of the guest to which the sick man has furnished a home and living for years. The first X-ray examination was made two weeks ago. The skinkograph showed the presence of something foreign to the stomach and as only a very faint outline could be followed, a second examination was made Saturday when the skinkograph was developed the long, slim body of the snake and even its head could be easily made out from its coils in the stomach. Now the question is how to get rid of the unwelcome occupant. Medical science has contended that it is impossible for any life foreign to the human body to exist for any length of time within it. Therefore those who have watched and studied Mr. Huesselman's case are completely at sea and cannot offer an explanation."

If the case is as represented, it is sufficiently remarkable to attract wide attention. It is suggested the reptile may have been swallowed in bad water. Ordinarily, however, snake sensations are not due to water.

## COUNT TURENNE'S PLAN.

An article published in the Independence Boige by Count de Turenne, a member of the French diplomatic service, is said to have attracted a great deal of attention. The count deals with the South African situation, and asserts that he is confident Mr. Kruger would now accept autonomy "for the countries south of Bechuanaland," without any restriction, except British suzerainty over their relations with foreign governments.

The dispatch in which this news is conveyed explains that Count de Turenne is related to prominent English families, and that he has been intimately associated with Mr. Kruger and the Boer representatives in Europe. The inference is, we presume, that he may be considered as speaking with authority, and that what he says is likely to have great weight.

The dispatch is not entirely clear as to the proposition of the count, but probably it means this, that the Boer leaders now are willing to give up the fight, abandon the Transvaal and the Orange River colony, and make another trek, if the British will permit them to establish a new independent republic in South Bechuanaland. This is a stretch of country to the west of the Orange colony and joining on its western border, German Southwest Africa. The Orange river forms its southern boundary and to the north lies what is called the Kalahari desert.

This is a new basis for the settlement of the South African trouble. If Count de Turenne is authorized to make the suggestion, it means that the Boers have held out as long as they can, and that they are about to give in. It means also that they prefer the trials and hardships of pioneers in a new land, to British rule. It means that they are willing to buy autonomy at the sacrifice of the land which they redeemed when in years past they went north, from a civilization they would not accept.

Would Great Britain be willing to give them South Bechuanaland in exchange for the Transvaal? Can she afford to do so, after the enormous sacrifices made for the consolidation of South Africa under one government? A free free state in that country would naturally be an object of suspicion. Still, if it is true that the Boer commanders in the field are in a position to prolong the hostilities for another year, Great Britain might find it to her advantage to secure peace on the basis suggested, and let the irreconcilable Boers establish themselves in the country mentioned.

## WHERE THERE IS NO RACE WAR.

At the meeting of the American Historical association in Washington, Mr. Alfred H. Stone of Greenville, Miss., a gentleman who is said to have been a lifelong student of the negro question, told of some of his observations and experiences which are of general interest. He is a cotton planter and lives in a region where the colored people outnumber the white, seven to one, and where this ratio is steadily growing.

He said that in the delta countries of western Mississippi there are no lynchings, no race wars, and no evidence of troubles of that kind as far back as the records go. This he accounted for by the fact that the white people are so few in number and occupy a distinctly superior position industrially and financially, than in localities where the population is more evenly divided on race lines. It is the same, Mr. Stone says, in the British West Indies and other places where the colored people are greatly in the majority. There, too, race troubles very seldom occur.

He found, however, that the negroes had quite serious weaknesses and failings. Gambling, he said, is an evil among them, leading to a surprisingly large number of cases of homicide. Crap-shooting, as it is called, a game of dice, is especially prolific of disputes, and to the pistol-carrying negro it opens the way to much disorder. This and general immorality are the great weaknesses of the race. It wastes its earnings in circuses, excursions and celebrations. Mr. Stone had

found it necessary to assume a paternal attitude toward the 250 colored laborers he employs, to protect them from shavers, and they are perfectly content with such paternal supervision. All of which seems to prove, that notwithstanding the gigantic strides the race has taken since its emancipation, it is not yet in a position, as a general rule, to maintain itself on the level of American civilization. And this indicates, again, that Booker Washington is right in his contention, that industrial and moral education will finally obviate the difficulties that now exist in many sections of the country.

The American Economic association has appointed a committee to investigate the present condition of the colored people. Mr. Stone is one of the members. With him is associated a colored professor of the Atlanta university, and two other professors. They should be able to furnish some interesting data, as a result of their study of a perplexing problem, and make practical suggestions as to its solution.

Applicants for office are not the only men who are cutting ice these days.

Mighty oaks from little acorns grow but big men from little politicians never.

The state fish and game commissioner is after violators of the law with a sharp stick.

The decision in the salary cases shows that the State Supreme Court is expansionist.

In a way the Democrats carried the city after all. Already the mayor is leary of the council.

Henceforth Senator Depew will not do all the talking. His wife will have something to say.

It begins to look as though Miss Stone's captivity would be as long as the Babylonish one.

Fog covers the face of the earth and dense fog the minds of some of the people at least.

The Massachusetts Cremation society is very prosperous. In fact it is so prosperous that it even has money to burn.

The people of Maine caught eight million lobsters last year. This shows that they are not such lobsters after all.

The notorious Hole-in-the-Wall is to be converted into a public highway. Heretofore it has been a private road for highwaymen.

Governor Nash's recommendations to the Ohio legislature concerning corporations are very common sense like and practicable. They provide for a workable publicity.

The Chinese exclusion law agreed upon by the western members of Congress is a very thorough, not to say, drastic, measure. In forbidding Chinese in our island possessions to enter the United States, it cannot fail to impress upon them what an inestimable blessing living in an American colony is.

Captain Alfred Carpenter, R. N., a recognized authority on meteorological subjects, says: "We can now forecast a fog twelve hours before its arrival and say where it will be thickest." This is surely an achievement, but it would be a greater one if the captain could tell when Salt Lake will be free of fog.

If President of the Council Cottrell made a "bad break" in omitting Mr. Robertson from a committee whose appointment he had moved, he merely followed an example set by President Roosevelt when presiding over the Senate. Senator Hoar moved the appointment of a committee. It was named and Senator Hoar was not put upon it.

Seth Low is a man of whom all Americans may be proud. He has the very finest sense of the code of ethics that should guide a public official. Within the last fortnight he has sold more than \$500,000 worth of stocks and bonds of corporations and financial institutions. These securities include those of banks and trust companies, which ordinarily do business with the city of New York as depositories and the like; and those of the companies that hold, or are likely to ask, franchises from the city. Mr. Low has held many of these securities for years. Some of them he inherited from his father. Many of them produced an income that cannot be duplicated now in the market. Mr. Low will reinvest the money derived from the sale, in securities of companies that are never likely to come in contact with the city government. Mr. Low has taken the step in deference to the severe sort of public opinion in these matters. If there were more Low's elected to public office there would be fewer high public scandals.

## THE OLD YEAR AND THE NEW.

Los Angeles Express.

At 4 o'clock this morning, Dec. 31, 1901, in this city of Los Angeles, it was midnight of Jan. 1, 1902, out upon the Pacific at the one hundred and eightieth meridian. This distant meridian is reached and overpassed both by new and old possessions of the United States. So expanded is our country that its bound, following the speeding sun, extends to the utmost limit of time present and to the first beginning of time future, and much farther than that, to Manila, the capital of the Philippines. One standing on the either side of the meridian line in question, may reach across it out of the heart not only of today but to the heart of tomorrow, but at this season, out of the gloom of dawn which envelope the final hour of the old year, the joy and gaiety and rejoicing at the advent of the New Year.

## MILWAUKEE WISCONSIN.

There are those who have made mistakes in 1901. There will be a chance to redeem them in the future which spreads out beyond New Year's day like the vista from an open door. It is more profitable and interesting to plan for the future than to bewail the past.

## CHICAGO NEWS.

The first year of the twentieth century will hold a prominent place in history. Looking back over the twelve-month year closing, one cannot fail to be impressed by the epoch-making character of some of its happenings, by its crowding, competitive activities and by its marvelous expansion of all human enterprise along world-wide lines of development. No year in previous history has found the manifold factors

and forces of civilization so actively and intimately associated in affairs of common interest.

## CLEVELAND PLAIN DEALER.

The coming year bids fair to be memorable for its discoveries in the realm of science. Perhaps it will bring the looked for revival in the field of letters. And it may number among its chief blessings an amicable cessation of the old-time differences between capital and labor. But whatever it brings how many of these self-imposed business and its burdens in the true philosophical spirit. May we meet the advancing future with faith in mankind and in the nation.

## BALTIMORE SUN.

The trade outlook for 1902 is favorable. Our industries are apparently in a highly prosperous condition. The only cause for apprehension is the possibility that Europe, resenting the invasion of foreign markets by American manufacturers, may impose excessive duties upon imports from the United States. This is a danger which this country has confronted for several years, although it is doubtful whether European nations were ever as deeply stirred as they are now, or ever more inclined to adopt retaliatory measures. However, European countries are as jealous of each other as of the United States, and as long as this feeling exists it is doubtful whether they will be able to agree among themselves upon tariff discrimination against the United States.

## ST. PAUL GLOBE.

Optimism, just now, is a popular fad. We think that it has a sound ethical and economical basis, however. The world is growing better and today millions of men and a large number of women will testify their faith in this optimistic fad by entering into divers and sundry contracts with themselves for the betterment of the world in general and the human race in particular. Now these self-imposed contracts will be carried out to the letter or even in spirit, it would be unwise to prognosticate. If one were to judge the future by the past in this respect, the research might end in a chronic state of pessimism.

## NEW YORK MAIL AND EXPRESS.

The second year of the twentieth century may not be as rich in dramatic events as the three or four years have been that went before it, but it will doubtless in a formative way be more important than any one of them.

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