

## DESERET EVENING NEWS

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SALT LAKE CITY, MARCH 16, 1908.

## CONFERENCE NOTICE.

The Seventy-ninth annual, general conference of the Church of Jesus Christ of Latter-day Saints will assemble in the Tabernacle, Salt Lake City, on Saturday, April 4, 1908, at 10 o'clock a. m. A full attendance of the officers and members is hereby requested.

The general Priesthood meeting will be held in the Tabernacle on Saturday, April 4, at 7 o'clock p. m.

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

The annual conference of the Sunday School Union will be held in the Tabernacle on Sunday, April 5, at 7 o'clock p. m.  
JOSEPH F. SMITH,  
General Superintendent.

## THE IDAHO CASE.

The real point of dispute in the suit instituted by anti-"Mormons" in Idaho against Judge Alfred Budge, to have him declared incompetent to hold office, is whether Church members have the same rights as other citizens under the constitution of Idaho. Judge Budge is a talented jurist, with an excellent record and spotless character. There is nothing against him except that he is a Church member. And of this fact his antagonists are trying to make political capital.

But how is that possible? The constitution of Idaho provides, as we understand it, that no person shall be permitted to vote, or hold office, who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or belongs to any organization which fosters and tolerates such marriages.

This has always been understood to be a constitutional provision directed against polygamy. It has been understood to mean that plural marriages are prohibited, even if they are entered into under the name of celestial, or patriarchal, marriages.

The contention of the opposition now is that the term "celestial marriage" does not refer to "plural marriage," but that it is used in a purely theological sense, so that if a man believes that his marriage covenant with his wife lasts for both time and eternity, he is disfranchised by the Idaho constitution. By that contention the anti-"Mormons" hope to deprive every Church member in the state of the franchise, since the doctrines of the Church teach the eternity of the marriage covenant.

That this is an afterthought, and part of a sinister plot, is evident. If the framers of the constitution had intended to disfranchise citizens because of any theological opinion they might hold, that would have been known before now. Why did the conspirators not long ago discover that they had a "celestial marriage" clause in the constitution? They are simply trying to put into that instrument something different from the clear intentions of the delegates to the constitutional convention.

Ex-Senator Dubois is a not unimportant witness to the truth of this. During the course of his conversation with William Budge in the Senate investigation of the case against Senator Smoot, Mr. Dubois said: "When the manifesto was issued in 1890, then for the first time the question arose about restoring the franchise. The State was admitted in 1890. You did not vote at the first election, but after the manifesto was issued all parties and all individuals united in restoring your franchise?"

That is to say, according to Mr. Dubois, all parties and all individuals were satisfied that the object of the test oath, and, consequently, that of the constitutional provision, was gained by the issuance and acceptance of the Manifesto, wherefore the franchise was restored by unanimous consent. But mark you, there is nothing in the Manifesto regarding "celestial," or "patriarchal" marriage. When the franchise, nevertheless, was restored, and that by consent of all parties, that is conclusive proof that it was generally understood that "plural" marriages only were aimed at by the prohibitory legislation, and not the abstract belief in the eternity of the marriage covenant—a question evidently outside the domain of legislation as long as it does not take the form of any illegal act.

Furthermore, Mr. Dubois in 1903 made the following statement, quoted in Proceedings before the Senate Committee, Vol. IV, p. 522.

"After a few years in Idaho, where the fight was the hottest and the thickest, we wiped all of those laws from our statute books which aimed directly at the Mormon people; and today the laws of the statute books of Idaho against polygamy and kindred crimes are less stringent than in almost any other state in the Union."

In answer to a question by Senator Hale, Mr. Dubois said, in part:

"We had no authority of law, but we took it upon ourselves to assure them that those older men who were living in the polygamous relation, who had growing families which they had reared and were rearing before the Manifesto was issued, and at a time when the Constitution had entered into polygamous relation—that those older men and women and their chil-

dren should not be disturbed; that the polygamous man should be allowed to support his numerous wives and children.

"The polygamous relations, of course, should not continue, but we would not compel a man to turn his families adrift. We promised that the older ones who had contracted those relations before the Manifesto was issued would not be persecuted by the gentiles; that time would be given for them to pass away, but that the law would be strenuously enforced against any polygamous marriage which might be contracted in the future."

There is, in the entire statement, not a word about the illegality of the belief in the eternity of the marriage covenant; only against contracting new plural marriages. In 1903 the anti-"Mormon" champion had not discovered that the constitution in his State prohibits the belief that a marriage is contracted for both time and eternity. That is, as we have said, an afterthought.

We doubt very much that anti-"Mormon" agitators entertain the hope that the courts will sustain them in their absurd contention. They have, we believe, raised the question for lack of anything else with which to keep the agitation alive.

## SHAKESPEARE MEMORIAL.

Plans have been outlined by an English committee, for a \$500,000 memorial to Shakespeare, to be completed on the 300th anniversary of his death, eight years hence. Competition for the design of the architectural monument and statue will be thrown open to all English-speaking races, selection to be in the hands of a committee of sculptors. The projectors of the monument also hope to raise an additional \$500,000 to be devoted to the foundation of a "Shakespeare Institute." When the invitation to contribute comes, there will be no delay on the part of those who appreciate the immortal bard, to respond. Shakespeare belongs to the world, and all should have a share in erecting an enduring monument.

There has been some discussion as to the form a monument of this kind ought to take. Some advocated a statue. Others a library, or a museum, or an institute for the study of art and literature in general. Others suggested a national theater dedicated to classical plays. A compromise seems to have been reached, and the committee has decided on the erection of a statue and the foundation of an institute. There is no reason why an American sculptor should not win in the competition for the design of a statue.

## FOR CHEAPER PAPER.

Newspaper readers—and that term includes, practically, everybody—are interested in knowing that the publishers throughout the country are resisting the efforts of the manufacturers to fix the price of paper at almost prohibitory figures. It is claimed that various combinations among manufacturers have been entered into for the purpose of limiting the output and increasing the cost to the consumers, and the result is a serious crisis in the publishing business.

When the matter, some months ago, was brought to the attention of the Attorney General, he replied that if sufficient evidence could be laid before him to make out a case of illegal combination, or conspiracy, he would at once institute proceedings to afford relief. The collating and preparation of evidence was then begun, and some time ago the President of the American Newspaper Publishers' association forwarded to the Attorney General a detailed statement of the evidence in his possession. This statement is now under the consideration of the Attorney General's department.

The charge is made that manufacturers of paper have entered into an agreement to create a paper famine, for the purpose of realizing an exorbitant profit on the limited output. If this charge is sustained by the evidence, the robbery should be exposed and stopped. The public, as usual, is the victim.

## A LESSON IN LAW MAKING.

The supreme court of the State of California has upheld the decision of the district court of appeal in the Schmitz case.

The court holds that when the late Mayor levied tribute from the restaurant keepers by threatening to withhold their licenses, the act was not within what the law defines as extortion.

More specifically the court says: 1—That to constitute the crime of extortion committed by means of any threat to injure property of the person threatened the injury threatened must in itself be unlawful, irrespective of whether or not the purpose for which the threat was made was to obtain money to which the person threatened is not entitled.

2—That the indictment does not aver that Schmitz was Mayor or that Rugf was a political boss or that either of them had any power or control over the Police Commissioners or that they threatened to use any such power, influence or control in preventing the issuance of a license.

To constitute the crime of extortion committed by means of any threat to injure property of the person threatened, the Supreme Court holds, the injury threatened must be in itself unlawful irrespective of whether or not the purpose with which the threat is made is to obtain money to which the person threatened is entitled.

The court declared that if the injury threatened to property is one which the person threatening has an absolute legal right to do, he cannot be held to have threatened "to do an unlawful injury" to the property even though his motive in making the threat is to obtain from the person threatened money to which he is not entitled, and consequently cannot be held as an injury within sections 519 and 520 of the Penal Code.

This case is only another lesson to law-makers. People blame the courts because the latter will not construe the law to mean what it does not say, but the blame lies in the careless making of the laws.

In order to make an injury from the lawful act of a third person, a cause of action against the person inducing the act, the court argues, such an act must be procured by some means which the law denounces as unlawful.

It was within the lawful power of

the police commissioners, the court points out, to withhold from the French restaurant keepers a license to sell liquors at retail no matter how great the loss to their business would be.

It was also lawful for any person by legitimate persuasion or argument to prevail upon the commissioners to refuse the license, although such person was actuated by malicious intent to injure and cause the restaurant keepers pecuniary loss.

The conjunction of the lawful persuasion inducing the lawful refusal of the license, with the malicious motive instigating the persuasion, would not convert the lawful act of refusing the license into an unlawful one, the opinion holds, nor would it make the resultant injury lawful or actionable.

There should be no criticism of the court. The law should be changed. It will not do for courts to violate the law in order to catch a thief. The courts only say what the law is, and not what it should be. It is not likely that this lesson to California lawmakers will go unheeded. Meantime, Mr. Schmitz will be tried on other indictments.

How would you like to be the locomotive? For answers direct the question to Charles W. Morse of New York.

Dreaming of burglars and making the dream so realistic that the dreamer rises from bed and shoots his wife, is going a little far. Mince pies and other food with like reputation should be tabooed in such cases.

When John R. Walsh stepped into the elevator in the Federal building yesterday at Chicago, the elevator boy in the time honored manner called out "Going up!" This version was acceptable to Judge Anderson and he sent the convicted banker "up."

Gifford Pinchot, speaking from the position of a man who should know, declares there is just about enough timber to last this country thirty years and that the coal supply will be exhausted in one hundred years. It is high time that the future be provided for.

Knowing that the navy is up to the mark, the army is now before the national Congress for consideration. Recent legislation is directed with one point as an objective—an increase in efficiency in all lines with highest standards of manhood in the ranks and among the officers.

The published statements in the press of all nations is flattering to the United States with regard to its splendid fighting ships. Russia says Uncle Sam has demonstrated that the navy is peerless. France admits that it is surprised and that the completed voyage will show the world that America is second to none in its sea power.

The news wires yesterday were burdened with health bulletins of two of the world's notabilities. One dispatch declares that Grover Cleveland is feeling quite well, thank you. The other says Emperor Francis Joseph has a cold in the head. It is seldom that joy is permitted to reign unalloyed without sorrow or regret.

In German schools, drinking bouts, broad sword combats and other forms of diverting amusement have given way to a new sort of duel. The antagonists use stout canes and belabor each other over the head with them until one of the men declares himself worsted. One method is just about as sane as the other and we fail to see why the change was made.

## AMENITIES OF HISTORIANS.

Boston Herald.  
The fact has just become public that Sir George Trevelyan, the English man of letters and the historian of the American Revolution, received recently a beautiful cup of silver as a token of the friendship and admiration of President Roosevelt. Secretary of State Root, and Senator Lodge, Sir George has other friends here who will be glad that this reminder has gone to him to show that his abilities and sympathies are duly appreciated in the country whose early history he has dealt with so fairly.

## FORESTRY AND FLOODS.

Cleveland Press.  
The whole system of forest and reservoirs might cost the government \$100,000,000. A single flood has done damage to that amount. During the recent flood, while the people of the Ohio valley were suffering untold privations and losses, Congress was busy—doing what? Considering the Appalachian forest belt? Oh, no! That useful body was getting up the campaign books for 1908. So much more important than flood prevention. And then it had to put the motto back to the coin.

## BATTLESHIPS AT MAGDALENA.

Pueblo Chieftain.  
When the Oregon sailed around the cape and reported at Key West, ready for battle, the nation loudly rejoiced in its applause, and naval critics throughout the world endorsed the popular approval of the navigators and engineers under Captain Clark's command.  
An equal feat has been accomplished by the sixteen modern battleships under Admiral Evans, which were reported yesterday to have arrived at Magdalena bay, lower California, in better condition than when they left Hampton Roads. That this accomplishment could be repeated when ever necessary there is no reason to doubt, except in the respect, and possibly in some others, the trip of the battleships has been valuable, not only for what merits it has demonstrated, but also for the weaknesses it has disclosed.

## UP AGAINST DARWIN.

New York Press.  
John Burroughs, of whose eminence I am profoundly ignorant, says in a sporting periodical that he never encountered a dog, wild animal or bird story, in which any of these animals displayed any reasoning power, nor had he observed reason in any animal. What does he think of this story, from the great Darwin? "Mr. C. whined two ducks, which fell to the further side of the stream. His retriever tried to bring over both at once, but could not succeed, so he then thought he never before known to ruffle a feather, deliberately killed one bird, brought over the other and returned for the dead one. In this case the retriever, after deliberating, broke through the habit which is inherited—that of not killing game retrieved—thus showing how strong the reasoning faculty must have been to overcome a fixed habit."

## A SERMONET FOR WORKERS

(For the "News" by H. J. Hagood.)

In straight clerical work the young college man is often at a disadvantage, owing to his poor penmanship and his ignorance of bookkeeping, but the quickness with which he picks up general office details is often surprising. There is in western Pennsylvania today a chief clerk in a large office who five years ago as a green hand just out of college, started with this firm at \$10 a week. The first few weeks he was worth little or nothing and several times was on the point of being dismissed. Then he began to increase rapidly in value and today he is one of the ablest men in the employ of this large corporation.

The value of college training very often comes out in peculiar ways. A young man began work a few years ago for a large insurance and real estate company. He was not of prepossessing appearance and on this account and because his references (all of them from college professors) laid such emphasis on the fact that he had specialized in foreign languages and attained high rank in these courses, the general manager of the company came near refusing his application for employment. "French, Spanish and German are of no use in this business," grumbled the manager, but nevertheless he put the young man to work, for he needed a man badly. Today he is glad he did so.

The young man started as a filing clerk, getting out and putting away the documents and papers used by the different officers of the company. It was not long before they discovered that they when they asked for certain information about a piece of real estate the young man could furnish it with surprising promptness. Often they noticed, he would tell its value, size, location, etc., without referring to the files. Finally the reliability and remarkable scope of his memory attracted the attention of the president of the company, and he was promoted, until he is now at the head of an important department. His French, Spanish and German were of no use in the insurance business, but the training he gained in mastering these languages—the development which it gave his memory—is worth a good many thousand dollars a year to his employers.

## JUST FOR FUN.

Their Occupation Going.  
Atlanta Journal.  
The noisiless gun foreshadows the death of the novelist's favorite characters, Cannon Roar and Musket Crack.

Bombs Won't Stop 'Em.  
Cleveland Leader.  
Notwithstanding the extraordinary bomb crop, there is no dearth of candidates for presidencies and thrones.

Same Rule Holds Good.  
Atlanta Constitution.  
But even in a kitchen cabinet, too many cooks spoil the broth.

"Why is it that men bet and women don't?" "Men choose betting as a means of putting a stop to an argument." "Well?" "Well, women never want an argument stopped."—Cleveland Leader.

Church—"There is a case on record, I believe, where a man got up out of his bed and wrote a poem in his sleep." Gotham—"Oh, well, if he was asleep I suppose he couldn't really be held responsible."—Yonkers Statesman.

The Bride—"I think this looks like a nice, respectable place for us to eat, Jason. It says 'I always reserved a cap that pulls down well over the ears.'"

"Yes," said Miss Cutting. "I should think that would be absolutely necessary when you're skating against the wind."—Philadelphia Press.

"Whenever I go skating," Mr. Hoamley was saying, "I always reserved a cap that pulls down well over the ears." "Yes," said Miss Cutting. "I should think that would be absolutely necessary when you're skating against the wind."—Philadelphia Press.

SALT LAKE THEATRE. GEORGE D. FRYER, MANAGER. CURTAIN UP.

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A particularly attractive feature was the Great Suit Sale. It is unusual for such exceptional values to be offered so early in the season.

100 LADIES' NEW  
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