MORE EXECUTIVE DESPOTISM.

THE full text of the bill passed by the Legislative Assembly, for the purpose of complying with the laws of Congress relative to elections in Utah, will be found in this issue of the DESERET WEEKLY. Accompanying the bill is the Governor's message vetoing this important measure.

The reasons for this legislation have been already explained in these columns, but we will again refer to them. Section nine of the Edmunds Act provides:

"That all the registration and election offices of every description in the Territory of Utah are hereby declared vacant, and each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of election in said Territory shall, until other provision be made by the Legislative Assembly of said Territory, as is hereinafter in this section provided, be performed under the existing laws of the United States and of said Territory by proper persons who shall be appointed to execute such offices and perform such duties by a board of five persons to be appointed by the President by and with the advice and consent of the Senate," etc.

The provision referred to in the above is contained in the closing part of the section as follows:

"And at or after the first meeting of of said Legislative Assembly whose members shall have been elected and returned according to the provisions of this act, said Legislative Assembly may make such laws, conformable to the organic act of said Territory and not inconsistent with other laws of the United States, as it shall deem proper, concerning the filling of the offices in said Territory declared vacant by this act."

The congressional provisions, by implication at least, impose upon the Utah Legislature the duty of providing for the filling of these registration and election offices. And they expressly affirm the power and authority of the Legislature to do this.

The plain and direct object of the Act of Congress in which these provisions appear was to prevent polygamists and persons who cohabited with more than one woman from voting or holding office in Utah. A Legislature was to be elected by monogamous voters and composed of monogamous citizens. For this purpose the Utah Commission was created. When that object should be achieved, the new Legislature, either at the first or some subsequent session, was to enact a law to regulate election matters and then the Commission was to become defunct, the purpose of its creation having been accomplished.

The Legislative Assembly elected under the Edmunds Act did, at its first meeting, make and pass an election law as authorized by that act, but, as was anticipated, it was vetoed by the Governor, who offered several alleged objections. At the next session of the Legislature another election law was passed, in which all the "objections" of the Governor but four were squarely met and the causes removed, and these four were shown to be without foundation. Unable to point out any real defects in the second bill, the Governor vetoed it without offering any specific reasons.

The Edmunds-Tucker act of 1887 made this additional provision:

"Sec. 23. That the provisions of section 9 of said act, approved March 22, 1882, in regard to registration and election officers, and the registration of voters, and the conduct of elections, and the powers and duties of the board therein mentioned, shall continue and remain operative until the provisions and laws therein referred to, to be made and enacted by the Legislative Assembly of said Territory of Utah, shall have been made and enacted by said Assembly, and shall have been approved by Congress."

The bill which is now published was framed in accordance with this provision, and covers all the ground for which it was designed. It will bear the closest investigation. It runs counter to no law of Congress, is not in violation of the Organic Act, however broadly or narrowly construed, and does not transcend any legitimate power of the Legislature. It is a necessary, just and impartial measure. It is fair to all parties. It cannot be consistently objected to, except by those notorious corruptionists who favor and foster the supremacy of a partizan minority and the political robbery of the majority of Utah's qualified electors.

The Governor's pretended objection will be found on examination to be even less substantial if possible than the quibbles of his predecessor under similar circumstances. The bill, he says, provides "for choosing all officers not otherwise provided for," and attempts, but fails, to show that this with the repealing clause of the bill casts a doubt upon its meaning. However, he admits further on that he has "not carefully examined all the details of the act."

One of the causes of difference between the Legislature and the Executive in this Territory has been the construction and interpretation of section seven of the Organic Act, in reference to the appointing power of the Governor in Territorial offices. That bone of contention having been removed by the decision of the Supreme Court of the United States, it was supposed that harmony would now prevail on that question. The Council of the Assembly, which has recently adjourned, made no resistance to the Executive in his appointments, although they believed he went beyond his powers in reference to some of the officers whom he claimed the right to nominate. They were all confirmed. This should have been proof enough that the old grievance was gone. The present Governor had no reason or right to resurrect it.

The attempt to drag into the veto this settled question is simply contemptible. The very words to which he offers a doubting objection should have been sufficient to prevent any such quibbling. The bill relates to the choosing of officers "not otherwise provided for." Does not that exempt officers who are appointed whether by executive or any other authority? This flimsy effort to make it appear that the bill conflicts with the organic act ought to have been too transparent for even the most bitter or brainless foe of the liberties of the people of Utah to endorse. The laws which provided for the election of Territorial officers are dead, and were buried by the Supreme Court decision. They cannot be raised, either as veritable realities or as phantoms to supply a Governor with the ghost of a reason for playing the autocrat.

The Governor says the repealing clause is "very careful in its terms." Is that a reasonable objection to it? Why, he declares in another place that this is what ought to be, and intimates that the Legislature has not been careful enough. But let us look at this wonderful repealing clause, which, at the same time, in the gubernatorial mind is too comprehensive and yet not comprehensive enough. "The provisions of all acts and parts of acts superseded by or in conflict with any of the provisions of this act are hereby repealed." Is not this one of the commonest and plainest of repealing clauses used in modern legislation? It is to be found in acts of Congress, and the laws of States, and means all and no more than just what it says. Any one who perceives a bugaboo in it must have a most vivid and disordered imagination.

Now as to the omission of provisions for elections in cities. This objection is on as low a level as the rest. Accompanying this bill was another, dealing especially and exclusively with elections in cities.