

not; I understand the object a house to house canvass is to find all the voters. I apprehend that it is for the convenience of voters; I would not make a second visit to a house; I have refused to register persons I did not find home, but have made exceptions to the rule; I understand there will be but five days in the office registration; by instruction of Col. Page I made the house to house canvass and as a rule refuse to register those I did not find home. Col. Page did not tell me not to register people on the street, or any place but at their houses; I did not do it because it would have taken time; found but a small per cent of people at their homes; when I have not found voters at home I have refused to register them when they called on me; as a rule I have refused to register any one except at home; I refused to tell Mr. Pike, of the People's committee, what blocks I would visit, say the next day; I have refused to designate in any way where or when I would visit.

I did not decline to give the information about when I would visit the houses so as to have an excuse for not registering a certain class of people; I intended to leave all whom I did not find home till the last week; I preferred to register people I did not know, at home; I made a distinction between those I knew and those I did not know; the instructions required us to get the residence; the voter could tell me, but I did not know for myself; if I had been at a house, and no one was home and the resident afterwards called on me, I refused to register him unless I absolutely knew him; I have stricken off over 700 names, and have added something more than 100 in the precinct.

George Lambourne testified—I was at Morris' house when Cumberland came and asked for registration, and heard Morris say he would have to wait till after Dec. 23; he said the Commission would give one week's notice of where the registration office would be.

This closed the Cumberland case, and that of John H. Back vs. Morris was called. Mr. Back testified—I have lived in the Third precinct two years; am a married man; work at Z. C. M. I.; am a naturalized citizen; am not now, and never have been a polygamist; I applied to Morris, at his residence, for registration; there were three of us; he took the other two and refused to register me; he called at my house when I was not home, and I told him of it.

To McBride—the witness made substantially the same statements.

S. W. R. Brown corroborated Mr. Back's testimony about Morris refusing to register him.

J. R. Morris testified to the same facts, and said, "I told him emphatically that I would register no one at my house."

To Rawlins—I refused him because it was not at his house; I have registered people at their place of business.

Mr. Rawlins—Have you put on names furnished by Mr. Clute?

Mr. Morris—I have.

Mr. McBride—We object to that.

Court—Let the objection be sustained.

The attorneys then proceeded with the argument. Mr. Rawlins' opening speech occupied till the close of court, and today Mr. Merritt and Judge McBride spoke for the registrar. Mr. Rawlins closed for the complainant, and the court took the matter under advisement.

THE MANDAMUS CASES.

Judge Zane gave his decision in the mandamus cases December 18. The opinion was rendered in a rambling style, but the substance was about as follows:

The question at issue was whether the acts of the registrar were judicial or ministerial. The complainant, Henry Cumberland, had said that he wanted to register if entitled to do so. He was advised to take counsel. He exhibited a certificate of naturalization, which was objected to by the registrar, who advised him to get an endorsement from the present clerk. The registrar should have filled out a blank oath for the plaintiff, on the first statement made, and when he refused registration. Later, the plaintiff went to the registrar's house and insisted that he be registered. Morris refused to register him, and referred him to the last week in December, when an office would be opened and due notice given. Was it the specific duty of the defendant to have registered plaintiff? The Utah Commission issued a circular which is a fair construction of the law, and under this the registrars were acting. By this circular the registration commenced Monday, Nov. 4, and ended before December 16. Judge Zane reviewed the circular at some length, and said that the registrar was required, when a voter was objected to, to have a hearing. This raised him to the rank of a judicial officer. But before this point is reached his office is ministerial. The registration officer has no discretion then. He is not bound to take any oath if he knows the facts are false. But if the registrar refuses a man who is entitled to register, he would do so at his peril. The discretion of the registrar would protect him when he was acting in a judicial capacity, but not so in a ministerial capacity. This was the case under the Territorial law. Congress, in 1882, made some additional disqualifications of voters. The United States Supreme Court in substance authorizes the registrars to receive evidence, and says in effect that they are not confined to an affidavit. If they reject a man for reasonable cause, and not maliciously, they are not liable for damages. Has the act of 1887 made any change? That is where the whole question turns. The law of 1887 prescribes the form of proof—it is by affidavit, and as to that the officer has no discretion. But the officer is authorized to inquire whether a person is guilty or has been convicted of certain offenses, when ap-

plication is made for registration. In regard to this latter clause the registrar should exercise due diligence. He has no right to trifle with the rights of the voter, which are very important, as upon the expression of the voter the government stand. None but superficial, thoughtless or wicked men would trifle with a voter's rights. I am of opinion that the registrar can inquire in reference to disqualifications under the laws of Congress; it is his duty to make the inquiry. So far, his acts are not ministerial. The mandamus in this case, and in that of J. H. Back, and of Wm. J. Bachman vs. E. R. Clute, are hereby denied. It devolves on the Utah Commission to see that these registrars do their duty faithfully.

CURRENT TOPICS IN EUROPE.

A new edition of the "Life and Works of Elizabeth Barrett Browning" has just been published and meets with ready sale, not merely to the British public but likewise to their American cousins. This edition contains a number of portraits of Mrs. Browning at different periods of her life. One of these is a copy of a painting of her at nine years of age. It is a curiously interesting picture of a little girl holding a flower in her right hand, while with the left she turns up her apron so as to make a receptacle for a lap full of flowers. The face is one which might have forewarned her acquaintances of her coming destiny. The eyes have a depth of expression—a sort of look as of one who had already thought much, or saw things that others did not see; who might as well have had fairies as flowers for her companions. No one who studies that face will be surprised to hear that the owner of it composed a poem on "Morathon" when she was only fourteen years of age. By common consent there is a place in literature at which an "authoress" drops that title and becomes an "author." In the same sense, perhaps, we ought to speak of Elizabeth Barrett Browning as a poet. Since Sappho, no woman has equaled her in poetic power, and fire, and pathos. When Elizabeth Browning commenced to write she soon made it clear that a new chapter in England's literary history had been opened, and that a real poet had arisen. Her work has been long enough before the world to enable us to say with certainty that it has found its place. Her songs have found admirers wherever the English language is spoken. They have entered into our feelings and become a part of our social life. The fame of Mrs. Browning is assured. She will take her place as one of the great poets of the Victorian age. We need her poems; she does not need our criticism or our praise. Her mortal remains now repose in the Protestant cemetery of Florence, Italy. A plain yet beautiful monument has been erected over her grave, with no other inscription except the words "Elizabeth Barrett Browning." That is sufficient; no other is needed.