

The Deseret Weekly,

PUBLISHED BY

THE DESERET NEWS COMPANY.

SALT LAKE CITY, UTAH.

SUBSCRIPTION RATES:

Per Year, of Fifty-two Numbers, - - - \$2.50.

Per Volume, of Twenty-six Numbers, - - - 1.50.

IN ADVANCE.

CHARLES W. PENROSE, - - - EDITOR.

Saturday, - - November 29, 1890.

A GOOD LAW SHAMEFULLY PREVERTED.

THE registration and election law of this Territory was enacted by the Legislature in 1878. It was opposed by the "Liberal" schemers, who desired to gain by fraud advantages they could not secure by numbers. They could find no specific fault with it. They were secured in representation upon the board of judges wherever they had cast a vote, and at the official count of election returns. The registration officers were the assessors with their deputies. The county clerks received the returns and the county courts canvassed them. The Justices of the peace heard objections to the right to vote. All these were regular officials, and under bonds for the faithful performance of their duties. They were also respectable men, elected by the people and *bona fide* residents and property owners. The rights of all parties and citizens were secured under its provisions and operations.

It is now claimed by certain "Liberals" that "it is an infamous law." They say "it was designed to make it impossible for any Gentile to hold an office in this Territory." The answer to that is, it was framed with the advice, assistance and approval of some of the most prominent "Liberals" in the Territory, including judges, lawyers, merchants and the Governor. The intent of its framers was to secure the purity of elections and the rights of all the voters. Its operations demonstrated this, and no legal voter that we know of ever complained of anything in regard to it except that it gave no room for "Liberal" frauds. "Gentiles" were elected to office under its provisions. There was nothing in it to prevent their election if they only had a majority of supporters.

We do not claim that the law was perfect. But we do say it is as good as any election law in the country. There is no better way to secure an absolutely secret ballot than the

rules it requires. The precautions it embodies against the voting of transients may cause some hardships to persons removing from one place to another, and to those absent at registration times, but these are more the result of recent improper administrations of the law than fault in the law itself, which is thoroughly equitable and fair to all parties. Its imperfections would have been removed, and the wrongs possible to be perpetrated prevented but for the Governor's veto of measures honestly designed for that purpose.

The evils that have arisen and that now exist have sprung out of the provisions of the Edmunds Act, the constructions that have been placed upon by the appointed officers acting under it, and the unlawful and criminal conduct of some of those officials.

Under the Utah statute, as we have shown, the registration and election officers were elective; under the Edmunds Act they are appointive by an appointed Commission. These appointees are not, usually, responsible persons, but, chiefly, individuals without property and some of them without character. They are not placed under bonds. If they are sued for damages by defrauded citizens they have nothing for the law to levy upon. The jury lists and the panel are so manipulated that there is no chance for justice against them if prosecuted. So that frauds are perpetrated with comparative impunity, and the petty officials defy the authority which appoints them, while that authority suffers its directions to be treated with contempt and pretexts and avers that elections are fairly conducted.

One thing, particularly, should be kept in mind: Under the Utah statute the elected justices of the peace, having given proper bonds, heard and determined objections to the right to vote. From all their decisions there was an appeal to the higher courts. There was never any complaint of injustice, under their administration of this law. But the Utah Commission, acting according to their own construction of the Edmunds Act, have appointed persons known to be active in the interest of the "Liberal" party, and recommended to them by "Liberals" for that very reason. They have been chiefly such persons as are described in the preceding paragraph. They are not regular judicial officers, nor under bonds, and from their decisions, it is ruled,

there is no appeal. So that they can and do defy law, justice and the sacred rights of citizens, rob legal voters of the franchise, and strike off names from the voting lists as they please, and there is no redress.

This condition of affairs is admitted to be "shameful," even by those who seek to profit by it. But they charge it to the law. This is as "shameful" as the outrages for which it apologizes. If the law were administered according to its letter and its spirit, the troubles complained of would not exist. It is the perversion and disregard of the law that are to blame. The Edmunds Act requires "proper persons" to be appointed to perform these duties, and that this shall all be done "under the existing laws of the United States and of the Territory." Only judicial officers, from whose decisions appeals are allowed to the higher courts, are "proper persons" under the laws. Those who have been appointed are "improper persons" in every sense of the term.

The registration officers, strong partisans, are made the judges to hear and determine objections. They are not "proper persons," because, as we have shown, they are not regular judicial officers. They are made to occupy the place filled under the law by the assessors. The elected assessors were not judges to hear objections to voters, therefore the appointed registration officers should not act in that capacity. They virtually sit in judgment upon their own proceedings. They are constituted, not by law, but by this appointment, courts that are independent of law; of the rulings of higher courts, of the power that appointed them, and of the people. All this is contrary to the territorial statute and cannot be charged against it with any particle of truth or consistency.

While the registration and election law was administered according to its provisions no legal voter's name was stricken from the registration list, nor was his right to vote denied at the polls. This is a sufficient answer to the falsehood of the "Liberal" organ that the law was framed "to put into the hands of the registrars the absolute power to strike off Gentiles from the lists whenever they pleased." Let some "Gentile's" name be produced that was improperly stricken from the list by any officer belonging to the People's Party! It cannot be done. And to clinch the falsehood, all that