

DESERET NEWS. WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY
THE DESERET NEWS COMPANY.

CHARLES W. PENROSE, EDITOR.

WEDNESDAY, - Nov. 22, 1882.

THE DELEGATE'S CERTIFICATE.

MORE "LIBERAL" TRICKERY.

MAJORITIES YET PREVAIL.

ON Thursday the returns of the Delegate election, held November 7th, were canvassed by the Board appointed on the 3rd inst. by the Utah Commissioners; it consisted of Elijah Sells, Mr. McLaughlin, of Park City, C. C. Goodwin, F. S. Richards, of Ogden, and Warren N. Dusenberry, of Provo. All the Commissioners were present except Col. Godfrey, who has gone East, also the rival candidates for the office of Delegate. Mr. McLaughlin acted in the place of E. P. Ferry, and F. S. Richards in the place of W. H. Hooper. The time and place of the canvass were designated by order of the Commissioners. All the returns were received with the exception of those from some small precincts named below.

The following protest, which had been forwarded to the Commissioners, was submitted to the Board of Canvassers:

TERRITORY OF UTAH,
City of Salt Lake,
November 16, 1882.

To the Utah Commissioners, and to the body of Canvassers by them selected:

Gentlemen—I have the honor to submit to you the following objections to canvassing the votes claimed to be cast for the Hon. John T. Caine at the late election for Delegate to Congress, viz:

First—The ticket used and voted at the election by the so-called "People's Party," and which bore the name of John T. Caine, was not in accordance with law, but on the contrary, was one which embodied two distinct tickets, and for two different offices, to wit:

1. One for Delegate to the Forty-seventh Congress and one for Delegate to the Forty-eighth Congress.

That there is no authority for electing a Delegate for the unexpired term of the Forty-seventh Congress, which was well known to the persons voting said ballots, and especially to John T. Caine, the nominee and candidate named on said ticket.

2. That by reason of the unusual size and shape of said ballot, it marked the envelope which your honorable body caused to be used for enclosing said ballot at the time of voting the same, and which the law required, and thus caused said ballot to be other than a secret ballot, as is contemplated and required by law.

3. That the said envelopes were so marked by reason of the size and form of said ticket that it could be easily determined which ticket was contained within the envelope.

4. That John T. Caine, the person voted for by the so-called People's Party, and whose name is contained on their tickets, is not eligible for said office, which was well known by persons casting said ballot, in this, to wit:

1. That said Caine is, within the meaning and fair construction of the law of Congress, commonly called the Edmunds bill, a polygamist. That for proof of the allegations contained within this objection, the undersigned now offers to make satisfactory proof to this honorable body.

Yours, very respectfully,
PHILIP T. VAN ZILE.

Hon. John T. Caine expressed to the Commissioners his desire to be heard in reply to the protest if they intended to hear any discussion of the matter, and also entered his denial of the allegations contained therein. The Commissioners enquired of Judge Van Zile if he was prepared to prove the charge that Mr. Caine was a polygamist; he replied that his ground for the allegation was he presumed Mr. Caine

was a believer in polygamy. The following rule was thereupon made by the Commission:

"The Commissioners having considered the communication addressed to us by Hon. P. T. Van Zile, hold:

1st. That the objections in relation to the envelopes and ballots, and the voting for the vacancy for the Forty-seventh Congress ought to be overruled, because it is not shown that the law of the Territory or the orders of the Commission have been violated.

2d. That a candidate for Delegate to Congress having other legal qualifications is eligible unless he is actually guilty of entering into the condition of polygamy, bigamy or unlawful cohabitation with more than one woman, within the meaning of those offenses as described in the 1st and 3d sections of the act of March 22, 1882, and that the objection in respect to polygamy should be overruled, unless it is specifically charged and proved that John T. Caine has been guilty of entering into a polygamic relation or unlawful cohabitation with more than one woman in the marriage relation."

The canvass in the meantime proceeded, and in the evening another protest was presented to the Board by J. R. McBride in behalf of Judge Van Zile, as follows:

To Messrs. Sells, Goodwin, Dusenberry, Richards and McLaughlin, members of the Board appointed to canvass the returns of the Election for Delegate to Congress, held in the Territory of Utah, November 7th, 1882.

Gentlemen—I hereby protest against the issuance of any certificate to any person—or any certificate of election to any person voted for as Delegate to Congress, either the Forty-seventh or Forty-eighth, at the election held on the 7th day of November, 1882, in the Territory of Utah, on the ground:

That by law you are only authorized to receive the returns from the various precincts of the different counties of the Territory and make an abstract of the same, which abstract must be sent to the Secretary's office, and the Governor and said Secretary are then required to canvass the same, and the certificate of election can only be issued by the Governor of the Territory to the person whom he shall find to have received the highest number of votes.

Second—I protest against any return of the vote at the late election aforesaid for the reason that the returns are incomplete in that the precincts of Pahreah and Johnson, in Kane County; Bluff City and Montezuma in San Juan County; Arizona, in Sevier County; Deep Creek, in Tooele County; Leeds Precinct, poll No. 1, in Washington County, and Pine Valley in the same county; have made no return of any vote to your board; and any canvass at this time is premature.

The above protest I make as a candidate voted for at the above election for Delegate to Congress.

PHILIP T. VAN ZILE.

Mr. McBride argued that the Commission had exceeded the powers conferred by the Edmunds Act, in authorizing the Board of Canvassers to issue the certificate, and claimed that under the Organic Act it was the duty of the Governor to give the certificate and that his powers were not curtailed by the Edmunds law. The Commissioners each replied, defending their action, and showing that they had been guided strictly by the law, after due deliberation. The Board of Canvassers also took part in the discussion and the conclusion is shown by the annexed appendage to the protest.

Salt Lake City, Nov. 16 1882.
This protest was overruled by unanimous vote of the canvassing board.

ELIJAH SELLS, Chairman.

The Board took the position that they had nothing to do with the question of legality, but simply to perform a duty to which they had been appointed by the Commissioners as expressed in the rule of November 3rd, viz:

"Said Board of Canvassers will proceed to ascertain the number of votes cast for each person for Delegate to the Forty-eighth Congress, and they, or a majority of them, shall give a certificate of election to the person so ascertained to have received the largest number of legal votes, which certificate shall be delivered to such person, and said Board of Canvassers shall report their

proceedings and the result to the Commission."

They therefore proceeded to announce the result of the canvass, which showed that John T. Caine received 23,039 votes, Phillip T. Van Zile 4,884, and scattering 12. John T. Caine was then formally declared elected, the certificate, signed by all the members of the Board, was given to him, and the proceedings terminated.

The public will perceive that the so-called "Liberal" party is still bent on trickery, and will invent all kinds of flimsy pretexts for the purpose, if possible, of defrauding the people of Utah of the few political rights which they are permitted to enjoy. The special legislation which they manage to procure is always either too short or too long for them; it invariably contains some provision which interferes with their selfish and diabolical schemes. In vacating "all the registration and election offices of every description in the Territory of Utah," the Governor and Secretary, so far as any duties in relation to elections are concerned, as we showed at the time of the passage of the bill, were set aside just the same as the County Clerks or any other officers who were authorized by existing laws to act in election matters. And to make the meaning of the law in this respect beyond dispute, the following was added:

"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 hereinafter by this section provided, be performed, under the existing laws 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.

The arithmetical exploit of the Governor of Utah in the previous Delegate election was well known to members of Congress, and no official could be trusted to count votes, whether for "Mormons" or "Gentiles," polygamists or monogamists, who would declare that candidate elected who received less hundreds of votes than his competitor received thousands; neither could he be trusted to issue a certificate of any importance after prostituting his powers in so shameless a manner in 1880. Congress took care not to let him have a finger in the newly baked pie; he could not be trusted for any purpose or any party. Nothing can be clearer than that Congress intended to take the authority of canvassing the votes and issuing certificates entirely out of the hands of the Secretary and Governor, and place it in those of "proper persons" appointed by the Commission. The McBride quibble is, then, of the same character as every prominent legal technicality which that remarkable blunderer is in the habit of presenting with such cool but positive assurance.

The ballots voted by members of the People's Party, as a matter of fact were not of "unusual size and shape," they were of similar size and form to those used at previous elections, only the addition of the name of a candidate for the unexpired term was rendered necessary through the fraud perpetrated by the "Liberals," by which the Territory was robbed of representation in the Forty-seventh Congress. There was nothing in the size or shape in opposition to any law or rule. The "Liberals" could have had their ticket of the same size and shape if they had so decided. But in fact their ballot was of "unusual size and shape." It was made unusually small for the reason that they intended to cheat unsophisticated members of the People's Party out of their votes. The plan was to have very small, thin ballots, which could be slipped into the little envelopes provided by the Commissioners so that they could not be perceived without close scrutiny, and thus when a People's ticket was placed in the same envelope, both would be thrown out by the canvassers, and as many votes as were thus cast would be lost to the People's Party. The trick was tried in this city and in several other places in the Territory but was detected in time to defeat the

plot. Also, tickets were printed by "Liberals" of the same size and with the same heading as the People's ticket but with the name of the "Liberal" candidate. But neither trick prevailed, and the People received a hint which will be a caution to them in future.

As to the presence on the People's ticket of the name of a Delegate to the 47th Congress, the Commissioners had previously ruled that it would not vitiate the votes for Delegate to the 48th Congress.

The claim that John T. Caine is a polygamist, because it is "presumed that he believes in polygamy," is too puerile to discuss, and that it was made by such a legal luminary as the United States District Attorney, only shows to what trifling pettifoggery even the most "massive brains in the Territory" will descend when vain ambition, paltry envy or seville anger gains control.

That, after all the efforts to deceive, cajole, threaten and persuade the people of Utah to sustain the "Liberal" candidate; after excluding from the polls all persons in any way connected with the practice of polygamy; after disqualifying a large number of voters who under the strictest rational construction of anti-polygamy enactments were yet fully entitled to the elective franchise; after taking out of "Mormon" control all election matters; the People's candidate, even with several precincts unreported, received 23,039 votes against 4,884 for his opponent, is a matter for great congratulation and satisfactory reflection. It proves that the "polygamy" cry is fallacious; that the "Liberal" claims of a great following are vain and empty; that the pretence of "priestly dictation" is false and foolish; and that all the charges of "Mormon" improper manipulation of elections are trumped up for infamous purposes. Let the press of the country note these facts, and also the contemptible quibbles to prevent the People's candidate from obtaining his certificate, and judge of what kind and calibre are the men who are plotting to rule and ruin Utah.

INQUISITION TACTICS.

THE case of Annie Gallifant, reported in another part of this paper, has created much indignation among people of various shades of opinion in this city. The question naturally arises, are we to have the practices of the Mediaeval Inquisition revived in the nineteenth century and in republican America? Here is a lady far advanced in a condition described as that in which "ladies wish to be who love their lords," hurried before fifteen men without a friend to accompany her or give advice, questioned upon her condition and social status until she refused to answer further, hailed into court, and without any opportunity to obtain counsel or communicate with her friends, committed to be imprisoned in the penitentiary until she would comply with the demands of the Grand Jury.

This appears to us unnecessary harshness, and under the circumstances extreme cruelty. What is the object in view? Is it to extort information that could not be obtained otherwise than by the terrors of a prison? Are the same tactics to be used as in the case of Dr. Clinton? He, an aged and respectable man, was taken to the penitentiary, manacled and exposed in the instrument of torture called the sweat-box, in order that he might be induced to tell something which he was supposed to know that would be damaging to leading "Mormons." When this failed he was taken out in a buggy and plied with drink, to see if that would succeed. This treatment was tried under authority of the then U. S. Marshal, one William Nelson, but who was not long retained in the office which he thus disgraced.

In no other part of this great country would such flagrant injustice be permitted to go unpunished. But it looks as though any kind of wrong may be perpetrated here under color of law, so long as it is done in the name of the Government of the United States and is inflicted upon a "Mormon."

Since the above was written we have learned that the lady imprisoned all night in the penitentiary has been set at liberty. The Grand Jury has been discharged and as there is now no inquisition to put her on the rack,

she cannot be called upon to answer the questions propounded. We regard that Grand Jury as an illegal body, having been empanelled in an unlawful manner, and think every indictment it has found ought to be contested, as presented by a body having no authority whatever in law. Good and sufficient reasons can be given for this opinion.

THE UTAH COMMISSIONERS.

THE Utah Commissioners having accomplished the work required of them by law for the present season are about to leave for the East. Col. Godfrey started two or three days ago and Judge Carleton and Senator Paddock went away this morning, and by Monday Governor Ramsay, and Col. Pettigrew will have turned their backs on the land of the setting sun. These gentlemen have had a somewhat difficult and delicate task to perform. It was scarcely to be expected that they would discharge the duties imposed upon them by the ninth section of the Edmunds Act without censure from one party or another.

When they arrived in Utah it was too late to take any action in regard to the August election, but for this they were not reasonably to be blamed. The delay in their appointment and of the appropriation for their salaries and the expense of the November election, was the cause of their remaining in the East until after the Utah general election. On reaching this city they expected, from the current reports about this Territory, that all the difficulties and obstructions they would have to meet would come from the "Mormons." But, to their surprise, the obstacles placed in their way were the work of the anti-"Mormon" clique that has stirred up the trouble and occasioned the coming here of the Commission. Those "Liberals" did not want any November election nor any registration arrangements, but protested vehemently against any action by the Commissioners. And since then such opposition as the Commission has had to encounter has come from the same source. The "Liberals" opposed the action of the Commissioners in regard to woman suffrage, and up to the last moment tried to interfere with the issuing of the certificate to "the person having the greatest number of votes," urging that the Commissioners had no authority to give the power of granting it to the Canvassing Board, although the Edmunds law is so clear and pointed on that subject.

The "Mormon" people, who have really had the most occasion to complain, have said but little in criticism of the Commissioners, and we do not now propose to say anything harsh in relation to them. They are very agreeable gentlemen, and have endeavored, we believe, to act within the lines of the duties they considered to be required of them. At the same time we think they have stretched some points beyond the limits of the law which created their office, in their determination to accomplish what they understood to be the object they were sent here to achieve, namely, to prevent any polygamist from taking part in the election.

We think they had no authority in the law to prescribe an oath in relation to polygamy; they thought they had. The people submitted. We consider that supposing they possessed that authority, the addition of the words "in the marriage relation" to the language of the law, which, in effect, shut out all persons connected with the practice of plural marriage, and let in all citizens who practised harlotry and unlawful cohabitation of every kind out of "the marriage relation," was not in accord with either the language or the intent of the Edmunds Act; they considered otherwise. The people submitted. We believe that under the laws of the Territory and of Congress the great majority of the citizens should have had a better showing in the registration offices and the judges of election; they took a different view. The people submitted. And in these quiet submissions there was no exhibition of anger or ill feeling towards the Commissioners, neither is any manifested at the present time. Those were differences of opinion which provoked no improper or obstructive action on the part of the "Mormons."

And now we can say, personally, that we are glad of the decisions of