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CHARLES W. PENROSE, - EDITOR

Thursday, - March 20, 1890.

GENERAL CONFERENCE.

The Sixtieth Annual Conference of the Church of Jesus Christ of Latter-day Saints will commence at 10 o'clock a. m., on Friday, April 4th, 1890, in the Tabernacle, Salt Lake City.

The officers and members of the Church are invited to attend all the meetings.

A General Priesthood meeting will be held in the Tabernacle, at 7 o'clock on Saturday evening, April 5th, and one of the officers and Teachers of the Deseret Sunday School Union, at the same hour and place, on Sunday evening, April 6th.

WILFORD WOODRUFF,
GEORGE Q. CANNON,
JOSEPH F. SMITH,
First Presidency.

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 NEWS. 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 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 partisan 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," and this might figure as some excuse for his allegations if it were true that he had not had time to consider it. We have shown in previous articles that this bill with two others was sent to the Governor on Monday, March 10, at 2 p. m. If he did not examine it till 1 p. m. on the 12th, that was no fault of the Legislature.

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, to 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. That bill the Governor also vetoed. It specifically repealed the very provisions which he now cites as unrepealed by the bill under present consideration. Both bills are now published and both the messages that vetoed them. Let the thoughtful reader compare and judge, and form his own opinions of the shifting and dodging that had to be resorted to, in order to frame excuses for killing those co-relative and necessary and careful enactments.

The gist of the Governor's message is to be found in the closing paragraph. Like a winged insect, which it resembles, it carries its sting in its tail. This bill, if it should become a law, he says, "would serve to prolong a conflict which under existing conditions and progressive influence is rapidly solving itself." Exactly. Leave the laws, as they are now administered, without any further safeguards against fraud, chicanery, injustice and illegal voting; leave the election machinery to be manipulated in the interests of a party which the Governor supports and to the influence of whose leaders he humbly bows, and the conflict will soon be over for all practical purposes. As to the process of a "conflict" "solving itself," we leave to the Governor's message makers to explain; we are not familiar with that sort of chemistry.

The bill, although unapproved by the Governor, will, under the provisions of the Edmunds-Tucker act quoted above, be forwarded to the Congress of the United States. If the Governor and his advisers and apologists do not like this it cannot be helped. The Utah Legislature did not make the provision and it does not argue much for the consistency of those who kick against it to find fault with the Assembly for complying with it. The provision is better far than the shameful absolute veto monstrosity.

The veto power, under constitutional and republican restrictions, is a wise and beneficent executive endowment. Without those restrictions it is a menace to liberty and human rights. In the hands of an impartial and unpartisan official it might prove a barrier to bad legislation. Wielded in the interests of a faction or in hostility to a class, it is a weapon of death wherewith to stab to the heart any vital measure essential to the health of the body politic, and is to be ranked with the knotted club or the sharpened tomahawk of the savage who beats out the brains or cleaves through the skull of his bound and helpless victim. It is a disgrace to modern civilization and its arbitrary use is worse than imperial despotism.

BISMARCK'S WITHDRAWAL.

The complications which culminated in the retirement of Bismarck to private life embraced many elements. Among these may be mentioned the socialist successes in the late elections, which reduced the Chancellor's power in the Reichstag, the influence certain opponents of his had succeeded in gaining with the Emperor, the issuing of the latter's labor rescripts before showing them to Bismarck and in opposition to his known views, and the Chancellor's advanced age. The latter was the reason, coupled with the allegation of failing health, which Bismarck assigned in his note of resignation.

It has been popularly understood that the views of the Chancellor and Emperor frequently clashed, and the threatened resignation of the former has been repeatedly rumored during the last year. It is probable that they were out of harmony all along the lines of their respective policies, and that differences had arisen between them respecting a number of subjects, which were irreconcilable. Bismarck favored peace, at least until the right time came to strike, but the Emperor's military training and education have given to his mind a different bent, which is significantly denoted by the selection of a prominent general of the army to succeed Bismarck. Germany now has an ambitious military man on her throne, and an army general for prime minister, circumstances which presage the display of a martial spirit, in both home and foreign affairs, to a greater extent than in Bismarck's time.

It is a remarkable circumstance that simultaneously with this radical change in the government of Germany, a proposition is made by the Pope to act as arbitrator between the nations of Europe with a view to the disarmament of all of them, and the return of the millions of soldiers to employments of peace and the production of wealth. No one believes that the Pope's proposition will be acted upon, or even seriously considered, but there is too much reason to believe that the Powers of Europe will continue to strengthen their armies.

Not much seems to be known in America of the record or abilities of General von Caprina, the successor of Bismarck. He was commander of the tenth army corps, the territory of which embraced a number of important cities. News of his doings and utterances in his new position will be awaited with interest in this country, and with anxiety throughout Europe.

21. By W. A. C. Bryan.

A BILL

For an Act Prescribing the Qualifications for Electors and Office Holders; Providing for Registration of Voters, and Regulating the Manner of Conducting Elections.

Section 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That annually on Tuesday next after the first Monday in November there shall be a general election held in each precinct in the several counties of this Territory, for choosing all officers not otherwise provided for, and the terms of office of all officers elected shall be as now provided by law; and in the year 1890, and every second year thereafter, for choosing a Delegate to the Congress of the United States; and in the year 1891, and every second year thereafter, for choosing members to the Legislative Assembly of this Territory.

Sec. 2. In case of the death, resignation or other disability of the Delegate to Congress or any member-elect to the Legislative Assembly, the clerk of the probate court of the county where the person who held the office becoming vacant shall reside, shall immediately notify the Governor of the vacancy; and it shall be the duty of the Governor within ten days after receiving such notice to call a special election in the Territory, or the district where the vacancy has occurred, for the purpose of filling such vacancy.

Sec. 3. In case of a vacancy by the death, resignation or other disability of any county or precinct officer, made elective in any county in this Territory, it shall be the duty of the county court in such county to fill such vacancy by appointment for the unexpired portion of the term, *provided*, that each person elected or appointed to any county or precinct office shall be commissioned by the Governor and shall qualify, as by law required, within twenty days after receiving notice of his election or appointment, and all persons re-elected to any office, thereby becoming their own successors, shall when so elected be commissioned by the Governor and qualify as required by law.

Sec. 4. All officers elected or appointed to fill vacancies, as provided in this Act, shall, before entering upon the duties of their office, qualify in the same manner as if they had been elected at any general election, and shall hold office until the ensuing general election, and until their successors are elected and qualified.

Sec. 5. No person shall be eligible to be elected a Delegate to the Congress of the United States from this Territory who has not attained the age of twenty-five years, and has not been seven years a citizen of the United States, and has not been a resident of this Territory during one year next preceding the day of election, and is not qualified to register as a voter therein.

Sec. 6. No person shall be eligible to a seat in either branch of the Legislative Assembly, unless he has been a resident of the district from which he is elected during at least one year next preceding the day of election.

Sec. 7. No person shall be eligible to be elected or appointed to any Territorial, district, county or precinct office, unless he is a property taxpayer in this Territory, nor shall he hold any office of public trust, honor or emolument, unless he is a voter, registered or eligible to registration, and shall have been a resident in this Territory during at least one year next preceding such election or appointment.

Sec. 8. No officer or soldier of the United States army, or other person subject to military authority, shall be eligible to hold any office, or serve on any jury, or vote at any election in this Territory, unless his home or place of residence was herein at the time of engaging in such service.

Sec. 9. Every male citizen of the United States over the age of twenty-one years, who has resided in this Territory six months and in the election precinct where his vote is to be registered or in the precinct out of which said precinct may have been created one month, both immediately preceding the time of his registration, who is not idiotic or insane, who has not been convicted of treason, felony or bribery, who is not disqualified as a voter by any law of the United States or of this Territory, and who has been duly registered as hereinafter provided, shall be a qualified elector and entitled to vote at any Territorial, district, county, precinct or municipal election.

Sec. 10. Electors shall, in all cases except treason, felony, bribery, illegal voting or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning from the polls.

Sec. 11. All elections, except school elections, shall be held, conducted and returns thereof made as in this act provided.

Sec. 12. Each precinct shall constitute an election precinct for county and territorial general elections, and the boundaries of no election precinct shall be changed within seventy days prior to any such general election, unless it shall appear to the county court of the county in which such election precinct is situated that there are more than five hundred legal voters residing therein, in which case the county court shall proceed to create within and for such precinct two or more election precincts as hereinafter provided. There shall be but one polling place in any election precinct, and only one ballot box used therein. Each voter shall vote only in the election precinct where he resides.

Sec. 13. The county court of each county shall, on or before the first Monday of August in each year, appoint a registration officer for each election precinct in the county. Before entering upon the discharge of his duties each of said officers shall take and subscribe an oath to faithfully perform the duties of his office, and enter into a bond to the Territory of Utah, with two or more good and sufficient sureties, to be approved by, and with said oath filed with the Clerk of the Probate Court of the county in which his official acts are to be performed. The bond of each precinct registrar shall be in the sum of one thousand dollars, conditioned for the faithful performance of his official duties.

Sec. 14. It shall be the duty of the Registration Officer for each election precinct, except as provided in Section 17 of this Act, to revise the transcript of the next preceding registration list of his precinct, which shall be delivered to him by the Clerk of the Probate Court of the proper county on or before the second Monday in August, and for this purpose he shall visit every dwelling house in said precinct on or before the second Monday of September in the year 1890 and in each year thereafter and make careful inquiry if any other person whose name is on the list has died, or removed from the precinct, or is otherwise disqualified as a voter of said precinct. He shall make a list of all such disqualified persons, a copy of which he shall cause to be posted up in the election precinct in three public places, best calculated to give public notice, not later than the third Monday of September, together with a notice that unless such persons appear before said precinct registrar at his office (naming the place where such office will be) during the week commencing on the fourth Monday of September in said year, and show cause why their names should be continued on the registry list, the same will be stricken off; and in case any such person shall fail to so appear and show cause, the precinct registrar shall strike his name from the list. He shall also ascertain while visiting each dwelling house whether any qualified voter resides therein whose name is not on the registration list, and if so, he shall require the unregistered voter to take and subscribe the following oath or affirmation:

TERRITORY OF UTAH, }
County of ——— }
———Precinct. }

I ———, being duly sworn (or affirmed) depose and say that I am over twenty-one years of age; that I have resided in the Territory of Utah for six months last past, and in this election precinct, or in the precinct from which this election precinct was created, as the case may be, for one month immediately preceding the date hereof; and that I am a native born (or naturalized, as the case may be) citizen of the United States; that my full name is———; that I am ———years of age; that my place of business is———; that my place of residence is———; that I am a (single or) married man; that the name of my lawful wife is ———; and that I will support the Constitution of the United States, and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled, "An Act to amend Section 5352 of the Revised Statutes of the United States in reference to bigamy and for other purposes;" and that I will also obey the act of Congress of March 3, 1887, entitled, "An Act to amend An Act entitled, An Act to amend Section 5352 of the Revised Statutes of the United States in reference to bigamy and for other purposes, approved March 22, 1882," in respect of the crimes in said act defined and forbidden, and that I will not, directly or indirectly, aid or abet, counsel or advise any other person to commit any of said crimes defined by acts of Congress as polygamy, bigamy, unlawful cohabitation, incest, adultery and fornication; that I am not a bigamist, polygamist, or living in unlawful cohabitation, or associating or cohabiting polygamously with persons of the other sex; and that I have not been convicted of the crimes of bigamy, polygamy, unlawful cohabitation, incest, adultery or fornication.

Subscribed and sworn to before me this ———day of——— A. D. 18—.

———Precinct Registrar.
———Precinct, ———County.

Upon the receipt of such affidavit the precinct registrar shall, in presence of the subscriber, place his name upon the registry list of voters for that precinct.

Sec. 15. The precinct registrar shall attend at his office, which he shall designate as provided in the preceding section, during the week commencing on the fourth Monday in September, and enter on the registry list of his precinct the name of any voter that may have been omitted or was listed or stricken off as disqualified, on such voter appearing and taking the oath or affirmation provided for in the next preceding section; representatives of each political party shall be entitled to be present and witness such registration.

Sec. 16. Whenever it shall appear from the registration lists being prepared for any election precinct that such election precinct contains more than five hundred legal voters, the registration officer having the custody of such lists shall immediately report the fact to the Probate Judge and Clerk of the County Court of the county in which such election precinct is situated; and such probate judge and clerk shall forthwith notify the members of the county court, and such county court shall immediately meet and create, within and for such precinct, two or more election precincts, and make such election precincts as compact in form and equal in population as may be, so that there shall not be more than five hundred voters in any one election precinct, and no election precinct shall be made out of parts of any two or more precincts nor shall the boundaries of any election precinct be changed within seventy (70) days prior to any general election. Within ten days after the creation of any new election precinct, and prior to the first ensuing general election, the registration officer for such new election precinct, if such officer shall have been appointed, and if not, then the registration officer of the election precinct from which the new election precinct was created, shall prepare a registration list for such new election precinct and place thereon the names of all the registered voters residing in the new election precinct and strike the names of all such persons from the registration list of any other election precinct from which the new election precinct may have been created.

Sec. 17. There shall be an annual registration of voters in each election precinct in this Territory, the boundaries of which, in whole or in part, are within the limits of any incorporated city in this Territory, and it shall be the duty of each precinct registrar therein to provide himself with an office, which shall be situated in some public and convenient place in the precinct, and shall be open to the public every week day between the last day of August and the sixteenth day of September in each year, during the following hours: From 9 a. m. till 12 m.; from 2 p. m. till 5 p. m.; and from 7 p. m. till 9 p. m., during which time he shall attend and register at his said office, and at no other place, all persons entitled to vote in said precinct who shall appear before him at his office and there take and subscribe the oath or affirmation provided for in Section 14 of this act. Upon receipt of this oath or affirmation the deputy registrar, in the presence of said voter, shall place his name upon the registry list of the voters of the election precinct in which he resides.

Sec. 18. Any registered voter removing from one election precinct to another in the same county, may appear before the precinct registrar at any time previous to the delivery of the registry list to the clerk of the probate court, as hereinafter provided, and have his name erased therefrom; and the precinct registrar shall give the voter a written statement of such erasure, over the signature of said registrar, and on presentation of such written statement to the registrar of the election precinct to which the voter has removed, the registrar shall enter the name of the voter upon the registry list of that election precinct.

Sec. 19. Upon the completion of the registry list, it shall be the duty of each precinct registrar to make out a list in alphabetical order of all the registered voters in his precinct, and he shall deliver said list with all the oaths or affirmations of the voters to the Clerk of the Probate Court of the proper county, at least thirty days prior to any election for which they may have been prepared and taken, and they shall be public records therein and subject to inspection and examination by any person applying for them during usual business hours. The Clerk of the Probate Court shall file and carefully preserve said lists and affidavits, and shall make a copy of each precinct registry list, and cause the same to be posted up at least twenty-five days before any election, in a public place at or near the place of election, and shall make and transmit another copy to the judges of election.

Sec. 20. The Clerk of the Probate Court shall cause to be printed or written, a notice which shall designate the offices to be filled, and state that the election will commence at (designating the place for holding the polls) at seven o'clock in the morning and continue until six o'clock in the evening, on the ———day of———18 (naming the day of election.) Dated at ———A. D. 18—.

———Clerk of Probate Court.

A copy of which notice shall be posted up at least twenty-five days before the election in said precinct election in three public places best calculated to give notice to all the voters. The Clerk of the Probate Court shall also cause to be posted up at the same time and places a notice that the board of revision, (provided for in Section 21 of this act) will sit at———(designating the place in the precinct) and hear and decide objections until ten days before the election.

Sec. 21. Objections to the right to vote of any person registered shall be heard and determined by a board of three persons, called the board of revision, who shall be appointed annually at the same time and in the same manner as the precinct registrars are appointed, none of whom shall have acted as registration officers or precinct registrars during the registration immediately preceding the filing of such objections, or be candidates for any office to be filled at the next ensuing election. No more than two of the members of such board shall belong to the same political party, where there are two or more than two political parties in such precinct, and one of them shall be of the political party which was in the minority at the last preceding election, if any such party there be in such precinct, and where there are three political parties therein, one member of such board shall be selected from each of such parties. The objection shall be made by a qualified voter, in writing, and shall state the grounds of disqualification and be delivered to the said board, who shall issue a written notice to the person objected to, stating the place, day and hour when the objection will be heard. The person making the objection shall serve, or cause to be served, said notice upon the person objected to, and shall also make returns of such service to the board, before whom the objection shall be heard; *Provided*, That where the objection is made on the ground of non-residence or removal from the precinct, service of said notice may be made by letter containing such notice deposited in the postoffice, addressed to the person objected to, at his last known place of residence, with the postage prepaid thereon, and by posting said notice in three public places in the precinct best calculated to give public notice. Such service shall be made at least twelve days before the election. The burden of proof to sustain the objection shall rest upon the objector. Decisions shall be rendered on each objection within forty-eight hours after the hearing thereof, and the board of revision shall cause a list of the names to be stricken off to be posted at the same place as the registry lists are posted at least eight days before the election, and shall within five days prior to the election transmit a certified list of the names of all such disqualified persons to the judges of election of the election precinct, who shall strike such names from the registry list before the opening of the polls.

Sec. 22. The county court shall, not later than at its first session in September of each year, appoint three capable and discreet persons in each election precinct in the county, to act as judges of general and special elections, at least two of whom shall be of the political party which was in the majority at the last previous election, and one shall be of the political party that was in the minority at the said election, if any such party there be in such election precinct, and where there are three political parties therein one member of each of such boards shall be selected from each of such parties; and the clerk of said court shall make out certificates of said appointments, and transmit the same by mail, or other safe conveyance, to the persons so appointed, who, previous to entering upon said office, shall take and subscribe an oath to the effect that they will well and faithfully perform all the duties thereof to the best of their ability, and that they will studiously endeavor to prevent any fraud, deceit or abuse of any election over which they may preside. If, in any election precinct, any of the judges decline to serve or fail to appear, the voters of said precinct, first assembled on the day of election, to the number of six or more, at or immediately after the time designated for opening the polls, may elect a judge or judges to fill the vacancy, and the person or persons so elected shall qualify as hereinbefore provided. The judges of elections shall appoint one of their number to preside, and the other two to act as clerks of the election.

Sec. 23. The county court shall provide the necessary books, blanks, stationery, and ballot boxes, which ballot boxes shall be made of galvanized iron of suitable size, each with a Yale or other safe lock and two keys, one of the keys to be kept by the presiding judge of election and one by the clerk of the probate court; *Provided*, if any county has good and substantial ballot boxes with Yale or other safe locks and keys, the same may be used, there shall be an opening through the lid of each ballot box of sufficient size to admit a single ballot.

Sec. 24. The county court shall furnish the judges of election in every election precinct with a sufficient number of plain envelopes for election purposes; said envelopes shall be uniform in color and size, without any marks, writing, printing, or device upon them, and no other size or kind shall be used at any given election. Before opening the polls, the ballot box shall be carefully and publicly examined by the judges of election, who shall satisfy themselves that nothing is therein. It shall then be locked and the key thereof securely kept by the presiding judge, and said ballot box shall not be opened during the election.

Sec. 25. Immediately before the opening of the polls at all general or special elections, the judges of election of the respective election precincts shall appoint one of their number to preside and the other two to act as clerks of such election. One of the judges acting as a clerk shall have in custody the registry list of voters, and shall examine the same, and make the entries therein required by section 30 of this act; the other of said judges, acting as clerk, shall write the name of each person voting, and opposite to it the number of the vote, but no other marks shall be made, except that if one of the judges shall object to the voter, he may record his protest.

Sec. 26. Any person offering to vote may be challenged at the polls by any registered voter, upon any of the following grounds:

1—That he is not a citizen of the United States.

2—That he is not the person registered and upon whose name he is offering to vote.

3—That he has not resided in the Territory for the six months immediately preceding the date of his registration.

4—That he has not resided in the election precinct in which he offers to vote or in the election precinct from which was created the election precinct in which he offers to vote, for one month immediately preceding the day of his registration, or that he does not at the time of the election reside in the election precinct in which he offers to vote.

5—That he has received or agreed to receive, for himself, or for another, any money, reward or other valuable consideration for his vote at such election.

If a person offering to vote is challenged as unqualified, by any elector, one of the judges of the election shall in a distinct voice administer to him the following oath or affirmation: "You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you, touching your place of residence and qualification as an elector at this election."

First—If the person is challenged as unqualified on the ground that he is not a citizen, the judges, or one of them, shall distinctly put to him the following questions:

1. Are you a citizen of the United States?
2. Are you a native, or naturalized citizen?
3. Have you become a citizen of the United States by reason of the naturalization of your parents, or one of them?
4. When were your parents, or one of them, naturalized?

If the person offering to vote claims that he is a naturalized citizen of the United States, he shall state, under oath, where and in what court he was naturalized.

Second.—If the person is challenged as unqualified on the ground that he is not the person registered, and upon whose name he is offering to vote, the judges, or one of them, shall distinctly put to him the following questions:

1. What is your name?
2. What is your age?
3. Are you married or single?
4. When were you registered?
5. By whom were you registered?
6. Do you reside in this election precinct?
7. How long last past have you resided in this precinct?
8. State the street and number thereon—if any numbers there be on such street—at which you reside.

Third.—If the person is challenged as unqualified, on the ground that he has not resided in this Territory for the six months immediately preceding the date of his registration, the judges, or one of them, shall distinctly put to him the following questions:

1. Did you reside in this Territory for the six months immediately preceding the date of your registration?
2. If so, state where you resided?
3. Have you been absent from this Territory within the eight months immediately preceding this election?
4. If so, when you left, was it for a temporary purpose, with a design of returning, or did you intend remaining away?
5. Did you, while absent, look upon and regard this Territory as your home?
6. Did you, while absent, vote in any other State or Territory?

Fourth.—If the person is challenged as unqualified, on the ground that he has not resided in the election precinct where he offers to vote, or in the election precinct from which was created, after the voter registered, the election precinct in which he offers to vote, for one month immediately preceding the date of his registration, or that he does not at the time of the election reside in the election precinct in which he offers to vote, the judges, or one of them shall distinctly put to him the following questions:

1.—Are you a resident in this election precinct?

2.—If so, when did you come into this election precinct?

3.—When you came into this election precinct did you come for a temporary purpose, or for the purpose of making it your home?

4.—Were you for the thirty days immediately preceding your registration, and are you still, an actual and bona fide resident of this election precinct, or were you for the thirty days immediately preceding your registration an actual and bona fide resident of the election precinct from which has been created since your registration this election precinct?

5.—If the person is challenged as unqualified, on the ground that he has received, or has agreed to receive, for himself, or for another, any money, reward or other valuable consideration, for his vote at such election, the judges, or one of them, shall distinctly put to him the following questions?

1.—Have you received, or have you agreed to receive either for yourself, or for any other person, any money, reward, or other valuable consideration for your vote at this election?

2.—If so, state what you received or agreed to receive?

3.—From whom did you receive or agree to receive it?

4.—For whom did you receive or agree to receive it?

The judges of the election, or one of them, shall put all such other questions to the person challenged under the respective heads aforesaid, as may be necessary, to test his qualifications as an elector at that election. If the person challenged as aforesaid shall refuse to answer fully any question which shall be put to him as aforesaid, the judges shall reject his vote.

Sec. 27. If the challenge be not withdrawn, after the person offering to vote shall have answered the questions put to him, as aforesaid, one of the judges of election shall, in a distinct voice, administer to him the oath or affirmation set out in section 14 of this act. If any person shall refuse to take the oath or affirmation so tendered, his vote shall be rejected; *Provided*, that after such oath shall have been taken, the judges may, nevertheless, refuse to permit such person to vote, if they shall be satisfied, from record evidence, or other legal testimony, adduced before them, that he is not a legal voter; and they are hereby authorized to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of a person offering to vote.

Sec. 28. It shall be the duty of each judge of election to challenge any person offering to vote, whom he shall know or suspect not to be qualified as an elector.

Sec. 29. Every voter shall designate on a single ballot, written or printed, the name of the person or persons voted for, with a pertinent designation of the office to be filled, and when any question is to be decided in the affirmative or negative, he shall state the proposition at the bottom of the ballot, and write thereunder "yes" or "no," as he may desire to vote thereon, which ballot shall be neatly folded and placed in one of the envelopes hereinbefore provided for, and delivered to the presiding judge of election, who shall, in the presence of the voter, on the name of the proposed voter being found on the registry list, deposit it in the ballot box, without any mark whatever being placed on such envelope, otherwise the ballot shall be rejected.

Sec. 30. Whenever any ballot shall be deposited in the ballot box, the judge having the registry list shall write thereon the word "voted" opposite the name of the person casting the vote, and the other judge, acting as clerk, shall write the name of the voter and the number of the vote upon a list to be made by such judge.

Sec. 31. As soon as the polls shall be closed the judges of election shall immediately proceed to canvass the votes cast at such election, and continue without adjournment until completed. All candidates voted for may be present, either in person or by representative, to witness said canvass. If any envelope contains two or more ballots of the same kind, only one shall be counted; and if any envelope contains two or more different kinds of ballots, none shall be counted.

Sec. 32. The canvass shall commence by the judges who have acted as clerks of the election comparing their respective lists and ascertaining from said lists the number of votes cast. The box shall then be opened and the ballots taken out and counted by the judges. If the ballots shall be found to exceed the number of names on each of the poll lists, they shall be replaced in the ballot box and one of the judges shall publicly draw out and destroy so many of the ballots, unopened, as shall be equal to such excess, and the ballots and poll lists agreeing, or being made to agree, the presiding judge shall then open the ballots and call off therefrom the names of the persons voted for, and the offices they are intended to fill; and the judges acting as clerks shall note the same and all the ballots shall be immediately returned to the ballot box, and the ballot box shall be locked and securely sealed.

Sec. 33. After the canvass shall have been completed, the judges of election shall add up and determine the number of votes cast for each person for the several offices, which result shall be placed on the lists made by the judges acting as clerks of the election, and all the judges shall thereupon certify the same, and immediately forward all the lists, securely sealed, together with the ballot box, to the Clerk of the Probate Court, by a qualified voter of the county, who shall, before taking the same, take and subscribe an oath to the effect that he will deliver the same to said clerk without unnecessary delay, and that he will use his utmost ability to prevent any interference whatever therewith, by any person whomsoever.

Sec. 34. On receipt of the ballot boxes and returns of election, the Clerk of the Probate Court, in the presence of the probate judge or at least one member of the county court, who is not publicly known as a candidate voted for at such election, shall break the seal of the returns, and all candidates may be present as provided in section 31 of this act, and said clerk and member, or members, of the county court shall carefully examine the returns, and if no irregularity or discrepancy appear therein, affecting the result of the election of any candidate, they shall accept said returns as correct; but if any irregularity appear and the right of any person voted for, for any office, is in any way affected thereby, or if there shall be any disagreement in the returns as to the number of votes cast for any territorial officer, or any officer who is elected by the votes of more than one county, then the clerk and said members of the county court shall open the ballots from said precinct and canvass the same, so far as to determine the rights of the person whose office may be affected. They may also cause to appear before them any persons whom they deem proper, and take their testimony under oath in relation to said election in said precinct.

Sec. 35. After the completion of the canvass, said clerk and member or members of the county court shall declare the result thereof, and the clerk of the probate court shall immediately make out and transmit a certificate of election to each person elected to any precinct or county office; *Provided*, That whenever a tie shall occur between two or more persons for the same office, the clerk of the probate court shall notify each of them thereof, and the same shall be decided by lot in the presence and under the direction of the county court. The notice herein provided for shall state the time and place and the manner in which the tie is to be decided. If any of the persons notified fail to appear by self or agent, such person shall be deemed to have waived all rights to the office, and the clerk shall thereupon issue the election certificate to the person appearing; if none of them appear by self or agent, the office shall be deemed vacant, and may be filled as in case of other vacancies.

Sec. 36. Immediately after the inspection of the ballots in any ballot box, the ballots shall be returned into the box, which shall be locked and securely sealed and the ballots shall be preserved for twenty days after the result of the election has been declared, during which time notices of contest may be filed with the Clerk of the Probate Court; and immediately after the expiration of the twenty days, if no notice of contest be filed, requiring further delay, the Clerk of the Probate Court shall, in the presence of at least one of the members of the county court, and such candidates voted for as may be present, open each of the ballot boxes and destroy all ballots contained therein; but if notice of contest be filed, the ballots shall not be destroyed until the contest is decided.

Sec. 37. The Clerk of the Probate Court shall, as soon as possible after the result of the election has been so determined, make out a general abstract thereof in duplicate, and certify to the correctness thereof, one of which he shall file, and one of which he shall post up in his office; and he shall forward, to the Secretary of the Territory, a certified copy of the names of the persons voted for and the number of votes each has received for other than county or precinct officers. The envelope containing such certified copy shall be plainly marked, "Election returns from ———County." (Filling in the name of the county as the case may be.)

Sec. 38. As soon as all the returns are received by the Secretary of the Territory he shall, in the presence of the Governor, and such candidates as choose to be present in person or by representative, unseal and canvass the same and, make an abstract thereof, and the Secretary shall, within ten days thereafter, make out and transmit a certificate of election to each person who appears from said returns to have been elected. In elections for delegate to Congress the person having the greatest number of votes shall be declared by the Governor to be duly elected and a certificate thereof shall be given by him accordingly.

Sec. 39. The precinct registrars and boards of revision shall receive such compensation for their services required by this act as the county court shall determine, and the judges of election shall receive for their services thirty cents per hour for all services rendered in conducting elections and canvassing votes, and each of said officers is hereby authorized to administer oaths whenever necessary to carry into effect the provisions of this act. The persons appointed to act as judges of election, registration officers or members of the board of revision shall hold their offices during the pleasure of the county court, and said court shall fill by appointment all vacancies occurring in any of said offices, except as herein otherwise provided.

Sec. 40. Any omission or irregularity of any precinct registrar or other officer, pertaining to registration or election matters, shall not invalidate any election or authorize the rejection of any legal votes cast, except to the extent that such omission or irregularity shall have prevented a fair vote, or affected the final result.

Sec. 41. Any person who shall falsely make any return, or falsely make any certificate of election returns, or who shall in any manner procure or assist in the making of the same, or cause the same to be done, or who shall in any manner do or cause any fraud in any election, or having entered upon any of the offices or duties provided for in this act, shall wilfully fail or neglect to perform any of the duties required of such officer or person, shall be guilty of a felony, and, on conviction thereof, shall be punished by a fine not exceeding the sum of one thousand dollars, or be imprisoned in the penitentiary for a term not exceeding two years.

Sec. 42. If any person who is required by this act to take an oath shall falsely swear, such person shall be guilty of perjury.

Sec. 43. Any person who shall interfere with any registration or revising officer in the discharge of his duties, or with the registration of any person entitled to be registered, or who shall offer to vote twice at any one election, or who, not being registered, shall offer to vote in the name of a registered person, or who shall disturb or be guilty of any riotous conduct at any election in this Territory, or who shall disturb or interfere with the canvassing of the votes, or interfere with the making of the returns, or who carries away, or destroys, or attempts to carry away or destroy any registration list or poll list or ballots, or ballot box, for the purpose of breaking up or invalidating such election, or who wilfully detains, mutilates or destroys any election returns, or in any manner interferes with the officers holding such election or conducting such canvass, or who shall interfere with any voter in the free exercise of the elective franchise, shall be guilty of

Sec. 44. Any person who shall give, or promise or offer to give, to any elector, any money, reward or other valuable consideration, for his vote at any election, or for withholding the same, or who shall give, or promise to give, such consideration to any other person or party, for such elector's vote, or for the withholding thereof, or any elector who shall receive or agree to receive for himself or for another any money, reward or other consideration for his vote at any election, or for withholding the same, shall be guilty of a misdemeanor, and shall also forfeit the right to vote at such election; and any elector whose right to vote shall be challenged for any such cause, before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received.

Sec. 45. If any judge of the election shall knowingly receive or sanction the reception of a vote from any person not having all the qualifications of an elector, prescribed by law, or receive or sanction the reception of a ballot from any person who shall refuse to answer any questions which shall be put to him, in accordance with the provisions of this act, or shall refuse or sanction the refusal by any other judge of the board to which he shall belong, to administer either of the oaths or affirmations prescribed by section 14 of this act, he shall be guilty of a misdemeanor.

Sec. 46. Any person who shall offer any bribe, threat or intimidation to any elector for the purpose of influencing his vote, or shall examine any ballot offered or cast at the polls, or found in any ballot box, for any other purpose than to ascertain as herein provided what candidate has been elected, or who votes more than once at any one election, or knowingly offers to vote two or more ballots, or in any manner changes any ballot after the same has been deposited in the ballot box, or adds, or attempts to add, any ballot to those legally polled, shall be guilty of a misdemeanor.

Sec. 47. The terms of office of the present elective district, county and precinct officers which would under existing laws expire on the first Monday in August, 1890, are hereby extended to the Tuesday after the first Monday in November, 1890, and until their successors are elected and qualified. The terms of office of the present elective district, county and precinct officers which would under existing laws expire on the first Monday in August, 1891, are hereby extended to the Tuesday next after the first Monday in November, 1891, and until their successors are elected and qualified; and all district, county and precinct officers which are under existing laws elective on the first Monday in August of each year, shall hereafter be elected on the Tuesday next after the first Monday in November of each year.

Sec. 48. 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.

Sec. 49. This act shall take effect from and after its approval by the Congress of the United States.

THE GOVERNOR'S VETO.

EXECUTIVE OFFICE,
SALT LAKE CITY, Utah,
March 13, 1890.

Hon. F. S. Richards, President of the Council:

SIR.—I return disapproved C. F. No. 31, entitled, "An Act prescribing the qualifications for electors and office-holders, providing for the registration of voters, and regulating the manner of conducting elections."

The act is intended to go into effect upon the approval by Congress, to supply the legislation referred to in congressional acts, and supersede the Utah Commission. It purports to cover the subject of the qualifications of voters and office-holders, the registration of voters, the conduct of elections, and the canvass and return of the votes, and to supersede the existing laws of this Territory relating to those subjects. An act of this kind, and covering subjects of such importance, should be carefully drawn and be quite full and specific in its provisions, especially as the special approval of Congress might create a doubt whether it could be amendable without the express approval of that body. The act is not sufficiently clear and full in its provisions to meet such requirements. It provides for a general election in November "for choosing all officers not otherwise provided for." It affirmatively provides for the election of delegates to Congress, and members of the Legislative Assembly, and for some cases of vacancy, and to that extent would supersede any existing law. All officers are "provided for" in existing law and except as named do not come within the category "not otherwise provided for," unless by virtue of the repealing clause, which is very careful in its terms. It reads as follows:

"Sec. 48. 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."

How far existing laws in respect to officers provided for otherwise are superseded, and to what extent laws existing are in conflict with this act, is matter of construction, and though the construction may be to give full effect to the act, the act itself should clearly cover the case. The act would not supersede or repeal any provisions of the existing law not embraced in it or covered by its provisions. The incorporated towns and cities of the Territory include a considerable part of the entire population, and they are increasing in population faster than the districts not included within them. Their elections are important, and any general act approved by Congress should include provisions for such elections. The act makes no provision for city elections, unless in section 11, which provides:

"All elections, except school elections, shall be held, conducted, and returns thereof made as in this act provided."

This either includes city elections, or it does not so include them. If it includes them, the act makes no provision for city registration for conducting the city election or canvassing or returning the votes.

The registration provided for, (though it includes city precincts for the purposes of the general election) is made by and under appointees of the county court and its officers; the appointment of registration officers, boards of review, judges of election, canvassers and the division of precincts, etc., are all the county machinery. This will not do for city elections, yet what would be the construction of Sec. 11 if approved by Congress? If Sec. 11 does not reach the case of city elections, then such elections must be held under the old law of 1878, which is not superseded or repealed. That act (Sec. 262 Compiled Laws of 1888) provides: "All municipal elections shall be held and conducted and the returns and canvass of votes thereof made substantially in accordance with the provisions of this act, and it shall be the duty of the city councils of their respective cities to provide for the registration of voters and the appointment or election of all officers necessary, and to furnish all necessary appliances for the carrying out of the provisions of this section, and, to aid them therein, the clerk of the county court, on the demand of the recorder of any municipal corporation, shall, on payment of the proper fees, furnish a certified copy of the registry list of voters of any precinct, or part thereof, within any such municipality."

A law for the approval of Congress cannot be complete or adequate if it makes no provision for municipal elections, and leaves them to be held under the act of 1878. That law contains the old registration oath, the old provisions for the qualification of voters and office holders, and provisions for registration and the conduct of elections quite different from those of the proposed act. I do not doubt that the acts of Congress modify the old law as to the qualification of voters, but the time and manner of ascertaining and be a matter of controversy in the absence of legislation to carry the acts of Congress into practical effect, and legislation failing to do this is not the kind referred to in the acts of Congress.

I have not carefully examined all the details of the act. It having reached me at 1 p.m. of yesterday, too late for careful consideration, but it differs in detail from an act in my hands on the same subjects intended to govern the action of the Utah Commission. The general objections to the scope of the act are too grave to make a detailed examination necessary. This act is a substitute for a large part of the registration and election law of 1878, and that chapter, of which so much is superseded here, contains provisions in conflict with the organic act and provides that the Territorial Treasurer and Auditor shall be elected by the people; also that vacancies in the offices of Probate Judge shall be filled by election. My predecessors in office have repeatedly urged the Legislative Assembly to repeal these laws, and free the statute book from such unlawful provisions. I refrain from repeating this request because it seems the plain provisions of the organic act, and the decision of the Supreme Court of the United States, furnished much better guides for legislation in these subjects than any I could give. There are several other laws of this nature which conflict with the organic act and encroach on the powers Congress has vested in the Governor. I mention specially those in the same chapter covered by the proposed act, because they could not have been overlooked with reasonable care to see how the chapter should be amended, or, if they were overlooked, it shows the act has not received sufficient care.

The history of this controversy is well known and the deference due to Congressional action and the plain duty imposed on me to execute the authority conferred by Congress would leave me to hesitate to send to that body for approval, an act which by its carefully worded repealing clause leaves these unlawful provisions standing on the statute book and in the same chapter the act revises.

While these are objections that could be removed, the important objection remains that the act is a step in the direction of returning to the people of the Territory of Utah the full measure of self government which Congress has deemed it necessary to withdraw, but is not in harmony with the views and purposes of the American people as expressed in the acts of Congress.

Assuming the full responsibility for my action, I return the bill disapproved, believing that if I should approve it, and Congress should approve it, it would not result in good to the people of the Territory, but would serve to prolong a conflict which under existing conditions and progressive influence is rapidly solving itself.

I am very respectfully,
ARTHUR L. THOMAS,
Governor.

LEGAL NOTICE.

In the Probate Court of the County of Salt Lake, Territory of Utah.

In the matter of the estate and guardianship of Geo. W. Riter, minor.

Order to show cause why order of sale of real estate should not be made.

SAMUEL W. RITER, THE GUARDIAN of the person and estate of Geo. W. Riter, a minor, having filed his petition herein, duly verified, praying for an order of sale of all the interest of said minor in the real estate [illegible] ... a copy of this order be published at least four successive weeks in the DESERET EVENING NEWS, a newspaper printed and published in said city and county.

Dated March 19th, 1890.

G. W. BARTCH,
Probate Judge.

TERRITORY OF UTAH, County of Salt Lake, } ss.

I, John C. Cutler, Clerk of the Probate Court in and for the County of Salt Lake, in the Territory of Utah, do hereby certify that the foregoing is a full, true and correct copy of order to show cause why order of sale of real estate should not be made in the matter of the estate and guardianship of Geo. W. Riter, a minor, as appears of record in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court, this 19th day of March, A. D. 1890.

[SEAL.] JOHN C. CUTLER,
Clerk of the Probate Court.
By JOHN L. [illegible], Deputy Clerk.

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NOTICE TO CREDITORS.

Estate of Eliza Johnson, Deceased.

NOTICE IS HEREBY GIVEN BY THE undersigned, Executors of the last will and Estate of [illegible] ... Main Street, Salt Lake City, in the County of Salt Lake.

Dated January 6th, 1890.

W. W. RITER,
[illegible]