

been universally upheld and permitted from 1862 until now, and the title to much property is based upon its validity, and courts will and ought not to declare that law invalid without weighty reasons.

I think the law of the Territorial legislature of 1862 was in force at the time George Handly died, and that the appellants are entitled to share in their estate.

In the case of the estate of Thomas Cope, in which the same question was involved, Judge Henderson announced that as the case was tried before Judge Anderson and as Judge Zane appeared as counsel, it was submitted to himself and Judge Blackburn to decide. They could not agree, however, and the judgment of the court below, denying the right of the children to inherit, was affirmed.

Judge Judd at once gave notice of an appeal to the Supreme Court of the United States.

### THE UTAH COMMISSION.

The Utah Commission sent out the following July 28, to the different registration officers:

SALT LAKE CITY, July 28, 1890.

—Registration Officer,—

County:

DEAR SIR:—You are hereby requested and directed to instruct the judges of election of your various precincts, to forward the returns of the August election to this office immediately after the vote is canvassed. This is important.

By order of the Commission.

Yours respectfully,

ELIJAH SELLS,  
Secretary.

GENERAL CIRCULAR REISSUED.

It has also reissued the following general circular:

OFFICE OF THE UTAH COMMISSION,  
Salt Lake City, July 26, 1890.

The Utah Commission, in view of the approaching election on the 4th of August next, deems it proper to reissue the following circular, issued July 31, 1889:

To the Officers of Election and Voters of Utah Territory:

The Utah Commission being charged with the duties of registration and election in the Territory, after due consideration have thought it advisable to make this public appeal to the registration officers, judges of election and voters at the election to be held on the 4th day of August next.

The Commission is desirous of having, and, so far as it has authority by law, is determined to have a fair and impartial election; that everything like fraud shall be put down; that every lawfully registered voter in the Territory shall have the privilege of depositing his ballot freely, as he wishes, and without intimidation, and that none who are not legally registered shall be permitted to vote, no matter what may be the circumstances.

The Commission suggest that judges of election in passing upon challenges at the polls shall do so

impartially and fairly, rejecting none who are legally qualified, admitting none who are not, keeping in mind that the presumptions of law are in favor of the elector until the contrary is shown.

Attention is respectfully called to the following section of the election law:

"Any person who shall disturb or be guilty of any riotous conduct at any election in this Territory; or who shall disturb or interfere with the making of the returns, or who shall interfere with any voter in the free exercise of the elective franchise shall be deemed guilty of a misdemeanor."—Compiled Laws of Utah, 1888, vol. 1, p. 320, sec. 268.

It is suggested that prompt arrests be made for any violation of this statute.

In the interest of fairness the Commission further suggests that, in all towns and cities, that no person except the county registrar or his deputy, judges of election, the sheriff or his deputies, the United States marshal or his deputies, and such challengers, not more than two, as may be selected by each party, be permitted to remain within 100 feet of the polls at one time, and that when one has voted he shall immediately pass beyond the limit fixed for approach to the polls and not return.

The Commission most earnestly invokes all good citizens of all parties to lend their influence in aid of a fair and honest election; that they frown and stamp upon all frauds or attempted frauds tending to unfairness at the polls, or in the returns of the election, ever keeping in mind the great truth that the freedom of the American people depends largely upon the purity of the ballot box.

The Commission takes great pleasure in bearing witness to the fairness in all elections heretofore held under its authority and management, and with great confidence looks to the same result in the approaching election.

The manhood of Utah cannot afford to prostitute itself by frauds in election.

G. L. GODFREY,  
Chairman Utah Commission.

### POLITICS IN IDAHO.

Blackfoot, Idaho, July 28.—In the district court this morning, United States Attorney Wood presented petitions from leading citizens of Bingham, Bear Lake, Oneida, and Cassia counties, requesting the appointment of United States supervisors of election. The applications were signed by anti-Mormon democrats as well as republicans, and were made for the purpose of keeping the Mormon vote from registration. James H. Hawley appeared and resisted the applications, stating that he appeared as an officer of the court and as a representative of one of the political parties, he being a member of the State Democratic Committee. Also that he had been requested to appear by one of the County committee of his

party. He stated that he and his party wanted a fair election, but made a long and animated argument against the jurisdiction of the court to appoint supervisors. This indicates an intense desire to prevent any supervision of the registration and election, and leaving it entirely open for as many Mormons to register and vote as presented themselves.

Judge Berry decides in favor of his jurisdiction and will appoint supervisors for all Mormon counties tomorrow.

This action of the democrats is significant when it is considered that the election officers are in their hands or in the hands of the Mormons for the four counties named. Several prominent democrats were in attendance, among them Jones of the State democratic committee, J. Edward Smith, who, as assistant attorney, two years ago caused the arrest of all leading Republicans and anti-Mormons at this place for attempting to prevent the Mormons from voting in this county. It has been clear for some time that the Mormons intend to vote, and it is now certain that the Democrats in this county intend to secure that vote.

Judge Berry holds first that the jurisdiction of a District Court of a Territory to exercise this function of a Circuit Judge of the United States Court is undisputed.

Second, that by the adoption of the Constitution the people annulled all powers of the Territorial courts from and after the qualification of elected judges, and up to the time of such qualification left them in all respects intact.

Third, that this action of the people Congress confirmed.

Fourth, that until the district judges of the State of Idaho provided for by the Constitution shall have been elected and qualified, the district courts of Idaho continue with all their former jurisdiction and power.—Tribune.

### ON THE TAX QUESTION.

Before the Salt Lake County Board of Equalization July 29, the petition of Jonathan C. Royle for abatement of taxes came up. The petition was filed several days ago, and was referred to the county attorney for his opinion. The petition reads:

The undersigned, your petitioner, claims that taxes have been assessed against him on the following described property, to wit: Lot 2, block 34, plat F, Salt Lake City survey; that before said property was assessed to him, on February 12, 1890, he had sold and conveyed said premises to Fred W. Little; that the assessment was not made for Territorial, county and school purposes until June 1, nor has it yet been made for city purposes; that before there was any valid assessments on said property he had conveyed the same, and was not the owner thereof; wherefore your petitioner prays to have the tax list corrected by striking out said assessment on said lots.

JONATHAN C. ROYLE.