

The mayor suggested that it was the assessment made by the county and not the city assessor that fixed the limit of the city's power to go in debt. A discussion occurred on this point which the attorney said he would look up.

Hall said the people of the city were ready to incur indebtedness for water, and thought a move should be made in that direction as soon as possible. He then moved the adoption of the following.

*Resolved*, That the city proceed to issue bonds for \$300,000, or as much thereof as may be necessary, to provide an increased water supply and distribute the same.

Referred to the committee on ways and means.

The city attorney remarked that the city was perfectly safe in contracting for the loan at any time.

The mayor stated that bids for the city and county building had been received, but in the absence of a representative of the county they had not been acted upon. The lowest was for about \$250,000, without the tower. Further action would be taken at an early date.

The following appropriations were made:

Hallohan & Griffith.....	\$ 500 00
J. W. Snell.....	84 92
Waterworks.....	10,093 00
J. Alt.....	213 80
Salt Lake P. L. & H. Co.....	1,500 00
Gas Company.....	134 92
Hanlon & Benson.....	795 00
Hanlon & Benson.....	805 00
Abstract Title Co.....	73 00
Mount & Griffin.....	1,000 00

Total..... \$13,096 61

Adjourned.

### HOW THEY DO IN IDAHO.

E. S. Whittier, district attorney for Bingham County, Idaho, has caused to be published the following instructions:

*To the Supervisors, Registrars and Judges of Election in Bingham County, Idaho:*

Gentlemen—Having had several requests for my opinion regarding your duties in the coming registration and election, I take this method of replying to it at once, and giving my views to you all.

I think this matter can be best treated by dividing it and answering it in the form of these questions.

1st. Are members of the Mormon Church legal voters, and entitled to register and vote in Idaho?

2nd. If not, who shall be treated and considered as Mormons?

3rd. What are the duties required by law of officers of election, and especially this class of people?

To the first I answer emphatically, no; they are not. The reasons are set forth in section 501 revised statutes of Idaho, and in section 1, on page 14, of the laws of the fifteenth session of the Idaho legislature, amendatory of the above section, 501, and also in section 3, article 6, suffrage and election, of the constitution of the State of Idaho, all three of which are too plain to need quoting or comment from me.

To the second I reply: All who on January 1st, 1888, were members of, or affiliated with, or aided, abetted or encouraged the Mormon

Church. For reasons for this see section 1, page 14, of the fifteenth session laws cited above. In support of that I also quote decisions of courts and the proclamation of the governor of Idaho, as follows: The supreme court of Idaho in *Chamberlain vs. Woodin*, page 177, advanced sheets of *Pacific Reporter*, No. 23, says: "In view of all the testimony, we must conclude with the court below, that these people (referring to the Mormons who withdrew from the Church to vote on Nov. 6, 1888,) did not act bona fide, that such withdrawal resulted from a concert of action, most likely through the counsel of their leaders, and for the sole purpose of evading the law; and that they were not entitled to vote. In *Wooley vs. Watkins*, 22d *Pacific Reporter*, page 102, our supreme court also decided "that the order, organization or association known as the 'Utah,' or regular branch of the Mormon church, teaches, advises, counsels and encourages its members, devotees and others to commit the crime of bigamy or polygamy as a duty arising from membership in such organization or association."

Governor George L. Shoup in his election proclamation says: "The spirit and intent of the registration law must be complied with. The attention of county commissioners, registrars and judges of election is called to an act of the 15th session of the Idaho legislature, approved January 29th, 1889, entitled an act to amend section 501 revised statutes of Idaho, which law must be enforced by registrars and judges of election. Now if these people were not voters on November 6th, 1888, as decided in *Chamberlain vs. Woodin*, they are not now, if they were members of an inhibited organization in October, 1888, as decided in the *Wooley vs. Watkins* case, they are the same now, and any of them offering to register or vote should be promptly refused permission to do either.

To the third subdivision of the subject, what are the duties of supervisors, registrars and judges of election under the law, I would say: It is the duty of supervisors to see that the registration lists of their precincts are properly revised and corrected before registration commences; to keep a close watch on the doings of registrars and judges of election, and to see that each and every one who is allowed to register is a legally qualified voter, and for the means of enforcing their authority, they are hereby referred to Hon. Freeman Wood, United States Attorney for Idaho, under whose immediate jurisdiction they are appointed, and under whose direction they are supposed to act, and to whom they should promptly report any attempt to evade the law.

The duty of registrars is fully set forth in sections 504, 506, 507 and 508 of the Revised Statutes of Idaho. They should study these carefully. They will see from these sections, and I hereby instruct all registrars in Bingham county that it is their duty to first put every applicant for registration under oath, as provided

in first subdivision of section 504, Revised Statutes of Idaho, and examine him fully under the various laws above referred to, and decisions quoted, as to his present qualifications as a voter and also as to his qualifications on January 1888, and especially as to his membership or affiliations at said date in any inhabited organization of which the act of withdrawing in October or November is *prima facie* evidence, and to peremptorily refuse registration to all whose answers under oath do not fully satisfy such registrar that they are in the fullest sense of the word legal voters of Idaho.

The duties of judges of election are to see that all not legally registered, or not legal voters, do not get their ballots into the ballot box of their respective precincts at the coming State election.

In conclusion I will say that all political parties in Bingham county profess to only want a fair ballot and an honest count. The county committee of the democracy at a late meeting passed a resolution as follows:

*Resolved*, That it is the will of this committee and convention to conduct the county election strictly in accordance with the laws of Idaho, and of the United States as interpreted by the courts, and we call upon all officers of election to act unqualifiedly in accordance therewith in the performance of their duties.

All other parties should concur in the above resolution.

And so, in conclusion, I express the hope that all officers of election will study the laws and decisions, on which this opinion is based, carefully, and governing themselves thereby will give us an absolutely fair, full and free ballot and fair and honest count of undoubtedly legal voters at the county election in Bingham County, Idaho.

E. S. WHITTIER,  
Dist. Atty, Bingham Co., Idaho.  
BINGHAM, Idaho, Aug. 30, 1890.

### AMERICAN ANTIQUITIES.

A dispatch to the *Denver News*, dated at Jamestown, North Dakota, says:

Professor T. H. Lewis, an archaeologist of St. Paul, has been making this city his headquarters during the last two or three weeks, while exploring the adjacent country for mounds and other earthworks of the prehistoric mound builders. Thus far he has been very successful, having surveyed over 200 mounds along the bluffs bordering the valley, and some thirty-five around Spirit Wood Lake.

The finest group of earthworks in this region is located on the bluff, about two miles southwest of Montpelier, on the south side of Beaver Creek, and west of the river. The work is parallelogram in the ground plan. It encloses some twenty acres. At the northeast corner there is a conical mound twelve feet high; at the southeast corner, there is a truncated mound eight feet high; and at the northwest corner there is another of the same height. These three corners are connected together by embankments that average some two feet in height. From the north