the Utah Commission was "taken under advisement."

The challenged parties were compelled to proceed under the old order. Thus the Utah Commission was overruled.

Then Messrs. Powers and Dickson appeared for the "Liberal" party and "argued" the case, or rather stated what they wanted, and they got it, the proceedings going on in the same order.

Before Registrars McCallum and Morris the order of questions was about the same as January, 28 the great bulk being "taken under advisement."

Those who were called before Registrar Winters were somewhat annoyed by the insolent tone in which the registrar asked his questions. Some concluded that he did not know any better; but he does, and can be very mild and gentle at times.

In a general way his line of questioning was on the matter of the challenge, and those whose residence in the city dated back less than a year were given a rigid examination, and their cases "taken under advisement."

In regard to citizenship, the following are samples:

A Mr. Peterson said he was four years old when he came to the country, and had never himself been naturalized.

Registrar—Your name will be stricken from the list.

The attorney for the People's Party inquired whether Mr. Peterson's father had been naturalized before the son was of age.

"Oh, yes," replied Mr. Peterson.

Registrar—Well, that will be taken under advisement.

Richard Smyth was born in Dublin. His father was an American citizen, and his parents had gone to Ireland to see about some property which his mother was heir to. In the Third District Court Mr. Smyth had been informed that he was a citizen under these circumstances. He had also seen his father's naturalization papers when he was a small boy, and remembered that they were issued in Lowell, Massachusetts. His father had served in the American navy. These facts he could prove by witnesses now in the Territory.

The registrar said that the naturalization of Mr. Smyth's father was a matter of record, and could only be proved that way. He told Mr. Smyth to get a copy of the record, and took the case "under advisement."

The next case that came up, however, takes the premium. It was that of Henry Puzey, of the Twentieth Ward.

Mr. Puzey testified, in effect—I am not a polygamist (the ground of challenge); have never been a practical polygamist, though I have had two wives. My first left me, and afterward, in 1868, without getting a divorce. I married again. In a few years the first wife died, and learning my status under the law, I made the second wife my legal wife by marrying again. I have never been convicted of polygamy, and never lived with two wives; have never been amnestied.

Registrar Winters—I may as well decide this and all other like cases right now. Mr. Puzey is objected to on the ground that he is a polygamist. The law of 1862 says:

"That every person having a husband or wife living, who shall marry any other person, whether married or single, in a Territory of the United States, or other place over which the United States have exclusive jurisdiction, shall * * * be adjudged guilty of polygamy. * * * Provided, nevertheless, that this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years without being known to such person within that time to be living; nor to any person by reason of any former marriage which shall have been dissolved by the decree of a competent court; nor to any person by reason of any former marriage which shall have been annulled or pronounced void by the sentence or decree of a competent court on the ground of the nullity of the marriage contract."

Mr. Puzey, you do not need to be convicted of polygamy. The law has adjudged you guilty. You are a polygamist, not having been pardoned or amnestied. Section 6 of the law of 1882 says:

"That the President is hereby authorized to grant amnesty to such classes of offenders guilty of bigamy, polygamy or unlawful cohabitation before the passage of this act, on such conditions and under such limitations as he shall think proper; but no such amnesty shall have effect unless the conditions thereof shall be complied with."

Mr. Puzey, you will not be allowed to vote. Your name will be stricken from the list on the ground that you are a polygamist. The challenge is sustained. This ruling will govern all cases like this.

B. W. Driggs, Jr. (who appeared for the People before Registrar Winters)—Mr. Registrar, you have overruled Judge Zane!

The registrar only smiled.

Mr. Driggs—And the Supreme Court of the United States, too!

Another smile. That was all.

The opinion of Judge Zane, cited by Mr. Driggs, was given in the Bennett case, when Judge Powers endeavored to establish the position taken by the registrar. Judge Zane ruled that "a man must actually have a plurality of wives to be a polygamist. The fact of cohabitation is not a feature in determining the meaning of the term. A man ceases to be a polygamist when he fully and finally terminates the relationship. Pardon and amnesty are not intended as a means of terminating a polygamous relation. Pardon is the remission of the consequences of an offense after the parties have been convicted. Amnesty is the remission of the consequences of a crime, and may be after or before a conviction. Though pardoned, the defendant might be guilty of maintaining and recognizing the polygamous relation."

The decision of the Supreme Court of the United States, which the registrar overrides, says, in the case of Murphy against the Utah Commission:

"It is not therefore because the person has committed the offense of bigamy or polygamy at some previous time in violation of some existing statute and as an additional punishment for its commission, that he is disfranchised by the act of Congress of March 22, 1882; nor because he is guilty of the offense as defined and punished by the terms of that act; but because at some time having entered into a bigamous or polygamous relation by a marriage with a second or third wife while the first was living, he still maintains it and has not dissolved it, although for the time being he restricts actual cohabitation to but one. He might in fact abstain from actual cohabitation with all and be still as much as ever a bigamist or polygamist. He can only cease to be such when he has finally dissolved in some effective manner, which we are not called here to point out, the very relation of husband to several wives which constitutes the forbidden *status* he has previously assumed.

* * * * * *

"The disfranchisement operates upon the existing state and condition of the person and not upon a past offense. It is therefore not retrospective. He alone is deprive of his vote who, when he offers to register, is then in the state or condition of a bigamist or polygamist or is then actually cohabiting with more than one woman."

Thus the matter goes. A smile of derision meets the law in the case.

A long list of new challenges are now being served. Among the number cited to appear is Recorder H. M. Wells, whose treatment by Registrar Winters, on a former occasion, will be remembered.

Another one that would seem very like a joke were it not for the fact that the infamy of the "Liberal" proceedings is so well known, is the summoning of Spencer Clawson, the People's candidate for mayor, to appear before Registrar Winters and show cause why his name should not be stricken from the registry list on the ground that he is a "polygamist!"

Many of those challenged have failed to appear and default has been entered against them. Investigation shows that the return is a "substitute service." The law requires a personal service and in this "substitute" business it is likely that the persons challenged and who failed to appear have never received notice at all.

There is one noticeable occurrence which challenged parties should take cognizance of, and that is that the registrars have no right to ask questions that do not relate to the matter of the challenge. That is, if a man is challenged on the ground of non-residence, he cannot be required to answer inquiries about some one else, who lives in certain houses, or anything except as to his residence and intention relating thereto.

The plan adopted by challenger "D. Webb," of the "Liberal" committee makes its purpose plain. Objecting to such men as S. B. Clawson, W. F. Nesler, R. Matthews, W. C. McDonald, John Walsh, and hundreds of others on the ground of not being bona fide residents, when some of them were born and have lived in Salt Lake City their whole lives, and others have resided here twenty to forty years, and have been before the public, indicates a purpose entirely foreign to that which the law contemplates in allowing challenges.

The plot thickens as new features develop, and everything points to the fact that no means will be left unused to obstruct the People's Party voters on the day of election, as well as subject them to annoyance and indignity prior thereto.

The "Liberal" party, whose name in this region has long been the