

# **EVENING NEWS** Published Daily, Except on Sundays, at Four O'Clock. **PRINTED AND PUBLISHED BY THE** **DESERET NEWS COMPANY.** **CHARLES W. PENROSE, EDITOR.** **Thursday, July 31, 1884.**

**PEOPLE'S TICKET**  
**GENERAL ELECTION.**  
**MONDAY, AUGUST 4th, 1884.**

**SALT LAKE COUNTY:**  
**Probate Judge,**  
**ELIAS A. SMITH.**  
**Recorder,**  
**JESSE W. FOX, JR.**  
**County Clerk,**  
**JOHN C. CUTLER.**  
**Assessor,**  
**GEORGE M. CANNON.**  
**Assessor,**  
**W. S. BURTON.**  
**Collector,**  
**N. V. JONES.**  
**Prosecuting Attorney,**  
**ISAAC M. WADDELL.**  
**Sherriff,**  
**JOHN A. GROESBECK.**  
**Surveyor,**  
**J. D. H. McALLISTER.**  
**Coroner,**  
**GEORGE J. TAYLOR.**

**THE LAWS AND THE COMMISSIONERS.**

We publish, in another column, the opinion of District Attorney Dickson on the questions propounded to the Utah Commission by Counsel for the People's Party. We have published the brief presented by the latter through F. S. Richards, Esq., and also the reply of Commissioners Ramsey and Carlton. We will now make a few remarks on the Attorney's opinion.

The answer of Mr. Dickson must not be viewed as an authoritative document. It is not a judicial decision, it is simply a lawyer's opinion. It is valuable therefore only so far as it is correct, and then but as the view of an official who is supposed to be on the Federal side of an argument in which Federal officials are against the People of the Territory. It has the merit of clearness and perspicuity, it deals with the two questions at issue in straightforward and manly style. An ordinary mind can understand his conclusions and also the reasons he advances for them. He does not resort to casuistry or attempt to confuse by ambiguous language.

Mr. Dickson concedes that the presence on a ballot of the names of officers not to be voted for, does not and cannot nullify or vitiate the ballot so far as it names officers that are to be voted for. This is the position we took last year when the Commissioners decided otherwise and issued their order preventing the counting of such ballots, and as we have all along maintained. It is an accord with legal precedent and harmonious with plain common sense.

On the question of the election of certain Territorial officers, Mr. Dickson opposes the argument of Counsel for the People's Party. He contends that the Territorial officers are not elective, but must be filled by the appointment of the Governor with the Legislative Council. There is nothing new in this. It has been urged many times. Mr. Dickson relies, for his opinion, entirely on the Seventh Section of the Organic Act. Lawyers differ in their constructions of the clause upon which he depends, and although the Supreme Court of the United States has not considered the question in dispute directly, yet it has indirectly pronounced against Mr. Dickson's interpretation. All this and other similar arguments have been set forth in the brief of Counsel for the People's Party, as well as in numerous articles in this paper, and may be summarized as follows:

Different opinions existing as to the exact meaning of the clause in the Organic Act relating to other officers than district, county and precinct officers, and the Legislature being endowed with power over all rightful subjects of legislation except certain specified and enumerated subjects, among which those officers are not mentioned, the Legislature has created certain Territorial offices, and provided for the means of filling them, according to a principle generally acknowledged—that the power which creates an office may provide for the manner of filling it. The laws providing for filling these offices created by the Legislature were duly signed by the respective Governors of the territory, and have been actually in force for many years. Congress has not disapproved of them. The officers elected under them have served in their several capacities. The Supreme Court of the United States has sustained some of them in their offices after the very question now in dispute was sprung as an objection. The clause in the Organic Act, although not the direct subject before the Court, was cited, and the Court ruled against the view of it taken by those who cited it, which is the same view now taken by Mr. Dickson, and as he admits, the Court plainly stated in "all that it said on the question." The Court also gave its opinion that the Acts of the Legislature claimed to be in conflict with the Fifth Art. had received "the implied sanction of Congress" and were therefore valid.

And the Court further laid down the principle upon which the powers of Territorial Legislatures must be construed, namely, the theory of "leaving to the inhabitants all the powers of self-government not inconsistent with the supremacy of national authority, and certain fundamental principles established by Congress."

But supposing the argument's sake that Mr. Dickson's opinion is correct, and that therefore the views of the Utah Commissioners are sustained by the views of the District Attorney, what of it? What does it all amount to? Simply that the ideas of the gentlemen coincide, that is all. Neither the Commission nor the Attorney has clothed with judicial power. Their opinion is not an opinion. It is no more lawful effect upon an election than the unaided views of any other persons of equal intelligence and information. The Commission's decision is final.

If this system of producing such desirable results in a confined capacity, the same means adopted as a reformer's medium in a more extended field would have a corresponding breadth of effect of the same character.

"Mormonism" is everywhere denounced. In the very face of the many happy fruits of its operation. Remember that no man can change the minds of men not familiar with its true nature, that it is destined to play the foremost part in the regeneration of the race, the correction of evils of every description, and the establishment of a new order of things.

to appoint "proper persons" to do all things in regard to elections that the election and registration officers need to perform who were elected by the people. The registration officer now gives notice of the election instead of the County Clerk. He has no more right to judge who is to be elected than the County Clerk had. Where did the Clerk obtain his information about the officers to be elected? From the laws of the Territory. No man or set of men had the right to forbid him to make out the notice required by law. No man or set of men now have the right to forbid the registration officer to do so. It is required by law to give notice of an election for those offices which the laws make elective. Among them are certain Territorial officers. If the County Clerk had given the notice, they would have been included. Clearly they ought to be included.

But the Commissioners said they were not to be voted for. Exactly. And that is where they put their foot in it. They had no authority to do anything about it. If they had, please point out the clause in the law that gave them the power. It cannot be found. They have no more right to pronounce upon it than had a dry goods firm or a quinine dealer or farmers or mechanics.

It may be said the Commissioners believe the laws for the election of Territorial officers are void. We do dispute their right to decide the matter. We say this is a matter for the courts to settle, not the Commissioners. We say they have no right to pronounce upon it at all. They have neither the right to decide whether the local laws are valid or to instruct the Registration Officer as to their validity, and we challenge proof to the contrary. We say they have no power whatever over those conferred upon them in Section Nine of the Edmunds Act, and neither Attorney Dickson nor any other legal light can show up the least color of judicial authority in that section. The gentleman has not pretended to do so. He has pretended to do so. He has pretended to do so. He has pretended to do so.

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