

tiresome and excite only derision. It is no great crime, we take it, for one man high in Church councils to go to Wyoming, or for another Church-man to go to Idaho. They are not the only men who travel, nor are they going to be restrained in the exercise of that or any other action that freemen may properly take. Moreover, neither the Church leaders nor the Church papers are going to be muzzled because of some silly people's disappointed hopes or timorous imbecility. If the politicians and the party press will leave the Church alone, they will have no occasion to quarrel with it. But they must stay within their own confines, and mind their own business. Any trespass, such as some of them seem now fondly to approve, will always find, as this has found, the Church on the defensive. And in all kindness we say again, as we said yesterday, that both good sense and good politics would seem to forbid any reputable party from joining to the assault and insult that a weak sentimentality has inaugurated and an ignorance of the realities in the case has somewhat forwarded. Every truly patriotic citizen, of whatever religious or political creed, will insist that this whole question be rigidly excluded from the politics of the State, and that no aspirant for office, who bases his claim for support on his opposition to any church, receive the slightest encouragement.

THAT ELECTION LAW.

The opinion of County Attorney Whittemore, published in Tuesday's News, presents a rather peculiar situation from several points of view, none of which are particularly gratifying to the cause of its coming forth. In it, Mr. Whittemore says the election law of this State is invalid, but the county commissioners must count the votes and certify to the results thereof. In other words, he says that the subject of the validity of the election law is no business of the county canvassing board, and that they should perform their duty independent of its existence; and this latter view, so far as the canvassing board's action is concerned, is just right, even if the attorney be wrong on the validity proposition, and in the burden of the remainder of his reply.

In looking over the matter, it is quite clear that one of two conditions exists, namely: Either the county canvassers have been extremely foolish in asking the attorney for his opinion upon a law which did not affect them in that capacity and therefore was none of their business; or the county attorney has shown himself foolish in obtruding upon the canvassers an opinion on a statute regarding which no inquiry was made of him. So far as the documentary evidence is concerned—the resolution of the canvassing board and the reply of the attorney—the canvassers may properly have made the inquiry they did as to the law under which they were acting, but it was when the attorney opened his mouth that a big foot got into it.

This situation is made plain when it is known that the county canvassing board acts under chapter 75 of the Laws of Utah, 1896, and that alone;

while the county attorney says that chapter 69, with which the canvassers have nothing to do, is, in his opinion, invalid. The ludicrous aspect of the thing ought to induce somebody to engage the services of a kicking machine right away. As a canvassing board, the commissioners had a right to inquire about chapter 75; chapter 69 was none of their affairs. But, so far as the resolution of inquiry is concerned, the attorney had no more business to give an opinion on the validity of chapter 69 than he had to tell about the workings of the estray law. A wise public adviser would have saved himself much deserved criticism by answering the question asked instead of trying to give tangible form to gossip on another issue.

So far as the canvass of the returns is concerned, the county commissioners have nothing to do with the particular form, dimensions or contents of the ballots used. Those ballots never reach them, and officially they know nothing of whether they constitute a secret ballot or not. The county canvassers must take the returns of the judges of election, consisting of the tally sheets and some other papers, but not the ballots, and must certify to the effect thereof. There is no room for contest on that matter upon any ground yet suggested, and the intimation of the county attorney that the board might be prevented by a court of competent jurisdiction from issuing the certificate has no foundation on which to hope that such action will be taken. The issue of election certificates without delay is next in order.

As to a contest over the results of an election, interested parties always are justified therein when there is good reason to believe that the will of the voters has been defeated. But in the recent election there is nothing of that kind claimed. Secret or open ballot, the electors of this county and State have expressed their will in emphatic terms, and in due time the offices should be turned over to the officers selected. Nobody else has a right thereto, and no contest seeking, on a supposed technicality, to subvert the will of the people will receive public approval.

Now as to the opinion of County Attorney Whittemore on the validity of the election. He says it was void because there was not a secret ballot. How does he determine that? Because the ballots were numbered to correspond with the poll lists. But how can a ballot so numbered, and the number covered so that it shall not be visible, reveal how the elector has voted? The opinion does not tell, because it cannot. If the number be invisible, as the law requires, the ballot so numbered is as perfectly veiled from scrutiny as if it were blank; so the numbering has nothing to do with the secrecy of the ballot.

It has been urged that the number can be "seen through," on exposing the ballot to the light, and then a comparison between poll list and ballot would tell how a person has voted. But such a comparison would be as unlawful as if a judge of election were to open the ballot when it is tendered by the voter, to see what it contains; and after the judges make their count

the ballots are not within reach for such comparison. But if the ballots can be "seen through" as alleged, then somebody has violated the law in not providing paper with which the number can be folded under and pasted down so as to be "not thereafter visible," as the statute expressly provides.

Or is it because a court can break the seal in a contest? The effect of that would be that in case there were a question as to the votes cast, there being too many in the box, the court could determine where the fraud was. If there were no two ballots numbered the same, then the court would throw out the excess numbers, and there would be no occasion to ascertain how any individual voted. The court would not allow the gratification of such unlawful inquisitiveness. But if there were two ballots numbered the same and differently marked, who could tell which was the lawful ballot? Only the person who cast it; and in that case it is as Cooley says in the quotation by the county attorney; the veil of secrecy is impenetrable, "unless the voter himself voluntarily determines to lift it; his ballot is absolutely privileged."

It does appear then, that much fuss has been made where there is no occasion for it. No doubt the election laws of the State are susceptible of improvement; if so, the Legislature probably will give them the needed attention. But the recent proceedings to throw doubt on them in such trivial manner as has been attempted cannot receive the approval of an enlightened public sentiment.

PRESIDENT WOODRUFF.

President Wilford Woodruff addressed the Saints in Farmers ward last night, Sunday, November 15th. He spoke nearly an hour, and the audience received his remarks with intense attention. He bore a clear and strong testimony to the fact that all the predictions and instructions of the Prophet Joseph to the Twelve regarding the Church in this mountain region had come literally true. He spoke with great feeling about the mercy of the Lord toward himself in preserving him, through countless dangers and trials, for the dedication of the Temple whose foundation stones he had seen laid; and also in prolonging his life, when at the gate of death, in answer to the prayers of the people for him. He testified to the power of God manifested in the Church by the healing of the sick, and exhorted the Saints to attend the fast meetings and care tenderly for the poor among us. He closed by stating that the calamities that are passing over the world at the present time will not cease, until all that which is written in the Doctrine and Covenants and the Revelation of John shall have been fulfilled.

President Woodruff looks remarkably well for his age, retaining, according to his own statement, his faculties almost unimpaired. His hearing and eyesight are as good as ever; his memory is remarkably retentive, and he speaks with a youthful spirit on the great principles of the Gospel. The presence of such men among the Saints is a great blessing.