NINTED AL THE DESERET NEWS COLPANY CHARLES W. PENROSE, EDITOR.

further, that in consequence of Mr. Cannon's "living in polygamy," he cannot is come naturalized because he is unable to take the oath that he is "well disposed towards the Government of the United States." The Governor virtually admits the validity of the votes cast, and raises no question but that of Mr. Cannon's citizenship.

There cannot be a plainer provision in law than that which defines the Governor's powers in reference to the election for Delegate. He is simply authorized to declare the "person" elected who has the greatest number of votes, and to give him a certificate of election. This the Governor is commanded to do, in a statute of the United States. He officially declares in his decision that George Q. Cannon received the greatest number of votes, yet he awards the certificate to the candidate with an in- 1882. The Governor quotes as a law, significant minority. The law nowhere authorizes the Governor to Congress to the effect that "no persit in judgment upon the question of son who is guilty of bigamy or poany person's citizenship. In this lygamy shall be admitted as a Delecase he has assumed the functions gate." But this is not a law, it has of a Court and of the Congress of the United States. Will a certificate had, it would take a legal trial and from the Governor establish a per- conviction for the offence of bigamy son's citizenship? Certainly not. or polygamy, to disqualify the Dele-Neither will his dictum act as proof af alienage. If he has not the right Governor on the subject is not to naturalize, neither has he the the right to declars a person not the

no express provision is made by Act of Congress, is atterly immaterial." In the mases is nore him, it appeared In the mases is nore him, it appeared is a follows: that up to 1858, the minutes of the reply is as follows: court contained a record of natural- To the Governor of Utah Territory ization proceedings, but subse- The law in force in this Territory at the quently the practice of making an entry in the regular minute book was discontinued and merely

But the question of Mr. Cannon's naturalization has already been decided in his favor by a committee of the House, as he shows in his reply to the protest, and this being the proper body to adjudicate on the matter, the action of the Governor is simply ridiculous.

face. A clerk may make a copy of a record of the court and certify that it is a true copy, but no instance is known of a clerk being permitted to certify that certain things were done in court—the record must speak for itself, and he authenticates the record. Here then is no record, and never has been; and as to this particular part, the record shows that the clerk here stated a fact to emist which did not then not does it now crist. He further assumes that Mr. Gan non is "living in polygamy." No proof of this was adduced, and if it had been, that is no effense against the laws of the United States. There is no law of the land which makes that a crime. The legal offence is in the contract of marriage not in the cohabitation. And it has never been proven that Mr. Cannon has acted in violation of the law of a provision passed by one House of Mr. C 176, 178. By JNO. R. MEBRIDE, Attorney. Mr. Caine, for Mr. Cannon, filed a

The telegram from Washington

cites the following authorities:

nd by

under any other circumstances, might, perhaps, acquire citizenship by the time his term of office commences, but it is charged in Mr. R., hence both organizations com-Campbell's protest and not denied bined to pay him the inst effices of living in polygamy, a violation

THE TOVEREDUCE DECORDENSION was discontinued and merely in the part of the par cord of June 16th, 1674, page 5046, af-firms the same principle in House I bill 3679, providing that delegates in Congress should be 35 years of age, seven years a citizen, and an in-habitant of such Territory; and no such person who is guilty of bigamy or polygimy shall be eligible to a seat as such Delegate." It having been shown that Mr. Cannon is not a citizen, and that he is incapable of becoming a citizen, I cannot, under the law, certify that he is "duly elected," and Mr. Camp-bell having received the greatest number of votes cast for any citizen,

bell having received the greatest number of votes cast for any ditizen, was therefore duly elected and must receive the certificate accordingly. I am aware that my action on this question is not final. The House is the judge of the qualifications and exection of its members, but in the discharge of my sworn duty under the law to give the certificate to the person duly elected, I cannot do otherwise than give it to Allen G. Campbell. the clorks to issue naturalization papers without the proceedings being had before the court or judge at all. They were habit-inally peddled out over the country to sny-one who would pay for them. Such a certi-ficate or statement by a Crerx as to the por-son holding it being a citizen is no more proof of the fact than if he had certified to the bolder's solvency, his general reputation or as holder's solvency, his general reputation or as to the place of his birth. The haw gives no effect to such a certificate—it is void on its Campbell.

ELI H. MURRAY. CERTIFICATE.

United States of America, Territory of Utah, Executive Office. - 88.

Executive Office. J I, Eli H. Murray, Governor of the Territory of Utah, do declare and certify that at a regular election for Delegate to the Forty-seventh Con-gress, held in said Territory on the first Tuesday after the first Monday in November, A. D. 1880, returns whereof were opened in my presence by the Secretary of the Territory, Allen G. Campbell was the person, being a citizen of the United States, having the greatest number of votes, and was therefore duly elected as Delegate from said Territory to said Congress, and I do give this certifi-cate accordingly. In testimony whereof, I have here-unto set my hand and caused the Great Seal of the Territory to be affixed. Done at Salt Lake City, this eighth day of January, A. D. 1881. erk here stated a fact to exist which did not on nor does it now exist. A clerk might as well issue an execution ithout any judgment having been rendered plinst the party. If affords no presumption we of the existence of the fact. To prove e existence of any judgment, it must be ex-nplified and then properly authenticated; in her words, where the record is made the idence, no statement or certificate of it is coof. The authenticated copy of it, with the mature of the judge and the certificate of e clerk is the only proof which the law rec-mizes and without which, the statute says, e party "shall not be deemed to be a citi-tary of the statement of the statute says, Mr. Cannon is disqualified to receive votes y a Territorial law. Section 3, page 57, Com-iled Laws of 1875. Every vote cast for him is, in the language ed. Cash L. and Pr., page 66, sec mit is that Mr. Campbell is entitled

[Seal.] ELI H. MURRAY, printed answer, which is made part Governor. By the Governor:

Secretary of Utah Territory.

imposing, the 14th infinitry band marching ahead of the corpse, which was followed by the Masonic Fraternity. Deceased was a member of the brotherhood, also of the G. A. bined to pay him the inst effices of respect.

Go east, go west, go north, or south, JAQUES Extracts you'll hear about. BORN.

according Titah County, January

MARTIND. In this city, January 6th, 1881, by Preside H. Wells, BEN. ARGYLE, late of Wood's Cross, to Miss JANE BOBINSON, of Sus DIED Lies . 11

Bro. JOSEPH GODFREY, son of William and Margaret Barren Godfrey, born at Bristol, Somersetahire, England, March 4th, 1809, died December 16, 1880, aged 80 years, 9 months and 12 days.

On Sunday, Jan 945, 1933, at 9.15 a.m., in this city, of cerebro spinal meningitis, OLI-VER LE ROY, son of Oliver and Mary Etta Simmons Hodgson, born March 11th, 1876. Funeral from 10th Ward meeting-bouse, to-morrow (Tuesday) at 10 o'clock. Friends of the family are kindly invited.

> PHAETON FOR SALE. NEWLY TRIMMED AND PAINTED. Owner having no further use for it. Enquire at DESERET WAGON CO. d40 fw WANTED. A GOOD BOOTMAKER. STEADY EM-WANTED.

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To some extent his office is legisla-Legislative Assembly must be apjudicial in the least degree whatever. We defy any person of any profesthe Governor a judicial officer, or empowering him to sit in judgment upon the question of citizenship. Judge of the District Court has just as much right to exercise the duties of Governor as the Governor to usurp the functions of a Judge.

The Governor is in no sense a judi-

If George Q. Cannon is an un naturalized allen as claimed, that is a matter to be determined according to the rules of evidence before a court of competent jurisdiction in a case properly presented. If no such case is tried, or in any event, Congress holds the power to judge of the qualifications of its members. It has not turned over that right to the Governor, and his action in the premises betrays gross assumption as well as unpardonable ignorance in such a digni'ary, leaving aside the base and unworthy motives which prompted him to prostitute the authority vested in him to partizan purposes, and the indulgence of per-

sonal splie. But area admitting that the citi-zenship of Mr. Cannon is a proper subject for judicial inquiry in the present instance, we maintain that sufficient evidence was adduced, by the Governor's own admission, to establish the lact that George Q. Cannon has been duly naturalized. The certificate of citizenship under the seal of the Court is not only given, but a certificate from the present Clerk of the Court that it is copied from a book received by him

from his predecessor. The Governor cites the record of the minutes of the regular proceedings of the Court on the day when the naturalization took place, according to the signed and sealed certificate. And because the minutes do not contain an au count of the natura claimed that none took pince.

The question involved in this cas has been several times judicially decided. It was raised in New York, at the time when Supervisor Davenport attempted to exercise similar powers to thuse usurped by Governor Marray. And on the 15th of Octo-

ber, 1878, Judge Freedman, of the Superior Court, rendered a lengthy and elaborate decision, supported by copious extracts from judicial au-thorities, in which he ruled that the consequence of the ministerial act of the Clerk, it would not be fatal.

The applicants in this case showed FOURTH DAY, DECEMBER 7TH,



United States, and that the concur-ence of State laws merely adds the maction of the State to this delegation of power. That the laws of the United States do not prescribe for the setry of adjudication of citi-genship in any book. That in the