

DESERET NEWS.

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, MARCH 5, 1879.

VOTING AT SCHOOL MEETINGS.

A CORRESPONDENT, from Bear River asks a question in relation to voting at school meetings, desiring an answer through this paper. The point he wishes decided, is whether all taxpaying citizens in a school district may vote at a meeting called for the assessment of a school tax, or whether only registered citizens may do so.

We think the law is very plain on the subject. Section 592 of the Compiled Laws of Utah provides that the matter "shall be decided by a two-thirds majority vote of the qualified voters resident in the district, present at a meeting called for that purpose." From this it is clear that in order to vote at a school meeting of this kind a person must be, first, a "qualified voter" at the time when the meeting convenes, this he cannot be, as the law now stands, unless his name appears on the registry list; second, a resident in the district; third, be present to cast his vote in person. He cannot vote by proxy; nor if he does not reside in the district, no matter how much property he may have there; nor if he does not possess the same qualifications as would entitle him to vote at a general election. Ladies who are qualified voters have equal rights with the male voters at the school meetings as well as at the polls. And the same regulations are in force in regard to the election of school trustees.

It may seem unjust and inconsistent to debar property owners who are liable to be taxed, from voting in regard to an assessment upon their property. This law certainly does this. There are many persons owning property in school districts who are not qualified voters within the meaning of the statute. They have to pay the tax assessed without having any voice or vote upon its assessment or in the election of the officers who are to handle the money when collected. This looks as much like "taxation without representation" as anything we know of. What is the reason such apparently unfair legislation was enacted by our Assembly?

The answer is, this provision was the effect of the "one man power," about which such an outcry has been raised over imaginary evils, and which the agitators say nothing about when it is really exercised irresponsibly, tyrannically and obstructively by a representative of the Government. When the bill was framed for the school law under consideration, resident taxpayers were empowered to vote at all school meetings contemplated therein. But the Governor of the Territory, holding the arbitrary power of vetoing the bill, or of refusing to sign it and thus rendering it void, and for whose veto, negligence, stubbornness or any other nugatory action or inaction there is no legal remedy refused to sign the bill unless the words "qualified voters" were inserted in lieu of "resident taxpayers."

Thus a great wrong was inflicted upon a large number of individuals residing and owning property in the Territory, through the caprice of one man, endowed by a "professedly republican Government" of the people, for the people and by the people," with authority to set aside by refusing to sign his name to a document, the wishes of a whole Territory constitutionally and lawfully expressed through their own elected legislators. And this "one man power" is forced upon them by an exercise of monarchical despotism, for the people chiefly interested have no voice whatever in this officer's appointment.

The only present remedy for taxpayers who cannot vote in regard to the disposition of a portion of their property, is to become "qualified voters" as soon as possible. This they cannot be until they are citizens and are registered according to law. Congress gave power a short time ago to the Territories to give the franchise to those who had lawfully declared their intentions

to become citizens. Our Legislature promptly passed a bill pursuant to this privilege, but again the "one man power" was exercised, to defeat at once the action of the Assembly and the intention of Congress.

We are "sorry, very sorry" for our friends who are somewhat imposed upon by the provisions of the law, but can only respond in the memorable words of Martin Van Buren to the robbed, driven and outraged Latter-day Saints, "Your cause is just but we can do nothing for you."

FURTHER OUTRAGES AT TOOELE.

GREAT interest has been maintained for some time in the Tooele election case, a decision on which has recently been given by the Supreme Court of this Territory. It is well known, and generally conceded, that at the last election a very large majority of the votes were cast for the People's candidates. It is also understood that the so-called "Liberal" incumbents of the county offices, who obtained their positions by fraud, and have misruled affairs there for some time, determined to perpetuate the existing condition, refused to canvass the returns of the election, knowing that the popular voice had condemned them and had spoken loudly in favor of a new regime. The case was taken to the Courts and the People's cause sustained. A peremptory writ of mandamus was issued, commanding the clerk and members of the County Court to "open" all the returns of the said election from the various precincts of said County, carefully examine the various lists constituting said returns, and if no irregularity or discrepancy appeared therein affecting the result of the election of any candidate, then to accept said returns as correct and declare elected the candidate for any office appearing from said returns to have received the highest number of votes for such office. Let us see how the parties named have carried out the decree of the Court.

The County Court met as a board to canvass the election on Saturday, March 1st, at 11 a.m. There were present—W. B. Schuyler, Probate Judge; E. C. Chase and W. C. Rydall, Selectmen, and E. F. Martin, County Clerk. The returns from the following precincts were all in good shape, boxes sealed, also the envelopes containing the returns, and all properly addressed to the Clerk of the County Court, viz.: Batesville, Grantsville, Tooele, Mill, Quincy, St. John's, Vernon and Lake View. The envelopes from each of these precincts, when opened, were found to contain the registry list, the poll list, and two lists of persons voted for, with the number of votes cast for each person and the names of the offices they were severally called to fill. Each list was properly headed and properly certified to, signed by all of the judges of the election of the precinct, who also certified that the election was opened, conducted and closed according to law.

The returns from the following precincts, viz.: Ophir, Deep Creek, Rush Lake, Lewiston, Jacob City and Stockton were in a very different condition. The Ophir returns were placed inside the box, and neither the box nor the returns were addressed to any person; the returns showed that twenty-seven persons voted who were not registered. The Deep Creek box was opened but no returns were found at all and hence was thrown out. The Rush Lake returns were found inside the box in unsealed, unaddressed, open envelopes, and the box was not addressed. The Lewiston box, when opened was found to contain an envelope in which were the tickets and the returns together. Neither box nor envelope was addressed. The Jacob City box and envelope with the returns, were sealed and addressed, but the registry list was not in the envelope; it was found however in the box; the returns showed that 273 persons were registered and 329 votes cast, of which number 82 were not registered. In the number registered there were only 30 taxpayers. The Stockton box and envelope were in proper order but only one list of persons voted for was found in the returns, which showed that 15 persons voted

who were not registered, and first on the list was the name of Judge W. B. Schuyler, then sitting as president of the canvassing board, who was not registered and is said to be not a taxpayer.

Hon. F. M. Lyman, one of the People's candidates, and Mr. George Bonelli, one of the "Liberal" candidates, were present with many others, and each of those two gentlemen as well as Messrs. Martin and Chase, of the canvassing board, took down the result of the canvass of each precinct as declared by the Judge, who read from one list and then from the other of each precinct, which proved the correctness of the lists, and acted as a check to the figures noted. The Judge had previously compared the poll lists with the registry lists, by which the discrepancies named above had been exhibited and proven.

By reference to the Abstract of Returns which will be found in another part of this paper, it will be seen that at the precincts first alluded to, from which the returns were all properly made, the People's candidates received nearly all the votes that were cast, while the "Liberal" candidates obtained their votes almost entirely from the precincts whose returns were not made according to law.

After the canvass was closed, from which it appears that the People's candidates received a majority of from 268 to 343 votes, even after counting in the votes of unregistered persons in "Liberal" precincts, numbering 124, the following motion was made by E. C. Chase and seconded by E. F. Martin:

"On account of the insufficiency of what purports to be the returns from all the precincts of this county, that we reject all the returns except those from Ophir, and Lake View precincts, and declare the result from them."

The motion was carried by three "ayes" against one "no," the latter being voted by W. C. Rydall. The following was then declared as the result so far as the County officers are concerned:

For Representative to the Legislative Assembly.

E. M. Wilson	67
F. M. Lyman	44

Majority for Wilson	23
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For Probate Judge.

J. F. Woodman	64
H. S. Gowans	44

Majority for Woodman	20
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For Selectman.

H. Prosser	66
Sam. W. Woolley	44

Majority for Prosser	22
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For Sheriff.

H. E. Barstow	65
John Pickett	43

Majority for Barstow	22
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For Coroner.

E. C. Wagener	64
John Gillespie	44

Majority for Wagener	20
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For Assessor and Collector.

D. W. Mitchell	67
Riley Judd	42

Majority for Mitchell	25
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For County Treasurer.

George Bonelli	64
T. Atkin, Jr.	44

Majority for Bonelli	20
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For Recorder.

E. F. Martin	67
F. M. Lyman	46

Majority for Martin	21
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For Superintendent of District Schools.

Geo. Bonelli	64
J. R. Clark	43

Majority for Bonelli	21
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For Prosecuting Attorney.

E. C. Wagener	61
L. Gee	43

Majority for Wagener	18
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A petition had been presented by G. Bonelli on behalf of the "Liberal" candidates, asking that the returns from all the precincts voting the People's ticket be cast out, because women voted therein, which was placed on file. But when L. Gee, on the part of the People's candidates attempted to object to the petition, he was refused a hearing by the Judge. The inconsistency of the petition will be seen when it is understood that there were several women voters

in the "Liberal" precincts, and in both the precincts from which the result was declared.

Mr. Lyman attempted to protest against these extraordinary and illegal proceedings, but was not allowed to make any argument. He then asked the Board to throw out the 27 votes from the Ophir returns which were shown to have been unregistered, but the Judge replied that they were not acting in a judicial capacity. Mr. Lyman asked how, then, they had assumed to judicially decide on the other returns and set them aside. To this there was no response. No reasons were given for throwing out the returns from twelve precincts, nor for accepting two of them. The board of canvassers had no right to decide judicially on the returns, for the Supreme Court had decreed that they could only act in a ministerial and not a judicial capacity.

It is plainly evident that those persons, with the exception of Mr. Rydall, were determined to render void if possible the expressed will of the people of Tooele County. The returns show the People's candidates elected. The two precincts which they selected arbitrarily from which to declare the result, if the 27 unregistered votes were deducted would still show a majority for the People's Ticket. No irregularity was shown in the returns from the precincts voting the People's Ticket. The only thing that could be construed into anything improper was one vote at Batesville, where an unregistered voter was permitted to vote after taking an oath that he was a legal voter, and this was certified to in the returns. On the other hand, at Tooele three unregistered persons were permitted to vote against the protest of one of the Judges of election, who excepted to them in the returns. And here is shown the "Liberal" style of conducting public affairs. At Tooele precinct only 26 "Liberal" votes were cast against 262 for the People's Ticket, yet two "Liberal" judges of election were appointed there against the People's one.

According to the mandamus the Clerk and members of the County Court have to show the Third District Court in what manner its command has been executed. The date fixed for this is to-morrow, the 4th of March. It is to be hoped that the whole matter will be investigated. For a gross outrage has been perpetrated on the people. There is no excuse for the course that has been taken. The spirit of the mandamus, and we believe its very letter has been violated by these men, and it remains to be seen whether the Court will vindicate its own authority and do justice in the case. If two or three "Mormon" county officials had been guilty of such a base attempt at defrauding the people, there is little doubt as to the result.

We hope, if this matter is not settled by the fiat of civil law, that a criminal complaint will be lodged against the men who have violated the election law and have thus laid themselves open to prosecution for felony, as any one may see who reads the statute understandingly.

We only ask for plain, simple justice, and shall be satisfied with nothing less. The small officials of a single county may think they can copy the tactics of Southern Returning Boards, and may fancy they have a precedent for their course in the Electoral Commission, composed of high dignitaries, but we hope they will learn a lesson from our local courts, which will be sufficient to last them for a lifetime and to deter others from taking a similar course.

The people of Utah can behold in Tooele County the fruits of so-called "Liberal" politics and "Liberal" administration of public affairs. A people defrauded of their just rights; a treasury depleted; county scrip which was worth its face under "Mormon" control, now refused at ten cents on the dollar; and the office holders conspiring by force and fraud to perpetuate misrule and cheat the people out of the results of a general election! These are the kind of persons who want to "liberate," "regenerate" and "civilize" the simple "Mormons."

We could say much more on this subject but lack of space forbids. We want to see, now, what action will be taken by the District Court, which has clearly been treated with contempt by the "Liberal" magistrates of Tooele County.

BY TELEGRAPH.

AMERICAN.

WASHINGTON, 1.—The following is the full text of the President's veto message delivered to the House of Representatives this evening.

To the House of Representatives:

After a very careful consideration of the House bill 2,443, entitled "An act to restrict the immigration of Chinese to the United States," I herewith return it to the House of Representatives in which it originated, with my objections to its passage. The bill as it was sent to the Senate from the House of Representatives, was confined in its provisions to the object named in its title, which is that of "An act to restrict the immigration of Chinese to the United States." The only means adopted to secure the proposed object, of the limitation in the number of Chinese passengers which might be brought to this country by any one vessel to 15, and as this number was not fixed in any proportion to the size or to tonnage of the vessel or by any consideration of the safety or accommodation of these passengers, the simple purpose and effect of the enactment were to repress this immigration to an extent falling but little short of its absolute exclusion. The bill, as amended in the Senate and now presented to me, includes an independent and additional provision, which aims at, and in terms requires the abrogation by this government of articles five and six of the treaty with China, commonly called the Burlingame treaty, through the action of the executive, enjoined by this provision of the act. The Burlingame treaty, of which the ratifications were exchanged at Peking Nov. 23d, 1859, recites, as the occasion and motive of its negotiation by the two governments, that since the conclusion of the treaty between the United States of America and the Tsing empire (China) of the 18th of June, 1858, circumstances have arisen showing the necessity of additional articles thereto and proceeds to an agreement as to said additional articles. These negotiations, therefore, ending by the signature of the additional article of July, 23, 1868, had for their object the completion of our treaty rights and obligations towards the government of China by the incorporation of these new articles as thenceforth part of the principal treaty to which they are made supplemental. Upon the settled rules of interpretation applicable to such supplemental negotiations, the text of the principal treaty and of these "additional articles thereto" constitute one treaty from the conclusion of the new negotiations in all parts of equal and concurrent force and obligations between the two governments and to all intents and purposes as if embraced in one instrument. The principal treaty, of which the ratifications were exchanged, August 16th, 1859, recites that: "The United States of America and the Tsing empire, desiring to maintain firm, lasting and sincere friendship have resolved to renew, in a manner clear and positive, by means of a treaty or general convention of peace, amity and commerce, rules which shall in future be mutually observed in the intercourse of their respective countries," and proceeds in its 30 articles to lay out a careful and comprehensive system for the commercial relations of our people with China. The main substance of all the provisions of this treaty is to define and secure the rights of our people in respect to access to residence and protection in and trade with China. The actual provisions in our favor in these respects were found to be and have been found to be adequate and appropriate to the interests of our commerce and by the concluding article we receive the important guaranty that, should at any time the Tsing empire grant to any nation or the merchants or citizens of any nation any right, privilege or favor connected either with navigation, commerce, political or other intercourse which is not conferred by this treaty, such right, privilege and favor shall at once apply freely to the benefit of the United States, its public officers, merchants and citizens. The general promise of permanent peace and good offices on our part seems to be the only equivalent. For this the first article undertakes as follows: "There shall be, as there