the constitution expressly requires to be entered, used the following language:

"The signing by the Speaker of the House of Representatives, and by the President of the Senate, in open session, of an enrolled bill is an official attestation by the two houses of such bill as one that passed Congress. It is a declaration by the two houses, through their presiding officers, to the President, that a bill, thus attested, has received, in due form, the sanction of the legislative branch of the government, and that it is delivered to him in obedience to the constitutional requirement that all bills which pass Congress shall be presented to him. And when a bill, thus attested, receives his approval, and is deposited in the public archives, its authentication as a bill that has passed Congress should be doomed complete and unimpeachable."

Harwood v Wentworth, 162 U. S. 547.

The constitutions of many of the states expressly require the yeas and nays on the passage of a bill as well as other matters to be entered on the journals; while the constitutions of other states do not expressly require such entries. The decisions holding that the court may look beyond the enrolled bill in the public archives, duly signed and approved, in nearly every instance were made in states whose constitutions expressly required such entries upon the journals, while the decisions with some exceptions holding the law, duly signed and approved, in the public archives as unimpeachable, were made under constitutions not requiring such entries. There are, however, well considered cases that hold such laws so deposited, signed and approved, as conclusively authenticated, though constitutional provisions expressly require such entries to be made on the journals.

It is not necessary for us to go that far in this case, as our constitution does not expressly require such entries to be made, except when demanded by five members; and that entry we have seen is mainly for the purpose of publication.

English statutes found in the proper custody, duly authenticated, import absolute verity; such has been the common law of England from early times.

The statutes in question having been duly signed, approved and deposited in the office of the secretary of state, we must conclusively presume that all constitutional requisites were complied with in their enactment.

It is also claimed that section 26 of the act in force March 28, 1896, supra, is void, because it conflicts with section 8 of article 4 of the State Constitution, which reads:

"All elections shall be by secret ballot. Nothing in this section shall be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election; provided, that secrecy in voting be preserved."

It is conceded that this section requires a secret ballot; but defendants claim that the statutes provides for a secret ballot. The portion of section 26 objected to is as follows, "The judge or clerk shall immediately write the name of such voter upon the poll list, and shall take the ballot of such voter and number it in ink in one corner upon the top thereof, in such manner as not to expose or show how the voter has voted. The same to be numbered in the order in which it shall be received consecutively, and so as to permit the corner to be turned and posted down with mucilage, which shall then be done so that the number is not thereafter visible, and such seal shall only be broken in case of a contested election; and the same number shall be recorded by the election judge or clerk on the list of voters beside the name of such voter."

Without a violation of law no one can ascertain from this numbering for whom any citizen has voted without a contest, and then the court or tribunal before whom the contest is conducted should only allow tickets cast by persons who are not legal voters to be examined, and persons casting such votes cannot insist upon secrecy. If a person succeeds in getting an illegal ticket into the box, it cannot be thrown out without identification, and without the number, or some other character or mark upon the ticket, it cannot be identified. When the name of a person who has cast an illegal ticket is ascertained, and the number is learned from the poll list, some authorized person must open the box and break the seals until the right number is found; but until that one is reached, such person has no right to examine the names on any ticket. The number being on the the corner it would not be necessary, nor would it be lawful for him to examine the names on any lawful ticket. If it should become necessary to count the tickets in the box, it would not be proper to break the seals and examine the numbers for that purpose. It is clear that an examination necessary to a contest cannot disclose for whom any person, except fraudulent voters, have voted without a violation the spirit of the law. We cannot presume that the authors of the Constitution intended to prevent election contests—to prevent any proceeding by which ballots cast by illegal voters can be thrown out. The method devised by this law preserves legal secrecy. The members of the convention must have known that election contests were permitted in all the states, and that they are deemed necessary wherever the people express their will at the polls. Justice should be permitted to pursue fraud even into the ballot box.

No man should be allowed to hold an office obtained by corrupt or illegal votes. To prevent it a numbering of ballots is necessary in some cases—it is sanctioned by authority.

Hodges Jr. vs Lynn, 100 Ill. 377.
Ledbetter vs Hall, 62 Mo. 422,
Vest vs Rose, 53 Mo. 350.

While we are of the opinion that a law might be framed permitting an election contest and better adapted to secure a secret ballot, we are disposed to hold the present law valid notwithstanding this objection.

The plaintiff insists further that the subject of the act in force April 5th, supra, is not clearly expressed in its title, and that it contains more than one subject, and that it does not conform to section 23, or article 6, of the Constitution which declares that "except general appropriation bills and bills for the codification and general revision of law, no bill shall pass containing more than one subject which shall be clearly expressed it its title."

Undoubtedly this provision requires the subjects of all bills, not within the exceptions, to be clearly expressed in their titles, and the title limited to one subject. Such limitations were not imposed formerly on legislation; but observation and experience have demonstrated a necessity for their application. It is believed that such restrictions tend to prevent hasty, inconsiderate improvement, and sometimes corrupt legislation, to the detriment of the common good.

The object may be a general one, however, and it may be stated in terms sufficiently comprehensive to embrace every means and end necessary or convenient for the accomplishment of the general purpose. Their purpose is not fragmentary legislation however, nor will they permit subjects to be included not connected with the general purpose—not necessary or convenient as a means to the general end.

The title of the act in question is expressed as follows: "An act relating to, and making sundry provisions concerning elections." The title as expressed indicates provisions relating to, or concerning elections. It states a general purpose. It asserts that the entire act relates to election and that it contains sundry provisions concerning elections. In that way the title describes the act, and the provisions it contains. The elections which the act concerns, and for which it professes to make provision, are described in general terms, broad enough to include all elections, special and general; elections to fill offices for the term, or to fill a vacancy; thus the subject is expressed, and we think it is expressed with sufficient clearness.

Cooley on Const. Limitations, p. 170, 172.

People v. Mahaney, 13 Mich., 481.

Tuttil v. Strout, 7 Minn., 465.

This brings us to the further question, is the act what the title says it is, and do its provisions concern elections? Two of its sections we will consider with respect to the title.

Section 5 is as follows: "If a vacancy occurs in the office of judge of the supreme or district court, secretary of state, state auditor, state treasurer, attorney general or superintendent of public instruction, the governor shall appoint a person to hold the office until the election and qualification of a successor to fill the vacancy, which election shall take place at the next succeeding general election, and the person so elected shall hold the office for the remainder of the unexpired term."

In case of a vacancy in either of the offices mentioned, this section makes provision for filling it by election at the next succeeding general election, and requires the governor to appoint a person to hold it until that time.

The provision for the election of a person to fill the vacancy is indicated by the title of the act; but the provision for appointing an incumbent in the meantime is not. The general purpose described in the title, includes the election, but does not include the appointment. The provision for the