

from each municipal ward from cities of the first class, who shall qualify on or before, and take their seats at the first regular meeting of the board in January thereafter. The board of education in cities of the second class shall consist of one member to be elected by and from each municipal ward of the city whose term of office shall be for two years and until his successor is elected and qualified.

On the first Wednesday in December, 1896, and biennially thereafter there shall be elected one member of said board from each municipal ward in cities of the second class, who shall qualify on or before and take their seats at the first regular meeting of the board in January thereafter."

Then follows certain provisions respecting the qualifications of such members to the effect that every member so elected, shall be and remain a resident qualified registered voter in the municipal ward from which he is elected, and the board of education is empowered to fill any vacancy that may occur through non residence or any other cause, until the next election for members of the board, etc.

These are substantially all the provisions relating to the election of the members of the boards of education in cities of the first and second class.

It will be observed that there are no provisions whatever empowering any official or board to call such an election or to give notice thereof; nothing to indicate who shall act as judges or clerks of said elections, how long the polls shall be kept open, nor who shall count and canvass the vote and issue certificates of election after the result shall have been ascertained. Neither are there any provisions which determine whether the voters at such an election shall be registered voters (unless such fact could be implied from the general law relating to elections) and even in that case, there are no provisions for obtaining a list of the registered voters for each of said municipal wards. It will also be observed from these provisions of the statute that there is no authority given to officers to call an election, fix polling places, hold elections, canvass the returns, declare the result or do anything pertaining thereto. And unless some method can be discovered outside of the statutory authority which would authorize the conducting of such election, we would be forced to the conclusion that none could be held.

It may be said, that where the right to hold an election has been given, and the time for holding the same has been fixed, and the political subdivision has been designated by statute, although no provisions have been made relating to the method of conducting the same and all other provisions of law as to the manner of holding and certifying the result thereof having been expressly excluded by the act itself, that even then the people in such political subdivision would have the right to come together and in their sovereign capacity and determine the method by which the said election shall be conducted and the result ascertained and duly certified.

The result of a practical application of this method of procedure would be difficult to determine. The possible di-

versity of methods of procedure adopted by the citizens of the several municipal wards in such a case, that is the method adopted in one ward respecting the conduct of the election, the time the polls should remain open and the qualifications of voters, etc., might be wholly different from the methods adopted in other wards, in fact there might be as many different methods adopted as there were municipal wards in the city, so that the election of the members of the board of education in any one city might rest upon an entirely different basis.

Such an election would be fraught with doubt and uncertainty. If such an election should be attempted to be held, it must necessarily emanate from the people in their sovereign capacity, and not from officials, and should this opinion be sought for the purpose of aiding you in giving advice to school officers under your supervision and control, then you should advise them that there is no law authorizing them as such officers to conduct such election.

The defect in the law is an evident omission not intended by the Legislature, and can only be cured by legislative enactment. Your other questions need no further consideration.

I have the honor to be, very respectfully yours,  
A. C. BISHOP,  
Attorney General.

### SANPETE STAKE CONFERENCE.

EPHRAIM, Sanpete County, Utah, Nov. 19, 1896.—The conference of the Sanpete Stake of Zion convened in Moroni on the 14th of Nov., 1896, at 10 a.m. There were present Elder A. H. Lund of the quorum of the Twelve, President Canute Peterson and counselors of the Stake, Elder McAllister of the Temple, Elder Paxman of Juab Stake, Elder George W. Bean of Beaver, High Counselors, Bishops of the wards and a large congregation.

Conference opened at 10 a.m. President Peterson made opening remarks; he was pleased to meet so many Saints in conference, felt thankful for the pleasant weather. He asked the Bishops to report their wards.

Bishops C. A. Madsen, James A. Alfred, Hans Jensen, Acting Bishop Peter Matson, L. S. Anderson, W. T. Reid, J. W. Irons and C. R. Dorius made report of their wards. While there is needed much improvement, yet there is evidence of considerable advance in many of the Saints.

Elder George W. Bean then spoke a short time; related experience of a visit East a short time ago, of the marked change in sentiments and feeling towards the Latter-day Saints.

At 2 p. m. Elder J. B. Malben spoke. He contrasted the conditions now and those of earlier times among the Saints. He was pleased with the reports of the morning, as they showed that those Saints who are desirous to live the religion of Jesus Christ are growing stronger in the faith.

Elder W. Paxman of Juab Stake referred to testimony of President Woodruff, of the visits he received from the Prophets Joseph Smith and Brigham, and their requiring him to urge on the Latter-day Saints the necessity to keep the Holy Ghost with them. There has never been a time since the organiza-

tion of the Church, but that it has been led by revelation.

Elder A. H. Lund endorsed the remarks of the brethren, and was pleased with the bishop's reports. He told of the spread of the Gospel in foreign lands, and spoke very encouragingly to the Sunday schools and religious classes.

7 p. m.—Elder Henry Beal said the Stake presidency had labored to do the Saints good, believed a good feeling existed among the Saints for them. He exhorted the young to seek the Lord.

Elder McAllister said if the Saints felt as he did, they had had a good time. We must keep the commandments of God, or we have no promise neither in sickness, nor in death.

Sunday morning—Sunday school opened at 9 a. m., a short program was rendered, and many of the brethren spoke to the school.

At 10:30 conference resumed. President Peterson said he and his counselors had visited the seventeen wards of the Stake during the year, they are all fully organized both brethren and sisters. There being so many aged people among the Saints led many to believe that Utah has a very healthy climate. This no doubt is true, but he believes the blessings of God attend those who try to keep His commandments; said he had called the home missionaries and the High Council to meet, and the good feeling that prevailed was truly remarkable. Good feeling is growing among the Saints. He hoped the Saints would pay an honest tithing; it is much better to pay tithing than to become so dry as to be in danger of being burned. All should also pay fast offerings.

Elder Malben of the Stake Presidency, by request of Elders Lund and Peterson, expressed his feelings on the contemplated change of fast day; he said he cordially endorsed the change.

Elder Beal, of the Stake presidency, endorsed the report of the Bishops as being true; good feeling among the Saints is on the increase. The Lord has blessed the Saints the past season, contrary to the desire of some who hoped to profit by the scarcity of water and who thought that there would be but little hay secured and they would be in a condition to take advantage of the people's necessities. The water had been increased to a remarkable extent. In one settlement, Ephraim, where it was thought but a few families could be sustained, now they number hundred of families and the past season harvested 120,000 bushels of grain.

The statistical report of the Stake was read, showing an increase for the quarter, and sixty-two missionaries abroad.

At 2 p. m. Elder Malben presented the General Authorities of the Church, which were sustained by unanimous vote; also the Stake authorities were presented and received the unanimous vote of the conference. Horace Thornton was sustained as first counselor in the High Priest's quorum of the Stake, a vacancy being caused by the death of Warren S. Snow. Elder Malben advised the reading in the meetings of the Saints, of the several addresses recently issued by the First Presidency.

Elder Paxman spoke upon the