

and parts of acts superseded by, or in conflict with any of the provisions of this act are hereby repealed.

Sec. 43. This act shall take effect from and after its passage.

VETOED.

GOVERNOR MURRAY'S OBJECTIONS TO C. F. NO. 33.

THE ONE MAN POWER ONCE MORE.

TERRITORY OF UTAH,
EXECUTIVE OFFICE,
Salt Lake City,
March —, 1884.

To the Hon. W. W. Cluff,

President of the Council:

SIR—I have the honor herein to give to your Honorable body in which the Bill originated, my objections to Council File No. 33, entitled "An Act prescribing qualifications for electors and office holders; providing for the registration of voters and regulating the manner of conducting elections."

I will file the bill with the Secretary of the Territory. It is disapproved.

It is with profound regret that I am constrained to do so. That the Legislative Assembly of Utah would meet the expectations of the country and the requirements of Congress, I had earnestly hoped. The bill presented for my approval fails to do so.

The Act of Congress known as the Edmunds Law, is entitled "An Act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes." Among its provisions, polygamy, or the belief in its lawfulness, was made a ground of challenge in certain cases, for jury service, and it further provided that no polygamist should be entitled to vote at any election or be eligible to hold any office within the Territory or under the United States, and all registration and election offices of every description were declared vacant, until other provisions be made by the Legislative Assembly of the Territory. Every duty relating to the registration of voters and the conduct of elections, and returning the results thereof, was imposed upon a board of five persons appointed by the President of the United States. Under this law of Congress and by the certificates of election from the board created by this law, the present Legislature was elected.

This law of Congress, also provided, that the present Legislature "may make such laws conformable to the organic act of the Territory and not inconsistent with other laws of the United States as it shall deem proper, concerning the filling of the offices in said Territory declared vacant by this act." Congress then, in 1862, by section 5352, Revised Statutes of the United States, proposed to uproot polygamy by denouncing it a crime, and prescribing a penalty after conviction by a jury. This act of 1862 and other subsequent acts having failed to correct the offense, in 1882, by what is known as the Edmunds law, quoted from herein, declared that no polygamist, etc., shall be entitled to hold office, thereby withholding privileges to certain classes, which had been extended very fully under provisions of the organic act. Does this bill passed by the Legislature tend to assist in uprooting polygamy by providing against those disqualified by Congress, or does its provisions tend to make inoperative all Congressional acts relating to the subject?

The Act of the Legislature now in my hands, not only is not "conformable to the Organic Act" of this Territory, and inconsistent with other laws of the United States, but under its provisions abundant and easy means to thwart the will of Congress are furnished. I give my objections to the graver defects only:

Section three (3) is objectionable because it is in direct conflict with the law of Congress organizing the Territory of Utah. Township, district and county offices may be elective, as they now are, under Section Seven of the Organic Act, but the same Section (7) imposes the duty of selecting Territorial officers upon the Governor and Legislative Council.

Sections 4 and 5 are objectionable because they continue, in an indefensible form, the vicious practice of allowing the Selectmen to perpetuate themselves in office, and to fill vacancies in other county offices as under the old law by which the County Courts have been able to thwart the operations of the Edmunds Law, and to continue polygamists, as many now hold office, in defiance of law, and to continue others in office after the terms for which they were elected have expired and when their bondsmen may not longer be liable for wrongs done the public.

There is a failure to provide that officers who are appointed shall be commissioned as required in Section 2, of the Organic Act, Sections six (6) to nine (9) inclusive are objectionable, because while treating of the eligibility of persons to office, nowhere except in Section six (6) as to the office of Delegate to Congress, is it required that they shall be citizens, nor in any of the sections, six included, is it required that they shall be registered voters, as the law should provide. The fact that these essential pre-requisites are contained in some other prior statute does not answer, because such prior statute might be claimed to be repealed in favor of this later one. And further, persons elected or appointed to office might fairly claim that the late statute governs and re-

the Edmunds law, which this act proposes to supplant is as follows:

TERRITORY OF UTAH,
COUNTY OF —

I —, being first duly sworn, (or affirmed) depose and say, that I am over twenty-one years of age, and have resided in the Territory of Utah for six months, and in the precinct of — one month immediately preceding the date hereof, and (if a male) am a native born or naturalized (as the case may be) citizen of the United States, and a tax-payer in this Territory, (or if a female) I am native born, or naturalized, or the wife, widow, or daughter, (as the case may be) of a native born or naturalized citizen of the United States; and I do further solemnly swear (or affirm) that I am not a bigamist, nor a polygamist; that I have not violated the laws of the United States prohibiting bigamy or polygamy; that I do not live or cohabit with more than one woman in the marriage relation, nor does any relation exist between me and any woman which has been entered into, or continued in violation of the said laws of the United States prohibiting bigamy or polygamy; (and if a woman) that I am not the wife of a polygamist, nor have I entered into any relation with any man in violation of the laws of the United States concerning polygamy and bigamy.

Subscribed and sworn to before me this day of — A. D., 188—

Registration Officer—Precinct.
The oath required by this act is as follows:

TERRITORY OF UTAH, ss.
COUNTY OF —

I —, being first duly sworn depose and say that I am a citizen of the United States; (or) I have declared on oath before a competent court of record, my intention to become a citizen of the United States, and have taken an oath to support the Constitution and government of the United States, (as the case may be). I am over 21 years of age; I have resided in the Territory of Utah six months, and in the precinct of — thirty days next preceding the date hereof, and I am not disqualified as a voter by any law of the United States or of the Territory of Utah.

Subscribed and sworn to before me this day of —, 18—

Assessor.
By — Deputy Assessor.

The latter oath is defective because it leaves the applicant for registration the right to judge of his own qualifications, thus making each one a judge in his own case. The Edmunds law makes the registration officer the judge of the qualifications of the voter, and this bill which is intended to supplant that, reverses this practice, while it permits those who are anxious to expel the former if not directly, by implication, and that no further tests than those prescribed in these sections should be required. The Edmunds law fixes the qualifications of electors and officers, and makes the registration officers in Utah the judges of the qualifications of officers and electors. That fact can only be ascertained as to electors from the record of registration. In no other way may it be definitely known that the person is "entitled to register." Persons to be eligible for office should be registered voters. The words of the bill before me, viz: "unless he is entitled to register," is too vague and indefinite an expression. These provisions not only do not conform to the requirements of the law, of Congress, but on the contrary leave an easy way for all persons elected either to Territorial, District and Precinct offices so disposed to override the will of Congress. In fact, tempts them to do so.

Section ten (10) is objectionable for the following reasons:

First—It re-nacts woman suffrage. Without expressing any opinion on the merits of woman suffrage elsewhere, the existing law conferring it in Utah, I regard as of doubtful validity and must decline to approve any act giving it vitality.

Second—In view of the recent legislation by Congress restricting the suffrage in Utah and limiting it to a certain class, I cannot approve any bill intended to extend and strengthen the former system.

Third—This bill grants the suffrage to those not citizens of the United States. This provision might not under other circumstances be objectionable, but it is well known that a system of foreign immigration exists in this Territory, which so isolates the immigrant from republican influences that I cannot consent to the enactment. My predecessors have repeatedly refused to approve this provision, and I entirely concur in their action.

Section twelve (12) makes assessors the registration officers and requires them to appoint deputies in each precinct. It is objectionable because there is no requirement that local deputies should be continued as appointed. The old law had a provision like this, but after the first year the local deputies in many places were discontinued, and many who desired to register were necessitated to go to the county seats. Under the old law many complaints were made of difficulties rigidly imposed upon members of one party and which members of another party found means to evade.

There is no right, through ignorance, prejudice, or zeal, to take an oath which they ought not to take, and in such form that no penalty could be attached to it and as it contains an oath to a conclusion of law only, no perjury could be assigned upon it.

The oath itself is marvelous in its omissions and composition, for a registration oath and noticably so in view of the laws of Congress, and would permit if they chose to do so, every polygamist who had not been convicted in court to register and vote.

A registration oath should clearly state the affirmative qualifications and

facts to be sworn to, so that the most ignorant voter may know what is required, and specific facts should be so stated as not to leave the voter to find out what the law is and what facts he is swearing to.

For these reasons the oath prescribed under the Edmunds law is to be preferred to the less definite oath prescribed in this act. I deem it essential that a more specific oath be required in order that the requirements of Congress and the demands of the country, may be in fact, in this respect at least, fairly met by this Legislature, and that a mere dependency should no longer thwart and nullify the laws of the land.

This section is objectionable further because the time for the closing of the Registration and Revision is too remote from election day, and as shown under the old law to have worked injustice to many persons "qualified to register."

The last clause of this section injudiciously forbids the erasure of any name from the registration list by registration officers after the revision is closed, as herein provided. Even if the registration officer personally knew or it was authoritatively brought to his attention, that the person registered by him is disqualified, he by this act is required to sit helplessly down in the presence of (and himself the instrument by which it is effected) illegal registration and subsequent voting, taking the chance that some other person may perhaps ascertain the facts, assume the burthen and challenge the registration before or the vote on election day.

Sec. 16 is objectionable, because it leaves to the opinion of the county clerk, perhaps with the concurrence of the assessor, to say whether the lists need revision or not. The law should be plain and definite, and not leave so important a matter to the opinion of one or two officers (perhaps personally interested as candidates) and perhaps invalidating other sections of this act in which stated revision is contemplated.

Sections 17 and 19 are objectionable because independent precinct registration would obviate the difficulties in time and money, in going to county seats, and because it would be more applicable if in section 19 the justice were made the registration officer after the deputy assessor had returned his list to the county court. It is difficult to see under the proposed law where the justices have any logical functions in the registration. Registration officers are the proper persons to attend to the duties prescribed in this section, especially as the final clause leaves it to the justice to strike off names, but provides no penalties in case they refuse; and involves a cumbersome and expensive law suit to have one name stricken off.

Section twenty-two is objectionable because it fails to provide that all ballots at any election should be of uniform and color, and also fails to provide that no marks be made against the voters name, on the registry or poll list, save only the numerals designating the number of his appearance, and the fact that he has voted.

Section twenty-nine is objectionable because it prescribes provisions relating to Territorial officers in conflict with the Organic Act.

Section thirty-one is objectionable because it does not allow a sufficient time before the destruction of the ballots, inasmuch as candidates are allowed more than ten days to file notice of contest. Ballots should be preserved the full time candidates are given in which to file notice of contest.

Sections twenty-two and twenty-three are objectionable because they provide for the abstract of the election being posted by the county clerk, and forwarded to the Secretary of the Territory, who "shall" in presence of the Governor unseal and canvass the same and make an abstract thereof, etc. He is here required to make an abstract of an abstract and to canvass an abstract. This is meaningless. If it is desired that he shall accept the canvass as certified to him by the county clerk and record the same, without any discretion, the law should say so, but if it means that he shall in fact "canvass" the vote and cast up the returns for himself, it should then provide for no determination of the result by the county clerk, for in that case there could be nothing determined until the Secretary had made his canvass, and to make this the ballots and all papers pertaining to the election would have to be forwarded to him, along with the county clerk's abstract. The canvass for votes for Territorial officers is wrong, as they are not elective. Certificates to delegates should be left as contemplated in section 13 of the organic Act, in the hands of the governor.

In conclusion, I beg to again call your serious and thoughtful attention to that part of the ninth section of the Edmunds law that imposes upon the present legislature of Utah the important duty of enacting laws, that will aid the government in its efforts to suppress what it regards as organized crime, as a condition precedent, to relegating to the local authorities the power to regulate the registration of voters and the conduct of elections, which has been withdrawn by the National Legislature.

There remain but four days of time to which your session is limited by law, and no act has yet been placed in the hands of the Governor for approval, which in the remotest degree meets the requirements of the acts of Congress referred to, and the aroused and enlightened sentiment of the country. On

the contrary, in the acts, which have been considered by your honorable bodies, relating to the mode of procedure, in civil and criminal cases, I regret to say that every sentence which might in the slightest degree affect polygamy or its kindred evils has been stricken out. And so closely has this policy been adhered to that provisions in the code of civil procedure, presented for your consideration, giving an unmarried female or her father or mother a right of action for damages against her seducer, was stricken out by the unanimous vote of both houses.

I am, very respectfully,
ELI H. MURRAY,
Governor.

FERRY'S SEED ANNUAL FOR 1884

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NOTICE OF FORFEITURE.

TERRITORY OF UTAH, ss.
SALT LAKE CITY, February 7th, 1884.

TO James Campbell, John F. Kinney, Jr., Eli B. Kelsey, Jr., James Dire, J. P. Webb, Thomas Morris, Patrick Lynch, Elizabeth L. Kinney, their and each of their Executors, Administrators, Heirs or Assigns, you are hereby notified that I have expended One Hundred and Twenty Dollars (\$120.00) in labor and improvements upon the Dial Lode, situated in Main Bingham Canon, West Mountain Mining District, Salt Lake County, Territory of Utah, located on February 3rd, 1872, and commencing at the Southwesterly end of the North Star Lode (patented) and running on its course Twelve Hundred, (1200) Feet. A more particular description of said Dial Lode may be had by reference to Book F, of Claims and Locations, page 447, in the District Record Books of said Mining District, as will appear by my certificate filed for record January 27th, 1884, in the office of the Recorder of said West Mountain Mining District and recorded in Book N of Notices, pages 387-8. Records of said District, in order to hold said premises under the provisions of Section 2324, Revised Statutes of the United States, and the amendments thereto, being the amount required to hold the same for the year ending 1883; and if within ninety (90) days after the notice of this publication you fail or refuse to contribute your proportion of such expenditure, as a co-owner, your interest in said claim will become the property of the subscriber, under said section 2324, and the amendments thereto.

w4 3m CHARLES F. BLANDIN.

NOTICE TO CREDITORS.

Estate of Charles Binnall, deceased.

NOTICE IS HEREBY GIVEN BY THE undersigned, Executors of the Estate of Charles Binnall, deceased, to the creditors of, and all persons having claims against the said deceased, to exhibit them with the necessary vouchers, within ten months after the first publication of this notice, to the said Executors at either of their residences in the 7th Ward, Nos. 342 and 344 First West Street, Salt Lake City, in the County of Salt Lake.

ISAAC M. WADDELL,
CHARLES J. LAMBERT,
Executors of Charles Binnall, deceased.
Dated at Salt Lake City, Feb. 13, 1884.
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SUMMONS.

In the District Court in and for the Third Judicial District of Utah Territory,
County of Salt Lake.

ANNA VON TROTT, Plaintiff,
vs.
OTTO VON TROTT, Defendant.

The People of the United States in the Territory of Utah send Greeting:

To Otto Van Trott, Defendant.

YOU ARE HEREBY REQUIRED TO appear in an action brought against you by the above named plaintiff in the District Court, of the Third Judicial District of the Territory of Utah, and to answer the complaint filed therein within ten days (exclusive of the day of service) after the service on you of this summons—if served with in this county; or, if served out of this county, but in this district, within twenty days; otherwise within forty days—or judgment by default will be taken against you, according to the prayer of said complaint.

The said action is brought to have a judgment and decree of this Court dissolving the bonds of matrimony existing between plaintiff and defendant, and restoring each to the rights of unmarried persons, and awarding to plaintiff the care and custody of their daughter Fay, the issue of said marriage, and for general relief, and for costs of suit. The above relief is asked upon the grounds of adultery, committed by defendant with one Kittie Meyer, in the year 1882, at Salt Lake City, and his adulterous intercourse with said Kittie Meyer since, and the failure of defendant to provide plaintiff with the common necessities of life, since June 16th, 1882, and abandonment.

And you are hereby notified that if you fail to appear and answer the said complaint as above required, the said plaintiff will apply to the Court for the relief demanded therein.

WITNESS, the Hon. John A. Hunter, Judge, and the seal of the District Court, of the Third Judicial District, in and for the Territory of Utah, this 19th day of February, in the year of our Lord one thousand, eight hundred and eighty-four.

O. J. AYERILL, Clerk,
By H. G. MC MILLAN, Deputy Clerk.
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With impure blood the whole system becomes affected, and no organ can properly perform its function unless its supply with pure blood to maintain its strength. So the Liver becomes all important, and when one has a feeling of being continually tired, worn out, is constipated, with tenderness or Piles, Headache, Sick Stomach, Sallow Complexion, Eruptions of skin, etc., they may be sure their Liver is out of order, and a remedy is required to assist nature in relieving itself of all accumulations, and restore it to its original strength and vigor. For all the complaints of this kind there is no medicine that equals

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