

# ARIZONA MINER.



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## Arizona Miner,

A Democratic Newspaper, devoted to the inculcation of Constitutional Principles of Government, and the advancement of the interests of every section of Arizona.

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### TERMS OF SUBSCRIPTION:

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### TO MINERS AND MILL MEN.

WE HAVE ON HAND, IN THE MINER Office, several hundred pounds of OLD TYPE METAL,

Which we desire to sell.

MARION & WEAVER,  
Prescott, March 28, 1868.

IF YOU WANT

Extra Family Flour,

Go to CAMPBELL & BUFFUM'S.

IF YOU WANT

Fresh Monte Bacon,

Go to CAMPBELL & BUFFUM'S.

### ELECTION LAW.

Below will be found Chapter XXIV of the Howell Code, the amendments thereto, and the Act of Congress conferring the elective franchise upon negroes, etc., in the Territories of the United States:

#### Of General and Special Elections.

SECTION 1. There shall be held throughout the Territory, on the first Wednesday in September of each year, the first of which shall be in the year one thousand eight hundred and sixty-five, an election for members of the Legislative Assembly, and such officers as may be required by law to be chosen at such election, to be called the General Election. Provided that members of the Legislative Council shall be elected for two years.

§ 2. Special elections shall only be held to fill the vacancies in the office of members of the Legislature, or Delegate to Congress, on the proclamation of the Governor for that purpose. Special elections shall be conducted, and the votes canvassed and returned in the same manner, as nearly as may be, as general elections.

§ 3. It shall be the duty of the governor, at least thirty days before any general election, to issue his proclamation, designating the offices to be filled at such election, and to transmit a copy thereof to the county recorder and sheriff of each county of the Territory.

§ 4. It shall be the duty of the sheriff to give at least ten days' notice thereof, by setting up, at each usual place of holding elections in his county, a copy of such proclamation, and by inserting the same in some newspaper published in the county, if any be published therein.

§ 5. Whenever it is necessary to order a special election, under the provisions of section two of this chapter, the governor shall issue his proclamation, ordering such election and appointing the time at which it is to be held, and the sheriff of each county in which such election is to be held shall give notice thereof, as required in section four of this chapter in regard to general elections.

#### Of the Qualifications and Disabilities of Electors.

§ 6. Every white male citizen of the United States, and every white male citizen of Mexico, who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Quintero, May, 30th, 1848, and the Gadsden treaty of 1854, of the age of twenty-one years, who shall have been a resident of the Territory six months next preceding the election, and the county or precinct in which he claims his vote ten days, shall be entitled to vote at all elections which are now, or hereafter may be, authorized by law.

§ 7. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence in the service of the United States; nor while engaged in the navigation of the waters of this Territory, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum; nor while confined in any public prison.

§ 8. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector. A crime shall be deemed infamous which is punishable by death, or by imprisonment in the State prison.

§ 9. Absence from this Territory on business of the Territory, or of the United States, shall not effect the question of residence of any person.

#### Of the Place of Holding Elections, and also of Inspectors, Judges and Clerks of Elections.

§ 10. The election shall be held in each precinct established by law, provided that any precinct containing over four hundred voters may be divided by the board of county commissioners, and an election held in each.

§ 11. The justice of the peace in each precinct, and two qualified electors of such precinct, shall constitute a board of judges of election. The justice shall be chairman of the board, if present; if not, the board shall appoint a chairman from among their own number, who shall have power to fill any vacancy that may occur in said board.

§ 12. It shall be the duty of each inspector to be at the place where the polls are to be opened, in the precinct for which he is appointed, from eight o'clock in the morning until sunset, on the day of the election. Should such inspector not appear at eight o'clock in the morning, the electors present at the place where the polls are to be opened may appoint an inspector for the precinct.

§ 13. The board of inspectors for each precinct shall, before the time of opening the polls, appoint two suitable persons to act as clerks.

§ 14. Before any election shall be opened, the inspector, judges and clerks shall each, before any officer authorized to administer oaths, take an oath that he will faithfully and impartially discharge the duties assigned him by law. If there is no person present authorized to administer oaths, the inspector shall administer the same to the judges and clerks, and one of the judges shall then administer the oath to the inspector.

#### Of Opening the Polls: of Voting and Challenges.

§ 15. At all elections the polls shall be opened at eight o'clock in the morning, and shall continue open until sunset, at which time the judges shall close the polls: Provided, that the judges of the election may take a recess of one hour at any time they may think proper during the day, before three o'clock in the afternoon.

§ 16. The board of judges, before they commence receiving ballots, shall cause it to be proclaimed aloud at the place of voting that the polls are opened.

§ 17. The voting shall be by ballot. The ballot shall be a paper ticket containing the names of the persons for whom the elector intends to vote, and designating the office to which each person so named is intended by him to be chosen.

§ 18. Whenever any person offers to vote, the inspector shall pronounce his name in an audible voice, and if there be no objection to the qualification of such person as an elector, shall receive his ballot, and in the presence of the other judges put the same, without being opened or examined into the ballot-box.

§ 19. The name of each elector whose ballot has been thus received, shall be immediately entered by each clerk in the column of his poll-list, headed "names of voters," numbering each name in the additional column, as it is taken down, so that it may be seen at any time whether the two lists agree.

§ 20. Any person offering to vote may be challenged as unqualified by the inspector or either of the judges, or by any legal voter; and it shall in all cases be the duty of the inspector and each of the judges to challenge any person offering to vote whom he shall know or suspect not to be duly qualified as an elector.

§ 21. When any person offering to vote is challenged, it shall be the duty of the board of judges to declare to him the qualifications of an elector.

§ 22. If such person shall still insist that he is entitled to vote, and the challenge shall not be withdrawn, the board of judges, in their discretion, may administer an oath or affirmation to the voter: You do swear (or affirm) that you will support the constitution of the United States and the laws of this Territory; that you will true faith and allegiance bear to the same, and defend them against all enemies whatsoever; that you are a citizen of the United States; that you are of the age of twenty-one years, according to the best of your information and belief; that you have resided in this Territory six months next preceding this election, and in this county (or precinct as the case may be) ten days; and that you have not before voted this day.

§ 23. If the person thus challenged shall take the oath as tendered to him by the board of judges, he shall be admitted to vote, and it shall not be lawful, after he has taken such oath or affirmation, for said board to examine any witnesses touching his want of qualifications; but if he shall refuse to take the oath or affirmation so tendered to him, his vote shall be rejected.

§ 24. If the vote of any person be challenged on the ground that he has been convicted of any infamous crime, or disfranchised by any court of competent jurisdiction, he shall not be required to answer any questions respecting such alleged conviction; and in the absence of any authenticated record of such facts, it may be competent for two disinterested witnesses upon oath to prove the same.

§ 25. When the polls are closed, proclamation thereof shall be made at the place of voting, and no vote shall be afterwards received.

#### Of Counting and Receiving the Votes, Declaring the Result of Elections, and of the Certificates of Election.

§ 26. As soon as the polls are closed on the afternoon of the day of election, the judges shall open the ballot-box and commence counting the votes, and in no case shall the ballot-box be removed from the room in which any election may be held, until all the ballots are counted; the counting of the ballots shall in all cases be public. The ballots shall be taken out carefully, one by one, by the chairman or one of the judges, who shall open them, and read aloud the names of each person contained therein, and the office for which every such person is voted for. Each clerk shall write down each office to be filled and the name of each person voted for such office, and shall keep the number of votes by tallies, as they are read aloud by the voters and judge. The counting of the votes shall be continued without adjournment until all are counted.

§ 27. If two tickets are folded together, they shall both be rejected; and if more persons are designated on any ticket for any office than are to be elected for such office, such part of the ticket shall not be counted for any of them; but no ticket shall be lost for want of form, if the board of judges can determine to their satisfaction the person voted for and the office intended.

§ 28. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll-list and tallies, or attached thereto, stating the number of votes each person voted for has received, and designating the office to fill which he was voted for, which number shall be written in words at full length. Each certificate shall be signed by the clerks, the judges and inspector; one of said certificates, with the poll-list and tally paper to which it is attached, shall be retained by the inspector and preserved by him at least six months. The ballots shall be preserved by the judge or chairman. The other of said certificates, with the poll-list and tally paper to which it is attached, shall be sealed up by the inspector, and endorsed "election returns," and be directed and delivered, or sent by the chairman to the county recorder of the county in which the election is held.

§ 29. The said package shall be delivered to the county recorder by one of the judges or clerks of election in person, or may be sent by private hand, or by mail. If sent by private hand, the person delivering it shall, before the county clerk, take and subscribe an affidavit that the package was delivered to him by one of the judges (naming him), that it has not been out of his possession since it was received, and has undergone no alteration while in his possession. The affidavit shall be endorsed on the package. If sent by mail, it shall be mailed by one of the judges; and

the postmaster shall make on it an endorsement that he received it from one of the judges (naming him).

§ 30. No tally paper, poll-list, or certificate, returned from any election, shall be set aside or rejected for want of form; nor on account of its not being strictly in accordance with the directions of this act, if the same can be satisfactorily understood.

§ 31. On the tenth day after the day of each election, or as soon as he shall have received the returns from each precinct of the county, if he receive them within that time, the county recorder shall proceed to estimate the vote of the county, a statement of which shall be drawn up and signed by him. The statement shall contain the names of the persons voted for; the office to fill which each person was voted for; the number of votes given at each precinct to each of such persons, and the number of votes given to each in the county; and the same shall be filed, together with the returns from each precinct in his office.

§ 32. The person having the highest number of votes given for each office to be filled by the votes of a single county, shall be declared elected; and the county recorder shall immediately make out and deliver, or send to him, a certificate of election, signed by said recorder, and authenticated with the seal of his office.

§ 33. When a county recorder is to be elected, the judge of probate shall examine the returns so soon as they are filed, and issue to the person chosen a certificate of election, in the form prescribed in the preceding section.

§ 34. When there are officers voted for who are chosen by the qualified electors of the Territory, it shall be the duty of each county recorder, so soon as the statement of the vote of his county is made out, as required in section thirty-one of this chapter, to copy therefrom so much as relates to the votes given for such officers, certify to the correctness thereof under his hand and seal of his office, and transmit the same to the secretary of the Territory, endorsing on the package the words "election returns." On the sixth day after the day of election, or so soon as the returns shall have been received from all the counties of the Territory, if received within that time, the secretary of the Territory shall compare and estimate the vote and declare the person elected, and make out and file in his office a statement thereof, a certified copy of which shall be transmitted to the person so ascertained to be elected, which shall be a sufficient commission.

§ 35. No certificate shall be withheld on account of any defect or informality in the return of any election, if it can with reasonable certainty be ascertained from such return what office is intended, and who is entitled to such certificate; nor shall any commission be withheld by the governor on account of any such defect or informality of any returns made to the office of the secretary of the Territory.

§ 36. When elections are held for delegate in congress, the county recorder of each county shall make his returns thereof in the manner prescribed in this chapter to the secretary of the Territory, on the fortieth day after the day of election, or so soon as the returns shall have been received from all the counties of the Territory; if received within that time, the secretary of the Territory shall compare and estimate the votes given for such delegate, and certify to the governor the person having the highest number of votes, and it shall thereupon be the duty of the governor to give to such person a certificate of his election, sealed with the seal of the Territory. The returns of all elections for officers chosen by the qualified electors of the Territory, which are required by this chapter to be transmitted to the secretary of the Territory, shall likewise be opened on the sixtieth day after the day of election, or so soon as the returns shall have been received from all the counties of the Territory, if received within that time.

§ 37. Any elector of the proper county may contest the right of any person declared duly elected to any office, to be exercised in and for such county; and also any elector of a precinct may contest the right of any person duly elected to any office in and for such precinct, for any of the following causes:—

1st. For misconduct on the part of the board of judges, or of any member thereof.

2d. When the person whose right to the office is contested, was not at the time of election eligible to such office.

3d. When the person whose right is contested shall have been, previous to such election, convicted of an infamous crime by any court of competent jurisdiction, such conviction not having been reversed, nor such person relieved from the legal infamy of such conviction.

4th. When the person whose right is contested has given to any elector or inspector, judge or clerk of the election, any bribe or reward, or shall have offered any such bribe or reward for the purpose of procuring his election.

5th. On account of illegal votes.

§ 38. No irregularity or improper conduct in the proceedings of the judges or any one of them, shall be construed to amount to such misconduct as to annul or set aside any election, unless the irregularity or improper conduct shall have been such as to procure the person whose right to the office may be contested, to be declared duly elected when he had not received the highest number of legal votes.

§ 39. When any election held for an office exercised in and for a county, is contested on account of any misconduct on the part of the board of judges of any precinct election, or any member thereof, the election shall not be annulled and set aside upon any proof thereof, unless the rejection of the vote of such precinct shall change the result as to

such office in the remaining vote of the county.

§ 40. Nothing in the fifth ground of contest above specified, shall be so construed as to authorize an election to be set aside on account of illegal votes, unless it shall appear that an amount of illegal votes has been given to the person whose right to the office is contested, which, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

§ 41. No person shall be competent to contest any election unless he is a qualified elector of the county or precinct in which the office is to be exercised.

§ 42. When any such elector shall choose to contest the right of any person declared duly elected to such office, he shall, within forty days after the return day of such election, file with the district clerk a written statement, setting forth specially: 1st. The name of the party contesting such election, and that he is a qualified elector of the district, county or precinct, as the case may be, in which such election was held. 2d. The name of the person whose right to the office is contested. 3d. The office. 4th. The particular cause or causes of such contest, which statement shall be verified by the affidavit of the contesting party, that the matters and things therein contained are true, as he verily believes.

§ 43. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally, that illegal votes were given to the person whose election is contested in the specified precinct or precincts, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other person for the same office; but no testimony shall be received of any illegal votes, unless the party contesting such election shall deliver to the opposite party, at least three days before such trial, a written list of the number of illegal votes, and by whom given, which he intends to prove on such trial; and no testimony shall be received of any illegal votes except such as are specified in such list.

§ 44. No statement of the cause of contest shall be rejected, nor the proceedings thereon dismissed by any court before which such contest may be brought to trial for want of form, if the particular cause or causes of contest shall be alleged with such certainty as will sufficiently advise the defendant of the particular proceeding or cause for which his election is contested.

§ 45. Upon such statement being filed, it shall be the duty of the clerk to inform the district judge thereof, who shall give notice and order a special term of the district court, to be held at the court-house of the proper county on some day to be named by him, not less than ten nor more than twenty days from the date of such notice, to hear and determine such contested election.

§ 46. Said clerk shall also, at the same time, issue a citation for the person whose right to the office is contested, to appear at the time and place specified in said notice, which citation shall be delivered to the sheriff, and be served upon the party in person, or if he cannot be found, by leaving a copy thereof at the house where he last resided.

§ 47. The said clerk shall issue subpoenas for witnesses in such contested elections at the request of either party, which shall be served by the sheriff as other subpoenas, and the district court shall have full power to issue attachments to compel the attendance of witnesses who shall have been duly subpoenaed to attend, if they fail to do so.

§ 48. Said court shall meet at the time and place designated, to determine such contested election, and shall have all the powers necessary to the determination thereof. It may adjourn from day to day until such trial is ended, and may also continue said trial, before its commencement, to any time not exceeding twenty days, for good cause shown by either party upon affidavit, at the cost of the party applying for such continuance.

§ 49. Such court shall be governed in the trial and determination of such contested election, by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable, and may dismiss the proceedings if the statement of the cause or causes of contest is insufficient, or for want of prosecution; after hearing the proofs and allegations of the parties the court shall pronounce judgment in the premises, either confirming, or annulling and setting aside such election, according to the law and right of the case.

§ 50. If in any such case it shall appear that another person than the one returned has the highest number of legal votes, said court shall declare such person duly elected.

§ 51. The clerk, sheriff, and witnesses shall receive respectively the same fees from the party against whom judgment is given, as are allowed for similar services in the district court.

§ 52. If the proceedings are dismissed for insufficiency, want of prosecution, or the election is by the court confirmed, judgment shall be rendered against the party contesting such election, for costs in favor of the party whose election was contested.

§ 53. If such election is annulled and set aside, judgment for costs shall be rendered against the party whose election was contested in favor of the party contesting the same.

§ 54. Each party shall be liable for the costs created by himself to the officers and witnesses entitled thereto, which may be collected in the same manner in which similar costs are collected in the district court.

#### The Of Election of Delegate in Congress.

Sec. 55. At the general election to be held on the first Wednesday of September, one (Concluded on fourth page.)