

THE CITY OFFICERS.

In the contest for the offices of councilmen from the Fourth Precinct, the "Liberals" have filed the following demurrer:

The People, etc., in relation of R. W. Young, J. F. Smith and W. J. Tuddenham vs. L. Cohn, W. P. Noble and L. E. Hall.

Now come the defendants above named and demur to the complaint in the above entitled action, and for demurrer thereto say:

First—That said complaint does not state facts sufficient to constitute a cause of action.

Second—That there is no proper party plaintiff in said action; that there is no such party or body, natural or anticipated, as "The People of the Territory of Utah residing in Salt Lake City," by which name the alleged plaintiff is in said complaint described.

Third—There is a misjoinder of relations as plaintiff in said action in this, that each of the relaters, Richard W. Young, John Fewson Smith and William J. Tuddenham, claims to be entitled to an office which is separate and distinct from the office or franchise claimed by each of his co-relaters; and second, the statute does not authorize the joinder of the persons named as "relaters." One provides that any person who claims the office may institute an action in his own name.

Fourth—There is a misjoinder of parties defendant in said action, in that it appears on the face of said complaint that each of the defendants, Louis Cohn, Warden P. Noble and Lucius E. Hall, have usurped and intruded into and are now usurping and holding an office separate and distinct from the office which it alleged in said complaint each of his co-defendants is usurping and holding.

Wherefore defendants demand judgment, etc.

JOHN R. McBRIDE,
WM. H. DICKSON,
Attorneys for defendants.

TRIAL OF TANDY M. HUGHES.

The trial of Tandy M. Hughes, for the killing of Frank D. Romaine, a fellow *Tribune* compositor, was proceeded with again March 11th in the Third District Court. An attachment was issued for W. J. Miles, Newton Learned, Daniel Davidson, George S. Carter, Adolph Anderson, Fred Simon, L. U. Colbath and George Mullett, who failed to appear yesterday afternoon. All but Messrs. Miles and Carter reported themselves this morning. Later in the session Mr. Miles came in and stated that he had been called away by sickness. The judge instructed him that it was necessary for jurors to inform the court before going away. Mr. Carter said he had not appeared because he took the word "forthwith" on the summons to be "fourteenth," and when the judge looked at the document he considered Mr. Carter was justified. The jury, as finally sworn, is as follows:

W. H. Roy, O. D. Hendrickson,
W. F. Raybould, A. J. Gunnell,

Daniel Dunne, John J. Thomas,
C. A. Dahl, H. A. Ferguson,
Geo. G. Tate, Fred Simon,
A. S. Lineback, George Forrester.

After the jury was empaneled and the indictment read,

MR. VARIAN

made the opening statement for the prosecution. He said they expected to show that on the afternoon of Sunday, Nov. 10, 1889, Frank D. Romaine and others were standing in the doorway of the hall leading up-stairs into the *Tribune* building, when Hughes and a companion named Daniels came down the sidewalk. As they drew near to the hallway, Hughes said to Romaine, "You s—b—, you had the drop on me last night, but now I am heeled. Come out and fight like a man." He moved on, going toward the outer edge of the sidewalk but, still keeping his face toward Romaine. He got out in the street and repeated his challenge, at the same time raising his pistol above his head. He then put the pistol in his pocket. When the challenge was made, Romaine replied derisively, "Go ahead with your shooting." He drew a pistol but never used it. Hughes moved a little farther on and suddenly began firing. Romaine staggered and laid down on the sidewalk, while Hughes backed off and went around the corner. He afterwards returned and was arrested. In a few moments from the time of the shooting Romaine died. There had been a quarrel between the men before this, and bad feeling existed.

Mr. Varian said the prosecution would claim a verdict according to the degree justified by the evidence, whether murder in the first or second degree, or manslaughter.

MR. DICKSON

then gave the defendant's version of the tragedy. He said that some time before the homicide Romaine had imbibed a bitter feeling for the defendant, and for a week prior, while the two were working in the same room, Romaine had made insulting and jeering remarks. Hughes had apologized for a remark made to Romaine, which was considered offensive, but the latter was not satisfied.

About 4 o'clock on the morning of Sunday, November 10, as the compositors were going home, most of them having left the building, Hughes went out the back way, going to the corner and starting westward across West Temple Street, to go northward to where he was lodging. As he began to cross the street he heard voices behind him, and, looking back, saw Romaine and two or three others. Romaine came toward him and he continued on his way. There is a cut-off path over toward where the skating rink was, and Romaine took this path, so that when he got across the street he was a few feet in advance of Hughes, who had passed over the crossing and turned along the sidewalk.

Romaine stopped Hughes and began calling him vile names. He flourished a pistol and dared Hughes to fight. The latter said he wanted

no trouble, and Romaine struck at him with the weapon. He then called Hughes a coward and "bastard," saying he had no sand in him, and indulged in very abusive language. Hughes said he was not armed and did not propose to fight with a man who had a pistol. Then Romaine went back a little way, laid his weapon down, and told Hughes that he would fight him, even in his weak physical condition. Hughes again declined to fight and asked the other what was the cause of all the fuss—what he had done. "You pulled a knife on a friend of mine," was the reply. Hughes had by this time passed to the north of Romaine, and resumed his journey up the street. The other followed, and he broke into a run to get away. Then Romaine ran after him and called him a coward, snapped his pistol at him twice, and said "You s—b—, if I see you tomorrow or the next day I'll settle you." Hughes continued running and Romaine stopped.

The next day Hughes and Daniels came down Second South Street to the *Tribune* office, where a number of persons were standing in the hallway. Romaine was not discovered till Hughes came quite close and the latter stepped out towards the street, saying, "You s—b—, you had the drop on me last night. I am heeled now. Come out and fight like a man." Romaine said jeeringly, "Go ahead with your shooting." Hughes had put his pistol away, and was moving along the street, still watching Romaine.

At this juncture F. M. Pinneo, who was one of the party standing with Romaine, came out toward Hughes, and was followed by Romaine, who drew his pistol. As Hughes came toward the sidewalk he saw Romaine, and looked from one side to the other of Pinneo to keep a watch on his antagonist, who had his gun leveled on him. Pinneo, noticing Hughes' movement, turned to see what was up, and saw Romaine behind him, pistol in hand. Pinneo jumped from between the two, and Hughes, seeing Romaine with his weapon drawn and pointed at him, and about to shoot, pulled his own pistol from his pocket and began firing, never stopping till he emptied his gun. Then he moved around the corner out of view of Romaine, who did not fall till after Hughes had disappeared. When the officer came up Hughes surrendered himself and requested that the gun be taken from Romaine, which was done.

The taking of testimony then commenced.

DR. A. S. BOWER,

being the first witness for the prosecution, testified that on Sunday afternoon, Nov. 10th, he was about half a block west of the *Tribune* building when he heard the shots. As I drove up I saw a man fall to the sidewalk. I got down and felt that he was pulseless. The ball had entered just above the left hip bone, a little to the back, and passed through the abdomen, coming out on the right side, under the ribs.