

sented a better opportunity to inform the public of the true situation here.

"The sub-committee of the National committee listened patiently for four hours to the representatives from both sides, and made a unanimous report in favor of seating Salisbury and Cannon. This report was received and unanimously adopted by the National committee.

"At this juncture some of the 'Liberal' delegates made overtures to the Regular delegation of a desire to stop the fight, acknowledging defeat, and made the statement that they would not persist in the struggle any longer, provided the Regulars would not present the name of Hon. Arthur Brown as national committeeman from Utah. When asked who would satisfy them, they replied Salisbury, and also named one or two others. Mr. Salisbury refused to accept the position, as he did not desire it, and the matter was allowed to pass.

"Their objection to Mr. Brown was based on the claim that they could not get the 'Liberal' Republicans to train under him, while they could do so under Salisbury, Kenyon, or Treweek."

"What about the action of the committee on credentials?"

"After the decision of the sub-committee, sustained and adopted by the national committee, the contest went to the committee on credentials, which held the convention two days hearing the many contests from the South. Utah came in at the end of the list, and was allowed a brief hearing. In the interest of harmony, both delegations were seated—Cannon and Salisbury in the seats assigned to the Utah delegation, Goodwin in the rear, and Allen in the aisle to the rear of the hall allotted to the delegates.

"The 'Liberal' delegates were not recognized by the chair, nor did they take any part in the proceedings of the convention, Cannon, as chairman of the delegation, announcing the vote and naming the committeeman representing Utah Republicans, and was so credited on every hand.

"The Liberals acquiesced in the selection of Salisbury as National Committeeman; Goodwin publicly stating that he was satisfied with Salisbury, as did others of the 'Liberal' delegation, and the universal understanding was that all Republicans in the Territory would unite with the Regulars, under the leadership of Salisbury and Bennett, and stopped the factional fight.

"In pursuance of this idea, at the close of the convention, Messrs. Cannon and Salisbury being the only ones from Utah present, they were called on to name some one from Utah on the committees to notify the candidates of their nominations. It was suggested that it would be an act of courtesy and an evidence of a desire to do their part in conciliating the discomfited 'Liberals' by naming Mr. Goodwin. Neither he nor any of the 'Liberal' faction were consulted, in fact were not present, having left for home and the East, and the selection of Goodwin's name was a most magnanimous act on their part, which seems to be little appreciated by those who are doing his editorial writing in his absence. Messrs. Cannon and Salisbury could have just as easily

named one of themselves,\* or someone else as to have named Goodwin. They then named Hon. Jas. T. Hammond on the committee to notify Mr. Reid of his nomination."

"How do the Regular delegates feel as to the results of the Minneapolis convention?"

"They are well satisfied as to the result locally; they have the Territorial committee unanimously with them, and the only committee recognized by the party; they have the national committeeman, and their organization of league clubs has received recognition by the National League. What more could they ask? Having all the party machinery in their hands, they naturally feel well and are abundantly satisfied with the result of their labors."

Mr. Morgan feels quite jubilant over the result and understands from personal observation and hearing that the arrangement between the opposing parties was for a fusion of all Republicans in Utah under the new recognized Republican party and its leaders.

#### JUDGE ZANE'S DECISION IN THE BOOK CASE.

When the Tuscarora "braves" began their battle in Chief Justice Zane's court at 10:30 this morning, the Grand Sachem was nowhere to be seen; but his merry men were there to the number of a couple of dozen or more, and the "Boss's" law partner, Ogden Hiles, was on hand to pour shot and shell into the ranks of the enemy. Attorney Newton sat on his left, as a sort of second lieutenant, though taking no active part in the arguments. Attorney J. L. Rawlins represented Messrs. Norrell and Smith, the defendants.

The hearing took place in the new court room.

When the minutes of Saturday's proceedings in the Territorial Supreme court had been read and confirmed, Chief Justice Zane retired and took his seat in the other court.

Addressing his Honor, Mr. Rawlins said—The demurrer in the case of Duke against Norrell and Smith was fixed, I believe, for hearing this morning. Shall we proceed?

Judge Zane asked Attorney Ogden Hiles if he was ready to go on, and received a reply in the affirmative.

Mr. Rawlins then started by explaining, for the judge's information, that the original action out of which these proceedings arose was brought in Justice Lochrie's court. A demurrer was filed to the complaint in the same court. This was overruled by the justice and judgment entered in favor of the plaintiff, and an appeal from that judgment was now taken to this court. The question arose upon the demurrer to that complaint. Counsel quoted from the second volume Compiled Laws, page 370, section 3659, and said that by this, as he understood it, all the legal objections to the complaint taken in the justice's court were available here. He read the complaint of Duke, briefly commented upon it as he went along, and then recited the demurrer thereto. The purpose and object of this inquiry, he said, was not to recover the \$15 damages, but to have the court determine that Duke was the secretary or a member of the central committee

of the only true and genuine Democratic party of the Territory of Utah. (Laughter). The complaint alleged, first, that the plaintiff was in 1888 appointed a member of that Democratic central committee, but it was not alleged anywhere who the other members of that committee were—whether the defendants might not have been of the number. His Honor would undoubtedly take judicial notice of the political parties existing in the Territory, of all matters which were of common knowledge; that, for instance, there was a "Liberal" party in the city, a Democratic party and a Republican party. The court might also well take notice of the fact of any averment; because it was common and notorious that the party known as the "Liberal" party, for certain temporary purposes, for a time, sought recognition in the sense of Democrats and Republicans, though ordinarily known as the "Liberal" party. In view of these things, in an action of this kind—wherein it was alleged that a certain person claimed to be a member of the Democratic central committee under conditions—it would be essential, in order to base any right to property in a given committee, that the complaint should state who constituted that committee. The averments were taken most strongly against the pleader, and if his complaint was ambiguous, so that the court, from reading it, could not say what the issues might or might not be, or upon what right the action was sought to be maintained, the demurrer, on the ground of ambiguity, would be properly sustained. The first paragraph in the complaint, he insisted, was defective as it did not name the persons who, together with the complainant, constituted what they here designate as the Territorial Democratic Central committee. It should be stated who the members of that committee were; then, if that were a material fact, issue could be taken on the question.

The Territorial Democratic Central committee, he argued, was not a legal entity—it was not something of which the courts and the law could make any recognition, as an entity, by virtue of its name. It imported nothing, because it was not alleged that it was a corporation; it had no legal significance; it was not alleged to be even a partnership. In short, it was a nonentity so far as the law could contemplate. The mere averment amounted to nothing, because an association, unless a corporation, could not appoint an agent, make a contract, nor acquire or hold property. A B or C doing business under a certain name, might appoint an agent or enter into a contract; but in common law it was necessary to name the parties. No sort of a voluntary association bearing an indefinite and uncertain number of persons could acquire or hold property in any manner or appoint agents which the law would recognize, unless it was an association created and maintained for charitable purposes, in which case a court of equity might recognize the object alone of those who constitute it. It was clear that if counsel for the plaintiff had alleged here that Duke was appointed by the Salt Lake Association, not averring that it was a cor-