

right of way, ties, rails, roadbed and all the necessary equipments for the full and complete operation of its electric street railroad along and upon that certain street known as Second South street, in the city and county of Salt Lake, Utah Territory, and said company is and has been engaged in operating cars thereon for the carriage of passengers. That on the night of the 23rd and 24th days of June, 1891, said defendants unlawfully and with a large force of men entered upon said lines of railroad so owned and possessed by said plaintiff, and have begun wholly without right to tear up and destroy said track and roadbed so as to obstruct and prevent plaintiff from operating its cars thereon, and for the purpose of appropriating to its own use plaintiff's said right of way and railroad, to the great and irreparable damage of said plaintiff, and to the destruction of the rights and franchises of said plaintiff. That said defendant threatens and unless restrained by order of this court will continue said wrongs and injuries. That plaintiff has been damaged thereby in the sum of \$5500.

Wherefore said plaintiff prays the order of this court restraining said defendants and each of them, and their attorneys, agents, servants and employees, pending this action, and until the further order of the court, from digging up and entering upon or in any manner interfering with their railway, track, roadbed, right of way, or the operation of cars thereon situated upon or along the said Second South street, in said city, and that upon the final hearing of this action said injunction be made perpetual.

For \$5500 damages, for costs, and for other proper relief.

RAWLINS & CRITCHLOW,
Attorneys for plaintiff.

The foregoing complaint was sworn to and subscribed by Supt. W. P. Reed.

The Rapid Transit company have filed the subjoined answer:

Salt Lake City Railway company, plaintiff, vs. C. B. Jack, J. S. Cameron and the Salt Lake Rapid Transit company, defendants.

The defendants deny that the plaintiff is the owner or entitled to the absolute or exclusive possession of the portion of said street occupied by its said railway tracks or right of way. Deny that these defendants or either or any of them, at the said or any time, wrongfully with a large or any force of men or otherwise entered up in said line of railroad so owned or possessed, as alleged in said complaint, or have begun to tear up or destroy said track or roadbed so as to obstruct or prevent plaintiff from operating its cars thereon, or for the purpose of appropriating to its own use said right of way, or railroad, or otherwise. Deny that by the said alleged or any other acts the plaintiff is greatly, irreparably, or otherwise damaged, or that thereby or at all its rights or franchises will be destroyed or otherwise injured or impaired. Deny that they threaten to or will continue the said or any wrongs or injuries to the great, irreparable, or any damage of the plaintiff, and deny that the plaintiff has been damaged in the sum of \$5500, or any sum whatever.

For a cross-complaint against the said plaintiff, these defendants allege that the defendant, the Salt Lake Rapid Transit company is a corporation under the laws of the said Territory, authorized to construct, maintain and operate street railways in said city of Salt Lake, and upon said Second South street. That the rights of the said plaintiff to maintain and operate its said railway in said street and upon the portion thereof occupied by it is not exclusive, but, on the contrary, these defendants allege that the said space is sub-

ject to joint occupation and use by the said defendant, the Salt Lake Rapid Transit Company. That the last named company has been granted the franchise and privilege by the said city to use the said portion of said street for railroad purposes, and it has the legal right to so use the same. That in pursuance of such right it has begun the construction of an additional railway track upon said street for its own use in such a manner as to conform to the grade and occupy substantially the same space as one of the plaintiff's said tracks, the rails, however, to be laid so that the corresponding rails of the track of plaintiffs and the said defendant will be about eight inches apart. That such construction by the said defendant will not obstruct, interfere with, or impair the property or franchises of the plaintiff. That the lawful, proper, and careful construction by the defendant, the Salt Lake Rapid Transit company, of said railway track as aforesaid, are the same and only acts complained of by the plaintiff in its complaint. That the said defendant has partially constructed said track, and the plaintiff threatens to and will, unless restrained by the injunction of this court, tear up and remove the cross ties and rails of said partially constructed track and prevent the said defendant from the enjoyment of its said franchise to construct and operate a line of railway upon said street, to its great and irreparable damage.

Wherefore the defendants pray the order of said court restraining the plaintiff, its officers, agents, and employees from tearing up, removing, or in anywise interfering with the said track, cross ties, rails, or other property of the said defendant, and that upon final hearing an injunction to like effect be granted, and that the defendants have all proper relief.

WILLIAMS & VAN COTT,
C. B. JACK,
Attorneys for defendants.

The answer and cross-complaint are sworn to and subscribed by J. S. Cameron.

Mr. J. S. Rawlins, attorney for the Street Railroad company, was seen by a News reporter this morning, and said in substance:

"The Rapid Transit people have sought to forcibly take possession of the Salt Lake City railroad track on West Second South street, put down their rails, and construct a track on the same road bed as that occupied by the City railroad. With some 500 men they began operations about 12:30 this morning. Mr. R. C. Chambers, vice president of the City Railroad company, happened to hear of what was going on and at once communicated with Superintendent Reed and myself. We went down to the spot and requested the workmen to desist. At this time most of the members of the police force were there. Mr. Reed and myself, on seeing the situation, had some eight or ten cars sent down to line the road for about three blocks, and again Mr. Reed called upon the men working upon the road to stop. One of them thereupon threw a tie across the track. Mr. Reed attempted to pick it up, when he was assaulted by three or four police officers, taken to the City hall and there lodged in custody, where he remained for about an hour. In the meantime I came up to my office, hastily prepared the necessary papers in order to get a restraining order, and proceeded with them to the Cullen hotel. There I saw Judge Anderson, who signed the papers, and they were served by Marshal Parsons about 3 o'clock a. m. As

soon as this temporary injunction was obtained, Mr. Arnold, foreman of the City Railroad workmen, procured a staff of men and had the ties, etc., taken up.

This morning about 7 o'clock the police arrested four of the workmen, including Mr. Arnold himself, and took them to the City hall, where they gave bonds to secure their appearance."

The hearing on the order to show cause will take place before Judge Anderson on Saturday next.

DEMOCRATIC ADDRESS.

The Democratic committee appointed to formulate and issue an address to the people of Utah met Tuesday, June 23rd, to carry out the instructions of the Territorial central committee. The following is a result of their labors:

TO THE PEOPLE OF UTAH.

"The Democratic party hails with delight this, the most interesting and happy epoch in all the history of Utah. Every cause and excuse as we confidently believe for the fierce contentions waged in the past and carried into every phase of our local life, social and political, has passed away—is buried beyond the hope resurrection. That conflict, whatever may have been the standpoint of those engaged in it, was freighted with many manifest evils. It sullied the reputation of our Territory; it darkened the annals of our history; it impeded our growth and prosperity; it disturbed the peace and destroyed the happiness of our people.

"When the natural person had passed through a stage of fever and delirium, upon restitution to health the kindly hand of nature wipes away all memory of the painful thoughts that harrowed the brain and racked the body, and so let us forget the past and work for the future.

"Let none, and especially no Democrat, cling to the dead issues of the past, nor upon such basis give aid to those who would keep up what at best can be but a petty, malignant and ignoble strife.

"The Democratic party invites you to a wider and nobler field of political action.

"Not only Utah, but the entire nation will be the battle ground.

"The cause to be espoused is that of Democracy. The vital, immortal principle to be promoted consists in the spirit of freedom; the principle which has in every condition of good or ill fortune infused life and hope and vigor in its adherents during a century of political contests waged against the usurpation of power and to preserve the nation in integrity within the channels marked out for it by the framers of the Constitution. The party that has stood by the liberties of the people, for equality and justice; that has kept guard, and by virtue of the tenth amendment of the Constitution, to see that the administration of the federal government should not, by means of loose and irrational construction, overstep the sacred boundaries of national power; the party that has ever stood arrayed against special privileges, monopolies and unjust taxation; which has opposed to all such political heresies the immortal principle of equal and exact justice to all; special