

oec teoyrn requiring the defendants to appear and bring with them the books and records of the Democratic Territorial Committee of Utah. Upon the hearing they failed to produce the same, each alleging that the documents had passed beyond their hands.

The defendant Smith testified that he became a Democrat in May or June, 1891, and in the month of June was made the secretary of a committee which he termed the advisory committee of the Democratic party and afterwards was elected secretary of what he claims as the Territorial committee of the party. He declared that no books nor papers were ever turned over to him, but that he opened an entirely new set of books and records, which books and records he had sent to a man named Dunbar in the city of Chicago, as he stated, for his party, and before the subpoena *du oec teoyrn* had been served upon him, but after he had been served with notice that he was one of the defendants in this case.

The defendant Norrell testified that he was a Democrat and a member of the Democratic party; that he attended the convention of the party that was held at Ogden in May, 1888, and was there elected a member of the Democratic Territorial committee; that the plaintiff Duke was elected a member at the same time; that immediately after the convention the committee assembled and elected S. A. Merritt chairman and defendant Norrell as its secretary; that he acted as such secretary until June, 1891; that he never resigned his office, but that since June, 1891, did not act in that capacity; that in June, 1891, a convention was held in Salt Lake City of the Democratic party which elected a new committee, and that that convention claimed to be the Democratic convention; and that none of the members of the committee elected at Ogden in the year 1888 had ever resigned.

Several other witnesses were sworn by the plaintiff, the effect of the testimony being that the Democratic party was organized in this Territory about twenty years ago; that it held its conventions once in four years, and that its Territorial committee was elected quadrennially and that the committee-men held office for four years and until their successors were elected; and that at the Democratic convention held in Ogden, in 1888, a committee was elected for four years, the plaintiff Duke being one of that number; that said committee had never resigned. Also, that in the spring of the present year a meeting of the Democratic committee was called by S. A. Merritt, in Salt Lake City, and one Elias A. Smith, one of the defendants in this case, signed his name as secretary; that the plaintiff with other gentlemen in person and by proxy, who were elected members of the committee at the said Ogden convention of 1888, attended that meeting and sought recognition from the Chairman S. A. Merritt, which recognition was refused; and that thereupon they announced that a meeting of the committee would be held immediately at a place then named. That they assembled and filled such vacancies as appeared, after which the Hon. William

Ferry, who it is shown by the testimony is also a member of the National Democratic Committee, was duly elected chairman, and the plaintiff Duke was duly elected secretary thereof. That a call for the convention of the Democratic party of Utah was issued, which convention was held on the 21st day of May, 1892, at Salt Lake City; that at such convention over eighteen counties were represented, constituting a total representation of 211 delegates out of 238 provided for in the call. That said convention elected delegates to the coming national Democratic convention to be held at Chicago, and that a committee was elected to succeed the committee elected at Ogden in 1888.

The defendants were present during the hearing part of the time in person and all of the time by counsel, but declined to cross-examine the witnesses of the plaintiff.

From the testimony introduced it appears that the allegations of the complaint are sustained and that the plaintiff is entitled to a judgment, he having shown that there was elected in Ogden, in 1888, by the Democratic party a committee known as the Democratic Territorial committee of Utah, the direct successors of the first committee chosen when the party was organized twenty years ago, which committee was in existence when the plaintiff commenced his suit, and of which committee the plaintiff was a duly elected member and the secretary thereof.

The judgment of the court therefore is that the plaintiff recover from the defendants the books and records described in the complaint or in case delivery of the same cannot be had that he recover from the said defendants the sum of \$15, together with the costs of this action.

THE FINISHING TOUCHES.

The only persons present during the time the Justice was rendering his opinion were Attorney D. R. Straup (from the office of Judge Powers) and three newspaper representatives. Immediately afterwards the defendants' attorney, Mr. J. H. Hurd, accompanied by Stenographer Barker, entered the room and the former handed to Justice Lochrie a typewritten notice of appeal from his decision, to the Third District Court.

"Why," exclaimed the Judge, with apparent astonishment, "It looks as though this notice of appeal had been fixed up before the Court gave its opinion."

"Y-es," drawled the attorney with a faint smile, "I must confess it does bear that appearance—doesn't it?" He simultaneously cast a knowing wink at the reporters, as though thinking he had scored a big point that time.

The Judge adjusted his spectacles, scanned the document, said "All right" and the curtain fell.

A SECOND hairless horse, a counterpart of the Indiana curiosity, has been discovered in Australia. Horses without hair are extremely rare, and so far as known at present, the two mentioned are the only ones on the globe. The Australian equine is well built and of perfectly normal proportions.

THE BOARD OF EDUCATION.

The Board of Education met last night, Vice-President Nelson presiding. The members in attendance were: Messrs. Alf, Young, Raybould, Pike, Baldwin and Dooly.

SITE PURCHASED.

The committee on sites and buildings reported recommending the purchase of 2x10 rods of ground adjoining the Bryant school grounds on First South street, on the east, at \$100 per front foot; also 5x10 rods of back land for \$1,500, or the total sum of \$4,800. The use of part of the lot had been obtained for the purpose of driving wagons containing building material, etc. Adopted.

HAMILTON SCHOOL.

The same committee also reported the following bids for the erection of the Hamilton school in the First ward:

Croxford Bros. & Bryan.....	\$31,550
Tenth Ward Lumber and Building association.....	34,636
T. K. Lloyd.....	35,000
W. L. N. Allen, Jr.....	\$7,750
William Lister.....	38,200
Joseph Dedricks.....	40,000

The committee recommended that the bid of Croxford Bros. & Bryan be accepted, provided they execute a bond for \$16,000, and that they agree to finish the building by October 1, 1892.

Adopted, and the committee ordered to execute the contract.

SITE PROPOSITION.

Hogle Brothers offered the east half of lot 1, block 28, plat F, 10x10 rods, on the corner of Eleventh East and Third South streets, for \$9,000. Referred to committee on sites and buildings.

TWENTIETH SCHOOL.

The committee on sites and buildings reported the execution of a contract between the Salt Lake Building and Manufacturing company and the board for the erection of the Twentieth school; also the execution of a contract between the board and Wm. H. Jay for the erection of the addition to the Bryant school house.

SALARY INCREASED.

The committee on finance reported recommending an increase of \$5 per month to the salary of the assistant clerk from June 1. Adopted.

BONDS TO BE PRINTED.

Also that the order for printing 150 \$1000 ten year bonds had been placed with the American Bank Note Company at a cost of \$350, the bonds to be dated August 1, 1892.

SUCCEEDS HIMSELF.

The next business was the election of a superintendent. Mr. Millsbaugh was unanimously elected to succeed himself for the term of one year.

MISCELLANEOUS.

Mr. Young moved that the Twentieth ward school be named the Lowell school. Carried.

R. Alf moved that the First ward school be named the Hamilton school. Carried.

John N. Pike handed in the following: "I move that the clerk of this board be and is hereby directed to request Alice Hooper or her agent to give the board peaceable possession immediately of the school site recently purchased from her in the Nineteenth ward." Carried.