

The committee also reported in favor of enforcing the penalty against the contractor on the Fourteenth Ward school building, from the 1st of November. The motion was adopted on motion of Mr. Nelson. Yeas 9, nays 0.

The same committee reported in favor of furnishing coal for the rooms in the Sixth Ward church, occupied as a school, in addition to the payment of the rental of \$35 per month, this sum not being large enough to insure the rooms being well cared for.

Mr. Nelson reported that the Exposition building management had leased the south wing of the structure, upon condition that the board put in the necessary partitions. The board ratified the action.

The committee on furniture reported in favor of purchasing a bell and flagstaff for the Fourteenth Ward schoolhouse, and also recommended that an iron fence be put around the grounds. Mr. Nelson moved that the bell and flagstaff be purchased.

The committee on buildings was instructed to obtain bids for the fence, and report at the next meeting.

The general supply committee reported that A. L. Williams had been awarded the contract for supplying the schools with coal and that \$500 worth had been supplied the different schools. Heaters had been put in in several of the school buildings. The report was received and adopted.

The committee on examination of teachers presented a communication from Superintendent Millsbaugh regarding examinations, recommending that no examinations be held in the coming vacation. The report was referred to the committee on employment of teachers for action.

The committee on school work reported favorably upon Mr. Lewis' application for permission to use the lower room in the Fifteenth Ward school building for a night school. The report of the committee was adopted, after some discussion.

The superintendent reported that he had, in pursuance to instructions, employed the following teachers: Ella Weir, \$70; Flora C. Blackburn, \$70; Nellie Clarke, \$70; Mollie Knowles, \$50; Rhoda Pomeroy, \$60; F. D. Keeler, \$80; Miss S. R. McBrine, \$70; Lizzie Smith, \$60; Mary L. Hoag, \$55; Anna Tyner, \$60; Della Wilkins, \$70; Mrs. Lloyd Porter, \$60; Miss Barrett, \$70. His action was confirmed.

The committee on school supplies reported in favor of employing an extra teacher to take the place of any teacher who may be ill or be assigned to do duty elsewhere by the Superintendent, also that an assistant teacher be employed. The report was referred to the committee on Teachers to carry out the action of the board in adopting the report.

The Committee on audit reported in favor of closing the September account and opening that of October. Adopted.

Mr. Nelson moved that the terms of the officers date from the date of their qualification and not from July 1st, as appears at present. Mr.

Colbath amended by fixing the date of the beginning of the term of office of the superintendent and clerk at July 20th of each year. Mr. Pike said the present officers would serve until their successors are elected and qualified. The present board qualified July 19th. The current school year ended June 30th. If the date fixed was July 20th there would be twenty days in which the board would have no officers. Mr. Colbath's amendment was defeated, and Mr. Nelson's motion prevailed.

Under the head of new business, Mr. Johnson suggested the levy of the tax for next year, but the board decided that there was time enough before December, and the matter went over.

Mr. Moran, the plumbing contractor on the Fourteenth Ward building, by Mr. Monheim, architect, demanded \$500 on account. The Secretary stated that Mr. Moran had threatened to stop work if this amount was not forthcoming at once. The secretary was instructed to notify Messrs. Moran and Monheim that when the former rendered his account according to law it would be considered, and not before.

Mr. Pike presented notes given by trustees of the old board to various Parties, the holders of which desire payment. They were referred to the committee on finance.

The announcement of the new committee was then made as follows:

Finance.—Nelson, Johnson, Young, Pike and Mitchener.

Buildings.—Colbath, Armstrong and Pike.

Furniture.—Armstrong, Colbath and Pyper.

Supplies.—Newman, Snow and Mitchener.

Teachers.—Johnson, Nelson and Young.

School Work.—Snow, Nelson, Newman, Colbath and Young.

Sites.—Mitchener, Young and Pyper.

The Board then adjourned.

### THE ELECTION CONTEST.

The election contest of C. E. Allen vs. Ferguson for county clerk, was being heard before Judge Anderson November 5th.

Arthur Brown, Esq., and Joseph L. Rawlins, Esq., are attorneys for the plaintiff, and Judge Loofborough appears for the defendant.

#### MOTION TO DISMISS.

In the Third District Court of Utah, in and for the Third Judicial District.

Fergus Ferguson, plaintiff, vs. C. E. Allen, defendant.

Comes now the defendant and moves the court to dismiss the cause for want of jurisdiction in the court to hear or determine the same.

O. T. LOOFBOROUGH,

Attorney for defendant.

The motion was overruled. The defense then moved for a continuation of the trial, but the motion was overruled.

The following document was then filed:

In the Third District Court of the Territory of Utah, in and for the Third Judicial District.

Fergus Ferguson vs. Clarence E. Allen. Comes now the defendant Clarence E. Allen, and shows to the court of the sev-

eral of contests set out in the plaintiff's statements or complaint that the first and third of said grounds to go to the question of the validity of the election in said complaint referred to, and if true and sufficient causes of contest could on y have the effect of securing said election to be set and declared invalid.

While the other causes of contest to wit: the second, fourth and fifth and the relief prayed in said complaint in effect confirm the validity of said election and seeks to secure the benefits thereof to the contestant, and the defendant moves the court that said plaintiff and contestant be required to elect upon which of said two inconsistent and repugnant lines of contest he will stand on, and the other be dismissed.

C. F. LOOFBOROUGH,

Attorney for plaintiff.

The following witnesses were then examined and subjected to severe cross-examination by counsel: Jacob H. Tipton, Hans Hansen, Benjamin Wright, Richard Howe, Roswell Bradford, H. N. Bird, M. H. Atwood, Martin Williamson, Thos. Risley, and a number of others. Each testified that they were native born or naturalized citizens of the United States, Had lived at South Cottonwood from five to thirty years. None of them had committed infractions of the Edmunds law. All had voted at regular elections for many years. Witnesses testified that they were all registered for the county election of August last, and that they attempted to vote in their own precinct only, on the fourth day of that month. It was generally believed and was true that they intended to vote the straight People's and Workingmen's ticket. For this reason they believed they were not allowed, by the judges of election, to cast their ballots. An affidavit was then offered by each of them and another attempt made to vote, but with the same result as at first. Witnesses then wrote their names upon the back of their respective tickets, and they were given to the justice of the peace of that precinct, in whose possession they have been since that time.

Each witness recognized his ticket by the signature placed up on it.

The Allen-Ferguson election contest case was resumed before Judge Anderson November 6th.

Benjamin Wright, of South Cottonwood, was recalled. He testified that he was acquainted with H. G. Bradford, of South Cottonwood; that he was a citizen of the United States, a resident and a registered voter at that place, and that the attempt to vote by Mr. Bradford was prevented by the judges of election.

B. Wolfley testified—I am a resident of South Cottonwood, and have been for many years; am a naturalized citizen of the United States; was registered for the last August election; my ballot was a straight People's and Workingmen's ticket. I tendered my ballot at the polls, but was refused the right to vote. I also offered an affidavit which was also rejected.

Secretary Sells testified—He produced the election returns of poll number three of Bingham precinct, also the returns of the third poll of the second precinct, of Salt Lake City.