

Jack Vs. Utah Territory

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Court : US Supreme Court

Decided On : Jan-06-1890

Appeal No. : 132 U.S. 643

Appellant : Jack

Respondent : Utah Territory

Judgement :

Jack v. Utah Territory - 132 U.S. 643 (1890)

U.S. Supreme Court Jack v. Utah Territory, 132 U.S. 643 (1890)

Jack v. Utah Territory

No. 144.

Argued December 5, 1889

Decided January 6, 1890

132 U.S. 643

APPEAL FROM THE SUPREME COURT

OF THE TERRITORY OF UTAH

SYLLABUS

Clayton v. Utah, ante, [132 U. S. 632](#) , affirmed and applied to this case.

The case is stated in the opinion.

MR. JUSTICE MILLER delivered the opinion of the Court.

This case, which is an appeal from the Supreme Court of the Territory of Utah, differs from the preceding case, of Clayton against the same appellees in the fact that Jack was charged with usurping and intruding into the office of territorial treasurer for the Territory of Utah, as Clayton was alleged to be an intruder into the office of auditor of public accounts. These two offices were created by the same statute of the territory at the same time, and the mode of election prescribed by the statute was changed at the same time, by the same statute, to an election by the people, and Jack claims to have been elected treasurer at the same general election in which Clayton was elected auditor; that he received the commission of the governor of the territory, and that he has held the office ever since, by reason of the fact that no other election had been held, and no other person had been lawfully appointed to the office. The same principles govern this case as

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govern the other. The judgment of the Supreme Court of the Territory of Utah was based upon the same grounds, and, for the reasons given by us in that case, we affirm the judgment in this.

Affirmed.