

scribe their duties. (See section 47, page 18, Revised Ordinances of 1888.)

By section 9 of said Charter (see page 11, said ordinance), the City Council could remove a policeman or any other person elected or appointed to any office under the provisions of said charter from office, by a two-thirds vote, but no officer could be removed except for cause and furnished with a statement of the charges for removal and an opportunity of being heard in his defense.

By an act of the Governor and Legislative Assembly of Utah, approved March 13, 1884, (the amendment to said charter, page 55, said ordinance), the Mayor, by and with the advice and consent of the Council was given authority to appoint policemen, and the Mayor also was given the power to remove said policemen at his pleasure.

By this amendment of the charter of the city the Mayor seems to have the discretionary power and could remove a policeman without preferring charges against him. Since this amendment was enacted the Governor and Legislative Assembly by paragraph 87 of article 4 of an act entitled "An act providing for the incorporation of cities, approved March 8, 1883," (page 83 of said ordinance) conferred upon the City Council power and authority to appoint policemen, define their powers and duties and remove them.

Paragraph 87 is as follows: "Eighty-seven; To appoint police or watchmen, and to define their powers and duties, and to remove all officers of the city for misconduct, and to provide for the filling of such vacancies as may occur in any elective office, and to create any office that may be deemed necessary for the good government of the city; to regulate and prescribe the powers, duties and compensation of all officers of the city not herein provided for."

Paragraph 87 has the effect of repealing said amendment to the charter, and in part said section 9, in so far as it takes from the City Council discretionary power in the removal or appointment of officers. It empowers and authorizes the City Council to appoint policemen, and to remove them for misconduct in office. Therefore, a policeman can only be removed for misconduct in office. The power of removal cannot be exercised unless there is formulated charges against and notice to him of the accusation and a hearing of the evidence in support of the charge and an opportunity given to the party of making defense.

Article III. of the aforesaid act of the Governor and Legislative Assembly provides for the office of Councilmen, their eligibility, removal, and the filling of vacancies, etc., punishment of its members, and that with the concurrence of two-thirds of the members of the Council, may expel a member for cause.

Section 6 of said Article III, provides that a majority of the Council elected shall constitute a quorum to do business.

My opinion is that paragraph 87 controls the appointment and removal of policemen and watchmen, etc., and the removal of the officers of the city, appointed by the City Council, for misconduct. And it also provides for the filling of the vacancies, as is therein specified.

I find some difficulty in arriving at a conclusion as to what number of the City Council voting for, shall constitute a removal—whether by a two-thirds vote, or by a majority vote; however, as to such appointive offices, policemen in particular, I am inclined to the opinion that a majority vote of the Council at a legally constituted meeting is sufficient.

Very respectfully,
Wm. C. HALL, City Attorney.

On motion of Councilman Lynn the report was received and filed.

The reports of the committee were then re-read. Mr. Anderson moved to

strike out everything in the majority report that referred to Mr. Glenn, he having resigned his office. Carried.

On motion of Mr. Lynn all reference to Mr. Glenn in the minority report was also stricken out.

Councilman Heath—I move that the minority report be adopted.

The motion was seconded, but Mayor Scott proceeded to say that he was sorry that the matter had assumed such an unpleasant phase. He believed the motion would carry but wanted to say first that Capt. Parker had done much to increase the usefulness of the force. Prior to his appointment, the officers would leave their beats without permission and often conducted themselves in a manner detrimental to the city's welfare. Since the appointment of Captain Parker it was different. The men dared not leave their beats and they were accordingly better disciplined and equipped for service.

Councilman Spafford was of the opinion that when an officer was accused of mis-doing that he could only be legally tried before and by the City Council at large.

Councilman Lynn inquired if the accused had been furnished with copies of the complaint.

Councilman Anderson responded in the negative, to which Councilman Folland added, that while they had not been furnished with copies, they had been present while the complaint was read and while the testimony was given.

Councilman Hardy said it was evident from both reports that there was a lack of discipline in the department. Uncomplimentary and ungentlemanly language had been used without restraint. It was human to resent such approaches. Men could best be controlled by kindness. Captain Parker did not possess this trait. There were other men on the force just as intelligent, capable and efficient who would undoubtedly fill the position of captain of police with greater credit. If these representations were not true, then the force was certainly in a bad condition.

Mayor Scott said he did not look upon it as an expulsion, but as a suspension. (Hesitatingly) I shall have to hold that the motion to adopt the minority report is out of order, because it would conflict with the city attorney's opinion.

Councilman Hardy said that inasmuch as the report did not recommend a discharge, but a lowering in rank he could not see any conflict.

Mayor Scott—But it would be a removal from his office of captain.

Councilman Folland—To me it is very strange, Mr. Mayor, that you should make such an unjust ruling. Men are laid off by the powers that be without ceremony or apparent cause. The police department only need ask for the removal of a man and it is done without hesitation or question, now it seems that the Council should have something to say about this.

Mayor Scott—It is an unfortunate state of affairs, but true nevertheless.

City Attorney Hall contended that the accused could only be tried on charges preferred and heard by the City Council, and therefore the evidence adduced before the committee was all out of order.

Councilman Folland—Do I under-

stand, Mr. Mayor, that you absolutely refuse to put the mo ion.

Mayor Scott—Yes, sir.
Councilman Folland—Well, I will see if we cannot reach the matter in some other way, and I therefore offer the following ordinance and ask its passage:

An ordinance abolishing the office of captain in the police force.

Section 1. Be it ordained that the office of captain in the police force of this city be and is hereby abolished.

Sec. 2. That all ordinances or portions thereof not consistent herewith are hereby repealed.

The Mayor was evidently unprepared for such a stroke, but Councilman Anderson asked that it be laid on the table for one week.

Mayor Scott ruled that the request was eminently proper and ordered that the ordinance be tabled until the next regular session of the Council.

MISCELLANEOUS.

An ordinance confirming the assessment for paving State street, from the south line of South Temple to the north line of Fourth South street, was presented and passed.

Treasurer Walden reported that he had appointed J. L. May as deputy treasurer. The action was unanimously endorsed.

The board of equalization on paving district No. 1, recommended that all the assessments be confirmed, except thirty-one feet, known as Commercial avenue, which was owned by the Brigham Young Trust company, and which was to be dedicated to the city for a public street. Confirmed.

Chief Stanton presented his report for the quarter ending September 30, showing twenty-seven fires and three false alarms during that time. The loss by fire was \$717.50; insurance, \$605; total loss, \$112.50. The total cost of maintenance of the department during the quarter was \$2,338.04.

The Rapid Transit Street Railway company represented that it was put to considerable trouble in operating its cars on First street, owing to the interlaced tracks there, and it asked that the City Council establish rules which shall govern the petitioner and also the Salt Lake City Street Railway company, both of whom were operating electric railways on said street. The petition was accompanied by the decree of the court in reference to the use of said street. Referred to the committee on streets, with power to act.

APPROPRIATIONS.

Grant Bros.....	\$ 116 00
Holy Cross Hospital.....	97 00
A. J. Burt.....	100 80
Mrs. M. Merrill.....	356 55
Salt Lake City Railway company.....	450 00
Power, Light and Heating company...	2,587 50
Salt Lake City Gas company.....	120 00
Mount & Griffin.....	700 00
Kean lot.....	100 00
Joseph Silver.....	126 00
Dubois & Williams.....	17,613 66
Pacific Paying company.....	4,608 00
Hobson & Wilkenson.....	2,300 69
Monheim, Bird & Preadfoot.....	3,784 40
S. C. Dallas.....	133 51

Adjourned for one week.

Houston, Texas, had a novel sporting event recently. It was a race of goats in harness. There were sixty-eight entries, and 5000 people turned out to see the fun. Betting was enormous.