

Councilman Anderson—I move that the Council adjourn.

Mr. Hall—The report, in my opinion, covers too extensive an area. I want to see walks laid, but I am not sure that brick will prove successful in our climate. They have proven successful in Washington, but it does not freeze there as it does here. I am afraid that they will be heaved up by the action of the frost.

Councilman Spafford—I have lived in Minneapolis for a long time and I know that frost does not affect them there, and in winter the temperature there is much lower than here.

Mr. Doremus—If the brick are well burned, they are practically as durable as flag. The weather will not hurt them.

More fruitless discussion followed, after which the report was finally adopted.

#### THE JOINT BUILDING.

Councilman Spafford then offered the following:

"Resolved, First—That the joint city and county building shall be erected in the center of the Eighth Ward Square, and that so much of said square as may be necessary be dedicated to said purpose.

"Second—That the joint committee are hereby instructed to enter into a contract with Salt Lake County (subject to the approval of this Council) for the erection of said building on said square, granting to Salt Lake County such property interests as may be equitable; with the condition, however, in said contract, that the existing agreement for construction at the corner of First East and First South Streets shall in no way be abrogated or annulled until all questions as to title and construction upon said square are fully settled and the erection of said building thereon is fully assured.

Third—That the joint committee are instructed to use every effort to close such agreement and have the building commenced at the earliest possible date and that immediate steps be taken to improve and park the remainder of said square, including a provision to that effect in their agreement with the county."

Mr. Hall—If the change can be legally made, and I believe it can, then I am in favor of it. Many advantages could thus be gained; the police court can remain where it is.

Councilman Spafford—The city attorney says the change can be legally made inasmuch as the same rules that apply to Pioneer Square do not apply to Washington Square.

Mr. Pembroke—I move that the resolution be tabled.

Mr. Spafford—(indignantly) I want to know why it is that Mr. Pembroke opposes every movement that is not inaugurated by himself?

This outspokenness on the part of Mr. Spafford was loudly applauded by several of the members as well as the spectators.

Mr. Pembroke (excitedly springing to his feet and assuming an air of bravado) I wish to say that what the gentleman says is false!

Acting Mayor Parsons—(pleadingly) Come to order! Come to order, gentlemen.

Councilman Lynn—I second Mr. Pembroke's motion, because I believe that this proposed removal is only a cunningly devised trick to prevent the erection of the building.

Councilman Spafford—I believe ev-

erything is all right and I am very anxious to see this dilly dallying brought to an end.

Councilman Lynn—Well, you are mistaken, that is all I have to say.

The motion to table the resolution was lost, Messrs. Pembroke and Lynn only voting in favor of it.

The motion to adopt the report was then put and carried.

Adjourned until Tuesday.

#### THE PIONEER BLOCK.

In the Case of W. L. Pickard vs. Salt Lake City, on a hearing to show cause why defendant should not be enjoined from selling Pioneer Square, Judge Powers and W. H. Dickson, attorneys for defendant, filed the following answer to the complaint at 3 p.m. March 11th:

#### THE FOLLOWING ANSWER:

"1.—The defendants admit that George M. Scott is the mayor of Salt Lake City, that J. F. Jack is the recorder, and that the council is composed of fifteen members, three from each municipal ward.

"2.—The defendants admit that at the regular meeting of the city council held as alleged, March 3, 1891, that the resolution set forth was declared to have been passed by the mayor as presiding officer.

"3.—The defendants admit that Salt Lake City is and has for a long time been the owner in fee simple of the property and that the title is shown by exhibits A, B, C, D, E and F, annexed and made a part of this answer.

"4.—These defendants deny that the said land described as aforesaid is, or has at any time been dedicated or appropriated for use as a public park for the benefit of residents of Salt Lake or the taxpayers of said city, or that it has been at any time, or is now, used as a public park, or that the inhabitants of said city have been permitted to enter upon the same or use it as a park is generally used. And they allege that no public money has ever been expended on the same for the purpose of beautifying the same, or for any other purpose. Defendants admit that the resolutions of the said council referred to in said complaint were founded on the petition of James H. Bacon, and that the copy of said petition, marked exhibit A, is a true copy.

"5.—Defendants further allege that the history of the land referred to in plaintiff's complaint so far as the city of Salt Lake is concerned, is as follows: About the month of March, 1879, a proposition was made to the council by one B. Morris Young, who at that time held the legal title to the land in question, offering to sell said land to the city of Salt Lake, and the journal of the city shows that the following proceedings were had:

"March 11, 1879, on motion of Councilman Joseph F. Smith, \$5000 was appropriated for the purchase of the Old Fort block from B. Morris Young.

"March 18, 1879, the mayor reported that before completing the purchase of the Old Fort block he had requested the city attorney to look into the chain of title. The title appeared correct. On motion of Councilman John Henry Smith, the mayor was authorized to rent the property.

"March 25, 1879, Councilman Calder presented the following resolution: 'Resolved, That the block recently purchased by the corporation from B. Morris Young, known as the Old Fort block, be named and be known hereafter as Pioneer Square.' On motion of Councilman Joseph F. Smith, the resolution was unanimously adopted.

"February 10, 1880, report of committee

on public grounds: 'Your committee on public grounds, to whom was referred the renting of the public square in the Sixth Ward, report in favor of renting the same to Oliver Bess, James T. Wilson and John Reading for the sum of \$150 per annum. Your committee are in favor, if the Council contemplate the improvement of the square as a place of resort for citizens, of leasing it for a term of years and requiring the lessee to plant trees and make such other improvements as shall be determined upon by this council.' Accepted upon motion of Councilman Raleigh.

#### NEW COUNCIL.

"March 16, 1880.—Your committee on public grounds, to whom was referred the proposition of Mr. John Reading and Oliver Bess, respecting the lease of the public square for the period of five years recommend that the proposition of Mr. John Reading be accepted. (Proposition of John Reading.) 'I propose to take the Pioneer Square for a term of five years and for the use of said grounds will furnish trees, assorted and such as will be good and sufficient to plant in and around said square as appears in the plan submitted.' Then follows a description of the trees. On motion of Councilman Joseph F. Smith the report was adopted.

"March 20, 1880, the committee on public grounds reported that pursuant to the authorization of the City Council they duly advertised for plans for the improvement of parks or square, offering the following premiums to the successful bidders. For the plan of Pioneer Square \$10.

"April 3, 1883, \$11 was paid William R. Jones for the plans of Pioneer Square.

May 21, 1885—Re-leased to John Reading for five years from January 1, 1885, for the sum of \$200 per annum.

6—Said defendants deny that James H. Bacon and others who are his employers are pretending to incorporate and pretending to build the railroad referred to in the petition of J. H. Bacon purely as a speculative enterprise and for their own private gain and not for the benefit of the defendant, Salt Lake City, and on the contrary alleges, on information and belief, that J. H. Bacon is proceeding in good faith to build the railroad referred to and that the same, when constructed, will be of incalculable benefit to Salt Lake City and the inhabitants thereof, increasing the value of real property in the city and furnishing employment to a large number of the citizens of Salt Lake City, thereby increasing the population and industries of the city; defendants deny that the action of the Mayor and Council referred to in the complaint is in violation of their trust or authority, and further deny that the Council of Salt Lake City, in adopting the report of the committee referred to in the complaint, are attempting to loan the property of the defendant corporation.

"7—The defendants deny that the difference in value of the property referred to in the plaintiff's complaint between \$150,000, offered by Bacon and accepted by the city of Salt Lake, and the actual value of the property, would be a simple gift or any gift at all to said Bacon, and on information and belief allege that the sum of \$150,000 is a fair valuation for said property.

"Defendants deny that the property referred to is of great value to the city for the uses and purposes of a public park, and they deny that the same is or ever has been used as a public park or for any public purpose whatever, and further answering defendants allege that ever since the city purchased the land, it has been at all times enclosed and the public has been completely excluded therefrom, and that the same has been constantly used by and in the hands of private individuals, holding leases from the city, said