DISGRACEFUL!

Mayor Scott Assailed By Councilman Pickard,

WHO BRANDS HIM A COWARD.

Mr. Pickard Wants Marshal John E. Young Suspended for a Period of Twenty Days.

HE CHARGES HIM WITH A BREACH OF OFFICIAL CONFIDENCE.

Petitions and Communications—City Attorney Hall's Opinion on the Damaged State Street Property.—Miscellaneous.

The regular session of the City Council was held last night, Mayor Scott presiding. The members in attendance were Messrs. Kerrich, Spafford, Heath, Pembleton, Folland, Haxby, Hyde, Tuddenham, Young, Lynn and Pickard. Absent—James, Smith, Anderson and Parsons.

PETITIONS

were read and referred as follows:

T. Tuckniss asked that Oak street be put in passable condition. Committee on streets.

The same petitioner asked that watermains be laid on Oak street. Committee on waterworks.

The Metropolitan Stone Company signified its acceptance of the franchise granted it to lay a switch on Eighth South street. Received and filed.

William Leggett asked remission of his city taxes on account of being aged and poor. Committee on claims.

John A. Morlan and others asked that Charles Vissen be appointed to a position on the police force. Referred to the mayor.

Simon Bamberger asked for a watermain extension on Third West street, between North and South Temple streets. Committee on waterworks.

Robert Smith asked that the Rio Grande Western Railway company be compelled to repair Sixth West street from Fifth to Seventh North streets. Committee on streets.

A communication from the United Brotherhood of Carpenters and Joiners of America, endorsing Harry Roberts as inspector of stone work on the joint city and county building was read and referred to the committee on that building.

Hans Nilson asked that he be granted a free license to peddle fish. Committee on license.

James Kennedy asked for permission to excavate under the sidewalk at the corner of Market and West Temple streets. Granted.

H. Van Dam asked that he be allowed to transfer his merchants' license to George Henry. Committee on license.

George Boggs and company asked a rebate on merchants' license, having gone out of business.

W. H. Lovesick and others asked that no railroad company be given a franchise over Indiana avenue.

FROM THE CITY ENGINEER.

City Engineer Duremus submitted a map and profile of the railway track which it is proposed to lay from the main line of the Utah Central Railway Company to the stone yard of the Metropolitan Stone company. Also, map and profile submitted by the Great Salt Lake & Hot Springs Railway Company, representing the plan upon which it is proposed to construct tracks on Third West street, between South and North Temple streets. Adopted.

CONDUIT BIDS.

The same officer reported that three bids have been received for constructing catch basins and conduits on State street at the intersections of Second and Third South streets similar to those at the intersection of First South. The bids are: T. F. Griffith & Co., $1850; D. R. Griffin, $1880; William Harkins, $1880. Received and filed.

TO RUN THE SEWER PUMP.

A form of contract prepared by the city attorney between the city and the Rapid Transit company for the furnishing, by the latter, of the power to run the sewer pump for one year from date, was read and adopted.

ON WATERMAIN EXTENSIONS.

The committee on waterworks reported as follows:

That the petition of Simon Bamberger et al. for extension of watermains on Market street, be granted, that the petition of Joseph Woolmanson for an extension of watermains on Eight South street, from midway between Eighth and Ninth streets, to midway between Ninth and Tenth East streets, and on Ninth East street from midway between Seventh and Eighth South streets to midway between Ninth South and Roper street be granted; that the petition of Robert S. Gibson et al. for extension of watermains on Thirteenth street, from City Creek canyon, to midway between M and W streets on K street from midway between Eighth and Ninth streets, to midway between Eleventh and Twelfth streets on U street from Thirteenth street to midway between Tenth and Eleventh streets, on D street from Thirteenth street to midway between Eighth and Ninth streets, on G street from Thirteenth street to midway between Eighth and Ninth streets, on H street from Thirteenth street to midway between Eighth and Ninth streets, on J street from Thirteenth street to midway between Eighth and Ninth streets, on K street from Thirteenth street to midway between Seventh and Eighth streets, on M street from Thirteenth street to midway between Seventh and Eighth streets, be granted with the necessary laterals; that the petition of B. F. Rees for extension of watermains on Fourth and Fifth South streets, we recommend that mains be extended on Third West street from midway between Third and Fourth South streets to midway between Fifth and Sixth South streets, with laterals on Fourth and Fifth South streets; that the petition of Frank Merrill et al. for extension of watermains on Euclid avenue be returned with instructions that the signatures of the majority of the property along said extension be obtained.

W. H. H. STAYNER,
W. L. LYNN.

I concur in all of the above report except that part which refers to the petitions of Kelsey & Gillespie and others for extension of mains on the north bench. HOYLAND W. YOUNG.

A vote was taken on the adoption of the report, which resulted in the defeat of all petitions for watermain extensions on the north bench.

EXPENSES FOR OCTOBER.

The board of public works recommended that the following appropriations be made for work performed on Parley's canyon conduit, sidewalks, etc., during the month of October:

Moore & Co.	$[illegible]
Dyke & Williams	[illegible]
Pacific Paving Company	[illegible]
Hawkins & Griffin	[illegible]
Mountain Stone Company	[illegible]
Total	[illegible]

Adopted.

THE R. G. W. SEWERAGE.

The committee on sewerage to whom was referred the petition of the Rio Grande Western for privilege to connect with the city sewer mains, recommended that the petition be granted.

THE ELEVATED SIDEWALK GRADE.

City Attorney Hall presented the following written opinion on the petitions of the Salt Lake Dramatic Company, Lindsay Sprague and others who asked that the city remunerate them for the damages done their property by the elevated sidewalk grade on State street, between South Temple and First South streets:

First—If the fill of the street is in the adjoining landowners, the state has so assumed to adapt the street to an easy and safe passage over its entire length and breadth. When making or improving the streets within its limits, in the exercise of an authority conferred by statute, a city is the agent of the state, and, if it acts within the authority, and with due care, diligence and skill, is not at common law answerable for consequential damages.

Second—Acts done in the proper exercise of governmental powers and not directly encroaching upon private property, although their consequences may impair its use, are not a taking within the meaning of the constitutional provisions which forbids the taking of such property for public use, without just compensation therefor.

The text of Dillon on Municipal Corporations, says the opinion, is to the same effect.

However, if in grading a street or sidewalk the city comes earth to be deposited upon an adjoining lot, or lowering dirt thereon, it is liable for the damage caused. Hendershott vs. Ottumwa, 18 Iowa, 158 (1867).

I find no law of Congress or of the Territorial legislature giving a property owner a cause of action for consequential damages against the city for the grading or paving of a street or sidewalk, provided such grading is done in the way or required or authorized in the foregoing authorities.

In conclusion, permit me to suggest that a special committee be appointed, with the city engineer associated, to investigate as to whether the city in grading and paving the sidewalks in question has acted within the limits of the rule which I have quoted as controlling the question submitted and if not, in what respect and the amount of damages sustained by the petitioners.

THE DEEP CREEK ROAD.

The ordinance granting a right of way to the Deep Creek Railway Company through this city was taken up and read said bill lies for one week.

It provides that all tracks shall be laid in the center of the street; that they shall conform to the grade of the several streets; that whenever any of the streets along which the track runs shall be paved the company shall pave between the rails and for a space of two feet outside of each rail; that the company shall gravel and maintain in good condition the streets for a distance of twenty feet on each side of the outer rails; that the construction of the railway commence within ninety days after the passage of the ordinance, and that the same shall be completed and equipped in a first-class manner and cars running thereon from the city limits to the Deep Creek mining country within twelve months after the passage of the ordinance.

The usual restrictions as to the crossings, water boxes, speed to be maintained, etc., are also incorporated. The ordinance provides that the right of way shall be as follows:

Commencing at the eastern city limits on Tenth or Roper street, running thence west to the city canal; thence north west along the east bank of said canal to Eighth South street; thence west along said Eighth South street to the Jordan river; thence across said river to Indiana avenue; thence west on said Indiana avenue to the county road on First street, west of Cheyenne avenue, and running north and south; thence south on said county road 520 feet, more or less, to the county road running west; thence west on last mentioned county road to the city limits.

WILL NOT HONOR.

The committee to whom had been referred the petition of the Pacific Paving Company and others asking certain modifications in the specifications of the State street pavement, reported that no modifications were necessary. Adopted.

SUNDAY CONCERTS.

The committee on licenses recommended that the privilege be granted to give Sunday concerts in the Wonderland Theatre. The recommendation was defeated.

WANTS THE CITY MARSHAL SUSPENDED.

Just as Recorder Jack was about to read the appropriation list, Councilman Pickard jumped up and excitedly stammered out the following which he had taken the precaution to place on paper before the Council meeting commenced:

With reference to the order concerning the arrest of persons keeping disorderly houses, I have to state that Marshal J. E. Young came to me a few days ago, saying that he had some thirteen or fourteen complaints against these houses and asking my pleasure as acting mayor in the matter. Upon asking him the custom in the department, he replied that it was customary to pull those houses every two or three months. I informed him that I thought he had better wait until the return of Mayor Scott, in two or three days, who would be able to give the matter his personal attention as executive. Three days after this interview the marshal came to me and stated that he did not think to take the responsibility of closing off the streets until the return of the Mayor without some authority and asked me to sign an order to that effect. I signed that order as I was assured it was in accordance with the regular routine of city business. Marshal Young immediately violated the order to in this manner induced me to sign for purposes best known to himself.

I therefore move that the chief of police be suspended for twenty days pending an investigation, and I ask that a committee of five be appointed to conduct such investigation.

Hyde—I second the motion.

Lynn—Before the motion is put I wish to inquire of the city attorney if we have the authority—

Pickard (quickly)—Of course we have.

Mayor Scott—He is city—

Marshal (interrupted Mr. Pickard)—and we have a right to suspend him twenty days pending an investigation.

Lynn—I move call for the opinion of the city attorney.

Pickard—I want to say first, the chief of police is an executive officer.

Mayor Scott—You are mistaken Mr. Pickard, Mr. Young was elected by the people.

Pickard (angrily)—I don't care whether he was elected or appointed, I want him called to account. He has done me a wrong.

City Attorney Hall then said: I have before given my opinion to this council on a question similar to the one under discussion. An officer cannot be suspended or removed without specific charges are preferred in writing against him. It is the duty of the city marshal to enforce the ordinances against law breakers. If an agreement is arrived at between the marshal and mayor not to make any arrests and the former has subsequently finds it necessary to violate such agreement, I do not think he can be tried for misconduct.

Pickard—I have made these charges openly and I ask for the protection of this Council more than that, I demand it, and I again call for the question.

Mayor Scott—I rule it out of order.

Pickard (jumping to his feet)—I beg your pardon, Mr. Mayor, it is not out of order. My motion is seconded.

Mayor Scott (firmly)—I have ruled the motion out of order. If you will amend it by making specific charges I will then put it willingly. Acting upon my own convictions and in the law of the ruling of the city attorney it would be illegal.

Pickard—If I can't get justice from you, Mr. Mayor, I shall carry the matter into the Third District Court. (Sarcastically) I guess I have got that right.

Mayor Scott—You certainly have, Mr. Pickard, but I must decide according to the rules. Mr. Young was not elected by this Council, but is ex-officio chief of police by reason of his election as city marshal. We therefore cannot entertain, at least without proceeding in some other way.

Folland—There seems to have been a breach of confidence committed and these certainly ought to be some way to adjust the difficulties.

Mayor Scott—That cannot be done in the manner proposed. It is a personal matter over which this body has no jurisdiction.

Pickard (very excitedly)—I beg to differ with you. I can reach him. I don't care whether he is elected by the people or appointed by the council. That man has cast unpleasant insinuations against me.

Mayor Scott—Again I say that it is a personal matter. You have not arrested the marshal of neglect of duty. Are you willing to do that? If so the case can be investigated.

Pickard—I charge him with a breach of official confidence.

Mayor Scott—I cannot entertain it.

Pickard—Then I charge him with neglect of duty on account of violating the agreement between us.

Lynn—It is out of order.

Pickard—I call for the question.

Mayor Scott—You must make your charges in writing.

Pickard—I have.

Mayor Scott—Where are they?

Pickard (emphatically)—I gave them to you.

Mayor Scott—I have already ruled that out of order.

Pickard—I appeal from the ruling of the chair.

Folland—I can't vote intelligently on this question. It is complex, duplex and everything else that is difficult to understand. It looks like a trap has been laid by some one. Mr. Pickard has apparently been made the victim of a breach of confidence. I believe, however, that the ruling of the chair is correct.

Mayor Scott—I never have approved of the way in which the social evil has been dealt with in this city.

Quiet was restored by Councilman Hyde moving that the matter be laid over for one week, which motion carried.

APPROPRIATIONS.

The following appropriations were then made, after which the Council adjourned:

Felix & Company	$ [illegible]
Salt Lake Herald	[illegible]
Jesse Martin	[illegible]
Joseph Woolmanson	[illegible]
James Gardner	[illegible]
Jensen & Harrison	[illegible]
Wall & Carr	[illegible]
F. E. Emery	[illegible]
Dyke & Williams	[illegible]
Dyke & Williams	[illegible]
Pacific Paving Company	[illegible]
Hawkins & Griffin	[illegible]
Mountain Stone Company	[illegible]
Total	[illegible]

AN AFTER SCENE.

After the adjournment Mr. Pickard created a scene by declaring that he would not go home until he had "licked" the News reporter whom he accused of having written an article militating against his official conduct.

Suddenly Mr. Pickard turned his attention toward Mayor Scott, whom he observed leaving the Council chamber, and attacked that official so vehemently that he apparently forgot to execute his threats upon the newspaper man, who was allowed to depart unharmed.

"I want to tell you, Mayor Scott, that you are a d—d shriveled up coward, the worst I have ever seen. You didn't have backbone enough to put my motion, did you?" asked Pickard.

Lynn (who was standing some distance away)—Oh, shut up.

A voice—Put him out.

Pickard—Everybody knows Scott, old coward. The Council has adjourned and he can't rule me out of order now. He knows that, the old coward.

Mayor Scott (pacifically)—We don't want any trouble here, Mr. Pickard. You can't get a quarrel out of me.

Pickard (gnashing his teeth and clenching his fist)—No, I can't, you miserable coward.

At this juncture Mayor Scott left the hall, followed by Pickard, who continued to characterize the Mayor as one of the most cowardly wretches that had ever lived.

A Member Worker.

Mr. Frank Huffman, a young man of Burlington, Ohio, states that he had been under the care of two prominent physicians, and used their treatment until he was not able to get around. They pronounced his case to be Consumption and Incurable. He was persuaded to try Dr. King's New Discovery for Consumption, Coughs and Colds, and at that time was not able to walk across the street without resting. He used before he had used half of a dollar bottle that he was much better, he continued to use it and is today enjoying good health. If you have any Throat, Lung or Chest trouble, try it. We guarantee satisfaction. Trial bottle free at A. C. Smith & Co.'s Drug Store.

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