

**MISUNDERSTANDING.**

The Rapid Transit company represented that under the franchise granted it, there was constant liability of misunderstanding with the city as to the proper amount to be paid by the road to the city. It was therefore asked that the matter be referred to a proper committee for definite settlement. So referred.

**GRANTED.**

The committee on license recommended that the petition of Greenwald & Livingston for a liquor license be granted. Adopted.

**A DRUNKEN POLICEMAN.**

Sergeant Donovan sent in a communication in which he accused Officer Jenson of being drunk while on duty. Mayor Scott stated that the charge was undoubtedly correct and that he had asked Jenson to resign but that he would not do so. He therefore suggested that the officer be served in writing with a copy of the complaint against him, and that he be tried before the Council. The suggestion was adopted, and Wednesday evening, December 23rd, be fixed for such trial.

**LIQUOR LICENSE REVOKED.**

The following communication was read:

Mayor Scott:

Dear Sir—As per your request I append statement in regard to Franklin avenue theatre:

For some time complaints have been made to officers on the avenue in regard to loss of money at the theatre. These complaints for the most part have been made by drunken men and in several instances the prosecution has failed owing to the fact that the prosecuting witness was unable to identify the party to whom the money was given. The complaint usually arises from failure of waiter to return proper change. I have information also that in some instances men are importuned to purchase drinks when they have no desire to do so, and the drinks being ordered by one of the employes, the attempt to collect for same is a failure, owing to the lack of funds on the part of the guests.

In regard to the sale of liquor, can only say that up to a recent date the bar has been inaccessible to those in the parquette, and in the gallery the orders could only be given to the waiters. Recently the lessees have cut through the partition into the parquette, and I am informed that drinks are now being served in that part of the house.

There have been few disturbances of any kind brought to our notice and the place has been well conducted in that respect.

Yours truly,  
J. M. Young, City Marshal.

Mayor Scott—Complaints are constantly coming in regarding the character of this place and I think the license should be revoked.

Hyde—I, too, think the license should be revoked and so move.

Karrick—I think it would be better to consult our attorney on the legality of such action and make an amendment to that effect.

James—It will be remembered that when the license was granted solemn promises were made that the place was to be run on strictly moral principles. How flagrantly those conditions have been violated we all know. Almost every night reports are made of men being lured to this den of infamy and robbed of their hats, handkerchiefs, and other articles

because they refuse to pay exorbitant prices for beer and other liquor. The resort has become so notorious that the grand jury was compelled to call the attention of the Third District court to the matter. I shall vote for Mr. Hyde's motion and certainly hope it will prevail.

Mr. Karricks amendment was put and lost after which the original motion was carried.

Karrick moved a reconsideration but it was lost on a ballot of 6 to 7.

**APPROPRIATIONS.**

The following appropriations were made:

W. P. Rafferty.....	\$ 6 30
Pacific Paving Co.....	2,483 93
Wm. Harkins.....	1,598 00
S. L. Foundry and Manufacturing Co..	436 00
Mayor's contingent fund.....	100 00
Wm. Fuller.....	100 00
Mount & Griffin.....	195 00
Mont & Griffin.....	2,021 42
James Williams.....	173 00
Total.....	\$3,114 15

Adjourned for one week.

**THE BOARD OF EDUCATION.**

The Board of Education met in regular session Thursday, Dec. 17, with President Scott in the chair. The members in attendance were Messrs. Baldwin, Duke, Downey, Raybould, Young, Newman, Nelson and Pratt.

**VACATION GIVEN.**

A petition was received from the various schools asking that they be granted a vacation beginning today and lasting until the 4th of January next. Granted.

**LEAVE OF ABSENCE.**

W. W. Barton, one of the teachers, asked for a temporary leave of absence. His request was granted.

**RESIGNATION ACCEPTED.**

Rudolph Alf tendered his resignation as chairman of the committee on furniture and supplies. Accepted.

**AT A RENTAL OF \$50.**

The committee on sites and buildings reported that it had arranged with Thomas Jennings to occupy the new room in the Hooper & Eldredge block at a rental of \$50 per month. The committee had also made satisfactory arrangements with Mr. Roberts in regard to the lease of the quarters recently vacated, which was, substantially, that Mr. Roberts should be secured from loss through failure to re-let the rooms. Approved.

**A SCAVENGER EMPLOYED.**

The same committee reported that arrangements had been completed with John Green to do all scavenger work for the board at a salary of \$75 per month. Approved.

**MONEY FOR JANITORS.**

The committee on furniture and supplies recommended that 50 per cent. of the money collected for use of school houses be appropriated to the janitors; also that the salary of the janitor of the board's rooms be increased \$2 per month. Adopted.

**JUDGE DILLON ON THE ISSUANCE OF BONDS**

The subjoined opinion was received from Judge Dillon relative to the issuance of bonds:

Statement of case for opinion of counsel:

The following is a statement of the provisions of the statutes of Utah, and the facts in connection with the issue of bonds by Salt Lake City Municipal Corporation and the Salt Lake City school district:

First—The boundaries of Salt Lake City are fixed by its charter, granted by the Legislature of Utah (vol. 1, Compiled Laws of Utah, 1888, page 338).

Second—The county courts of the several counties in Utah were, prior to the session of the Legislature of 1890, authorized to divide the counties into school districts, change the same and create others, etc. (See same volume Compiled Laws, page 299; also section of school law, same volume, page 677, and following.) Under this condition of the law the County Court of Salt Lake County had, prior to the year 1890, divided Salt Lake City into twenty one distinct school districts.

Third—Salt Lake City, by virtue of its population, is a city of the first class.

Fourth—At the Legislative session of 1890 the Legislature of the Territory passed an act entitled "An act to provide for a uniform system of free schools throughout Utah Territory, approved March 13, 1890. This last act, by section 133, repealed all previous acts upon the subject of schools.

Section 100 of this act of 1890 provides that all cities of the first class and second class shall be governed by the provisions of article 15 of said act, and that each of such cities should therefore constitute one school district. Subsequent provisions of the act to provide for the election of a Board of Education in each of the said cities, and the appointment of a Superintendent of Schools in such cities; and by section 114 of said act, it is provided that the school trustees of said city, together with the mayor thereof, shall be a body corporate under the name of "The Board of Education of the City of —."

Fifth—The act of Congress of July 30, 1886, by section 4, limits the rights of political or municipal corporations, county or other subdivisions in any Territory of the United States, to incur indebtedness exceeding 4 per centum of the value of taxable property within such subdivision.

Upon this state of the law and facts, the question arises:

First—Whether or not for the purpose of incurring indebtedness, the Salt Lake City municipal corporation and the Salt Lake City school district are one and the same political subdivision within the meaning of the act of Congress, and that the power of, both to incur indebtedness is limited to 4 per centum of the assessed value of the property; or whether, under that act, the municipality for its special purposes may incur indebtedness to the 4 per centum, and the school district to a like amount, so far as the congressional limitation is concerned.

Second—If the Legislature had not consolidated the whole of the city into a single school district by the act of 1890, would these separate school districts have been authorized under the act of Congress, to have incurred indebtedness irrespective of the fact that the municipality, for its purposes, might have previously incurred indebtedness up to 4 per centum of the assessed property?

Third—If the Legislature should repeat the provision of the act of 1890, constituting the said city a single school district and divide it into two or more, would such districts have the power to incur indebtedness, provided 4 per centum of indebtedness on the assessed value of the property had been incurred by the municipality of Salt Lake City for its special purpose?

**OPINION.**

I have carefully considered the statute provisions, Congressional and Territorial, above referred to, and am of opinion that