

which it was created. The power to refund money upon the theory of moral obligation is not to be found among any of such classes of powers possessed by the county. The powers of the county fall far short of those of a natural person.

The statutes governing expenditures and payments by it seem to contemplate that none shall be made, except for work or services performed or supplies or property received. Court Laws, Sec. 196: All payments made in violation of the act regulating "county administration" are void (Id. Sec. 174); and members of the county court who knowingly authorize any such payment are liable on their official bonds and personally (Id. Sec. 175).

That the case of the petitioner is a most deserving one, in itself considered, need not be said. The moral obligation to refund the money in question is clear beyond doubt, and it may be that in the foregoing opinion I have taken too narrow a view of the law. But after due consideration I have been unable to arrive at any other conclusion, and regarding the question merely as a doubtful one, it is the part of providence for you to leave its decision to the courts in case the petitioner desires to have it there adjudicated. Yours respectfully,

WALTER MURPHY,
County Attorney.

THE COW ORDINANCE.

Editor Deseret News:

In your issue of March 27th, under the head of "Getting Worse," I read what Mr. S. H. B. Smith says in his own defense in regard to the ordinance prohibiting any person from keeping more than three cows within the corporate limits. Mr. Smith seems to think the ordinance is put up for him. It looks a little that way. Our Legislature is restricted in regard to passing special laws for cities. Have the cities any right to pass special ordinances for individuals. Mr. Smith is not allowed to keep more than three cows in the city. How about Mr. Brown keeping twenty horses in a livery stable? Mr. Jones keeps six or eight hogs, Mr. Johnson is feeding a dozen steers for market. Does the ordinance take in Messrs. Brown, Jones and Johnson? If not, why not? I understand you have between eighty and ninety saloons. This does not seem to annoy the city fathers, or at least a majority of them—the more saloons the more revenue. The Council must have money, or how can they make permanent improvements, past and contemplated? But one well appointed, clean dairy is a nuisance. This looks like straining at a gnat and swallowing an elephant.

I am of the opinion, that less saloons and more dairies, such as Mr. Smith's, would be much better for the health, happiness and peace of the people and that if Mr. Smith takes the matter to a higher court he will have the privilege or right to keep his cows in the city as well as the livery stable keepers or others who keep from two to twelve horses or other animals in the corporate limits.

Perhaps, Mr. Editor, you will infer from the foregoing that I am in favor of stock being kept in cities. I am not, only what is necessary. I see too many corrals right up to the street line and too much filth. I do not think any person should be allowed in a city to have a corral, stable or pig pen within

3 or 4 rods of the street line and that they should be required to keep such places clean.

VULCAN.
RICHMOND, Cache Co., Utah, March 30, 1891.

CITY COUNCIL.

Mayor Scott returned from California Tuesday, March 31st, and presided at the regular session of the City Council March 31. The following members were also in attendance: James, Hall, Parsons, Cohn, Lynn, Noble, Armstrong, Wolstenholme, Heath, Karrick, Spafford, Pendleton, Pembroke, Anderson and Pickard.

PETITIONS.

Policeman J. J. Roberts asked to be remunerated for damages alleged to have been sustained to his team, wagon and harness by a city gravel bed falling on them. Committee on claims.

Charles Jaescheke asked for permission to erect a fruit stand opposite the Rio Grande Western depot on Second South Street. Committee on license.

Andrew Gehhardt et al. asked that Oscar Emon be appointed special policeman. Granted.

William Thompson asked for relief from defective drainage at 529 south Second West Street. Granted.

J. W. Goldthwait et al. asked to have Sixth South Street graded between Ninth and Tenth East streets. Committee on streets.

Charles B. Taylor, through his attorney, asked that the city purchase from him a strip of land 5 x 11 rods between the city and the military reservation, known as Third Street. Committee on public grounds.

The Union Pacific Railway Company asked that Henry Wenzel, James M. Cochran, Hugh Feeney and G. B. Edgar be appointed special policemen to protect its property. Granted.

Samuel Galleazzi et al. asked that an order be issued by the council compelling the Rio Grande Railway Company to grade and gravel Sixth West Street from North Temple to Fourth North Streets. Committee on streets.

John W. Jones and Fred J. May asked for permission to pile building material at 54 and 56 east, eFirst South Street for 90 days. Committee on public grounds.

John T. Buckle asked to be allowed to pile building material on Seventh East Street between Third and Fourth South Streets. Committee on public grounds.

W. D. Gaby asked permission to pile building material in front of 129 west First South Street for thirty days. Granted.

Isaac and William C. Jennings asked for a corrected deed to part of lot 6, block 67, plat A. Referred to the city attorney.

L. E. Cassady et al. asked that Eighth South Street, between Third and Fourth East streets be graded. Committee on irrigation.

E. W. Taylor et al. asked for better police service in the southeastern part of the city. Referred to the city marshal.

The Board of Education asked that a sewer main be laid on Second West Street far enough north to allow connection to be made with the Fourteenth District school building.

"A FAULTY JUSTICE (?) MILL."

A. McDonald represented that on the morning of March 28th of the present year, one James Mitchell intercepted him on East Temple Street by seizing the bridle of a horse that he was driving at the time, and that after remonstrating with him and vigorously applying a horse whip to him, he was arrested by Policeman Randolph and taken to the City Hall and fined \$10, while his assailant was unmolested. This was entirely wrong and seemed to be the exercise of that discretion which measured the ability of the victim to pay. The lubrication of the machinery of "such a justice (?) mill" in the manner mentioned was a violation of law, and ought to be investigated. Committee on police.

APPOINTMENT CONFIRMED.

Watermaster J. M. Harvey reported that he had appointed E. S. Mulford as deputy watermaster for the Fourth Precinct. Confirmed.

OFFICE ROOMS RENTED.

City Engineer Doremus reported that he had rented and removed his instruments and office fixtures from the City Hall to the Deseret National Bank building. Adopted.

MAPS APPROVED.

The city engineer reported that maps and profiles of the Mechling and Flemming subdivisions had been made in accordance with law and asked for instructions regarding the same.

ABOUT DOG TAX.

Joseph Silver, dog tax collector, reported the collection of \$237 on seventy-nine dogs, for the month ending March 31. Adopted.

The city recorder reported the publication of the notice of intention to curb and gutter First East Street. Received and filed.

CEMENT MACHINE O. K.

The city engineer reported that the cement testing machine recently purchased by the city had been received and was in good condition, and recommended that it be paid for at once. Adopted.

PETITION DENIED.

The committee on irrigation reported adversely on the petition of L. R. Sharp et al. to have the ditch on Roper Street lowered from West Temple Street to the Jordan River. Adopted.

THE COW ORDINANCE TO BE ENFORCED.

The committee on sanitary regulations to whom was referred the petition of S. H. B. Smith, with reference to keeping more than three cows within the corporate limits of the city, recommended that the ordinance relating thereto be put in force at once. Adopted.

STREET SPRINKLING.

The street sprinkling committee reported as follows: Your committee on sprinkling respectfully report that the district created by ordinance at the last meeting of the Council covers thirty miles of streets both sides. We estimate the cost of sprinkling the same for the season will be \$30,000, or ten cents per front foot on the property abutting on the streets within said district. Adopted.