

the reporter who would have given a favorable verdict for the defense had they been permitted to sit on the jury. The others thought that some punishment should be inflicted, but none were severer than a very brief term. This is fairly indicative of the sentiment in Lincoln, formed from the few facts published at the time of the tragedy.

The defense has testimony which will startle the community, but desperate efforts will be made by the prosecution to resist the introduction of the same.

Mr. Irvine is standing the strain as well as could be expected, and his Salt Lake friends are ever at his side to offer their support and comfort.

Very close examinations of the jurors on their family relations are being made and it is safe to predict that it will finally be composed of married men exclusively.

Up to noon the defense has exercised twelve of their sixteen peremptory challenges and the prosecution five of their six. The prosecution has twenty-one witnesses. The defense have not decided yet just how many they will put on the stand, but if they use expert testimony a hypothetical question will be asked requiring nearly an hour to put it.

It is generally understood that the theory of temporary insanity will be set up by the defense, and when the terrible ordeal through which Mr. Irvine was compelled to go for nearly a week prior to the culmination of the tragedy is known, it is generally believed here in Lincoln that the community will have but one thought—that of his exoneration.

LINCOLN, Oct. 12.—At 8:15 this afternoon, after the examination of the ninety-third jurymen, both the general and special panel were exhausted. The court ordered another panel of fifty citizens and adjourned till 10:30 tomorrow morning. The state has but one, the defense three peremptories left.

CITY COUNCIL.

The City Council met in regular session Tuesday night, President Loofbourow in the chair. The councilmen in attendance were: Rich, Folland, Hardy, Karrick, Moran, Horn, Bell, Lawson, Kelly, Evans, Wantland, Heise, Beardsley, Simonds.

Absent—None.
City Attorney Hoge not being present his assistant, Edward F. Coad acted as legal adviser for the municipal fathers.

PETITIONS were read and referred as follows:

W. A. Needham and others asked for an extension of watermains. Committee on waterworks.

A communication from the Salt Lake Street Car company regarding the use of combination poles was referred to the city engineer.

Frederick Heath and others asked that certain streets be repaired. Committee on streets.

L. P. Kelly and others asked that a grade be established on certain streets for building purposes. City engineer.

Captain Greenman and others asked that G. D. Ames be appointed to the position of meat inspector. Committee on markets.

C. C. Wilson asked to be allowed to

erect a fruit stand at the corner of second South and Main streets. The petition was denied.

H. F. Taylor asked for an electric light at the intersection of Fourth South and Seventh West streets. Committee on improvements.

ANOTHER EXECUTIVE VETO MESSAGE.
The following from the mayor was read:

C. E. Stanton, City Recorder:
Dear Sir—I hereby return disapproved the resolution granting a franchise to the Great Salt Lake and Hot Springs Railway company, passed by the City Council October 4, 1892, for the following reasons:

Section 3 recites that "In consideration of this grant and franchise, said grantee shall within four months after the date of the passage of this resolution (unless granted further time by the City Council) begin the actual construction of a broad-gauge railway to the west from Salt Lake City."

The consideration thus stated is in point of fact no consideration at all. How far to the west or from what point a broad-gauge railway shall be constructed is not stated; whether it is to be extended west one inch or to Deep Creek is a matter of conjecture. Certainly it is not a matter of conjecture that the grading by the grantee of a few feet of broad-gauge railway roadbed within four months from any point to the west would fully meet the requirements of said section, and be a full performance of the consideration stated.

Franchises which injuriously effect the value and tenore of property in the vicinity should be granted only when the interests of the public imperatively require this to be done.

For speculative purposes they should in no case be granted. In cases when the granting of a franchise would be proper such conditions and requirements as are calculated to insure good faith should always be incorporated in the grant.

In the case under consideration this has not been done, and after the grantee shall have made a commencement, however slight, within four months, nothing further can be required towards constructing a road of utility to the city.

The grantee should have been required to do something the performance of which would show good faith and that the franchise was not for speculative purposes merely.

Section 2 provides that "If the grantee, its successors and assigns shall fail to perform all the stipulations of this resolution, the council, after sixty days' notice, may declare the privileges herein granted forfeited."

If it was intended by this provision that a failure to perform any one of the stipulations of the resolution should work a forfeiture of the grant at the election of the City Council, the language selected, to say the least, was not well chosen.

The language should be so explicit as to admit of but one construction. I, therefore, suggest the insertion of the words "any one or" between the words "perform" and "all" in the third line of section 2. As thus amended, there can be no question as to what is meant. Again, no point at which the construction west shall commence is fixed, the language of the resolution on this subject being that the grantee shall "begin the active construction of a broad-gauge railway to the west from Salt Lake City." This, by implication, gives the grantee the right to begin at any point it may select, and to construct west beyond the city limits.

A franchise so vague, indefinite and yet so broad and sweeping as the one in question, in my opinion, should not be granted.

A BRIEF TEMPEST.

Horn—This is not the first time that this Council has been chastised or reproved by this man Baskin. Now I want to ask the question, Are we fifteen authorized councilmen or are we fifteen dummies? It seems that we cannot pass a single resolution or ordinance but what this man returns it vetoed with insulting language. I am in favor of passing the ordinance over his head and with fifteen votes at that.

Moran—I call the gentleman to order.

The chair—State your point of order.
Moran—I object to any such a declaration.

The chair—The point is not well taken.

Rich—I can tell the gentleman how long this thing will last. It will be just as long as the present city attorney is allowed to draw up our ordinances.

Lawson—Mr. Horn is right. The actions of our mayor are becoming unbearable. For one I do not propose to allow everything he mixes up for us. I am a man who is not afraid to speak his sentiments. If a man is in the wrong I will tell him so; I don't care who he is. This autocrat is going a little too far.

Moran—O, you never mind, I am able to take care of myself.

Lawson (hotly)—Well, may be you can, but so can I, and—

The chair (striking the table with his gavel fiercely)—Come, come, gentlemen, this thing must cease. You must not indulge in this personality.

A vote to pass the measure of the mayor's veto was lost as follows:

Noes—Beardsley, Bell, Folland, Hardy, Loofbourow, Moran, Rich, Simonds, Wantland—9

Ayes—Heise, Horn, Karrick, Kelly, Lawson—5.

Moran—I now move that we take up the franchise and amend it in accordance with the recommendations of the mayor.

The motion prevailed, another wrangle followed. After half an hour had been spent in a display of useless but entirely characteristic oratory, Hardy moved that further action be postponed until Tuesday night next. He gave as his reasons for so doing that he wished to consult with the members as to the advisability of taking the preliminary steps towards compelling all the railroads to come into and leave the city on one street. That was done in other large cities and must sooner or later be adopted here. Lost.

The ordinance was not only amended as recommended by the mayor but several minor amendments were made.

The mayor did not return the ordinance with his veto as called for by law, and it was read from a copy and passed on a vote of twelve to three, notwithstanding that Hardy sprung the point that the proceeding was irregular.

SEWER PIPE.

A communication was received from the mayor submitting the following bids received for two miles of sewer pipe for the action of the council.

Kansas City Sewer Pipe Co.....	\$ 2,578 65
Freeman Fire Clay Co.....	3,381 00
San Francisco Sewer Pipe Association.....	2,700 00
California Pottery and Terra Cotta Co.....	2,800 00