

Mr. Eichnor again warned the council that the appropriation would be illegal. That was the opinion of Col. Merritt, city attorney, and of leading lawyers.

Mr. Pickard was in favor of making the appropriation, but wanted its legality investigated.

Treasurer Walden said that as a city officer he would have to follow the advice of the city attorney, and asked the council not to act hastily.

Mr. Spafford was in favor of the appropriation if it could be made legally.

Mr. Hall withdrew his motion, and the question was referred to the finance committee, to report on Thursday evening.

Mr. Pendleton offered a resolution to the effect that no assessment be made for extending the water mains on property already supplied with water from the waterworks. Referred to the committee on waterworks.

The following appropriations were made:

J. B. Berech, for work on Liberty Park wells.....	\$ 96 00
Salaries of city officers.....	10,000
Watson Brothers, for sprinkling.....	\$12 00
W. J. Coots, city's portion for filling cesspools.....	97 91
O. L. Stevenson, for one month's services on the expert water commission.....	300 00
J. M. Mack, for two weeks' services on the same commission.....	150 00
Salt Lake Abstract Company, for plats for the assessor.....	600 00

Two retail liquor licenses were granted.

The bond of Acting Mayor Parsons was approved. His sureties are A. Hanauer and N. Treweek.

Mr. Pendleton said the sprinklers at Liberty Park were short of water, and wanted another well sunk there. Action was deferred for the present.

The Council then adjourned till Thursday evening, May 29th.

The City Council held a special session on Thursday, May 29, Acting Mayor Parsons presiding.

The finance committee, to whom was referred the petition of the Chamber of Commerce and citizens, asking for an appropriation of \$2,500 to the Fourth of July fund, recommended that the petition be not granted, and gave the following report of City Attorney Merritt:

*To the Mayor and Council of Salt Lake City:*

In the matter of the application of certain citizens for an appropriation to assist in celebrating the Fourth of July, upon examination I am of the opinion that the Council has no power to make such an appropriation.

Article 4 of "An act providing for the incorporation of cities," approved March 8, 1888, on page 68 of the Revised Ordinances of Salt Lake City, subdivision 2 of article 4 of said act, among the powers of the council is the following: "To appropriate money for corporate purposes only." It is quite clear that celebrating the Fourth of July is not a "corporate purpose." Dillon, in his work on municipal corporations, vol. 1, page 176, section 148, third edition, states that "without ex-

press authority a public corporation cannot make a contract to provide for celebrating the Fourth of July; that such contracts are void." Clearly, this corporation cannot make the appropriation without a clear and palpable violation of the law.

The council are only trustees for the city, and must act within the express powers granted. If the appropriation is made, any taxpayer could enjoin the city from paying it.

This is not a novel question, and has been frequently decided in other States. See *Hodges vs. Buffalo* 2 Denio (N.Y.) 110; *Cornwell vs. Guilford* 1 Denio 510; *Hood vs. Lynn*, 1 Allen (Mass.) 103; *Gerry vs. Stoneman*, 1 Allen (Mass.) 319. Nor to celebrate the surrender of Cornwallis; *Tash vs. Adams*, 10 Cushing (Mass.) 252. In *Denio* 110, Justice Jewitt says, "Corporations have no other powers than such as are expressly granted, or such as are necessary to carry into effect the powers expressly granted." This is a principle of the common law, and was adopted by our legislature in defining the powers of municipal corporations in Utah. The question then is beyond the realm of debate, and is too plain and is too well settled to be questioned.

While, as patriotic citizens, we rejoice in the proper celebration of the natal day of our great republic, yet as law-abiding citizens and trustees of Salt Lake city I again reiterate that the council cannot, without a clear violation of the law, make the appropriation.

Respectfully submitted,

S. A. MERRITT, City Attorney.

The report was adopted.

The committee on improvements recommended that a written contract be made with C. E. Apponyi for plans and specifications for the city and county building, as agreed to by the former council, and that the architect be paid \$500 on account at once.

The report was adopted and the city attorney instructed to draw up such a contract.

The bill for "An ordinance providing for paving, re-paving and macadamizing or repairing streets and alleys in Salt Lake city" was then taken up on third reading, and was passed without amendment, Councilmen Kurrick and Armstrong voting against it.

Councilman Hall moved to reconsider the vote. The motion was lost.

The bill for an ordinance prescribing and defining the duties of the board of public works of Salt Lake city was then taken up.

Councilman Hall thought that the salary of the members of the board, except the chairman, whose salary is fixed by statute at \$1,500, should not be reduced from \$500 to \$250 per annum. He didn't think it was possible to get good men to serve on the board for \$250, any more than it was possible to get good men to serve in the city council at the same figures.

The motion to amend was carried, and the bond of members of the board, except the chairman, was reduced from \$10,000 to \$5,000.

The bill was then passed, Councilman Hall being the only negative.

The ordinance creating a board of health next came up. The salary of the health commissioner, which was left blank in the bill, was fixed at \$125 per month, while the salary of the city physician was fixed at \$50 per month. The two other members of the board, exclusive of the mayor, are to receive \$5 each for each meeting attended. The ordinance providing for a city scavenger is repealed by this ordinance, which was passed by a unanimous vote.

The council then adjourned until Tuesday evening next.

### A CITIZEN IN SACKCLOTH.

It strikes me that the "Liberal" administration in Salt Lake City is running things in rather a high-handed manner—utterly reckless in regard to expenditures and not very careful of keeping within the bounds of the law. Just think of the weekly additions that are being made to the list of paid officers of the city. A Lord High Scavenger was appointed a few weeks since, with a salary of \$125 per month, to direct citizens where they ought to haul their manure and dead animals to, and now that dignity asks for the appointment of an assistant at a salary of \$75 per month, and his petition will doubtless be granted. A board of public works, a corps of mounted police, and numerous salaried assistants to the already existing officers all help to swell the list, which is now perhaps fully treble the number what it was under the old regime. Then, too, the taxes are piling to an extent that is really appalling to a poor man. The sewer tax, additional special water tax, sidewalk tax and sprinkling tax, with the prospective paving or macadamizing tax now looming up, in addition to the taxes which people have been wont to pay in the past, are almost if not quite enough to compel every poor man with a small income who happens to own a home anywhere near the center of town to sell out and remove to the country. If I am correctly informed, there is no warrant in law for the sprinkling tax which is now being assessed, and which amounts in some cases to as much as the whole of the city tax heretofore. I was this morning the recipient of a missive from E. R. Clute, notifying me that unless I paid \$23.00 levied against me for street sprinkling before June 19th, the same would be collected with costs. I happen to own a corner lot with a total frontage on two streets of 17 rods. If the ordinance allowed him to assess me eight cents per foot for frontage on both streets (which it does not) my total tax for sprinkling would only amount to \$22.44, but I fail to see the justice of my being taxed at all for the street sprinkling, inasmuch as my home has had no benefit from the sprinkling, unless it was upon one occasion some weeks since when