

cision upwards of thirty instances of malfeasance in office. The report bears the date of May 23, 1887.

Among the accounts alleged to be false are charges for issuing papers and examining witnesses in a large number of cases where the defendants were never before McKay, not having been arrested. In this list are many well known names in your city. I mention as an illustration, Joseph F. Smith, fees charged, \$15.65; Joseph E. Taylor, \$17.95; and George Teasdale, \$13.65.

In conclusion, Examiner Fisher says: "In my opinion, McKay has been guilty of most flagrant frauds in the matter of his accounts and has wilfully and intentionally falsified them for payment, knowing the same to be fraudulent. I further believe, and so recommend, that he should be removed from his position and that he should be prosecuted criminally as provided by section 5438 of the Revised Statutes, for presenting false, fictitious and fraudulent accounts for payment, knowing the same to be false and fraudulent; and also under section 5392 of the Revised Statutes for perjury, for wilfully and knowingly making oath to the said fraudulent accounts. The grand jury of the Third District Court of Utah meets again July 6, and I believe and recommend that the matter should be called to their attention."

Judge McKay was seen this morning relative to the contents of the dispatch. He said: "All that I know of what the attorney-general has done is contained in the telegram. I have received no word about it myself."

Being asked whether he had any statement to make as to the charges made, he said, in substance: "The paper does not give sufficient of the report for me to make any statement. I will, however, present my side of the affair at the proper time, and the attorney-general will doubtless learn something of that, though he has acted without giving me a hearing, that is, if he has acted. Until I know more of what has been done, and have time to examine the accusations made, I cannot make any statement whatever of the case."

Mr. McKay replied in a quiet tone to all the inquiries made of him, though it was evident that he was feeling very uncomfortable over the news. And well he might; for a dismissal on such grounds as those given in the dispatch is a serious matter. The report of the examiner mentioned certain accounts some of which are cited above, but when they went to the comptroller they were allowed.

In regard to the contest over the marshal's office, the removal of Mr. McKay, while it may improve Mr. Parsons' chances, does not determine the issue. The two gentlemen are neighbors, yet there is a very bitter feeling between them, and it has been brought out strongly at Washington. Mr. Parsons hurried down there to offset the charges made against him with counter charges against Mr. McKay, but finds that the latter has fallen under the official axe, through the operations of

some other antagonist. The dismissal of Mr. McKay has caused considerable uneasiness of others who now wear official robes, and there is a feeling of anxiety to know just where the lightning will strike next.

STREET RAILROAD ON FIRST EAST STREET.

First East Street was the scene of considerable commotion on March 26. At the usual hour for laborers to begin their day's toil, gangs of men provided with picks, shovels, etc., made their appearance on the street, and under the direction of Superintendent Read and his assistants in the employ of the Salt Lake City Railway, stationed themselves at various points from North Temple to Ninth South Street, and began preparing the bed for a double track railway. This proceeding was unheralded, but the curiosity of the people was soon satisfied by the explanation that the extension of the street railway along this thoroughfare was the improvement that had been promised in the latter part of last year, but which, owing to the severe weather, had to be deferred. Now that the spring was open, and the floods on hand, the street railway was going to work in earnest. There was no disputing this assertion, for between 150 and 200 men were plying their tools vigorously, and within a short time the eye could trace along the entire street the line of the excavations for the ties.

The people along the street were generally jubilant at the prospect of rapid transit connection with other parts of the town, and the action of the railway company plainly indicated two conditions, one being that the public look with strong favor upon the service now given by the electric cars, and the other that the residents along the entire length of First East street are very anxious for the street railway to put a line down there.

The proceedings caused quite a commotion at the City Hall, and among certain capitalists, the latter particularly. Members of the City Council presented themselves and asked what authority the railway had for putting a track down on the street. The reply was that the company's franchise gave them the right and the public good made it necessary. Then Mayor Scott came and made a similar inquiry, eliciting the same response. He denied that such was the fact and declared that the company had no franchise. The railway officials insisted that they had, and had held it for fifteen years or more. The mayor, however, would not accept this statement, and ordered the work to be stopped forthwith.

Things began to get on a lively appearance, particularly at the City Hall crossing over First East, where several hundred men had assembled to listen to what was going on. There was a great deal said, the mayor insisting that the railway company must not put its line there, and must forthwith withdraw its work-

men. The railway men took the position that he had no legal right to take the course which he had indicated. They had a right to lay a track on the street, and if the mayor or corporation questioned it, the lawful way to proceed was by securing an injunction and letting the courts decide the matter. The streets were not the property of the corporation, but were for the use of the public, and as the operation of street railways was a legitimate use, when a company had received a franchise, it was unlawful to prevent their enjoyment of it except in the way provided by law, which could only be determined by the courts.

Mayor Scott gave directions to Marshal Young to prevent further work on the street, and insisted that he knew of no franchise granting the railway company the right to occupy that street. Then a force of policemen was called to execute the Mayor's orders, by force if necessary, though neither the railway men nor their employees exhibited any belligerent spirit. The railway men did, however, denounce the use of force to prevent the prosecution of the work as an outrageous and unlawful proceeding, and they suggested that if the mayor knew of no grant to the company for First East Street, he should find out what had been done and ascertain what the city's actual position was before he proceeded.

The matter was discussed to a considerable extent, but it was evident that no arrangement could be made at the time to definitely settle the matter, so President McCune and Vice-President Chambers, of the railway company, agreed with the mayor to suspend operations while the attorneys for the respective parties endeavored to arrive at a solution of the problem. The storm coming on just after work was stopped prevented any effort at resuming operations during the day.

As to the question of the charter, for the railway company, the first franchise was granted April 26, 1872. It provided that certain conditions should be complied with in the laying and operation of railway lines. Among these conditions was one that certain portions of the track should be laid within a given time. One part thus affected was First East Street, between First and Third Third South streets. Four years after the granting of the first franchise, an extension of its terms was asked for, as to the streets on which lines could be operated. The following was passed by the City Council, as shown by the record:

RESOLUTION

Granting to the Salt Lake City Railroad Company the right to construct and operate a street railroad in certain streets in said city.

Be it resolved by the City Council of Salt Lake City that the Salt Lake City Railroad Company, its successors and assigns, have the authority and consent of the City Council, and the permission is hereby granted it, to construct a double track switch commencing at the intersection of First South and Second East streets, and running north on Second East Street twenty (20) rods, thence east four (4) rods