

tained much information that would be valuable to his office and that he would like a copy of the same. Granted.

The same officer reported that \$80 was due Mr. Morrison for laying a drain from the new eugene house, and asked that the amount be allowed. Appropriated.

A report from the same officer stated that the Utah Central Railway Company, the Salt Lake City Railway Company, the Salt Lake Rapid Transit Company, have each been granted the right to construct and operate tracks at the intersection of Fifth South and Tenth East streets, and that the work so far done and now being done, under their respective franchises was without reference to the joint rights of the several companies but that each company operates to its own particular advantage regardless of the effect upon the other companies, or the public, for the express purpose of precluding all others. In order to prevent this in the future he advised that some action which will take the option of location out of the hands of these companies entirely, and place it with some designated committee or officer of the city. Granted.

Report of the committee on cemetery to whom was referred the bill of Igo & Carthey, for plumbing done at the lodge in the month of September amounting to \$72.25, recommended that the same be paid. Amount appropriated.

Report of Watermaster Harvey submitted the expenditures of his department for the quarter ending September 30, as follows:

Watermaster, controlling irrigat-	
ing waters.....	\$10,835 63
Jordan and Salt Lake Canal.....	2,525 87
Parley's Creek Canal.....	543 86
Total.....	\$13,907 36

City Attorney Merritt reported as follows:

That in view of the vacancy in the office of city recorder, he submitted a bill for "an ordinance providing for filling vacancies that may exist in any elective office of Salt Lake City." The charter authorized the council to provide for such vacancies as might occur in any elective office, etc. He found upon examination that there was no ordinance providing for the filling of such vacancy, and therefore reported the bill and asked its passage before the Council proceeded to fill such vacancy. Adopted.

The same officer reported that in matter of the communication of E. R. Clute, assessor and collector, in regard to the special assessment, for the extension of the water mains, assessed against the Deseret University, reported that he had examined the question and is of the opinion that said assessment cannot be enforced against the property of the said University, for the reasons that the title to said property is held by the Territory for the uses named in the deed conveying said property, in trust for educational purposes, and that the city made the conveyance, and that the University is a Territorial institution, supported by the Territory, by legislative appropriations, and as such cannot be assessed

sed or taxed for local purposes. Adopted.

Committee on streets reported as follows:

That the bill of W. J. Tuddenham for \$131.25 be granted; that the plat of Denver Place be approved; that the alley west of Commercial Street be made to conform to the grade of Commercial Street; that the petition of J. Warburton and others, asking that Roper Street be graded, be not granted; that the city engineer be instructed to furnish estimates of cutting and filling necessary to open State Street to the Capitol Hill grounds between North Temple and Capitol Hill, and that the board of public works be authorized to let a contract for work to the lowest responsible bidder. Adopted.

City Assessor and Collector Clute reported that he was in need of a complete set of maps of the various blocks and subdivisions of the city and asked that the city engineer be instructed to furnish them at the earliest convenience. Adopted.

A bill of the Salt Lake Building and Manufacturing Company amounting to \$290.89 for fencing done at the City Cemetery was read. Committee on Cemetery.

The ordinance for filling vacancies that may occur in any elective office of Salt Lake City was then taken up and passed.

The ordinance is as follows:

An ordinance providing for filling vacancies that may exist in any elective office of Salt Lake City.

Section 1. That in case any vacancy may exist in any elective office of the city, the city council shall appoint a suitable person to fill said vacancy, who shall qualify and give bonds in the same manner, perform the same duties, and be subject to the same liabilities, as the officer whose office shall become vacant, and he shall hold office until his successor shall be duly elected and qualified, unless sooner removed by the City Council for cause.

Section 2. This ordinance to be in force from and after its passage.

The cemetery ordinance providing for the narrowing of a certain avenue in the City Cemetery then came up.

On motion of Councilman Cohn, action was deferred for one week.

Mr. Cohn said: That after due consideration, and Consultation with the people most interested in the matter, the Committee on Cemetery would, at the next session of the Council, introduce a substitute bill which would take one rod from the center of the avenue mentioned, instead of detaching it from the sides, making two one-rod streets instead of one two-rod street.

The request was complied with and the matter deferred another week.

An ordinance providing for the assessing and collecting of a sidewalk tax from property on either side of Second South Street, in District No. 4, was read. Committee on Streets.

At this juncture of the proceedings Mayor Scott said: "There is a vacancy in the office of recorder, shall we now proceed to fill it?"

An affirmative reply was given and the nominations were announced as follows:

C. O. Farnsworth nominated himself.

Councilman Cohn nominated J. F. Jack.

Councilman Pembroke nominated S. T. Pearson.

The election was conducted by ballot, Councilmen Wolstenholme and Armstrong acting as tellers under appointment by Mayor Scott.

The result of the vote was:

Jack.....	7
Pearson.....	6
Farnsworth.....	0

Mayor Scott—Mr. Jack is the successful candidate. I declare him elected.

Councilman Pickard—In my opinion it will require at least eight votes to elect, that number being a majority.

Mayor Scott—A majority of the members present is sufficient.

Councilman Pickard—I think not. I insist that it requires a majority of all the members of the Council to fill any vacancy.

Mayor Scott—That is a mistake.

Councilman Pickard—I call for the reading of the law on the matter.

This demand was granted, by the city attorney referring to the ordinance bearing on the question.

Mr. Merritt took sides with the mayor, and the result remained unchanged.

RESOLUTIONS.

The resolution granting a franchise to the Great Salt Lake & Hot Springs Railroad Company was then taken up. The resolution grants the company a franchise to build and operate a single or double track railway, to be operated by steam, dummy, horse, cable or electricity, on the following streets: Beginning at the intersection of South Temple and East Temple Streets, and running thence north on East Temple over the aqueduct, thence west on North Temple to Third West; also a single track only from the intersection of North Temple and Third West Street to Ninth North, thence northwesterly along Monroe Street to the boundary line of Hamilton Street, thence west along Hamilton to the westerly boundary of the city limits. Also a single and double track, beginning at the south boundary of Oak Street of Folsom's addition, at a point opposite an alley between lots 1 and 28, block 17; thence northerly to Cleveland Avenue; thence northerly along Cleveland Avenue and the county road 1820 feet to a point on the westerly boundary line of the county road. The company is required to keep in good repair the space inside and between the tracks for a space of two feet on each side of the same; they are to run cars as often as public convenience shall require; the rate of speed is not to exceed twelve miles an hour and the price of a single passage shall not exceed 10 cents, and the company shall pay a per capita tax of 1½ mills on each fare collected, into the city treasury. The franchise is granted for a term of twenty years.

Councilman Pembroke—I move to strike out the words steam dummy. The motion to thus amend was defeated, and in lieu thereof the franchise was recommended so as to vest in the city the right to order a change of motive power at any time.

Councilman Pembroke then moved to strike out the enacting clause. This did not receive a second, and Mr. Pembroke said: