

Today's Ogden News

INJUNCTION IS DISSOLVED

Ogden City and Waterworks Co. Win in Suit Brought by J. J. Brummitt et al.

BURGLAR CAUGHT AT RAWLINS

Case of Smallpox Causes Apprehension Among Health Officers—Tabernacle Services Sunday.

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W. H. Eaton Confesses to Entering Edmund Tailoring Establishment.

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Ogden, March 9.—A lengthy discussion has been rendered by District Judge Howell in the case of J. J. Brummitt et al., against the Ogden Waterworks company and Ogden city, wherein the plaintiffs asked that the court declare the ordinance null and void as passed by the Ogden city council Sept. 21, 1906, and approved by the mayor two days later and accepted by the Ogden Waterworks company, granting to the Waterworks company the right to maintain and operate in Ogden city a system of waterworks and fixing the rates agreed upon and authorized to be charged water consumers and the price to be paid by the city for hydrants. The court in deciding the case against the plaintiffs said in part:

It does not seem to the court that the second contention made in behalf of the plaintiffs presents any live question for the consideration of the court at this time. The city council is vested by its charter with authority to regulate water rates, and if it be true, as contended by the plaintiffs, that the city has no right to bind the city and its inhabitants to certain rates for a term of years, then these rates may be changed by the city at any time, and until such attempt is made to change the rates from those fixed in the ordinance, the question as to whether the city has the power to do so is purely academic. So also is the question as to whether the city has authority to delegate to a committee the power to fix rates purely a question of the future, for it may be that this particular portion of the ordinance will never be acted upon, and it would therefore seem clear that at this time there is no reason why the court should declare this entire ordinance invalid, because it contains such a provision relating to the fixing of rates and to the method of readjusting them invalid, it seems to the court that the remainder of the ordinance cannot stand.

The court does not deem it proper to consider the question as to whether this new ordinance is such a one as it would have sanctioned had its approval been necessary by the city, because such is not the function of the judicial branch of the government. Courts do not exist for the purpose of supervising the officers of public officers when they are acting within the scope of their authority unless they act fraudulently. Simply because the city council in this case has made an unwise contract is no reason why the court should interfere with it. The people must realize that when they elect a mayor and city council, they are constituting them their agents to manage the business of the city, and if they do not want them to make unwise contracts, or commit other unwise actions, they should elect men who will not do

THE MARK OF A POOL.

Philip Brooks Fletcher of Cleveland, O., lectured before a large audience in the Brigham Young university on the above subject last night. Mr. Brooks is an able speaker, earnest and dramatic in style, and portrayed the various

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Manager, E. A. Larkin, 465 24th St. Telephone 128-k.

Advertisements for the Daily Saturday and Semi-Weekly News accepted on the same terms as at the Salt Lake Office.

Circulator, John J. McGregor, 245 Wash. Ave. Ind. Tel. 151. Office with Lambert Paper Co.

Payments for the Daily, Saturday and Semi-Weekly News should be made to the circulation delivery made by carriers on the same terms as in Salt Lake.

so. They or a few of them cannot run to the courts every time their officers do not, in their opinion, act rightly, and the sooner they learn it the better it will be for them and for the city. It seems to the court, therefore, that the issues in this case must be found in favor of the defendants and against the plaintiffs, that the temporary injunction heretofore issued should be dissolved, and it is so ordered.

BURGLAR CAUGHT AT RAWLINS

W. H. Eaton Confesses to Entering Edmund Tailoring Establishment.

Ogden, March 9.—Through the arrest of W. H. Eaton at Rawlins, Wyo., for burglarizing a store at that place, it has now been found that he was the same man who burglarized the Edmund tailoring establishment in this city last month. When the officers at Rawlins searched him they found his laundry marked "H. J. T." which proved to be laundry belonging to proprietor Harry J. Toller of the Edmund tailoring store. Eaton confessed to taking about \$300 worth of goods from the Ogden establishment and told where the greater part of the stolen goods had been disposed of and the balance cashed. The goods were recovered and have been forwarded to Mr. Toller. If Eaton is convicted at Rawlins he will not be brought back to Ogden, but should he not be the local officers will bring him back.

FEDERAL BUILDINGS INSPECTOR.

L. T. Shipley, government inspector of the federal building being erected in Ogden, has returned from a trip to Boise City, Idaho, where he went to pass upon the redecoration of the interior of the government building there. He also reports that the plans for the remodeling of the Salt Lake building have been completed. The cost of the work will be about \$5,000. The plans for the enlargement of the Ogden federal building have not yet been commenced owing to the delay in getting the title to the extra land necessary, properly fixed up, hence the delay in the Ogden building for which \$120,000 was appropriated, will not be commenced for considerable time.

CASE OF SMALLPOX.

The illness of Mrs. L. A. Uzell, who lives at 234 Twenty-fourth street, who is suffering from a well developed case of smallpox, was not reported to the health department until yesterday, although the woman has been sick about a week. The place was immediately quarantined, and the children who have been attending the schools of the city all the last week, and being exposed to the disease have exposed many other children in the school room. The health officers are thoroughly investigating the case to determine who is at fault for the case not having been reported before.

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