

had been asked for by myself, in the regular way, and if yours had been the lowest bid, I would have awarded you the contract." Nothing was then said of us as being simply brokers, nor any fear expressed that we would "furnish pipe which had been condemned elsewhere." He further remarked, "That even though the Council passed the contract over his veto, that he would carry the matter into the courts and keep us out of our money if possible, and that he would say the same thing to Dennis, Long & Co.," they being the next lowest bidders.

Judge Loofbournow has never, in any sense of the word, acted as attorney for us. Your committee demanded of us that we comply with our bid and go into contract. His honor, the Mayor, had already warned us that he would try to keep us from getting our money if we did so. Knowing that Judge Loofbournow was familiar with the municipal law of the city, we asked, if we entered into contract, would it be binding as against the city. He explained that it would be binding if approved by the Mayor, it vetoed by him, it would be binding only after having been passed over his veto by a two-thirds majority vote. We offered to pay him for his information but he refused to take any compensation.

We most respectfully submit that the facts in the case do not show that we "hunted up inferior pipe which was not saleable in other markets, and had probably been condemned elsewhere, and attempted to dispose of it under contract with the city." On the contrary, that we notified the proper official, Mr. Ryan, before the arrival of the pipe and asked to have it inspected, for the reason, that if it had not been accepted by the city, we were not bound to pay for it. We sell thousands of tons of pipe yearly throughout the West. We therefore, protest "with emphasis" against having our good name as merchants and contractors, traduced by maliciously distorting the truth, and by misrepresenting the facts, even though it be done by the chief executive, in order that he may gain an advantage in a controversy in which he is engaged with a co-ordinate branch of the city government.

Respectfully submitted,

RHODES BROS.

The above communication was sworn to and attested by a notary public.

Karrick—Has anybody invited the Mayor to be present tonight.

Moran—What for?

Karrick—In order that both sides can be heard.

Moran (warmly)—The Mayor's side has already been heard and the other side is here tonight to put forth their views and evidence in the case.

Folland seconded Karrick's motion and declared emphatically that the Mayor should be communicated with. It was evident that someone had given the Mayor the information that appears in his veto message. In fact I heard myself that President Loofbournow was employed as the Mayor's charges.

Moran again took the floor, and in strong and loud language said the time to investigate the charges set forth was at the meeting called for that purpose. The burden of proof is upon the Mayor.

"Yes," shrieked Horn, "the evidence is before us, the witnesses are here and now is the time for us to act."

Lawson moved that a committee be appointed to wait on the Mayor and notify him that his presence was very desirable at this meeting.

Folland moved the appointment of

Hardy and Karrick as such committee. The latter declined with considerable feeling and moved as a substitute that Rich and Lawson, the two fearless fighters of the council, be named.

Rich—Well, I tell you I'll not show the white feather if I am appointed. In such case I will go like a man.

Wantland—Oh, let the Mayor alone; we don't want him here.

Moran (sarcastically)—Yes, there you go again; you are afraid of Mr. Baskin.

Wantland—A raid of nothing—afraid be it—d.

Moran—Yes, you are.

COULDN'T FIND HIM.

The chair then named Rich and Kelly to wait on his honor and ask him to attend the meeting, and a recess of twenty minutes was taken to allow the committee to carry out the instruction given them. On their return Rich announced they had gone to the Alta club and the Chester but they could get no tidings of his honor and accordingly returned without him.

Karrick moved to adjourn.

Moran—I am opposed to adjournment. The members most anxious to call the meeting are now crying to adjourn.

Folland—I am getting exceedingly tired myself, especially of the insinuations and reflections made by Mr. Moran. I am and have been acting in good faith throughout this entire proceeding.

Simondi—I want to inform the Council that these controversies between the members of this body are getting expensive affairs. Every meeting we hold costs the city at least \$75.

Rich—I am also opposed to adjournment. We have a full Council (laughter), as full (more merriment) as we can get, and I think we should continue the investigation.

The motion to adjourn was voted down.

In answer to the following paragraph from the Mayor's veto Moran made the answer subjoined to it:

The officers of the city in making purchases should exercise the same diligence and care that is used by prudent men in personal affairs, to purchase commodities as cheap as practicable.

The committee was very careful and sent out bids to thirteen companies.

The following from the Mayor's veto was read:

As bearing upon the present case it is a fact that the Colorado company, which has hitherto furnished most of the iron waterpipe used by the city, through the Mayor has sent the City Council a bid for this pipe which is \$106.50 below the price which it is proposed to pay Rhodes Brothers.

Moran responded—Of course; that is an easy matter to understand. That was three weeks after the other bids had been opened and published in the newspapers and sent to Rhodes Brothers.

T. B. Rhodes of Rhodes Brothers was present and was closely questioned by Councilman Rich for nearly half an hour. He said that they entered into a contract with the Colorado Coal company in May, 1892, to purchase from them all the pipe that they could manufacture. His firm did a large business, and the company in question

could not furnish them more than one-fourth of the pipe which they needed. In relation to the Mayor's statement that fifteen carloads of pipe was shipped here under a consignment to some outsider under arrangement with Rhodes Brothers, he stated that the pipe was shipped subject to approval here, and the firm consigned the pipe to themselves. As to his connection with President Loofbournow, Mr. Rhodes said that he called on Mr. Loofbournow, believing that he was well versed in municipal law, to inquire as to how a contract would have to be executed in order to be binding after a veto by the Mayor. Mr. Loofbournow gave him the desired information, but refused to take any money for the advice he had given.

Superintendent of waterworks Ryan stated that the pipe in question was of excellent quality and that there was no foundation to the Mayor's complaint.

IN HIS OWN DEFENSE.

President Loofbournow—I have refrained from talking much on the question of the charges against me, but believe the time has come to say something in my own behalf. Mr. Rhodes did consult me on the water pipe purchase at my office. I gave him my views and he offered to pay me for it but I refused to accept any remuneration from him. I never was an employed legal adviser for Rhodes Bros., and never received any money from them for what I did. I don't know where the Mayor got his information from to the effect that I did but he was certainly incorrectly informed.

A SECOND RECESS.

The committee on the whole then took a second recess for ten minutes to give Messrs. Evans, Folland and Simondi—who were appointed as a committee of three to report the sense of the findings of the meeting back to the committee of the whole—time to draw such report. Instead of reporting the committee offered the following:

Resolved, That the recorder be and is hereby instructed to communicate with the Mayor and inform him that the council have had his communication of January 2nd in reference to the contract of Rhodes Bros. under consideration, and request him if he has any further information respecting the matter the council will be pleased to hear from him on next Tuesday evening.

MOTION TO EXONERATE.

Kelly moved that the committee on the whole thoroughly exonerate the committee on waterworks after a thorough investigation in the matter of the purchase of the water pipe and all parties concerned in the deal, and especially the president of the council, and that he received no reward whatever for what he did in connection with the case.

Karrick and Hardy opposed the motion and said if the matter were forced to an issue they would vote against, inasmuch as the Mayor had not been given an opportunity for rebuttal.

THE COMMITTEE'S REPORT.

The sub-committee's report, which reads as follows, was adopted, Karrick and Hardy only voted in the negative:

Whereas, An investigation has been