

## KELSEY BLAMED BY CONTRACTOR

Kennedy Says Engineer's Mistakes Have Made Work Almost Impossible.

### IS NOT THE FIRST BLUNDER

In His Calculations On Sewer Extension He Put Property Owners In an Expensive Muddle.

Because of a vital mistake in the plans of the North Temple street aqueduct, which is laid at the door of City Engineer Louis C. Kelsey, Davis & Heuser, who took the contract, petitioned the board of public works last night to grant them an extension of time from June 1 to Dec. 1 to finish the work. Under the plans of the city engineer the excavating was figured at 4,500 cubic yards, while as a matter of fact they have been compelled to excavate 11,700 cubic yards. The contract was taken for \$48,000 on the basis of approximate quantities given in the estimate of the city engineer. They hold that under the conditions that they are entitled to extra work for excavating everything over the approximate quantity, which would add about \$20,000 to the cost of the aqueduct.

It is held by the contractors that when the aqueduct pipe reached Tenth West street that the mouth of it will be below the flow line of the river into which it is to enter. There is serious doubt whether the pipe will not fill up with silt under these conditions and become useless.

This is the vital mistake attributed to the city engineer. His plans called for a depth of five feet but in following out the grade it will be 10 feet when it reaches Tenth West street. This is what caused the extra amount of excavating.

#### NOT KELSEY'S FIRST.

Kelsey made this same kind of a mistake on a sewer extension in the northeastern part of the city which was laid by James Kennedy. According to the plans, it was only to be nine feet deep. When the contractor dug the trench he found that on one side of the street the residents could not connect up with it. It was necessary to go 20 feet deep in some places. Kennedy was granted extra work for excavating to such a depth and the taxpayers were compelled to pay for it.

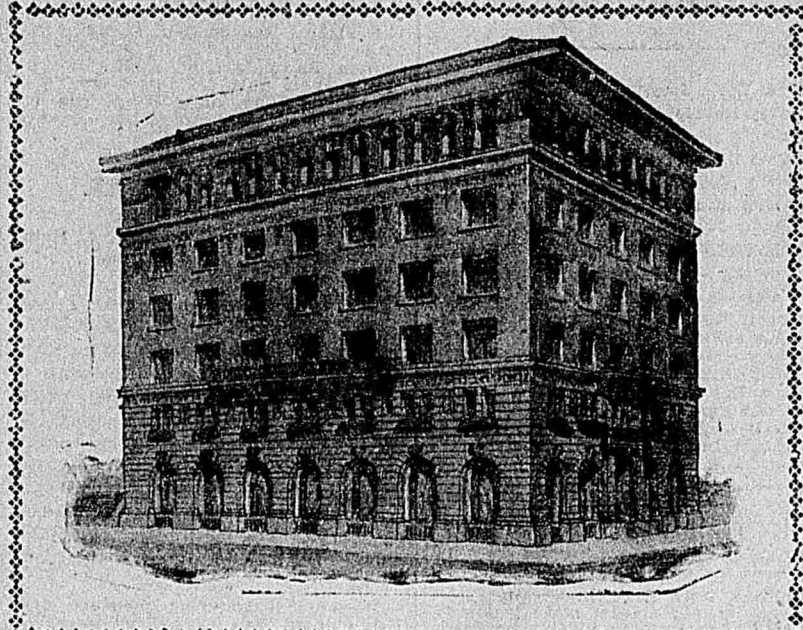
City Engineer Kelsey is ready to answer the contractors on the claims made. After the letter was read, C. D. Rookledge asked that the letter be laid and that if the contractors got any extra work they would be compelled to fight for it in the courts.

#### KENNEDY'S LETTER.

The important part of the letter which charges that the contractors were misled by the city engineer's estimates is as follows:

March 1, 1909, we entered into a contract with Salt Lake City, Utah, for the work of constructing North Temple street aqueduct of reinforced concrete,

## Cornerstone Ceremonies at Commercial Club Building



THE NEW COMMERCIAL CLUB.

The ceremony of laying the cornerstone of the new Commercial club building, at the corner of Cactus avenue and Exchange place, will take place Monday morning, July 5. The ceremony will be a dignified and interesting affair, fully in keeping with the importance and significance of the event.

Invitations to attend the ceremony which will require about an hour and a half to complete, have been issued by the board of governors of the Commercial club, by William J. Haloren, president, and signed by the building committee, by John S. Bransford, chairman.

The members of the club will gather at the present quarters at 9:30 o'clock from Fourth West street to the Jordan river. At the time the contract was entered into, the city engineer did not furnish us a profile of the work and it was impossible to get any idea of the depth of the aqueduct other than from the approximate amount of excavation and back filling set forth in the general instructions to bidders. The approximate amount of excavation was placed at 4,500 cubic yards, and the length of the aqueduct being about 5,500 feet and the width 8 feet 4 inches, outside diameter, the average cross-section of the aqueduct would be about five feet.

We began work under contract about March 22, 1909, and about April 25, 1909, the city engineer furnished us with a tabulation of the yards of excavation to be made between the beginning point of the aqueduct and Ninth West street. The tabulation shows the necessity for an excavation of 7,200 cubic yards, being an excess of 2,700 cubic yards of excavation estimated for the whole work on the entire length of the aqueduct.

#### VISITED CITY ENGINEER.

June 29, 1909, we visited the city engineer's office and found from an examination of the cross-section sheets that from Ninth West street to the Jordan river there would have to be an excavation of 4,400 cubic yards, which is within 100 cubic yards of the engineer's estimate for the entire excavation from the beginning point of the aqueduct within five days. The contractors said that the water was too high and that there was still rocks and silt washing into the conduit which would have to be removed. To do this now they said would be a great loss to them and of no special benefit to the city. The board finally gave then 10 days to commence work.

#### KENNEDY'S LETTER.

The important part of the letter which charges that the contractors were misled by the city engineer's estimates is as follows:

March 1, 1909, we entered into a contract with Salt Lake City, Utah, for the work of constructing North Temple street aqueduct of reinforced concrete, compel us to excavate a 10-foot trench, instead of a 5-foot trench. To handle dirt to a 5-foot depth only requires one handling, but to handle dirt to a depth of 10 feet requires from two to five men, with no less output, per the work much more expensive on account of the greater depth and the amount of material to be cared for and the amount of water encountered in a 10-foot trench than in a 5-foot trench, and this means an additional expense. Quicksand, which would not be encountered at a 5-foot depth, will be found at a 10-foot depth.

#### MEANS BIG INCREASE.

The additional depth also means an increase of from 6,000 to 8,000 yards of excavation for which the city does not pay. This excavation is necessitated by reason of the fact, that the banks have to be sloped to prevent them from caving.

In view of the foregoing facts relating to the underestimated amount of excavation, we hereby desire to notify you that we shall, at the proper time, make a claim for extra work necessary to be done, not at the price bid, but on a basis of what the work is actually worth. A change from the 4,500 cubic yards' excavation to 11,700 cubic yards' excavation is, we hold, not within the meaning of the word "deviation" as set forth in the "general instructions to bidders," which formed a part of our contract, but makes an entirely new contract. To increase the amount of excavation 150 per cent over the estimate, and to increase the depth of the trench 100 per cent, is practically making anew the conditions upon which our contract price was based.

In other words, if the construction of one sewer 4,500 cubic yards is the estimated amount of dirt to be excavated, for two sewers 9,000 cubic yards should be the estimated amount of excavation, and for two sewers and a half 13,500 cubic yards should be the estimated amount of excavation. The city engineer now demands the removal of 11,700 cubic yards, which is, according to his original estimate, more than enough for two and a half of the original proposed length and width. We did not contract to build two and a half sewers of the length and breadth set forth in the proposals for bids, and the city engineer having so altered the original estimates as to make it necessary to remove 11,700 cubic yards of dirt instead of 4,500 cubic yards, we have been advised that the words "deviation" and "approximate," as used in the original proposals for bids, have so lost their significance and commonly understood meaning as to make the contract now proposed to be enforced by you, an entirely new and independent contract.

Calo-tint, the new wall finish, can be had at Bennett Glass & Paint Co., 67 W. First South Street.

## SPECIAL PROGRAMS ON SUNDAY EVENING

Patriotic Numbers Included in Services by Joint Mutual Improvement Associations.

In many wards of the city Sunday evening, special programs arranged with a view of appropriateness to the nation's birthday will be given. The public is invited to attend these special services. Some of the programs arranged follow:

**Eighteenth Ward**—The joint Mutual program in this ward will consist of three numbers: "A Visit to Messina," by Horace B. Whitney; a song, "The Farewell," by Horace S. Ensign; a setting of Charles Kingsley's poem; brief remarks on a Pilgrimage Abroad, by Horace G. Whitney. The choir will also render patriotic selections in honor of the Fourth of July, at the opening and close.

**Twentieth Ward**—Elder Nepti Jensen will lecture in the Twentieth ward at 6 p. m., his theme being on the subject of patriotism.

**Ninth Ward**—Judge W. H. King will address the meeting in the Ninth ward at 8:30, his subject being, "Our Country and the Flag."

**Second Ward**—The following program will be given in the Second ward: "America," choir and congregation; prayer; "The Red, White and Blue," choir and congregation; recitation; solo, "The Flag Without a Stain," Florence Ellegren; "Patriotism," B. S. Hinkel; "The Star-Spangled Banner," choir and congregation.

**Twentieth Ward**—The program of the Twentieth ward follows: "America," choir and congregation; "Columbia, the Gem of the Ocean," Miss Myra Bates (pupil of Prof. Ellhu Call) and congregation; solo, "The Flag Without a Stain," Prof. Ellhu Call; patriotic address, Elder Mathoniah Thomas; "Anvil Chorus," choir.

**Waterloo Ward**—In Waterloo ward the Murray First ward choir will furnish the musical numbers of the evening during the rendition of the following program: "Star-Spangled Banner," choir; prayer; duet, William Robinson and M. Smith; recitation, Anna Johnson; patriotic music, C. M. Mumford; anthem, "The Lord Is My Shepherd," choir; solo, M. Smith; lecture, Thos. Martin; anthem, choir.

**Seventeenth Ward**—The program in the Seventeenth ward will be as follows: "Pilgrims' Chorus," choir; prayer; quartet, "The Flag Without a Stain," James H. Nelson, James E. Holaday, Thomas H. Reynolds, Sora B. Campbell; address, Dr. J. E. Talmage; contralto solo, Alice Webley; "The Star-Spangled Banner," choir.

Half Rates to All Points on Lagoon Route tickets sold July 3, 4, and 5.

Special train from Ogden 11 p. m. Monday July 5th via Lagoon route.

—Mrs. Louise Coulson.

#### MORAN'S BILL CUT.

Mayor Bransford Knocks Out One Thousand Dollars.

When P. J. Moran's \$21,500 bill for patching up the leaks and the mistakes in the outlet sewer pipe reached the board of public works last night, it had been cut down about \$1,000. This was accomplished by Mayor Bransford and City Engineer Kelsey. The board hopes to be able to cut it down considerably more. Moran declares that the bill is as low as it will ever be and will fight it in the courts if necessary to obtain that amount.

Moran's first estimate on the paying of Main street was pigeon-holed at the suggestion of the board. This is the first punishment meted out to him and it will lay there until the entire improvement is completed.

The board intends to punish Moran for failing to obey its orders last week on the repairing of sidewalks on Main street. Moran threatens to call them before the advisory board composed of Frank J. Sagar, Crutcher and J. E. Danner, to settle the difficulty and compel the board of works to get into line.

Sewer extension 28 in Earl's court was awarded to Davis & Heuser for \$85.32. The other bidders were: H. G. Gillickson, \$935.97; J. D. Hanley, \$932.15. The city engineers' estimate for the work was \$351.00.

Tom J. Costello was placed on the list of inspectors of the board.

T. G. Armstrong reported that the addition to the garbage station, for which Black & Leffer had been the only bidders, at \$1,925, should not cost more than \$600. The board thereupon rejected the bid.

#### NED ROYLE IN TOWN.

On His Way to San Francisco to Supervise Production of Play.

Edwin Milton Royle, better known to his friends in Salt Lake, where he grew up as "Ned," author of "The Squaw Man," "Friends" and other successful plays, is in the city visiting his parents.

ents. Mr. Royle comes fresh from New York, but he stopped a few days at White Rocks on the Utah Indian reservation, to see a tribe perform the "sun dance," and to gain local color for his new play "In the Blood," a sequel to "The Squaw Man," which is to be brought out next season by Liebler & Company.

Mr. Royle says the sun dance, while it is short of the old time savage features, is still a most interesting spectacle, as the braves dance with upturned faces to the blazing sun, and the dance lasts four days.

Mr. Royle is now bound for San Francisco, where he goes to supervise the production of his play entitled "The Struggle Everlasting," the two first acts of which he has rewritten since the New York production. It will be brought out by Florence Roberts, and after witnessing the production there, Mr. Royle will return to the east.

#### NEW TRIAL DENIED.

The motion for a new trial in the case of the Utah National bank against Joseph Nelson was overruled this morning by Judge Armstrong. The suit was brought to recover \$12,500 with interest and attorney fees on a promissory note given by Nelson as an outgrowth of the mysterious disappearance of \$106,250 from the reserve fund of the bank. Judgment was entered against Nelson two weeks ago and his attorneys moved for a new trial. The case will now be carried to the supreme court.

#### PERSONALS.

S. B. Towne of Peoria, Ills., for 30 years representing the International

Harvester company in various value capacities, has resigned his general agency, and is in Salt Lake on a pleasure trip.

Mrs. W. P. S. Hawk and three children return tomorrow, from an eight months absence on the Pacific coast, for the benefit of Mrs. Hawk's health, which is much improved.

J. W. Delano, Arthur Parsons, M. H. Sowles and Walter Wright returned this morning from Philadelphia where they have been in attendance on the annual convention of the National Association of Credit Men.

G. H. Butler of the Utah National bank returned this morning, from Seattle where he was a delegate to the annual convention of the American Institute of Banking.

Manager Johnson of the Hill Drug company has returned from a vacation to New York.

## Poulton, Madsen, Owen & Co.'s Gigantic Removal Sale

Today you'll prepare for the Fourth!

Save 25 per cent to 50 per cent on your clothes. We've reduced our entire stock right in the height of the season. We've got to move. So here you are. Come in and pick your clothes from the cleanest and brightest stock in the town at a price so far below value that the saving is decidedly worth while. Not an old style or pattern in the store.

—Today will be a big day—

<b>Hosiery</b> 25c kinds— 6 for \$1.00 35c kind— 4 for \$1.00 50c kind— 3 for \$1.00 Holeproof Sox not included.	<b>Ties</b> 75c ties.....50c 50c ties.....25c Wash ties.....25c	<b>Shirt Special</b> Regular \$1.50 pleated bosom white shirt to-day— <b>\$1.15</b>	<b>Straws</b> And Panamas all go at this sale at half off. A big line to choose from.	<b>Children's Clothes</b> All except wash suits at fourth off. Wash suits at <b>Half</b>	<b>Felt Hats</b> Including this season's styles, go at <b>One Fourth Off</b>
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### Outing Suits and Business Suits

\$40 Suits—including Benjamin suits—Removal sale price	\$30.00
\$35 Suits—in this grade the fine imported wools—sale price	\$26.75
\$30 Suits—an extensive variety of best styles—sale price	\$22.50
\$25 Suits—the most popular grade we have—sale price	\$18.75
\$22 Suits—some of the newest patterns of the year—sale price	\$16.40
\$20 Suits—a price that buys a splendid suit here—sale price	\$15.00
\$15 Suits—special grade for the younger men—sale price	\$11.25

Extra Trousers, 1-4 Off—Fancy Vests, 1-2 Off—Shirts, 1-4 Off.

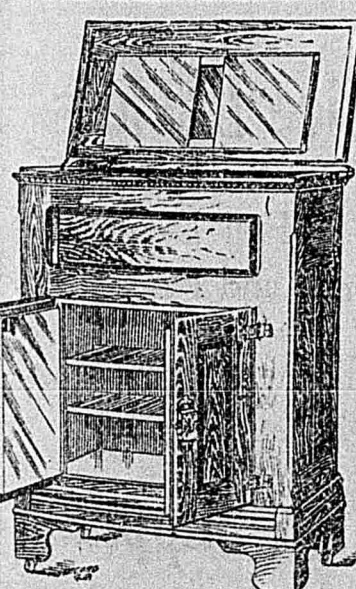
**OUTING SUIT SPECIAL** One special lot of about 75 outing suits—made in the most popular outing styles and of light, comfortable materials—are selling today at **\$9.75**

Removal sale prices of the most compelling nature are now in force. Come in to day and take advantage of the many exceptional opportunities.

Straw Hats Half Price. Store open late tonight—Closed Monday. **Poulton Madsen Owen & Co.** Panama Hats Half Price. 111-113 Main Street.

## S.S.S. THE CURE FOR SCROFULA

The usual symptoms of Scrofula are enlarged glands of the neck, sores and ulcers on the body, skin eruptions, catarrhal troubles, weak eyes, and general poor health. The inherited poison, transmitted through the blood, pollutes and weakens this fluid, and in place of its nutritive qualities fills the circulation with scrofulous matter, which saps the vitality of the entire system. Thousands of children, born with a scrofulous taint, have spent their childhood in constant physical suffering, and grown to manhood or womanhood handicapped by ill health and stunted growth, and perhaps later some disease of the bones or joints developed. S. S. S. cleansed and purified the blood of the taint, nourished and strengthened their systems, and assisted each to grow into strong, healthful manhood or womanhood. S. S. S. is the very best remedy for Scrofula. It goes down to the bottom of the trouble, and cleanses the circulation of all scrofulous matter. It supplies the weak, diseased blood with strength and health-building qualities, and under the purifying effects of this great remedy all symptoms of Scrofula pass away. S. S. S. contains no minerals in any form, and is an absolutely safe treatment for children, even infants, or persons of any age. Literature about Scrofula and any medical advice free. THE SWIFT SPECIFIC CO., ATLANTA, GA. free.



## The Most Popular Household Necessity of The Day The Alaska Refrigerator

It preserves the foods against the intolerable heat. It protects the foods from the army of germs. It is a big ice saver. It costs only—

**\$15.00 and Up**  
**Dinwoodey's**

Our big tin and granite ware sale resumes Tuesday.

## Salt Lake's Extravagance Shown By Some Comparisons

A recent compilation of the financial affairs of Des Moines, Iowa, received by the Deseret News, affords opportunity for some instructive comparison with the business management of our own city. While Des Moines is not so large as Salt Lake, the figures given still illustrate briefly the difference between handling a city in the interest of its tax payers, and handling it as a part of a political machine.

In comparison with Des Moines, which has a total indebtedness of \$1,052,817.31, including bonds, Salt Lake has an indebtedness of \$4,794,777.49 nearly five times as great. While Salt Lake is running at high gear, piling up deficits, Des Moines is conducting itself on a conservative basis and is taking up some of its bonds. It is the intention of Des Moines to take up part of a \$16,000 bond issue this year which is outstanding. Salt Lake can not even pay the interest on its bonds, without drawing on other funds there being a deficit of \$35,677.23 in the account.

Under the Des Moines plan of government with five commissioners, the departmental expenditures have been cut down on every hand. It cost the city last May \$60,469.08. This shows a saving of \$19,951.03 for the month of May 1909 over the month of May 1908.

The departmental expenses of Salt Lake are growing every year. For May 1909, the city's expenditures amounted to \$95,896.

Salt Lake's indebtedness consists of \$4,400,800 in bonds, and overdrafts of \$75,879.11 in the water supply fund; \$104,984.49 in the street fund; \$101,439.20 in the sewer and drain funds; \$35,677.23 in the bond interest and sinking fund; and \$78,869.18 in outstanding warrants. Outside of the bonds this gives Salt Lake an indebtedness of \$528,365.94, which is

## R. K. THOMAS DRY GOODS Co. MIDSUMMER CLEARANCE SALE

Wash Suits, Waists, Dressing Sacques, Kimonas, Ladies' Misses' and Childrens' Wash Dresses, Linen Skirts, Parasols, Muslin Underwear

1000 Peices Wash Dress Goods -- All Hot Weather Goods Sacrificed