

# CITY COUNCILMEN PASS FRANCHISE

Amend Grant to Such An Extent  
That it May be Rejected  
By Company.

## INTERURBAN CLAUSE REMAINS

Other Obligations Required of Utah  
Light & Railway Co. May Throw  
Matter Back to Council.

We will not after midnight, the council has finally passed the franchise asked for by the Utah Light & Railway company. The franchise was originally presented to the council about a year ago and has been battled back and forth, mutilated and patched up with the result that the franchise passed just before election was refused by the company for the reason that the company thought the city was asking too much from the company for the privileges granted. The franchise passed last night contained so many amendments that several members of the council expressed the opinion that no grant in its present state will not be accepted.

One of the interested spectators present last night during the entire session was Almon F. Smith, attorney for Thomas Homer in his suit "on behalf of the people," by which he sought to have the courts declare the franchise approved Aug. 4, 1905, declared void on the ground that Jesus F. Smith was the trustee of the Church of Jesus Christ of Latter-day Saints and also the president of the street railway company. It was held on both accounts that the Mormon members of the council voted without right to extend the franchise to the railway company. The defense interposed a demurser, which was overruled and the action was in a status requiring trial in the courts. The action of last night, said Mr. Smith after adjournment, will stop the action as now the cause of action ceases to exist, the granting of the new franchise and the purchase of the system operating to remove it.

The vote on final passage of the franchise stood 10 to 2, Black and Martin being the only negative votes.

## THE FRANCHISE

The franchise passed last night and referred to Mayor Bradford for his approval, is the same in most respects as the one passed by the council and rejected by the company a short time before the election. In it, however, is eliminated the sprinkling and flushing requirement. The only change made in the interurban clause is to extend the limit of 20 miles outside the city from five to ten miles. The council adopted an amendment to the franchise submitted by the company requiring it to bring all streets to grade where new tracks are laid for streetcar purpose. By some members of the council this is considered as one of the snags upon which the acceptance may be based.

After adjournment, Parley L. Williams, general counsel of the Harriman interests in this city, practically declared that in its present form the franchise will not be adopted. He said, "They may as well have struck out the enacting clause and come to the work."

## INTERURBAN CLAUSE

The "interurban" clause, which it is believed will result in the company refusing to accept the grant, is as follows:

"By the acceptance of this franchise the grantee consents that any interurban street railway having permission to construct and operate its tracks upon any of the streets occupied by tracks of the grantee may use said tracks jointly with the grantee upon making equitable payment for constructing, maintaining and operating the portion of said grantee's tracks so used. This provision authorizing other railway companies to run their cars over the tracks of the grantee shall apply only to such interurban roads as are not competitors with the grantee within the city. 'Interurban' as herein used shall be construed to mean railroads running between Salt Lake City and towns, resorts and other places situated more than 10 miles outside of the limits of Salt Lake City."

## STREET LIGHTING CLAUSE

The provision for street lighting was incorporated in the franchise upon motion of Councilman Holiday. His amendment provides that the city shall keep a complete arc light as submitted by the company and that this pattern shall be designated the "standard." The efficiency of the light shall be a unit based upon this standard and all lights installed by the company must be equal to or better than this standard. The lights are to cost the city \$89 per annum each for any number from one to 1,000 or more.

In effect the franchise is a re-enactment of the 1905 franchise with the Parley's Canyon water right clause eliminated.

The franchise carries with it a provision for the straightening of the Warm Springs line, doing away with one curve and bringing the line along block near the High school building.

## AMENDMENT DEFEATED

An amendment providing for the purchase of the system on a year's notice was offered by Mr. Black, but was defeated by an overwhelming vote.

## COUNCIL ROUTINE

Matters of Small Importance Passed On Before Franchise Came Up.

A moment of suspense prevailed in the city council last night before the franchise was acted upon when City Recorder John B. Morton announced that he held in his hand a registered letter addressed to the city council. Upon request he handed it to President A. J. Davis. Mr. Davis scrutinized it with a critical eye and then handed it to Mr. Morten. Open it, Mr. Recorder? his only answer. Suggestions of an informal meeting were heard in whispers over the room, but Morten bravely tore open the registered letter and tore open the envelope. It proved to be from an inventor. Dr. D. Brodbeck was the author of the invention and he informed the council that he had invented a new style of street light and he hoped to combine with the light company in furnishing the city an ideal light. His communication to give it weight apparently, mentioned that he had also invented an electric railway system that had been approved by Mr. Harriman. The communication was referred to by Mr. Black withdrawing the first clause and the court is now ordered to vacate its present quarters in the joint building on Jan. 1.

Charles Hines was appointed special policeman at the request of the H. G.

Railway company and the appointment was confirmed by the council.

The total amount of the payroll submitted by the auditor is \$12,429.75.

A. K. M. Meir and others are asking the city to give them relief from the flood waters of the Jordan river. His communication was referred to the committee on streets.

A. J. Davis was named as acting mayor during the absence from the city of Mayor Bradford.

## PERNSTROM A SICK MAN.

City Councilman E. S. Fernstrom was provided with a special car last night by the Utah Light & Railway company. Mr. Fernstrom arose from a sick bed last night to attend the oil session and as he left home in St. Paul, Minnesota, it was probable that the fast car would have left long before adjournment. The car was in waiting for the councilman from the Third and when he boarded it to be taken home, it was as warm as a summer day.

**PASSED EXAMINATION SUCCESSFULLY.**

James Donahue, New Britain, Conn., was treated by our best physicians for diabetes, but did not improve until I took Foley's Kidney Cure. After the first bottle I showed improvement and five bottles and one pint each day there is a rapid examination. Foley's Kidney Cure cures kidneys and all forms of kidney and bladder trouble. For sale by F. J. Hill Done Co. "The Never Substitutes."

## TALESMEN HAVE FIRM OPINIONS

Owing to Wide Publicity Given  
Walker-Beers Affair, Selection is Difficult.

(Special to the "News.")

Opden, Dec. 2.—The examining of juries in the trials of 100 drawn for the Fred B. Walker trial, charged with the murder, commenced this morning. At noon 20 jurors had been examined and rejected. The excuse most offered by the defense is that they have read about the case in the newspapers and in so doing were led to form opinions which can not be shaken. It is not expected a jury will be made up before another full day and if a jury is even commenced with talesmen from this vicinity it will create some surprise.

## MRS. WHEAT PASSES AWAY.

Mrs. Sophia Wheat, 260 west North Temple street, passed away at her home this morning after an illness of two weeks. Mrs. Wheat was one of the early converts to the Church in England. She was well known and respected in the community where she resided.

## THOMAS REDMAN DROPS DEAD

Thomas Redman, aged 60, of 84 west North Temple street, dropped dead this morning about 10 o'clock of sudden failure of the heart to act. Redman had been suffering from a weak heart for some years, and with his mother, now aged 90, had been a charge on the county. The county authorities had arranged to send both to the infirmary today. There were no special features whatever connected with the case. The county will bury Redman.

## THE SPENCER CASE.

Another Postponement Made as a Courtesy to Attorney.

The case of the state of Utah against Samuel G. Spencer, in which the defendant is charged with a statutory offense, was called before Judge C. B. Diehl in the criminal division of the city court at 10 o'clock today, when a continuance was asked for by the defense.

Atty. Adam A. Duncan stated that while his client was again present in court with his witnesses, ready for a hearing, a postponement of the case would be asked for owing to the inability of Judge S. R. Thurman, associate counsel, to be in attendance. The county attorney, he said, had yesterday afternoon waived any objection to a continuance. That official, however, had failed to notify his assistants in time that witnesses living at a distance could be apprised.

Atty. H. A. Smith, special counsel for the prosecution, objected to a postponement. He said that already there had been too much delay in the case. He was represented by Mr. Duncan.

The Grand—The Cow Puncher,

the bill at the Grand for the first half of the week, furnished amusement for a good sized audience last night. It is as wild and woolly as the name would suggest, depicting life on the big ranches of the west and south. Several characters are very well sustained.

Long E. Ramsell, as Tom Lawton,

the bear, was especially strong.

Allen Wightman, a clay modeler,

makes his creations so lifelike that one

has to touch his hands brush away the features after they are done.

Francis is rather disappointing in her

opening song, but when she gets to dancing, and the Arab boys enter to

help out in effectiveness, her success is

instantaneous. The Tivoli quartet renders a few songs in excellent style.

A farce sketch which does violence to all conceptions of the great Roman warrior is entitled When Caesar's Wife Wasn't Home, and is said to be a satire on Bernard Shaw's "Caesar and Cleopatra," and gives one what laughter may be had in hearing Bowery slang from people in classic costumes. George Austin Moore in character and negro songs, deserves a better title for his act, it is so good, and his appeal is so fetching in its grasp on the sympathies rather than any emotion more hilarious. The kinnome presents two good things and one bad one, while the orchestra as usual is a feature well worth while.

Maude, the original "Maud"—is the most hilariously successful of which of which one could dream. She trots on to the stage very conscious of the reception awaiting her, and when the volunteers try to ride her for \$5 a minute—well—but words beggar a description of Maud, who has to be seen to be appreciated.

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