DESERET EVENING NEWS.

Wednesday, - April 22, 1896.

MUNICIPAL MATTERS.

Resolution Calculated to Revoke an Electric Franchise.

CARTER CONFIRMED CITY SEXTON.

Wisecub the Central Figure and Inciting Cause of A Disgraceful Scene.

The City Council met last night and wrestled with the electric light problem. The subject came directly to the front on the reading of the following opinion from City Attorney McKay:

Gentlemen—Referring to the communication of the city engineer of date April 16, 1896, in which he informs me that the Council has instructed this office to take such steps as may be necessary to compel the Salt Lake and Ogden Gas and Electric Light company to conform to the conditions of its franchise regarding rates charged for natural gas, I respectfully suggest that the proper and most effective way to accomplish such purpose is to bring that corporation into court on proceedings to annul its franchise. The company has formed the habit of treating our ordinances as if they were mere suggestions, and it is useless to attempt to secure a compliance with its contracts by mere resolutions of the Council. Such proceedings may not result negatively as effects of the City Council to give to the people of Salt Lake City cheap light, power, fuel and power. It has purchased and by no other means controls the product of the natural gas fields in Davis county, and in violation of its franchise compels the people of this city to pay twenty cents per thousand cubic feet for natural gas, while it is by law required to furnish it at 10 cents per thousand.

It has control of and fixes the charges of the Citizens' Electric Light company, and by secret contract is granted to the years it will consume the low charges for the electric current about to be purchased by the Consolidated Power company, unless the City Council shall now by power and authority, which it undoubtedly possesses or portion it.

The franchise of the Big Cottonwood Power company lapsed October 1st, last, by reason of its failure to deliver 1,000 electric horse-power within the city prior to the last named date.

Said company has violated section 8 of its franchise in an essential particular by selling to the Salt Lake and Ogden Gas and Electric Light company the electric product of its plant, in such manner that the Cottonwood company is precluded for the term of ten years from furnishing electric current for light, heat or power to consumers in this city except in case of the electric power or upwards. In brief, the Salt Lake company, through contracts entered into with the New American Gas company and others in respect to natural gas, with the Citizens' Electric Light company and the Big Cottonwood Power company with reference to the production of electricity, has entire control of these agencies, and unless the Salt Lake City Council takes or authorizes measures to prevent it the Salt Lake company will be in a position, and in fact, is now in a position, whereby it may dictate the price of all these products.

It seems needless to say that such a state of affairs is against public policy, and is a wrong from which the people of this city ought to be relieved.

It is respectfully suggested that in the line of such relief the City Council take affirmative action in revoking the franchises of the Big Cottonwood company.

It has, in my opinion, the undoubted right and power to do so.

Date suggested that the matter be laid over and taken up under the head of miscellaneous.

TO ANNUL A FRANCHISE.

Callister introduced the following:

Whereas, On the 25th day of July, 1895, the City Council of Salt Lake City passed a resolution granting a franchise to Robert M. Jones, his heirs and assigns, authorizing them to occupy with poles and wires the streets, lanes, alleys and other public places of Salt Lake City, for the purpose of conveying electricity in and about said city to be used for power, light and fuel for the inhabitants thereof, for the term of twenty-five years from and after the date of the passage of said resolution; and

Whereas, It is provided by section 3 of said franchise that the said Robert M. Jones, his heirs and assigns should not dispose of any of the privileges thereby granted to any competing company or person, nor enter into any combination with any electric light gas or power company concerning prices to be charged or contracting with, lease or power either to the city or private consumers, otherwise said franchise should become void; and

Whereas, It is further provided by section 14 of said franchise that the said Robert M. Jones, his heirs and assigns shall not refuse to carry out any of the conditions of said franchise to be by them kept and performed, and within the time therein specified, said franchise shall become void and void; and

Whereas, On December 5, 1895, the said Robert M. Jones transferred and assigned said franchise to the Big Cottonwood Power company, a corporation organized under the laws of the Territory of Utah and now existing under the laws of this State, and by resolution of this Council passed September 23, 1895, said corporation was granted an extension of time until the first day of October, 1896, within which to comply with the terms and conditions of said franchise; and

Whereas, The said Big Cottonwood Power company has failed to comply with the provisions of said franchise in that it has failed to deliver 1,000 electrical horse-power in this city within the time required by said franchise, or within the extension of time therein before referred to, and has in violation of said franchise sold and disposed of to a competing company its privilege of furnishing to the inhabitants of Salt Lake City electrical current for lighting purposes, and has entered into contracts and entered with said company, which the Salt Lake and Ogden Gas and Electric Light company, which current is used for power, heat and light, and has in violation of said franchise failed to furnish said current to any consumer in Salt Lake City, except and only to those who are the horse-power therein; and

Whereas, That because of the repeated failures of said Robert M. Jones and Big Cottonwood Power company to comply with the requirements and conditions of the said franchise, the City Council of Salt Lake City, on the 25th day of July, 1895, and the former holder of said Big Cottonwood Power company to comply with the terms and conditions of the franchise, and the City Council, by resolution, granted an extension of time, passed September 23, 1895, and for the further reason that said Big Cottonwood Power company has not and shall not be able to comply with the terms and conditions of said franchise, and has forfeited all and all rights and privileges granted to it by said franchise to a competing company of furnishing electric light, heat and power to the inhabitants of Salt Lake City, now in contract and violation of said franchise, and in violation of the terms and conditions of said franchise, the ordinances of date July 25, 1895, and September 23, 1895, are hereby repealed, and the said franchise granted to the said Robert M. Jones, his heirs and assigns, July 25, 1895, and by him transferred and assigned to said Big Cottonwood Power company, September 5, 1895, is hereby revoked and declared to be null and void.

Wisecup moved the adoption of the resolution.

O'Meara seconded the motion and said that it would be useless to undertake to revoke the company's franchise as the company claims it has a vested right to use the city's streets for natural gas and has stated that they have expended considerable capital and would soon be in a position to furnish light as provided in the franchise.

Dale—Every man in the Council knows that he tried to break up the combine between the two companies and it is about time the Council should say whether the Salt Lake & Ogden Gas & Electric Light company was to run the city or not.

Mr. Pickett spoke in support of Richardson's remarks.

After a lengthy discussion the resolution was laid on the table for one week.

Councilman Callister introduced the following resolution which was adopted:

Resolved, That the committee on improvements, with the board of public works and city engineer associated, be instructed to obtain an estimate as to the possible cost of an electric plant for the purpose of lighting the streets and public buildings of this city, such investigation to cover the practicability of the operation of such plant by the waters of City Creek, and also the cost of a plant operated by steam power, and that the committee report in two weeks.

The following communication was received from the Mayor:

In the matter of lighting the streets of this city by power derived from City Creek, and the cost of a steam plant for the purpose of lighting the streets and public buildings of the city, such investigation to cover the practicability of the operation of such plant by the waters of City Creek, and also the cost of a plant operated by steam power, and that the committee report in two weeks.

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