

BOARD STANDS PAT AGAINST P. J. MORAN

All Efforts on the Part of the City Council Failed.

DEADLOCK STILL EXISTS.

Chairman Leonard Announced Positively That Action in Regard to Contracts Would Not be Rescinded.

For nearly two hours yesterday afternoon the city council as a committee to the whole used every effort at its command to induce the board of public works to rescind its action in regard to the rejection of Moran's bid for the large street paving contracts, and particularly in regard to the east Second and South contract, so that at least some of the paving could be started before fall, but all efforts were unavailing and the three members of the board who were present by invitation, stood firmly by the mayor in the fight against Moran, and the deadlock between the council and board was stronger than ever, as Chairman Leonard announced positively that the board would not rescind its action in regard to any of the contracts.

SPECIAL MEETING. It is very probable that a special meeting of the council will be held Thursday evening at which City Attorney Hines will furnish the council with a written legal opinion as to the duties of the board of public works with relation to the city council. Some action may be taken at that meeting to get the re-advertising for bids started by the board without authority from the council.

BIDS WOULD BE HIGHER. The general sentiment of the members of the council was that the board made a mistake in rejecting the Moran bid for the Second South paving, especially and if the matter would have been legal the contract for that work would have been awarded by the council over the head of the board of public works. Even Moran's strongest friends in the council conceded that such action would be illegal, hence no attempt was made to do so. It was shown conclusively by statements of the city engineer and also of Tuddenham and Martin, who are contractors, that owing to the advance in wages and material in the last 90 days, the city could not expect to get any lower bids than those rejected by the board of public works on last Friday, and hence it was folly for the board to re-advertise and then have to accept a bid which could not possibly be lower but which, in all probability, would be higher than the one rejected.

LEONARD WAS CENSURED. During the meeting, the board of public works, and particularly Chairman Fred J. Leonard was censured for disrespect to the council, failing to report its action in regard to the rejection of the Moran bid. The censure of the board to do so was due to an opinion rendered by Assistant City Attorney Dinny to the effect that the board did not have to report to the council until it accepted a bid, and submitted a contract for work to be approved by the council. Several of the councilmen disagreed with Dinny as to the law in the matter, and scored him for his part in the transaction.

DININNY CAUSES ANGER. Dinny also caused the ire of the councilmen by his unhappy statement in regard to the board being composed of men of perhaps a higher business standing than the members of the council. For this statement he was severely criticised and was given to understand in plain language that the opinion asked by the council was desired from Judge Hiles. A number of very heated incidents occurred during the meeting and at its conclusion there was no indication of a settlement of the affair except in one way, and that is to allow the board to have its say and proceed with the re-advertising and then award the contracts as it recommends perhaps at a much higher bid than those rejected by the board.

CHARGES COLLISION. The charge was made by Chairman Leonard that there was collusion between Moran and the Barber company in their bids and he stated that that was the reason for rejecting the bids. He was asked what proof he had to back up his charge and he replied that he had none but he simply felt that there was collusion. Mulvey denied forcibly that there was any collusion and informed the chairman as good as the chairman's in that matter.

ADVERTISEMENTS SENT. When the meeting was called to order at 2 o'clock President A. J. Davis was chosen as chairman. The records were then read the resolution providing for the whole and requesting the members of the board of public works to be present. The members of the board in attendance were Chairman Leonard, Sam Barlow and C. D. Rookledge. The reading of the resolution was broken by Chairman Leonard, who handed over to Chairman Davis a statement of the bids received at the same time remarking that the board had sent the advertising in more than one paper with the intention of publicizing the bids and the board would be opened on July 6.

CROSS-EXAMINED. The cross-examination of Mr. Leonard then commenced. Fernstrom asked him why he had not reported the bids to the city council, to which the chairman made the following reply: "We did not have to present them. The city attorney said so. I asked his opinion in the matter. We were told that when we get new bids and make a contract we should send to the council a record of other bids and a statement of the re-advertising."

Fernstrom—You believe, then, that in the opinion of the city attorney you would be justified in re-advertising until eternity for new bids? Leonard—We would not advertise indefinitely. Fernstrom—If you do it once, you would have the right to do it again and again. Leonard—The former bid said the work was to be done this year. Hobday—You re-advertised for bids on Second South street after the council had turned down the Barber contract. Leonard—We were instructed by the council on three bids, and not on the Second South street work, but that was all the same thing. Hobday—I don't see where you get authority to re-advertise. Leonard—The city attorney says we have a perfect right. Fernstrom—I suppose you know that the ordinance under which you are working says you are not allowed to advertise in more than one paper without specially ordered by the council. Leonard—I didn't know that. FERNSTROM READ LAW. Fernstrom took the trouble to read

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the law on that question to the chairman so that he would be advised in the future. Fernstrom—I would like to ask the city engineer if the bids rejected by the board are too high. Mr. Kelsey—I don't think so. Fernstrom—Are they likely to be lower again? Kelsey—They were lower before. Fernstrom—Then the conditions are the new bids will not be lower than the old. Kelsey—I don't think so. Ferry—What are the conditions that will make better bids? Kelsey—Competition. Ferry—Don't you think that there was competition in the other bids? Kelsey—There were two bids. Fernstrom—Was there any collusion? Kelsey—I don't know.

BIDS WILL BE HIGHER. Bids—One of the things that will make the bids higher in the future, and one that has had some influence on the bids of June 15 over those of April 11, is the fact that material and labor have increased in cost. Within 90 days I have raised the price of skilled mechanics once and of common laborers for \$2 a day, but now it costs me \$2.50 and \$2.75. Also, cement has advanced within the past 90 days at the rate of about 75 cents a barrel. Ferry—What part of the raise of price of material and labor? Martin—Ten, fifteen or twenty per cent. The increased price of cement, sand and gravel make a difference of 15 per cent, and labor adds 2 per cent. Ferry—Has that been your experience, Mr. Tuddenham? Tuddenham—Yes, sir. Ferry—That is an important factor. Crabtree—Mr. Kelsey, since the first advertisement was inserted and the bids submitted, what is the difference in price of cement. Kelsey—I don't know. Martin—As a basis of information, I wish to state that I helped a party buy 2,500 barrels of cement in April for \$2.80 per barrel, and the price is now \$3.50.

Ferry—Mr. Engineer, did you make an estimate on this work? Kelsey—Only on east Second South. The total estimate on the four jobs as they now stand is \$72,000 above the bidder's figures. Five per cent would be taken off for engineering expenses. Mulvey—Mr. Kelsey, do you consider that a low bid? Kelsey—Yes, sir. Mulvey—Then this thing resolves itself to the question: Can this committee and the board agree? I say a crime was committed when the council rejected the Barber bid. The engineer says the present bid is a low one. The question now is, will the board of public works agree with this committee to let the contract to the present low bidder? This committee and the board cannot agree, and the people demand it. I should like to see the board go to the interior and see if it cannot agree with this committee. We had a reliable company with a good bond, and the board of public works sent the contract up. The council disapproved it. There was the mistake. If we re-advertise we might still get the worst of it.

Ferry—Does the board think the work should be put off another year? Leonard—The question never arose with us. The new bid places the time limit on Second South at 330 days, against 150 in the old contract that was turned down by the council. Mulvey—Would it be for any possible chance of the board agreeing with this committee? Leonard—No, sir. Leonard—I can see your objection to letting the contract for the Second South street improvement. The engineer says it was a low bid. Leonard—Our objection was the time and the figure as compared with the Barber bid. Mulvey—Suppose you get a higher bid, what then? Leonard—We haven't come to that yet. Fernstrom—What will you do when the advertising bids come in? Leonard—We will pass it up to the council. Fernstrom—As you acted without authority, the council may deduct the amount from your salaries. What does the city attorney say about it? Dinny—The board is not required to put its action up to the council until it has finally passed on the contract. If the board rejects bids, it has a perfect right to re-advertise, without going to the council for permission. Fernstrom—If the city enters into a collusion with a paper to advertise indefinitely, is that all right? Dinny—I don't propose to answer conundrums. I have given you the law. Fernstrom—Is that the law? Dinny—It is. Fernstrom—Then I hope you have had legal advice. Dinny—I would go higher than you for it.

Hobday—What is that section of the ordinance defining the duties of the board of public works? CHECK ON COUNCIL. Dinny—That section is in conflict with the state law creating the board of public works. If that section amounts to anything at all, it is in conflict. The intent of the legislature was that the board of public works should exercise a watchfulness over the city council. The intent of the law was that the board of public works should

be composed of men of high standing in the community and of higher grade than the men who compose the council. They should be business men of ability with the interests of the taxpayers at heart, and they are set as a check on the council. Hobday—Has the board the right to re-advertise again and again and then report to the council? Dinny—That's my idea of it. There was a case in this state where the council instructed the water works committee to do some work that should have been done under the board. An injunction was sought and Judge Hiles decided it in the district court. It went to the supreme court and the higher court held that the council's action was an interference with the board of public works. There was another case, and peculiarly enough, this was entitled Moran vs. Thompson. The contract as made by the board and submitted to the council was changed, and the supreme court held that the council had no right to interfere with the business of the board of the public works.

WHO PAYS THE BILL? Do you contend that the board has the right to go ahead and incur expense without authority from the council? They have the right to reject bids, but they have no right to advertise. They can open bids on July 6 and so on indefinitely until they make a contract with the city and the State of Utah. Your opinion is that they may go on indefinitely. Who is going to pay? The common granger, as you say, will have to pay. I think you are in error. I am an attorney from South Street. Why was that turned down? Unless the council orders a re-advertisement, I will never vote to pay the bills. If I have to stay in the penitentiary all my life, irrespective of the opinion of the second city attorney, is there any reason, Mr. Rookledge, why the Second South street contract should not have been let? Rookledge—It should have been let. Mulvey—Did you vote in favor of Second South? Rookledge—I did. Mr. Halloran and I voted for it, but there was a vote. Ferry—I assume that the other three bids were too high. BIDS WILL NOT BE LOWER. Rookledge—I didn't think that. There had been persistent rumors that the new bids would be under the Barber bid, and for that reason I think the present ones too high, but for no other reason. I don't think the bids will ever be as low again. Ferry—Are you satisfied that the board acted with power? Rookledge—Not as to the re-advertising. Davis—What was the real object for putting the bids out? Rookledge—I can't answer that. Davis—I will ask the same question of the chairman, Mr. Leonard. Leonard—I will answer you. I'll ask the clerk to read section 13 in the specifications. Hobday—Reading from specifications—If there are reasonable grounds for supposing that any bidder is interested in more than one proposal, the board shall have the power to reject all of the proposals in which said bidder is interested. Leonard—That is my said. Mulvey—Have you any proof of a collusion? SERIOUS CHARGE MADE. Leonard—No. It is hard to get proof. The stories have been in the air and in the press, and it looked like collusion to me. Mulvey—That is a serious charge. Fernstrom—I understand that certain parties have said that one contractor could not get the contract at any price. Did that have any influence upon your rejecting the bids? Leonard—No, sir. Mulvey—What contractor was that? Fernstrom—I heard it said that Moran could not get the work at any figure; that he has been given enough and will not get any more. Leonard—That cuts no figure with us. Fernstrom—It doesn't make any difference to me, but I don't think the board has the right to spend a dollar of the city's money without authority. THEY DIDN'T MEAN IT. Leonard—We got the city attorney's opinion. We did not mean to be discourteous to the council. Hereafter you will get an abstract of all bids. Mulvey—Didn't you criticize this body at your meeting Friday night? You say you were not discourteous, but the council was criticised at your meeting. Leonard—Will you not criticise. Mulvey—I did not criticise. Leonard—Yes. We didn't mean to be discourteous, and we did not report this time because we did not think it necessary. Ferry—I would ask the attorney if either of them would accept the contract from the council in view of the legal complications. Hempstead—The Barber people would certainly not accept a contract that was not duly executed by the board of public works. I don't think the council has authority to let a contract. WOULD TAKE A CHANCE. Ferry—Would you accept it, Mr. Moran? Moran—I would accept the contract if awarded by the council and take a chance on the legality. Carter—Without approval by the board? Moran—Yes. If they refused to approve what they ought to approve. Certainly I would. Fernstrom—We may all be common grangers, but I think we have the law back of us in our stand. We may not be as good as the board of public

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50 cts. Each. That's the way we are clearing out all the remaining Pianos and Pianola-Piano Music that went through our fire undamaged. Some of the pianos sold regularly for \$250 and \$350, and now you have the choice of the lot for 50 cents. CARSTENSEN & ANSEN CO. 74 S. MAIN STREET.

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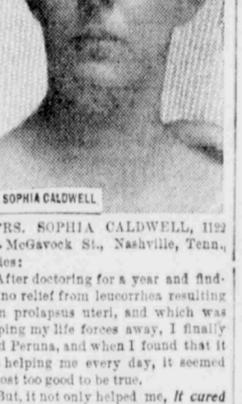
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A PELVIC DISEASE Of Which Peruna Cured Me In a Very Short Time WAS SAPPING MY LIFE.



MRS. SOPHIA CALDWELL. Mrs. SOPHIA CALDWELL, 1122 McGarock St., Nashville, Tenn., writes:

"After doctoring for a year and finding no relief from leucorrhoea resulting from prolapsus uteri, and which was sapping my life forces away, I finally tried Peruna, and when I found that it was helping me every day, it seemed almost too good to be true. "But, it not only helped me, it cured me and in a very short time. "I am now enjoying the best of health. "I am strong and free from pain, and I certainly feel that all praise and honor are due to Peruna." Thousands of women will read the testimonial of Mrs. Caldwell as above given. Thousands of them will be induced to try the remedy that saved her. Thousands of them will have the same experience she had. Peruna is the remedy such women need. Peruna comes like a boon to suffering women.

LIFE CRUSHED OUT. Telephone Pole Fell on Thomas Layson, Killing Him. Thomas Layson, aged 41, of 124 Mead street, was crushed to death yesterday afternoon at Buena Vista, five miles west of this city, by a telephone pole falling on him. He had secured employment from the Bell company only Monday and was on a construction gang erecting poles at the time of his death. The pole in question was partly up when some of the men became uncertain in their hold, and dropping their poles ran. They called on Layson to run also, but he was not quick enough and was caught. The body was removed to S. D. Evans' establishment, preparatory to arranging for the funeral. The deceased leaves a wife and two children in destitute circumstances. Justice Smith deputed an inquest unnecessary.

You Have Often Seen Women with marked bitterness or paleness of face, vitiated appetites and a craving for unwholesome food. These are signs of disordered liver, and the trouble must be corrected or worse results are sure to follow. Dr. Kennedy's Favorite Remedy dispels liver disease. Husbands and fathers cannot afford to trust this matter lightly.

TAKE A FEW ROLLS FOR YOUR PIANOLA 50 cts. Each. That's the way we are clearing out all the remaining Pianos and Pianola-Piano Music that went through our fire undamaged. Some of the pianos sold regularly for \$250 and \$350, and now you have the choice of the lot for 50 cents. CARSTENSEN & ANSEN CO. 74 S. MAIN STREET.

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Key-O'Brien Our Oxford Week. We suggest that you take advantage the rest of week of the unusual reductions in Oxfords-- \$3.45, \$2.95 and \$1.95. Any pair \$4.00, \$5.00 and \$6.00 shoes in our stock... \$3.45. Boys' Oxfords, Misses' and Children's Oxfords and Slippers at decided reductions. We have the canvas stain and polish in all colors.

THE FADS IN FANCIES FIFTY CENTS. Yesterday's express brought us some dazzling numbers in light lisses, right off the loom. They are worthy weaves in plain and lace textures. In shade, subdued grays with fancy and self figures predominate, while a sprightly sprinkling of blacks and new tans with fancy figures gives expanse to the splendid varieties. They are true attractions to wearers of low shoes. Great values for half-dollar too.

Lizel's Fine Fancies at 25c and 30c Good assortment of them. 228-230 MAIN STREET.

SI-DURING JUNE-SI. To prove to the afflicted the unparalleled success of the New Treatment, DR. SHORES & SHORES WILL TREAT ALL CATARRHAL DISEASES, INCLUDING DEAFNESS, HAY FEVER, ASTHMA AND LUNG TROUBLES, FOR ONLY ONE DOLLAR PER TREATMENT, OR \$1 FOR A CURE. MEDICINES FREE. By means of Dr. Shores' Wonderful Discovery they are enabled to cure many mild or recent cases in a very few treatments. The old and chronic cases may be cured for \$15. Who suffer from Catarrh when you can be CURED for \$1 a treatment? Dr. Shores also treats and cures all curable Nervous, Chronic and Private Diseases of Men, Women and Child on of every name and nature. Consultation and Advice Free and Confidential for any disease. Call or write.

A SPECIAL DEPARTMENT FOR MEN. Dr. Shores have a Special Department exclusively for the treatment and cure of all diseases of Men no matter how caused. You may consult Dr. Shores about the most delicate troubles with the assurance that you will be given honest advice and confidential treatment, and everything will be STRICTLY PRIVATE and KIDNAPED. Men who are weak and falling. Those who have contracted diseases—the victim of Blood Poison—and all others who need the counsel and aid of experienced and kindly physicians, are cordially invited to consult this department and be advised FREE OF CHARGE.

HOME CURES BY MAIL. OFFICE HOURS. IF YOU LIVE OUT OF TOWN Write Dr. Shores & Shores for their new symptom list and get their advice free. Dr. Shores & Shores, Expert Specialists, HOUSTON BLOCK, 249 SOUTH MAIN STREET, SALT LAKE CITY, UTAH. DR. J. W. SHORES.

BARGAINS! Avail you at every step throughout our store during our Great June Sale. Come and see us and Save Some Money. BARTON & CO., 45-47 Main CLOTHIERS TO MEN AND BOYS