

extravagant and the supply excessive." That goods furnished to the United States were not always paid for in cash. Every year for the last five years there was a deficiency extending over a period of about four months each year, and I was completely at the mercy of those furnishing the goods, some of whom at one time notified me that they could not furnish them on such long and uncertain time at the usual cash prices. Under these circumstances what was I to do? Would they have me turn the prisoners loose, keep them in prison and starve them, or buy goods at a small advance from merchants who were willing to carry the government if permitted to make a fair profit, and I do not believe any of them ever made more. They are reputable, honest men, and I assert that the government has never suffered by reason of its dealings with any of them. But to all this criticism about the prices I have but one general answer, furnished by the grand jury's report, namely, that the expense of keeping prisoners, "including pay and board of guards and warden's salary was about 48 cents per day, and deducting pay of guards 35 cents per day." With this statement made by the report, I think I can fairly submit to the common judgment of the public that no extravagant prices could have been paid for subsistence, when it is admitted that the supplies to the prisoners were generous in quantity and quality, and that the resulting cost only 35 cents per day. I think no man who has any knowledge of the cost of living will find any place to lodge a successful charge of extravagance upon such management.

I find by a letter now in my possession from the Attorney-General of the United States, that in the years 1886 and 1887 the prisoners in the penitentiaries of the territories of Idaho and Montana cost for subsistence from 75c. to 85c. per day, nearly twice the cost of the prisoners in my charge. The marshal of Idaho at that time is now the honored Delegate in Congress from that Territory, and no charge, even in the heat and bitterness of a partisan elective contest, was ever made of extravagance, although the cost per prisoner was nearly twice the cost in Utah under my administration. If I paid from 10 to 25 per cent too much for supplies, then the cost of subsisting prisoners would have been advanced accordingly. Will any honest or sensible man pretend to believe that the cost of subsisting my prisoners could have been reduced below the price which the grand jury state in their report, by any such percentage?

#### IV—THE WAGON ACCOUNT.

The report states this matter with substantial correctness. My team delivered goods for all firms who supplied the prison, and some of those firms paid me for the service. They preferred to pay me to deliver them themselves, and the department of justice, on enquiry from me, approved my action, as without any objection. It was wholly a matter for the seller of the goods as to how

they would deliver them, and they employed my team on terms that were satisfactory to them, and the arrangement was certainly as fair as any like labor could be done by any one. The government was in no way defrauded, nor is it pretended that it suffered in any degree.

I fail to see for what purpose the matter is brought forward, except to criticize the department of justice for not supplying its own transportation. As I am not the manager of the department and am in no way responsible for its manner of doing business, it can have no pertinence in a report of this kind. Save in the War Department, where the military are furnished wagons and teams in some parts of the country to transport supplies, and a horse and carriage for cabinet officers, I believe it has never been the policy of the United States to furnish its own necessary transportation, and it may be that the report of this grand jury will have the effect to change this general policy and to induce it to buy and operate railroads, stage lines, wagons, buggies and teams. But I would suggest that to effect that purpose it had been better to have adopted a memorial to Congress than to make a report to the Third District Court of Utah.

I may add, however, as to the estimate in this report, like estimates which are common in all hasty and ill-considered reforms, that a "wagon and team costing \$500 would suffice for this service," is totally at fault. No single team could perform the service. I oftentimes had two actively engaged, and on many occasions in addition my private carriage and some hired.

In relation to the entire question of the management of the penitentiary, I can say I always practiced the same economy I should have done had I been doing the work for my individual account; and that I have used at least fair skill is evident when comparison is made with the management elsewhere.

I find that the daily cost of the Ohio state prison per prisoner, as by report of its keeper, is 43 7-10 cents, within 4 cents of the highest cost of the Utah prison while in my charge.

I also find that the Joliet penitentiary, Illinois, the model prison of the United States, where subsistence is probably cheaper than any other in the entire country, is stated in the official report at 42 cents per day—only 6 cents lower than the Utah prison, and there was an average of over fourteen hundred prisoners in each of these prisons. They pay their guards much less than we do in Utah. But if the grand jury or others who are having this spasm of reform desire to cut the wages of these men, who earn well their money, I hope they may have to assume the responsibility. I therefore submit that in insisting that the management of the Utah prison, while in my charge, was extravagant, the grand jury have been hasty and inconsiderate as well as unjust.

#### V—FAVORING "COHABS."

The statement in the report is true in certain cases; and the explanation

is, that "cohabs" were generally sentenced for short terms and under circumstances which offered no temptation to escape. Work in the fields could be done by them without requiring any guards, while if I sent convicts sentenced for larceny or other offenses to haul sagebrush, or dig potatoes, or do any other prison work, guards were always required. So, as a matter of economy in the employment of guards, and to save the sending of prisoners out who would embrace every opportunity to escape, I employed this class of prisoners often, in preference to the other kind. In other respects prisoners were treated alike, and this discrimination was practiced as a matter of economy, and I fully justify it. Such is the practice in all prisons, and I used my best judgment, and in no case was my confidence ever abused.

#### VI—COMPENSATION OF MARSHAL AS SUCH.

The report deals somewhat at length with one branch of the marshal's compensation, and complains that the government has paid more than it should for certain service. The conclusion is arrived at in some of the instances cited on an incorrect statement of facts, notably the following: "For instance, Deputy Marshal Armstrong was working for 80 per cent of his earnings; he served a subpoena in the case of the People vs. Taylor in the second district, in the month of November, 1887, at an expense of \$67, \$40 of which was charged as actual expense of team. The deputy owned his own team. Mr. Dyer had 40 per cent of this \$10, that is to say, the deputy received \$24, which represented the actual expenses, while Mr. Dyer had the balance of \$16." The above quotation shows how carelessly the investigation of the grand jury was conducted, for the truth is that Mr. Armstrong did not pay to the marshal any part of the subsistence or team hired as stated, and he received neither \$16 nor any portion of this charge, any more than the grand jury did. Mr. Armstrong was not before the grand jury as a witness, while my accounts were accessible to them, and they show that instead of receiving the \$16 as alleged, I did not receive a cent of it. It is difficult to understand how the jury could have been imposed upon in this case and been led to illustrate what they call an illegal practice, when the instance given is a fiction. Because I had deputies of whose earnings I did retain 40 per cent, it was concluded that Mr. Armstrong was in the category, and without proof it is stated that I did take 40 per cent in this instance. The grand jury, however, assert that the marshal has no right to receive such moneys, and on this proposition I take issue with them. I affirm that it is neither illegal nor unjust to do so, and that the criticism of the grand jury upon the right of the marshal to retain a portion of the earnings of his deputies is both unjust and unreasonable.

A deputy is the employee of the marshal. Their relations are the