

308 trips, at \$5 per trip.....	\$1,540
12 months delivery of meat, \$30 per month.....	360
12 months delivery of groceries, \$25 per month.....	300
Total for the year.....	\$2,200

THE PRESENT MARSHAL.

(Parson), has the same arrangements as his predecessors in respect to compensation for hauling groceries and meat—\$25 per month for the one, and \$30 per month for the other—the government feeding, caring for, and proving a driver for the team and paying the marshal \$5 per trip between the penitentiary and the city for the use of it. During August, September and twenty-three days in October, of this year it made sixty-four trips at \$5, \$320.00; cartage of groceries and meat during said months, \$165.00; total \$485.00.

For \$500 the government can provide itself with a span of horses, wagon and harness to perform this service, and \$100 additional may purchase two good cows, sufficient to furnish all the milk necessary for the penitentiary, and it would seem as though it were economy to do so.

The present marshal has twelve milch cows, about one hundred hogs and two extra horses at the penitentiaries. The deputy warden, Mr. Amos, keeps two horses and a large number of turkeys and chickens at the same place. All these are fed and cared for by prison labor; a portion of the food for these animals and fowls is derived from surplus food and swill from the prison tables and kitchen; the balance is paid for by the marshal and deputy warden.

From his twelve cows the marshal supplies milk for the table of the deputy warden and guards, at the expense of the government and sells from \$70 to \$80 worth of milk per month to the prisoners or such of them as have money to buy it, at the uniform price of twenty-five cents per gallon. This industry furnishes a revenue to the marshal of not less than \$100 per month, and at the same time has solved a disputed question concerning prison discipline, viz.: as to whether it is best to furnish healthy penitentiary convicts with articles of food other than the regular prison fare, even though it brings profit to the officers in charge. It is but justice to the marshal to state in this connection, that when questioned in regard to this milk supply, he answered that many of the convicts were old men with poor teeth and obliged to eat mush.

CHARGE OF FRAUD.

We find under the management of the several marshals during the period covered by our investigations:

1—That nearly all the vouchers rendered the government by the deputy wardens for potatoes or milk were fraudulent in whole or in part.

2—That the supplies furnished have been excessive in quantity.

3—That the prices paid for such supplies have in many instances been extravagant.

4—That the wagon account is an imposition upon the government.

5—That it is bad policy and worse judgment to permit the marshal or any employees under him to keep private property or animals in or about the premises, or to permit prisoners to perform any kind of work or labor for the personal benefit of the marshal.

6—That men serving terms of imprisonment for violation of the laws of Congress against polygamy and unlawful cohabitation have been granted greater liberties and more generous favors than those imprisoned for other offenses. Believing this to be unwise and an unjust discrimination, we respectfully suggest that it be discontinued.

We are of opinion that the person who acts as warden of the penitentiary ought to have better rank and pay than a mere guard. His position is a most responsible one and calls for a peculiar order of talent; if he is fitted for the position he is certainly entitled to what is here suggested. We believe that such a change would also conduce to the improvement of prison discipline. This officer ought also to be

provided with a horse and light wagon at the expense of the government; his duties call him to the city almost every day, and as the penitentiary is four miles distant, the use of a conveyance is a necessity.

The Marshal, His Deputies and Compensation.

We have devoted as much time to an examination of the marshal's office proper, his books, accounts and manner of doing business, as justice to our other and current business would permit.

The emolument returns, we did not examine; but confined our inquiry mainly to the matter of charges and fees for the service of criminal processes, from 1880 to the present time. We find that in 1880-1-2, when "actual expense was charged, team hire cost \$10 per day for a double team, \$5 for single horse; \$1 to \$2.50 per day was charged during this period for subsistence.

From '82 to '85 this item for team hire, when actual expense was charged, increased to as high a rate as \$15 per day for team and subsistence. In some instances the deputies were employed at stated salaries, the marshal furnishing his own teams and in such cases had all the earnings of the deputy. Other deputies worked on commission, getting from 60 to 75 per cent. of their earnings; in such cases they usually owned and used their own teams, but in some instances the teams were owned jointly by the marshal and his deputy.

We find that during

THE ADMINISTRATION OF MR. DYER,

wherever his deputy worked upon commission, say 60 per cent. for illustration, the marshal retained 40 per cent. of the actual expense for team hire as well as upon other items of the actual cost, that is to say, if a deputy charged \$8 for a team and \$2 for subsistence, total \$10, the marshal retained \$4 of that amount, notwithstanding both these items were supposed to be actual expenditures.

A dispute seems to have arisen between the marshal's office and the first comptroller of the treasury in respect to this class of charges, the comptroller holding that \$10 per day was an excessive charge for a team in an actual expense account, and it was thereupon reduced to \$6 per day. It was then represented to the comptroller that \$6 was too low, and that the deputy marshals would resign rather than accept the reduction. Upon that and other representations of like purport, a compromise price was established, viz.: \$8 for team and \$2 for subsistence.

This was the maximum, beyond which no charge for team hire or subsistence would be allowed, it being distinctly understood, however, that all charges for actual expense, instead of mileage, must be limited to the actual disbursements, so that where a team costs \$4, \$5 or \$6, as the case may be, all charge in excess of such amounts were fraudulent and would be disallowed.

Notwithstanding this, it seems that in a large number of cases, where actual expense was charged, it was at

THE UNIFORM RATE

of \$8 per day for the team, when in truth it cost much less than that sum. For instance: Deputy Marshal Armstrong was working for 60 per cent of his earnings; he served a subpoena in the case of the People vs. Taylor in the Second district in November, 1887, at an expense of \$67, \$40 of which was charged as actual expense for team. The deputy owned his own team. Mr. Dyer had 40 per cent. of this \$40; that is to say, the deputy received \$24, which represented the actual expense, while Mr. Dyer had the balance, \$16.

There are many other cases of this character which might be made exhibits herein, but the foregoing will serve to point out a very common method of doing business in the marshal's office.

The present marshal also insists that this is a proper way to charge actual expense; because there are many times when they fail to make service of criminal process and in all such they lose money, therefore, \$8 per day is a proper charge for team, no

matter what the actual cost may be, and a marshal is justified in taking 40 per cent. commission from his deputy, on actual expense charged, as it cannot make any difference to the government whether the deputy or the marshal gets the money, or what the actual cost of the team was, so long as the department will allow \$8.

From our investigations of these matters, we do not believe that the department of justice or the accounting officer of the treasury department intend that the marshal shall profit by an actual expense account charged by his deputy. This is evidenced by the fact that the department required the deputies to make oath that the items charged for were actually paid and necessarily incurred.

In closing this part of our report we submit the following letters, as bearing upon the subject.

WASHINGTON LETTERS.

SALT LAKE CITY, Utah, Feb. 21, 1889.

Major Frank Strong, general agent department of justice, Washington, D. C.

MY DEAR SIR AND FRIEND—In connection with my management of the penitentiary there is just one thing I intended to have mentioned to you when I saw you last; but it slipped my memory, which is this: Of course you are aware that my team runs back and forth between Salt Lake and the penitentiary every day hauling prisoners and supplies, etc., to and from the penitentiary. The matter which I desire to speak about is this, Mr. Strong & Johnson from whom I purchase all my supplies for the pen except dry goods, pay me \$25 a month for hauling their supplies to the pen; if I did not haul them they would have to deliver there, but they prefer to pay this amount to have them delivered. Is there any objection to this?

As you see by the vouchers I sent in, I have not charged anything since last July for potatoes furnished the pen. I have my team do all the plowing out there and all the work around the place, but have the government feed them and I will not charge anything for potatoes hereafter, except what I may have to buy. I raised a poor lot of potatoes last fall, or rather there were more prisoners last fall than we raised potatoes to feed and we are now buying; but I hope this year to be able to raise enough to do the place.

I am managing the place just the best I know how, as economical as possible, as if I were doing it for myself, and the cost of keeping the prisoners has been kept down to very reasonable figures. Last month it was less than 49 cents to the man per day.

The expenses of that institution are higher now than they will be when we are in our new quarters, as we are employing at least two or three more guards now than will be necessary when in the new quarters.

I intend to ask for an additional appropriation to build a warden's residence out there and an additional cell building, a wall around the prison, to get a water-right and many other things which are necessary. I am getting up a report for this purpose of which I will forward a copy to you and one to Delegate Caine, who has written me on the subject, and he seems to think an appropriation can be had.

I feel quite a pride in the penitentiary, and would indeed be glad to make it a creditable institution while I am marshal. Any suggestions you can make will be kindly received.

Yours respectfully,

FRANK H. DYER,

United States Marshal.

DEPARTMENT OF JUSTICE,

WASHINGTON, Aug 11, 1887.

F. H. Dyer, United States Marshal, Salt Lake City, Utah.

SIR—Your letter of the 4th instant is received. Relating to the rule of the first comptroller by which you are allowed but \$6 per day for hire of teams, etc., I have taken some pains to find out what you desired to know and am informed that there is little or no probability that the comptroller will reconsider his decision, which applies, I believe, to other