

fact, and if fully understood would be seen to offer the true means of Christian unity.

#### POWER OF COUNTY COMMISSIONERS.

There is not only food for thought but ground for wonderment in that phase of Judge Norrell's decision, rendered on the 14th inst., in the sheep license case, which relates to the powers of county commissioners. The Summit county board passed an ordinance to license the business of grazing sheep in that county, and prescribing a graduated scale of license fees proportioned to the number of sheep owned by the same man. For a herd of 2,000 head the license fee is \$100.

Sanford Gustavson grazed a herd of that number in that county, but refused to pay the license fee. He was prosecuted before a justice of the peace in the county, was defeated and took an appeal to the district court. The case was heard on demurrer before Judge Norrell, under the title of John L. Boyden, county clerk of Summit county, vs Sanford Gustavson, and the decision affirms the right of the county commissioners to prescribe and enforce the payment of the license fee which Gustavson had refused to pay.

The county commissioners claimed the right to tax the sheep business under subdivision 11 of section 511 of the code, which gives them power:

"To license, for purposes of regulation and revenue, all and every kind of business, not prohibited by law, transacted and carried on in such county, to fix the rates of license tax upon the same, and to provide for the collection thereof, by suit or otherwise."

Judge Norrell, as will be seen from his decision which appeared in the "News" on Friday last, sustains this claim, and fully confirms the action and authority of the board of county commissioners in requiring the payment of the prescribed license fee for grazing sheep in the county. This fee is not a property tax, it is a charge in addition to all other taxes provided for by law. The average value of sheep in this State, for assessment purposes, is about \$1.75 per head, and the owners must pay the usual taxes on this valuation, in addition to the license tax, which was the subject of litigation in this case. Judge Norrell specially decides that it is not double taxation.

So far from fixing a limit upon the amount that the board of county commissioners may require to be paid as a license fee for the privilege of grazing sheep in any given county, Judge Norrell holds that there is no such limit. He says:

"It is true, as stated by counsel in his argument, that the power to tax includes the power to destroy, but whatever may be the court's views as to the policy of such a law, or whatever doubts the court may have as to its expediency, can have no weight upon this legal proposition. The law must be construed as it is and not in accordance with any one's doubts as to its expediency."

Under Judge Norrell's decision, then, the board of county commissioners in each county in this State may prescribe so high a license fee for grazing sheep in the county that the owner of the sheep cannot possibly pay it. "The power to tax" which the board may exercise, "includes the power to destroy;" and the boards of county commissioners in this State may, if they see fit to do so, utterly destroy the sheep business within its borders. They may make it impossible to keep or graze a flock of sheep within the limits of the State.

The county commissioners of each county have authority under the law

above quoted, as interpreted by Judge Norrell, to tax the mining business; and as "the power to tax includes the power to destroy," they may tax it so heavily as to destroy it. The syllogism applies to farming, merchandising, and all other kinds of "business." It rests with the county commissioners to say whether any specific business shall be conducted in the county. They may tax it to death if they see fit. They may take up every business in the county and tax it to death, and in that way prevent any business from being done in the county.

Housekeeping is a business, and the county commissioners may tax housekeepers so heavily as to make it impossible for them to keep house. Whether the raising of "Utah's best crop" could be described as a "business" may be a matter of doubt. Judging by results, however, many excellent citizens are making a business of it; but it is certainly to be hoped that some legal reason can be found for holding that it does not come under Judge Norrell's rule, because some cranky county board might take a notion to tax the industry up to the prohibitory point.

We have read a good deal in Eastern papers about rule by the "bosses" and the "plutocrats," and about "government by injunction;" but Utah, ever true to her destiny of progress and originality, has gone them all one better. She has established, by solemn legislative enactment, rule by county commissioners. It is only by the sufferance of these officers that any kind of business exists in the State. At their own sweet will, they can destroy all the industries by which the people live, and can depopulate the commonwealth.

Of course the matter will go before the State supreme court, for further decision.

#### RESULTS OF CURFEW LAWS.

At a national convention of the Boys and Girls' Home Employment association held at Indianapolis, Indiana, in 1894, a discussion was had of the great increase of crime among the youth of American cities, and curfew legislation was strongly advocated as a remedy. To the agitation thus begun the Chicago News attributes the rapid spread of such legislation among the cities and important towns of the country, which has been in progress since. The News says that over 300 of them have adopted curfew ordinances within about three years, and adds:

"An effort has been made to get a consensus of opinion from the authorities of towns in which the law has been enforced as to its value from a moral aspect and in no instance has there been an unfavorable report. The mayor of Lincoln, Neb., says that the law has been a complete surprise to both parents and police; that there has been a decrease of 75 per cent in the number of youths arrested and that no increase in the number of police has been necessary. He says 'a decided improvement in the youth of the city, morally and socially, is also noted.' The superintendent of the Nebraska reform school says there has been a marked decrease in the number of commitments to that institution from those cities in which the curfew ordinance is in force.

"The chief of police of St. Joseph, Mo., says that after a seven months' enforcement of the curfew ordinance it has been instrumental in keeping hundreds of children off the streets and that there has been a reduction of fully 50 per cent in the commitments to the reform school from that city.

"The mayor of another city says that for two years before the adoption of the ordinance fourteen boys were

committed to the reform school, but in the two years following its enforcement not one had been committed. The chief of police of Omaha says that there has been no occasion to make an arrest under the ordinance, for, he adds, 'when 9 o'clock comes the children make it a point to go home. It is now an easy matter for parents to enforce home rules.' While some of the authorities are more enthusiastic than others regarding the operation of the law there is not one who is adverse in his criticism of the working and effect of the ordinance.

"How such a law would operate in a city of the size of Chicago can be decided only by experience, but the interests involved are sufficiently important to make it worth while to test its efficiency. It might be a little more difficult to enforce such an ordinance in Chicago than it is in Kansas City or Omaha, but this argument is rather in favor of its adoption than in opposition to it."

The progress and results of curfew legislation comprise an interesting phase of sociological development in the United States at the present time. They show how the duties and functions of parents are being transferred to and assumed by the police power of the State; in other words they show the growth of paternalism in government of the most pronounced kind. Government ownership of public utilities would not affect the domain of personal duty, privilege and responsibility to a degree that compares with the extent to which that domain is affected by government control of the children of the household.

It seems to be quite true that a large proportion of parents in American cities have lost, or are failing to exercise, control over their children; and this being so, curfew legislation is not only justified but made necessary. The children must be cared for and controlled, and if parents cannot or will not perform this duty, the police must. But what sort of men and women will the boys and girls make, who receive their early training from the police instead of their parents? What kind of citizens will be produced by a system that impels boys and girls to go to their homes at a reasonable hour, not because home attracts them but because the prison threatens them.

It is too soon to tabulate the results of curfew legislation in American cities. Wait until a generation of boys and girls has grown to maturity under it, and see what sort of husbands, wives, parents and citizens they prove to be. There is the gravest reason to fear that the opposite of ideal manhood and womanhood will be produced by any system that substitutes a grim and stern policeman for a kind but firm parent.

#### UTAH FLOUR FOR CHINA.

It is well known that Utah produces more grain than is needed for the supply of her own people, and this is owing mainly to the flourishing agriculture of four or five counties. With the market extended and more remunerative prices for wheat, much more could no doubt be raised. Enterprising farmers and flour merchants of Cache valley have now entered upon the experiment of finding a new outlet for the surplus grain. Some time ago a young Japanese, a student of the B. Y. College at Logan, left for his native land with the purpose in view of finding a market in Japan for Utah flour. Others have been at work to see what can be done by way of sending the product of the Utah mills to China, with the result that a sample shipment of 50,000 pounds is to be sent to Hong Kong. Cache valley flour has been selected for this purpose and those inter-