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CHARLES W. PENROSE, EDITOR.

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SCHOOL LAW DISCREPANCIES.

SALT LAKE CITY, Aug. 3, 1892.

Editor Deseret News:

Will you please help the district school trustees to get a correct understanding of the ideas conveyed in Article V, Section 10, and Article XIV, Section 147, in relation to trustees at our November elections? Also Article V, Section 10, and Article 14, Section 10, in relation to calling district tax levying and bonding a school district?

We have read these over many times and fail to make them harmonize. In fact, to our mind, as well as that of some others, they conflict badly.

If you can give us any light on this subject, you will greatly oblige.

Yours truly, J. D. C.

There is no section 147 in Article 14, but we suppose our correspondent meant Article 16, in which appears the following:

"Sec. 147. The terms of office of all school trustees now in office, except the trustees of school districts situated within the limits of cities of first or second class, that would expire in the years 1891 and 1892, are hereby continued until the full terms of office for which they were elected have expired and their successors are elected and qualified, and the terms of office of all county superintendents now in office are hereby continued until the expiration of the full term of office for which they were elected have expired."

This is cited in connection or contrast with Section 10 of Article 5 which is as follows:

"Sec. 10. On the Tuesday next after the first Monday in November, 1892, there shall be elected by the registered voters residing in each school district, except in school districts provided for in Article XV of this act, three school trustees, to serve for the term of one year, and until their successors are elected and qualified. On the Tuesday next after the first Monday in November, 1893, and biennially thereafter, there shall be elected by the registered voters residing in each school district, except in school districts provided for in Article XV of this act, three trustees, to serve for the term of two years, and until their successors are elected and qualified. Said trustees shall qualify by taking and subscribing the oath of office, and giving bonds to the county in which they reside, in such sums and with such sureties as the probate judge of the county or a justice of the peace of a precinct wherein some portion of said school district is situated, may approve, conditioned for the faithful discharge of the duties of their office; said oath of office and bonds shall be filed with the clerk of the county court. The ballots used at such election shall state the names of the persons and the length of the term voted for."

There is no such discrepancy between these two sections as will render it difficult to proceed with the election. The trustees can be elected at the regular November election as now provided, and the trustees who were elected under the old law whose term of office expires in July will continue to hold on until the trustees elected next November have qualified. We are of the opinion that the framers of the new law, in copying from the old law the provision for extending the term of incumbents from July to November, overlooked the figures "1891," which ought to have been expunged because they refer to a date that was past when the new law was enacted. Let the trustee whose term expires in July, 1892, hold over until the trustees who are elected next November have qualified, and the difficulty, so far as it appears to us, will vanish. Trustees elected under the law of 1890, whose term of office does not expire this year, will, as we understand the law, go out of office next November unless re-elected.

Now as to the other discrepancy. Section 32 provides that:

"Sec. 32. Meetings for the election of trustees, or voting on the rate per cent of taxes to be assessed, and on the question of issuing bonds, shall be called by the trustees, causing notices to be posted in at least three public and conspicuous places within the district, at least twenty days before the time for holding such meeting. Such notice shall state the time, place and object of such meeting, and if the polls are to be opened at any such meeting, to determine any question, the notice shall state the hours at which the polls will be opened and closed. All business transacted at such meeting other than that specified in said notice shall be void. The voting at such meetings shall be by ballot."

But section 33 makes these different provisions in relation to the call of a meeting to determine the question of issuing bonds:

"Sec. 33. Before the question of issuing bonds shall be submitted to vote in any school district, the trustees shall call a meeting of the voters of such district, by notices, to be posted in at least five public and conspicuous places in said district, at least ten days before such meeting. Said notices shall state the time and date of meeting, the amount of bonds proposed to be issued and for what purpose, and the time in which they shall be made payable; the voting at such meeting shall be by ballot; all ballots deposited in favor of issuing bonds, shall have thereon the words "bonds, yes," and those opposed thereto shall have thereon the words "bonds, no;" if a majority of the votes cast shall be in favor of issuing bonds, the trustees shall authorize proceed to issue bonds in accordance with the vote; but if less than a majority of the votes cast are in favor of issuing bonds, there shall be no further action on the question for one year thereafter."

The mistake of the Legislature, in our opinion, was in not striking out of the general provisions about calling meetings and voting on school matters in article 5, all reference to the issuing of bonds, as special provision for this is made in article 14. But taking the two sections together and acting on the provisions of both, all difficulty may be avoided and the legality of the proceedings will be preserved. That is, let the trustees, when desiring to bond a school district, just notice in five public places, as required in section 33, and give at least twenty days' notice, as provided in section 32, and if appears to us that one more the difficulty that arises will vanish.

Of course one part of a statute should be perfectly consistent with another. Great care should be taken in the preparation and revision of the laws. And when a formal statute is revamped, or a law of another Territory or state is adapted to local needs, close comparison of new provisions with the old ought to be made so that there shall be no conflict between them. However, when there is a disposition to confusion in the management and intent of the law many ambiguities may be overcome, and apparent inconsistencies may be adjusted if not reconciled, and made practically subservient to the public interest. We are of the opinion that this may be done in the case under present consideration.

THAT VETO WAS RIGHT.

We endorse the action of President Harrison in vetoing the bill passed by Congress in relation to land claims. His objections to the measure were well taken. There is no need to transfer land disputes from the land office department to the courts. The latter are, as a rule, loaded up with other business. Without wishing to cast any reflection upon the judiciary, we are satisfied that the people, especially the poorer classes of them—for refer to save the judgment of disputed claims in the hands of the land office, which has, of late years, been conducted efficiently and fairly. If land claim disputes were to go into the courts in place of being adjusted as at present, moneyed claimants would have opportunities to cause cases to drag their slow length along until the poorer contestants on the other side were worn out by waiting and large expenditures which they might be unable to meet. Besides all this, the land office department has to deal exclusively with land questions. Those having their attention thus restricted are much more capable of comprehending cases of this character than officials whose duties are more diverse and multifarious.

It appears that a prominent objection to the bill was the ambiguity of its terms. This is a fatal objection to any measure. Legislative acts should, above all other statements, be clear, concise and specific, that they may afford no opening or warrant for strained and diverse judicial construction.

There is no need for the change the bill was intended to create and therefore the President did a wise thing when he killed it.

TRUTH CONDENSED.

In these times of local agitation on the liquor question, the following resolution on that subject, unanimously adopted by the Young People's Baptist Union, of Detroit, Michigan, a few days ago, is appropriate reading:

"We recognize in the liquor traffic the protoverse foe of the civilization we love and the religion we revere. It lies across the path of every reform and seeks by means foul or fair to silence the tongue and sill the pen of every one in position to do it harm. It even reaches over the sacred desk and by intimidation forced in the sacred chambers of organization more dangerous than the Mafia, attempts to throttle the voice of the pulpit. It enters the domain of civil government and seeks to intimidate even the chief magistracy of nations to whoever will bid the highest in subservience to it.

"The liquor traffic brings poverty, disgrace and death to hundreds of thousands of homes which would otherwise be happy. It blasts the lives of countless wives and children who have no hand in participation. It plots the slaughtered, treads asylums and penitentiaries with those who but for its existence might be honored and self-respecting citizens. We regard it a crying disgrace of our country that the selling which flatters over our homes and scatters homes is compelled to shelter and protect a business which does such infinite mischief. We hold that the true attitude for the Christian to take towards such a monstrous evil is that of uncompromising hostility, and we call upon all Christians to use their votes, influence and energies to bring about its speedy extermination."

THE U. P. TELEGRAPHERS.

It seems tolerably clear that the railway telegraphers on the Union Pacific system will either have to submit to the existing conditions against which they have entered complaint, or leave their keys. Their committee met General Manager Dickinson, to ask why they submitted a modified schedule. He refused to agree to it. They purpose now to appeal to President Clark. This will likely be useless, because, as a matter of course, Mr. Dickinson doubtless consulted with that gentleman before touching his decision in the matter.

If the telegraphers conclude to concede, they will not be likely to do so with a good grace, as they will, from their standpoint, work under the disadvantage of feeling that they are imposed upon. Labor performed under this condition of mind is done reluctantly and is more more exhausting than when executed in a cheerful spirit. Such a situation is against the interest of both employer and employed. A feeling of that nature could, in question of this character, be modified, if not avoided, by a recourse to arbitration, which takes the power of decision out of the hands of the principals, thus excluding a serious cause of antagonism between them. It is a question whether or not the disputants in labor and capital controversies could be compelled by law to submit their difficulties to arbitration, as a statute of that nature might be declared antagonistic to American institutions on account of its tendency to abridge individual liberty. There is nothing in the way, however, of sensible people mutually agreeing to be governed by that civilized method of adjusting differences.

Should the telegraphers decide to strike, the situation will be another addition to the social turmoil that is keeping the country in continuous commotion. There will be the effort of the company to secure non-union telegraphers, consequent bitterness between the two classes of the profession as well as the strained feeling between employers and the previous employes, all of which ought to be avoided by any means available and consistent. The disturbance of business and public inconvenience that would necessarily ensue and which would affect an extensive area of country, is another part of the subject of much importance. Arbitration is the only feasible means of ameliorating the situation.

THE HEAT IN NEW YORK.

THE following from the New York World of last Sunday ought to cause the people of this part of the country to feel well satisfied with the atmospheric conditions here:

"The protracted period of excessive and oppressive heat has had the effect of producing the very large mortality of the week just ended, said Dr. Nagle, registrar of vital statistics, yesterday. The deaths, which numbered 1,681 for the week ending July 23, rose to 1,614 for the week ending July 30. This is 333 more than the number reported last week and 408 above the corresponding week of the year 1891, and 419 above the average of the corresponding week for the past five years. It represents an annual death rate of 40.01 per 1000 of the population, which is estimated at 1,800,000.

"This is the highest number of deaths since the memorable week in the annals of mortality of this city which ended July 6, 1872. The deaths reported reached then the astonishing large number of 1,882.

"The deaths reported for the twenty-four hours ending at noon today are 280. The highest daily mortality in the city was on July 5, 1872, when the total deaths were 315. The extent that this has been approached is the number reported for today. The deaths reported Friday were 228, Thursday, 186, Wednesday, 171, Tuesday, 187, and Monday, 199.

"The extended period of hot weather has shown its effects more particularly on the little ones. Yet the adult population seems to have suffered severely from its enervating effects; this was more noticeable among those who were not in good health or those who were given to excesses.

"The number of deaths which was due directly to the effects of heat were 36. For the week of July 4, 1892 the deaths from sunstroke were 24. Probably there were 53 of the deaths for the past week accelerated by the heat or hastened by its effects when the powers of resistance of the aged and infirm had to succumb to its depressing influences.

"The sufferings of the very poor as they cooked and sweltered in their stuffy apartments in the wretched and overcrowded tenements, where they can be ill afford to pay even eight dollars for the five-scuttle trying to get a breath of fresh air, is pitiable. Their conditions appeals very forcibly to the more fortunate and wealthier citizens to subscribe to the various charities which are such able and efficient auxiliaries to the Board of Health in their commendable work of relief. Among the many that appeal prominently and eloquently to the public as worthy of generous support for excellent work done are the St. John's Guild, the Health's corps of physicians, and other well-known charities. The very poor find it extremely difficult to obtain admission to leave their wretched homes even for a day unless aided by the charities, and the outings which are offered by the St. John's Guild and by the public through the press of the city are deservedly popular, as has been shown by the attendance of the poor and their children.

SPENCER ON VERACITY.

HERBERT SPENCER, the noted English philosopher, expresses in the *Popular Science Monthly* for August, some thoughts on veracity. Mr. Spencer is a remarkable writer. He deals largely in assertion, which he fails to support by elaborate reasoning. This is evidently because his statements are the result of matured mental analysis, which he does not appear to think need be given to the reader. He relies upon the self-evident correctness of his statements. On this basis he seems to anticipate their unquestioned acceptance. The present article is not up to his usual standard, as he says but little, if anything, beyond what ordinarily observant and intelligent people are aware of. His opening sentence is a sweeper. Here it is: "Complete truthfulness is one of the rarest of virtues."

Such a statement as that is striking; it is not specially comforting. If truthfulness is viewed from the standpoint of the times, many persons who pride themselves on the freedom from falsehood will have a little of their self-appreciation diminished. It includes everything a matter, for the purpose of giving it an intensity that does not belong to it, or underrating in order to modify it so low its real standard of importance. Then there are the cases innumerable in which people are influenced to deviate from precise truth, by personal considerations such as the desire to inflict injury; the desire to gain a material advantage, to escape punishment or other threatened evil; the desire to get favor by saying things that please. Respecting the lies embraced in the opening sentence, Mr. Spencer says: "In mankind at large the love of truth for truth's sake, irrespective of ends, is but little exemplified."

The writer of the article in question furnishes numerous examples of human men among whom untruthfulness was a conspicuous trait, and others—comparatively few in number—with whom telling the truth was a prominent virtue. The whole paper illustrates that Mr. Spencer did not differ much from the psalmist David when the latter said "All men are liars."

The philosopher's deduction is to the effect that untruthfulness prevails most among peoples who are subject to coercive governments. There is no system of rule that equals that of the American, by the encouragement of the growth of freedom. In the face of this fact and of the inference of Mr. Spencer, the American people are credited with having ability to evade the more exact lines of truthfulness beyond most other inhabitants of our globe. Their reputation is to the effect that their ingenuity in this respect amounts to adroitness, which enables them to escape the odium which attaches to blunter departures from correctness. This tendency is so strong in the ordinary American mind that most of the humorous literature of the country is composed of pure hyperbolism. It will hardly be denied that the exaggeration in earnest keeps steady pace with the disposition to majority for fun.

This object lesson hardly comports with Mr. Spencer's theory that freedom from coercive rule and trammels tends to make truthfulness a trait.

To operate in unison with a high standard of personal truthfulness ought to be one of the chief objects of every man.

TWO WAYS OF LOOKING AT IT.

It is funny to see how partisan motives and feelings enter into the discussion of all public questions, whether they are in anyway related or not. A local sheet, which has never been conspicuous for consistency, has endeavored to make it appear that the Democrats were responsible for the defeat of the silver bill, and has made that alleged action a reason why the Democratic party should be defeated in November. That sheet pays, which is strongly Republican, intimates that it was the Republicans who defeated the measure, and claims this as a big feather in the cap of the Republican party and one reason why it should be successful in November. The following on this matter appeared in the Omaha *Bee*. (Rep.)

"Ex-Speaker Reed having claimed for the Republicans of the House of Representatives the credit of defeating free silver legislation, some papers have quoted with their right to the claim, being that the credit belongs rather to the sound money Democrats. Nobody will withhold from the latter the commendation they deserve for earnest and persistent work against free silver. They labored nobly and well, showing a great degree of the light that emerges in their conclusions. But the cause which they battled could not have won without the help of the Republicans.

"Upon the question of considering the free silver bill was lost before the House the Democrats opposed to it mustered 14 votes, while those favoring the measure numbered 112. But the Republicans refrained from voting the Stewart bill that passed the Senate would have been considered and without the votes of Republicans against it would have passed the House.

"It is well remembered that when the question of considering the Stewart bill was up in March, there was a general feeling of anxiety regarding the action to be taken by the Republicans. Many members of the party in and out of congress believed that it would be good politics for the Republicans to allow the Stewart bill to be hastily passed on cars and give the President an opportunity to veto a free coinage bill. They might have given valid reasons for such a course, but after due deliberation it was decided to be the duty of the party to vote for consideration. The view that prevailed was that expressed by ex-Speaker Reed when he said: "What we want do is what we think is best for the country, and that we stand ready to do under all circumstances." Being opposed to the free and unlimited coinage of silver because that policy would be disastrous to all interests, the Republicans in the House of Representatives unanimously stood by their convictions and defeated free silver.

"Without moving, therefore, whenever credit belongs to the anti-free coinage Democrats for their sturdy fight, let it be added that most concrete that the greater share of the credit for the defeat of free silver belongs to the Republicans of the House. Had they been governed solely by considerations of political expediency and they been disposed to let the Democrats make a record on silver regardless of the possible effect upon the financial and business affairs of the country, had they, in short, subordinated every other consideration to that of making political capital, unquestionably a free silver bill would, before this time have been in the hands of the President. But the Republican party is a party of principles. It was established, as Mr. Reed said, and, for the purpose of carrying out principles, and there has never been a time in its history when it called to respond to the call of duty or to some apparently profitable its convictions of right and its judgment of what is for the best interests of the people.

It is undeniable that the country is indebted for the defeat of free silver in this Congress to the straightforward course of the Republicans of the House of Representatives, who put aside everything but the question of public welfare and backed their principles with their votes. In doing this they made a record for their party which ought to strengthen it in the confidence of the people."

NOTES AND COMMENTS.

EX-PRESIDENT CRISPI of Italy is reported to be in danger of losing his sight, his right eye having slowly become practically useless.

THE proprietors of all theatres at Washington, D. C., have been notified by the commissioners of the District of Columbia that their houses must be fitted throughout with electric lights.

THE establishment of one of Herr Krupp's plants within Russian territory is not without significance. Europe may not be, probably is not, on the eve of a general war, but when such outbreak comes the Czar means to be ready.

THE beautiful ex-Queen Natalie has another grievance against the Servian government. Her book, "The Mother," recently published in Europe, has been suppressed in Belgrade, so that the booksellers dare not import copies of the work. The book, as is partly indicated by its title, gives an account of the Queen's unhappy life, and attempts to wash control of her boy, the young king of the country.

SAYS the N. Y. *Post*: Much is said just now about the need of stricter definitions of indictment to commit crime, and it would be well to consider the question of newspaper responsibility in this matter. Some of the papers which are crying out about the dangers of anarchy are lending their best efforts to its extension and glorification by the absurd importance they attach to the personalities and nuisance of individual anarchists.

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