

DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

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PHANTASMAGORIA.

THERE is a great deal of inflation talk in this city about a boom. We request any intelligent citizen to put on his business and intellectual spectacles and report whether he can see it even in its incipient stages. That is to say, if the word boom is not to be taken in a Pickwickian sense, but as having reference to a substantial reality.

If the spasmodic spurts in relation to real estate are taken as indisputable evidence of a substantial indication of growing prosperity, those who base their hopes upon that frail basis will, unless a change occurs, yet be found "sitting like patience on a monument, in a green and yellow melancholy."

What does the real estate *furor* amount to anyway, at the present stage of affairs? It means that there is going on in this city a species of gambling that may rise a step above the common vice of throwing dice and manipulating cards, but not largely beyond what is denominated stock gambling. It is the bulk of business in that line to which reference is now made, and not the small percentage of genuine real estate transactions. Bulling and bearing is about as lively in this city with a numerous class, as in a stock exchange of one of the mammoth cities of this country. Fishers and hunters are traversing the city, the object being simply the discovery of owners of realty, who can be cajoled, tempted or persuaded into placing their property in the hands of a trader in real estate, and to some extent, to our personal information, a trader on the ignorance of some of the people. A sum is fixed upon for property. It is not immediately purchased, but an amount running all the way from ten dollars to several hundreds, is given to hold the owner to the bargain, while in most instances the latter also signs an agreement to give a deed within a specified time. The trader having found game, next hunts for a purchaser. If he succeeds, he manages to make out of the transaction a round sum frequently running up into the thousands. Thus the original owner dumps a large portion of his property into the pockets of the shrewd and some times not over scrupulous middleman.

We have seen a sign of many years of the existence of predictions made in the long ago when the community of Latter-day Saints were surrounded by trials and privations and stood the test like heroes, braving dangers that were sufficient to appal ordinary people and cause them to faint by the way. These prophecies were to the effect that a change would come over the scene in course of time. This transformation was to be in the form of a test of an opposite complexion. The people were to be tried by riches. When foretold of that character are made it is difficult, and even impossible, to tell in what shape they will be overruled. When the incipient stages appear the process is easily understood. It is simply this: There comes a time when opportunities occur to possess the god of the world. If this possession is to be attained by a step involving a question of compromise the tempted individual is confronted by an alternative. He must stand by principle from the love of it, or he can slide away from it. The latter course is an easy one. All he has to do to enable him to get comparatively rich, and become seemingly, from that cause, comfortable and influential, is to pick up a couple of twenty-dollar gold pieces from the tempting pile, place one over each eye, and the thing is accomplished. His vision being obscured he no longer sees the principle, the gold being too close to his optics to admit of it.

Returning to the subject proper, the boom business; it may be taken as an incontrovertable proposition that it will remain an *ignis fatuus* until an advance is made in the matter of local manufactures. Until that is done it is a myth. People are not going to come here to stay for their health. If they come and there is no substantial, solid means of making a livelihood, their health will collapse instead of recuperating. Even those who might come for the purpose of restoring wasted or waning physical energies would not desire to occupy their time in counting their fingers. Those who would are not only invalids but also drones, anyway, useless to themselves and everybody else.

Gentlemen, talk is cheap to those who resort to it and real estate gambling dear to any community. A little less wind and a little more work, a little less bulling and bearing and a

few more solid business enterprises of a productive character are wanted to make a boom that will endure. When it is inflated atmospherically it only needs a circumstantial pin to be stuck into the frail fabric to cause it to collapse and come down from its perch. The sooner it strikes *terra firma* the better.

ALLEN'S SCHOOL BILL.

This bill passed its second reading in the House on Wednesday, by sections. Only a few unimportant verbal amendments were made to it, its vital features not being affected thereby. As every parent and tax payer in the Territory may feel the effects of this bill, and as there is a division of opinion respecting some of its provisions, we will give a further description of its contents than we have hitherto, and will reproduce a portion of it. It is too long to print in full in our columns.

It is divided into seventeen chapters. Chapter I treats of the powers, duties, etc., of the Territorial School Commissioner, and requires him to apportion school funds, procure reports, provide blanks for the same, and other necessary printed matter and to exercise a general supervision of the schools, etc. Chapter II, in a similar manner sets forth the duties, powers, etc., of county school superintendents. Chapter III provides for the holding of county teachers' institutes, and chapter IV provides for and specifies the duties of county examining boards. Chapter V treats of school districts, and the manner of establishing and changing their boundaries, election of trustees, holding and conducting of school meetings, levying taxes, etc. This chapter defines in detail the powers and duties of trustees. Chapter VI provides for census marshals, and prescribes their duties. Chapters VII, VIII, IX, X and XI treat respectively of clerks of school districts, defining their duties, etc.; schools, defining the school terms, year, etc.; pupils, causes of expulsion, etc.; teachers, their duties, etc.; district libraries.

Chapter XII, providing for the territorial and county school taxes is as follows:

TERRITORIAL TAX AND COUNTY SCHOOL TAX.

Sec. 76. A tax of three mills upon each dollar's value of taxable property is hereby levied, and directed to be collected and paid into the Territorial Treasury, as a special fund for school purposes, to be disbursed as hereinafter provided; said tax to be levied and collected at the same time and in the same manner as other territorial revenues. It shall be the duty of the Territorial Treasurer to receive and to hold as a special fund, all public school moneys paid into the Territorial Treasury, and pay them over on a warrant of the Territorial Auditor, issued upon the order of the commissioner of schools in favor of the County Treasurer, or such other person as may be authorized by law to receive the same, within order duly endorsed by the County Treasurer, or such other person, shall be a valid voucher in the hands of the Territorial Treasurer to the disbursement of said moneys.

Sec. 77. All school moneys due each county in the Territory shall be paid over by the Territorial Treasurer to the County Treasurer, as follows: On the second Monday of January, June and September, or as soon thereafter, as the County Treasurer may apply to the same, on a warrant of the Territorial Auditor, drawn in conformity with the apportionment of the commissioner of schools.

Sec. 78. The county superintendent in each county must, on or before the first Monday of March of each year, furnish the county an estimate in writing of the minimum amount of school funds needed for the ensuing year.

Sec. 79. The county court of each county must annually, at the time of levying other county taxes, levy a tax to be known as the county school tax, the maximum rate of which shall not exceed six mills on each dollar of taxable property in the county, nor the minimum rate to be less than sufficient to raise the minimum amount reported by the County superintendent in accordance with the provisions of the preceding section.

Sec. 80. Said taxes shall be collected as other county taxes are collected, and shall be paid into the treasury of a county to the credit of the county school fund.

Sec. 81. It shall be the duty of the treasurer of each county:

First—To receive and to hold, as a special fund, all public school moneys, whether received by him from the Territorial Treasurer or raised by the county for the benefit of public schools; or from any other source, and to keep a separate account thereof, and when the same is apportioned among the school districts to open and keep a separate account with each district.

Second—On receiving any public moneys amounting to five hundred dollars, subject to distribution, to immediately notify the county superintendent of public schools of the amount thereof.

Third—To pay over, on the warrants of the county superintendents, duly

endorsed by the persons entitled to receive the same any or all of said moneys.

Fourth—On or before the first day of August of each year to make a report to the commissioner of schools, showing:

1—The amount of school moneys received from Territorial school fund.

2—The amount received from county school tax.

3—The amount received from other sources.

4—Total expenditures for school purposes.

5—Balance on hand at close of school year.

And in case of the failure or neglect of said County Treasurer to make such report or give such notice as is required in subdivision second of this section, he shall be liable to the county of which he is treasurer in the sum of five hundred dollars; and it is hereby made the duty of the county attorney of said county, upon the direction of the county court of said county, to bring suit in the name of said county, against such treasurer for the recovery thereof, and any money collected under the provisions of this section shall be paid into the county school fund.

Sec. 82. No county treasurer shall be allowed any percentage on any school moneys received or disbursed by him.

Chapter XIII, which treats of special school taxes is as follows:

CHAPTER XIII.

Special School District Tax.

Sec. 83. When the Territorial and county money to which any district is entitled is not sufficient to build or rent suitable buildings, and to pay for keeping a school in such district, for at least three terms in each year, it is hereby made the duty of the trustees of such district to levy a direct tax upon the taxable property in such district, sufficient to raise an amount which, together with the Territorial and county money to which said district is entitled, will keep a school open three terms in each year; and the trustees shall also have power to assess and collect annually for school purposes a further tax of one-fourth of one per cent. on all taxable property in the district.

Sec. 84. Whenever it shall be necessary to raise funds to purchase, build, repair or furnish school houses, or for other school purposes, an estimate of the approximate cost thereof shall be made by the trustees, and the rate per cent. may be fixed at any sum not exceeding two per cent. per annum, as shall be decided by a majority vote of the registered voters resident in the district present at a meeting called for that purpose, to be assessed and collected as a special tax upon all the taxable property in the district. The trustees of any school district having a population of over twelve hundred, when authorized by a majority vote of the property taxpayers resident in the district, present at a meeting called for that purpose, may establish and maintain a graded school, or a graded department in a school in such district, in which pupils may be instructed in higher branches of education than those usually taught in common schools, and pupils over eighteen years of age may be admitted to and instructed in such school or department, and to tuition and otherwise as the trustees may prescribe.

Sec. 85. The county assessors and collectors of the several counties of the Territory are hereby constituted the assessors and collectors of district school taxes, each of whom shall receive such compensation, and shall give bonds in such a sum as shall be determined by the county court of his county for the efficient and proper performance of the duties enjoined upon him by the several provisions of this act; *Provided*, said compensation shall not be paid out of the school fund.

Sec. 86. All school taxes, whether levied by trustees or by a special meeting called for that purpose, shall be computed from the valuations of the county assessment roll, and shall be levied during the month of December of each year, and within ten days after any such meeting shall have been held, the school trustees shall make a certified statement of the per cent. of the taxes so levied to the county clerk and to the county assessor. The county assessor shall assess therefore at the same time and in the same manner that he assesses for Territorial and county taxes, and he shall give to district school taxpayers the same notices as are required by law to be given to taxpayers of Territorial and county taxes.

Sec. 87. At the time of computing the tax in the county assessment roll, the county clerk shall compute the district school taxes of the several districts of the county in which school taxes have been levied. The county court shall sit as a board of equalization of district school taxes, and shall equalize in the same manner as is provided by law for equalizing Territorial and county taxes.

Sec. 88. All school taxes levied and assessed under the provisions of this act shall attach to and become a lien on the property assessed from the date of assessment. They shall become due and delinquent at the same time, and shall be collected in the same manner as Territorial and county taxes.

Sec. 89. The trustees shall have power to appoint a clerk and treasurer and prescribe their qualifications. They shall also appoint an auditor, not of their own number, whose duties shall

be to examine the financial accounts of the trustees for the current year and report thereon at the annual school meeting.

Sec. 90. The collector shall, on the first of each month, or oftener if required, pay over to the trustees all money collected by him for district school purposes; and on or before the 31st day of December of each year shall make a final settlement with said trustees, paying the full amount of all school taxes due, whether collected by him or not. School trustees' receipts shall be received by the collector in payment of district school taxes.

The remaining chapters treat respectively of the apportionment of school funds; bonding school districts to raise means for buildings, etc.; text books; the last chapter is comprised of miscellaneous provisions, specifying penalties, etc.

Section 91 of the bill is as follows:

Sec. 94. If at the expiration of two years from the time this act goes into effect any school district has failed to supply schoolhouses sufficient to comfortably accommodate all children of school age within the district who apply for admission, such district shall thereafter and until such houses are supplied, be allowed and apportioned school moneys in proportion to the number of children only for which it has convenient and comfortable room and accommodation. And it shall be the duty of the county superintendent to ascertain and determine whether this requirement is complied with, and in every case of failure he shall only make such allotment of school funds as is provided in this section.

The fate of the bill is still problematical.

(From Friday's Daily, March 3.)

A QUESTIONABLE MEASURE.

YESTERDAY the House passed a bill amending the present law relative to the killing of stock on railroads. As the subject is one of importance to railroad companies, their employes, and stock owners on railroad lines, as well as the proprietors of live stock, we append the bill:

"Section 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section 33, chapter 3, of chapter 45, (Laws of 1884) of an act entitled: 'An Act compiling and amending the laws relating to private corporations,' approved March 13, 1884, be and is hereby amended, to read as follows:

Sec. 33. That any corporation operating a railway or railroad within this Territory, which shall injure or kill any live stock, by running any engine or engines, car or cars over or against any such live stock, shall be liable to the owner or owners of such live stock for the damages sustained by such owner or owners, by reason of such injury or killing of such live stock. And any such corporation injuring or killing any live stock, by running any engine or engines, car or cars, over or against any such live stock, shall within ten days thereafter notify the owner or owners of such live stock so killed or injured of the fact.

Provided, That if the ownership of such stock so killed or injured is unknown, such corporation shall file in the office of the Recorder of the county in which such live stock was so killed or injured, a full description including the number, classes and brands of such live stock, naming the locality where such stock was so killed or injured. And any corporation failing to comply with the requirements of this section shall be liable to the owner or owners of such live stock so killed or injured, in double the amount of damage sustained by the owner or owners of such stock, by reason of said killing or injury. Any person, or persons owning any live stock which shall be killed or injured in the manner set forth in this section, within six months after the said person or persons, is, or are, notified of the said killing or injury, as provided herein, shall furnish the corporation having so killed or injured live stock, through its nearest agent, sworn evidence of the value of said live stock, and upon the payment by said corporation, to the owner or owners, of said live stock, of the full value of said stock; so ascertained, the said corporation shall be released from all liability under this act. For the purposes of this act the terms, "live stock" and "stock" shall include all classes of horses, asses, mules, neat cattle, sheep and swine.

Sec. 2. This Act shall take effect and be in force from and after its passage and approval."

The first sentence of section 33, included in section one of the new bill, though it might not, at first sight, attract special attention, on a close examination, will be found to be a provision of a far-reaching character, and one which overturns some of the fundamental principles of the law of damages, around which the substance of that law has been crystallizing for hundreds of years. It arbitrarily requires railroad corporations to pay for the stock they kill, without regard to the circumstances under which such killing may be done, and without allowing for any negligence which may exist, or be shown, on the part of the owner.

Is such a law just? Is it in accordance with equity to require a party

doing damage to pay for the same, when a disclosure of the facts may show that the party damaged was wholly to blame? Is such a law in harmony with a correct public policy? Is it constitutional? Before the final passage of the bill, Mr. Hoge suggested some of the above queries, but he had not, apparently, prepared himself to make an argument respecting them, and the House passed the bill through without pausing to determine whether or not the measure was violative of fundamental principles.

In its present form, the bill offers a premium upon negligence, carelessness and recklessness, upon the part of stock owners. Indeed it is not going to an extreme to say that the bill affords an opportunity for fraud and wrong, for under it the owner of an animal might purposely have it killed for the object of obtaining damages, and in pursuance of such a selfish motive, destroy other property and even human life.

In so far as this bill ignores the element of probable or possible negligence on the part of the stock owner, in requiring live stock, killed on a railroad, to be paid for by the railroad company, it is violative of justice, and of elementary principles of law, and it is very questionable whether that feature of the bill would be sustained in the courts.

The Council will have an opportunity to correct the bill if it desires.

THAT EDUCATIONAL MEASURE

A GREAT deal of public interest is being taken in the school law now pending in the Legislature, and the advisability of its final passage as it stands is being seriously questioned. It is such a lengthy measure, entering into the subject it aims to cover with such niceness of detail, that a critical review of it in a newspaper article is almost out of the question. It may be safely said, however, that it still contains crudities and incongruities. Those who read attentively the portions that appeared in yesterday's issue of the News would probably perceive this. As an evidence of the fact, we herewith reproduce the following section:

"Sec. 84. Whenever it shall be necessary to raise funds to purchase, build, repair or furnish school houses, or for other school purposes, an estimate of the approximate cost thereof shall be made by the trustees, and the rate per cent. may be fixed at any sum not exceeding two per cent. per annum, as shall be decided by a majority vote of the registered voters resident in the district, present at a meeting called for that purpose, to be assessed and collected as a special tax upon all the taxable property in the district. The trustees of any school district having a population of over twelve hundred, when authorized by a majority vote of the property taxpayers resident in the district, present at a meeting called for that purpose, may establish and maintain a graded school, or a graded department in a school in such district, in which pupils may be instructed in higher branches of education than those usually taught in common schools, and pupils over eighteen years of age may be admitted to and instructed in such school or department, as to tuition and otherwise as the trustees may prescribe."

The first part of the section is inconsistent with the remainder of it. The former makes the matter of the assessment of a tax, based on an estimate made by the trustees, to raise a fund to be used for building, repairing or furnishing school houses, or for other purposes, dependent upon the majority vote of the registered voters of the district.

This is unjust and as ridiculous as it is unfair. The tax is to be placed upon the property of the district, and this measure provides that the owner and taxpayer shall be under the necessity of registering as a voter before he shall have any voice in relation to the taxation of his possessions. He may not be eligible for registration, and for that reason he must be subjected to the odious process of taxation without representation. Even if he is otherwise eligible, for some cause he may be absent from home at those times prescribed by the laws in that relation made and provided for registration. For that reason, under the upper part of this section he would be shut out from a voice in the subject of taxing his property for school purposes.

The incongruity of the section lies in the fact that immediately following the foregoing it is provided that the matter of establishing a graded school in the district is to be dependent upon the majority vote of the property taxpayers resident in the district. This is eminently proper, and would, admit, as under the present law, of women property owners, as well as male unregistered persons, voting, there being no distinction as to sex. Then why is participation in deciding a question of taxation not made as wide and liberal as that of the establishment of graded schools. Such a contradiction causes the section to be in conflict with itself.

Before action is taken upon laws, which potentially affect the welfare of the people, every word, line, paragraph and section should be subjected