

DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

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IS IT GOOD STATESMANSHIP?

RECENTLY we said something regarding the inadvisability of appropriating public funds to be placed outside the control of the people in the persons of their chosen officers. The placing of any portion of the public revenue, without reference to the amount, in private and consequently irresponsible hands, is not good statesmanship. We lay that down as a proposition from the holding of which we are not likely to be readily dislodged. It is in unison with sound political economy. It cannot be otherwise.

While the proposition is of general, it might be said universal, application, the persistent efforts to obtain, through the Legislature, an appropriation of fifteen thousand dollars for the benefit of the Orphans' Home and Day Nursery Association has been the exciting cause of what we have said on the subject. The principle is not of limited force. It should be recognized in all legislation. The statute that does not cannot be safe or wholesome.

It appears that considerable influence—not to say pressure—is being brought to bear in order to superinduce a departure from the principle herein elucidated in favor of the association referred to. Yesterday the following was read to the House and referred to the committee on memorials:

To the Honorable the Senate and House of Representatives in Congress assembled:

We, your petitioners, the Governor and Legislative Assembly of the Territory of Utah, respectfully represent that the Orphans' Home and Day Nursery Association have established in Salt Lake City an "Orphans' Home" that the grounds and buildings now used for that purpose are entirely insufficient and inadequate; that there is great need for such an institution in this Territory for the benefit of the orphans thereof; that in case the necessary land could be procured of the government on which to erect a Home, a suitable building would be provided for and erected thereon by the Territory of Utah; that a large part of the reservation of Fort Douglas is unused and lies in the immediate vicinity of the present Orphans' Home; we therefore, respectfully ask your honorable bodies to set apart and grant ten acres from and off the Fort Douglas military reservation for the perpetual use of such association for an Orphans' Home for the orphans of this Territory, the title of said ten acres to be vested in the Territory of Utah for the uses and purposes aforesaid.

There are certain elements necessary to render the foregoing consistent as emanating from the Legislature. If these be absent then the adoption and presentation of the memorial would be an incongruous absurdity, opposed to sound statesmanship. These constituents are, that the object of the memorial is to obtain from the general government a grant of land for the purpose of erecting thereon a genuinely public building, for the use of a public institution, to be controlled by public officers. If, on the other hand, the aim is to obtain land on which to erect a public building for an institution to be conducted by a private association, surely the Legislature will hesitate before placing itself in an inconsistent position. If the law pending in the Assembly in relation to the Orphans' Home and Day Nursery be enacted, and the proposed land and building are for the use of that association, the latter will be the situation precisely. The proposed law has already appeared in these columns and its character is before the public. It empowers the Governor to appoint, from the members of the association, four of the thirteen directors. It needs no argument to show that that simple and not very broad provision in relation to a private association does not amount to a straw in the way of making it a public character.

It appears that the good offices of the Chamber of Commerce have been enlisted in behalf of securing the fifteen thousand dollar appropriation. Perhaps it may not be amiss to remind that commendable institution of the necessity of carefulness lest by over persuasion it be induced to step out of its legitimate sphere, and thus by its own act impair its usefulness. The following communication from that body was yesterday read in the House and referred to the committee on memorials:

"At a meeting of our Chamber of

Commerce held last Friday evening, I was instructed, by resolution, to recommend to your honorable body favorable consideration of an appropriation of \$15,000 for an institution of this city known as the Orphans' Home and Day Nursery Association. A bill will be, if it has not already been, introduced, asking for such appropriation, and our Chamber, representing the business interests of our community, earnestly recommends its passage. The reasons for the recommendation are numerous and cogent. The Home and Nursery is a benevolent, charitable institution from the benefits of which none are excluded by reason of social status, religious belief or personal opinion, these conditions, referring, of course, to the parents or friends of the children admitted or cared for. The burden of maintaining this institution has, in the past, fallen upon our merchants and business men who have invariably responded generously to the calls made upon them. The burden is becoming too heavy for our merchants to carry, owing to the increasing wants and necessities of the institution. A building has been constructed by contributions levied on our merchants and the charity is sustained by the same methods. The building is inadequate to the present requirements, and the appropriation asked for is merely for the purpose of increasing the facilities to the line of accommodation, leaving the maintenance of the orphans and their wards to the charitable persons, as in the past. The necessity for additional buildings to secure separation should be quite evident, and is emphasized by recent occurrences. I think it was only last week that a child was admitted from Summit County, which it turned out, was afflicted with diphtheria. The contagion spread, and in a day or two five of the little ones were prostrated with the same disease, and the chances are that for want of accommodation to secure separation, the thirty-five or more inmates will be attacked by the same sickness. The ladies of our community are doing noble, generous work in this connection, for they are the managers of the charity, and it is earnestly hoped that the honorable body over which you preside will, through consideration for them as well as for our merchants, grant the appropriation asked for."

It will be observed that the Chamber recommends the passage of the bill we have already referred to, and which provides for an appropriation of public funds, on several grounds. (1) That the Chamber of Commerce represents the business interests of the community. (2) That the beneficiary association is benevolent. (3) That its support has become a burden to business men, upon whom levies have been made to sustain it.

Granting that the Chamber does represent the business interests of the community, in what sense is the subject in point a purely business question? That body denies its own proposition when it gives the benevolent character of the association as a basis for desiring the appropriation. Is it not, on its own showing, leaving the strict arena of business and professing to enter the nobler field of philanthropy?

If this business organization is logically dislodged from that position, however, it may rest its plea on what is embodied in reason number three. That is no more tenable. We know of no obligation that binds business men to contribute to charities other than a moral one. It is to be presumed that the contributions in question have been proportionate to the length of the purses and size of the souls of the donors. For the Chamber of Commerce to assume a sort of protectorate over business men who are approached by charity committees is scarcely a strictly and legitimately business proceeding.

We will place a business proposition before the Chamber for its consideration. Is it in the line of the representatives of the people to appropriate money to be used and applied by persons who are not in the remotest sense the people's agents? Let that body apply the affirmative of that question to its own transactions, and "pause for an answer." Public business should be conducted on the same equitable and well established principles as are recognized in private affairs. This will be at once acknowledged, consequently the point of the other side is lost.

Public benevolent institutions should be established and sustained by the public revenue. To be public in the broad sense of the term they should be "of the people, by the people and for the people." They should be of such a character that the people would be able to point to them with pride, as their own. Outside of that line there is an open field for genuine and enterprising philanthropy. We honor and respect those who seek to ameliorate the condition of the unfortunate, but we hold that the public revenue should be disbursed and applied through regularly appointed and authorized public channels.

IN RELATION TO THE PENITENTIARY.

THE report of the grand jury upon public prisons, published yesterday, is, on the whole, a carefully drawn document. No one familiar with the situation at the penitentiary will differ in the least with the strictures in relation

to that institution. To say that the accommodations have been for a long time and are now wholly inadequate for the large number of prisoners confined there gives but a faint idea of the situation. Even after the addition constructed under the late appropriation is completed the miserable condition of the inmates will merely be mitigated; it will still be far removed from what it ought to be. Knowing beyond a doubt that this is the case, there should be no hesitation on the part of Congress to appropriate the amount asked for to bring the facilities of the Utah penitentiary into accord with the humane and progressive spirit of the nation and the common law of humanity. If this is not done, the neglect will fall nothing short of the perpetuation of an inexcusable cruelty which is a disgrace to civilization.

In speaking of the necessity of duplicating the new cell building in course of construction, the jury report states that it will be necessary, on account of the large number of prisoners, to place two in each compartment designed for one. These cells are five feet wide by seven long and seven high—not very spacious.

The old bunk houses, constructed of rough plank laid one over the other and spiked together, are curiosities in their way. Take, for instance, the bunk house designated as Number One. Its dimensions are: Thirty feet long by twenty feet wide, the height from floor to ceiling being twelve feet. The visitor is instantly impressed with the comfortless appearance of the room, and the rigid economy that has been used in the utilization of a limited space. The manner in which the sleeping accommodations are arranged reminds one forcibly of the passenger stowage of a large ship. The sleeping bunks extend entirely around three walls, that which contains the entrance being the only one exempt from those peculiar sleepers. They are in three tiers, being one over another, the space between being about three feet. Each bunk is six feet six inches long, by four feet six inches wide, and parallel with the wall lengthwise. There are thirty-two bunks in the compartment, each accommodating two persons, consequently the number crowded into the place is sixty-four. The other compartments, in all of which the prisoners are locked up from an early hour in the evening until morning—are of similar construction, and the space for a given number of inmates proportionate. At times, besides the occupants of the bunks the prison has been so overcrowded that a number have had to occupy "shake-downs" on the floor. Even then others have had to be accommodated with sleeping space in the eating room.

In the bunk-houses between the time of locking up and bedtime—several hours—there is barely standing room on the floors, giving the crowd of convicts within the appearance of a mob.

All that has been said by the grand jury report and the statements in a communication from Mr. Monheim, which appears in this issue, in addition to what we now say, is, so far as we know, absolutely correct. To cure such a wretched condition there should be no parsimonious or half way measures on the part of the government. The blot upon the nation, in the shape of a prison unfit for the keeping of cattle, to say nothing about human beings, should be wiped out by means of an appropriation that will meet the requirements of the case.

A failure to favorably respond to the memorial would not only be inconsistent with the genius of this government, but unfair to its officers in charge. The Marshal, and, under him, the Warden, are responsible not only for the safe keeping, but also for the proper care of their wards. How can these important duties be fully discharged unless proper facilities are afforded for the purpose? Unless the means are forthcoming, the officials are liable to receive a portion of the odium which really belongs to the government; popular judgment is not invariably justly discriminating in dealing out censure.

We join in the hope that Congress will listen to the appeal being made in the premises to rectify what has been a crying evil for years.

SOME OTHER POINTS.

WHILE being in full accord with the position assumed by the late grand jury in their report, as far as related to the penitentiary and county poor house, the latter being described as a model institution of its class, in other respects we think a super-censorious spirit manifested itself.

The oft-repeated strictures in regard to the county jail were unnecessary, owing to the existence of a jail building on the verge of being ready for occupancy that is a credit to the county and its government. All that appeared necessary to say on that point was, that whatever evils had existed on that score would within a few weeks be relegated to a place among the deficiencies of the past.

The same objection lies to some extent with regard to the stated inadequacy and undesirable condition of the city prison, initiatory steps having been taken to meet the requirements of the situation. In connection with the measures on foot for the construction of proper prison facilities for the

city, it is not amiss to make allowance for the present status in that line, on the ground that the prisoners are mostly transient. The stream of incoming and out-going prisoners is almost incessant. They belong generally to the most degraded and unwashed specimens of humanity to be met with. To maintain the jail in a condition of model neatness under such circumstances would be an almost impossible task. But the main fact in mitigation is that at an early day the facilities will be extended and adequate. In cases where no effort is being made to rectify existing wrongs, censure is properly applied. Where proper and progressive remedial efforts are being made it should not be tendered.

SCHOOL MONEY.

THE following query has been sent to the News, with a request that it be answered in our columns:

"If a family moves into a school district after the census has been taken, can the children of that family between the ages of 6 and 18 years have the benefit of the appropriation before the next census shall be taken?"

The fund arising from the territorial three mill tax is used exclusively for the payment of teachers. It is apportioned to the counties in proportion to their school population, and to the school districts, by the county superintendent, on the same basis. The apportionment to the counties and school districts is always based upon last census taken prior to distributing the money, hence a gain or a loss of school population in a district, occurring after the taking of the school census, would not affect the amount of public money which that district would receive.

Practically such removal would have very little if any effect upon the family finances. The public school money is disbursed to the trustees and by them is paid to the teacher. It is not divided among the pupils nor their parents. As a rule the trustees engage a teacher by the month at a salary agreed upon in advance. From the last census it is known what the district will receive from the general fund, and the trustees fix such rates of tuition as they estimate will be necessary in order to raise sufficient means to make up the balance of the teacher's salary. In some districts it is customary to charge higher rates of tuition for children who reside out of yet attend school in the district, but no distinction of this kind can be made among children who actually reside in the district, even though recently removed there.

Thus children newly removing into a district would have to pay the tuition fees fixed by the trustees, probably before the children removed. The regulations governing these matters are of a general character, and would seldom or never be effected between censuses by the occasional removal into or out of the district of a family. The district as a whole is affected by an increase or diminution of school population, but a family may or may not be unfavorably affected in respect to school bills by removing from one district to another. Whether they are or not depends mainly upon other circumstances than their being included in the census.

BOUNTIES ON BEASTS AND BIRDS.

SHOULD the Governor approve the bill passed by the Legislature providing bounties for the destruction of wild animals and that class of birds that devour the crops, the vox jubiliant will be heard in those sections of the Territory afflicted with them. Under this law it will be competent for the inhabitants to unite sport with a double profit. The devotees of the gun and the club will be able to find healthful, not to say hilarious recreation in putting the extinguisher upon certain classes of pests, while they reap a monetary consideration from the results of the sport, besides saving the crops, and in some instances their sheep and young cattle.

The first section of the bill designates the varieties of beasts and birds on whose heads a price has been placed. It is as follows:

"Sec. 1.—Be it enacted, etc. The several county courts, within the respective counties in this Territory, are hereby authorized and empowered, by an order made of record upon the minutes of such county court, to offer and pay rewards for the destruction of wild animals and English sparrows, within their respective counties, not to exceed one dollar each on lynxes, gray wolves and wild cats, fifty cents on coyotes, five dollars on mountain lions and bears, two cents on jack rabbits and squirrels, ten cents on muskrats, minks and weasels, five cents on gophers and one quarter of a cent on English sparrows."

Were it not for the closing proviso of the bill (section 4) the policy of the measure would be doubtful. That very wise part of it empowers the several county courts either to reduce, by order, the price of the bounties or shut down upon the whole business, at discretion. The necessity of this precaution will be evident at a glance, as without it the bounty business would be liable to

abuse and to run some of the counties into an expense that would be burdensome.

We are afraid another sinister feature may result—an increase of the number of fatal and other accidents. A multiplication of such casualties would be an unmitigated evil. Their number is appallingly heavy as it is.

It is to be presumed that hunting bears and mountain lions will not be intensely popular even at bounty prices. Most people are deterred by the probability of the tables being turned by the beast taking a notion to hunt the man, without any reference to a monetary consideration.

THE LEGISLATURE.

COUNCIL.

Feb 21, 1888.

H. F. 27, on barb wire fences, was called for second reading. It was read, amended and, after considerable discussion, passed its second reading, the motion to suspend the rules and take it up on the third reading being lost, only six councilors voting for it.

The Council was notified that the House concurred in certain amendments, and refused to concur in a number of others, principally of a technical character; in H. F. 20, a bill providing for the removal of county seats.

On motion of Marshall the bill was re-referred to the committee on counties.

A communication was received from the House notifying the Council of concurrence in Governor West's amendment to H. F. 4, relating to attachments in civil procedure, which in effect provides that personal property may be sold, and the proceeds held, etc. The Council concurred.

Woolley called for instructions from the Council to the committee on reform school.

The Council refused to instruct the committee.

At 4:25 p.m. the Council, on motion of Marshall, adjourned until 2 p.m. on Thursday, Wednesday being a legal holiday.

February 23, 1888.

Woolley presented a petition from A. W. Ivins, assessor and collector of Washington County, stating that he had personally paid taxes for certain persons, mentioned in the petition, whose taxes, for reasons mentioned, were uncollectible, and praying for relief.

Referred to the committee on claims and public accounts.

Tuttle presented a petition from the Mayor and citizens of Manti City, setting forth that 75,000 sheep were herded on the head waters of their only source of water supply in City Creek. That the public health was injured thereby, and praying that such gatherings about the water supplies throughout the Territory be prohibited by legislative enactment.

Referred to the committee on public health.

Tuttle presented a report from the committee on agriculture in reference to the petition of sheep men on the Weber, recommending that it be laid upon the table indefinitely, as there was no power in the Council to change the situation by means of legislation. The report of the committee was adopted.

Wimmer, from the committee on highways, in regard to petitions for the construction of bridges, recommended that \$6,000 be appropriated for the bridge over Bear River in Cache County and \$1,000 for the bridge over the Rio Virgen in Washington County. After some little discussion by Messrs. Marshall, Woolley and others the report was referred to the committee on appropriations.

Wimmer, from the committee on counties, recommended that the Council recede from its amendments to H. F. 20, relating to the removal of county seats. The recommendation was adopted and the bill passed.

Tuttle presented a report from the committee on agriculture on H. F. 57 (substitute) prescribing bounties for the destruction of certain animals, recommending its passage. The report was adopted and the bill filed for second reading.

Olsen, from the committee on claims and public accounts, recommended that the claim of Zera Snow for \$300 be not allowed. The report was adopted.

A communication was received from the House notifying the Council of the passage of House concurrent resolution No. 19, providing for the addition of citations and annotations to the laws in process of compilation.

Carlisle moved non-concurrence, as he understood it would be impossible to complete the work in the time allotted.

Marshall and Woolley favored the resolution and Smoot opposed it. After some discussion by members of the Council the resolution was not concurred in.

Smoot presented C. F. 84, relating to highways. Read by title and referred to the committee on highways.

Bryan presented C. F. 85, a bill regulating the construction of doors and fire escapes in public buildings. Read by title and referred to the committee on public health.

Young presented a memorial of the Governor and Legislature of Utah to Congress praying for the appropriation of ten acres of Fort Douglas reservation for the purpose of establishing thereon the Orphans' Home. Referred to the committee on memorials.