

MIDWAY, Utah, Dec. 29, 1891.

To His Excellency Governor A. L. Thomas, Salt Lake City:

Dear Sir.—In answer to yours, asking for suggestions on the school law, I beg leave to offer the following:

I. Sec. 17 requires the county superintendent to report to the commissioner on or before the first day of August, while the trustees are allowed until the last day of July to make their complete report to the superintendent, which leaves rather a limited time for the superintendent to compile his report.

II. Sec. 21 provides for the appointment of two examiners and for determining their compensation, but it does not state from what fund they shall be paid nor upon whose order. This might be remedied by authorizing the county court to set apart some portion of the county school tax for general county purposes, such as compensation of county superintendent, board of examination, teachers' institute, printing, advertising, etc., which amount might be based upon an estimate made by the county superintendent in connection with the estimate required in Sec. 80. I would also suggest that the estimate required in Sec. 80 should not be required at so early a date, as it must be partly based on the amount of the apportionment of the Territorial tax, which is not necessarily made until the last day of December.

III. I notice a conflict between Sections 32 and 91 in relation to the time of publication of notice and the number of places in which notices must be posted in calling meeting to vote on bonds.

IV. I think Section 42 should be amended so as to require trustees to notify county superintendent of engagement of teachers.

V. The county clerk should be required to make a statement to county superintendent and county treasurer of the amount of county tax and local tax for distribution to the districts, such statement should be made by the time the taxes become due.

VI. I think it would be well to place a limit on the time of selling bonds after they are voted by the taxpayers. This is suggested by the condition of a district in this county that voted bonds one year ago, but could not sell them, now they have voted a tax for the same purpose, but there is no provision in the law to make void the vote for bonds.

VII. I think a provision, that contiguous districts or parts of districts, situated in different counties may form union schools, would be in order.

VIII. Petitions to change boundaries of districts should be advertised for a length of time, to give opportunity for protest.

IX. Treasurers of school districts should be required to give bonds, separate from their bonds as trustees, as the united bonds of the trustees, in many instances, would not half cover the amount of money in the hands of the treasurer. It might be well to provide that surplus money in the hands of trustees could be deposited where it would bring interest to the district.

I think section 31 is too restrictive in requiring the clerk and treasurer to be of the trustees, as, in many small country districts trustees are elected

none of whom are qualified for the positions, especially that of clerk.

In conclusion, I beg leave to state that in this county the funds derived from the territorial and the county taxes, with the county tax at the extreme limit, are barely sufficient to conduct schools from two to three terms in the year.

Very respectfully,
ATTEWALL WOOTTON,
County Supt. Wasatch County.

VERNAL, Uintah Co., Utah,
December 26th, 1891.

Hon. Arthur L. Thomas, Governor:

Dear Sir—Since writing you in regard to school matters in this county, circumstances have brought to notice an item that seems to require attention.

During the month of December meetings have been called for the purpose of levying special taxes in the various districts, according to their several needs, and in most cases, a tax has been levied; some districts, however, have voted No Tax, and it has come about through the apathy of the majority, they feeling that whatever tax was levied would be all right with them, and they did not attend the meetings. On the other hand, those opposed to a tax made it a special point to be present and vote against the tax.—This leaves the trustees of these districts in a sorry plight, they being by law required to furnish "all necessary supplies" to the school, among which fuel occupies a prominent place, and being without means to meet current expenses their position is most unenviable.

The foregoing would seem to suggest the necessity of re-enacting a clause similar to that under the old law which empowered the trustees to levy a tax not to exceed $\frac{1}{10}$ of 1 per cent. of the taxable property in the district, to meet current expenses; a proviso might be added that where the taxpayers of a district had voted a special tax, then no tax should be levied by the trustees.

I am, yours respectfully,
E. G. DEFRIEZ,
County Superintendent.

SALT LAKE CITY, Jan. 5, 1892.

Hon. A. L. Thomas, Governor of Utah:

Dear Sir—In looking over the school laws of the Territory, I find there is no provision made to accept diplomas and certificates of high grade granted in the States. This has been a subject of debate for some time in educational circles and some of the States have already enacted such laws.

If teachers have received diplomas from schools of good standing, either public or private, or State certificates, it would seem but just that these credentials be recognized and accepted as sufficient educational qualification for teaching.

In law and medicine, a practitioner is not required to pass examination, and secure new credentials each time he transfers his residence to a new State. Were the same courtesy extended to teachers, it would tend to elevate the occupation into a regular profession, and probably many who are most efficient workers would come from abroad, who now remain away from the uncertainty of examination.

Believing that such a law would be an advantage to the schools of Utah, I take the liberty of addressing you upon the matter.

Most respectfully yours,
C. L. BAXTER,
Principal Salt Lake Sem'y.

DEFECTIVE COUNTY LAWS.

In answer to a letter from Governor Arthur L. Thomas, County Attorney Walter A. Murphy writes as follows regarding the laws regulating county affairs, points out defects and makes general suggestions:

To His Excellency, Hon. Arthur L. Thomas, Governor of Utah:—DEAR SIR:—In reply to your communication of recent date, requesting me to submit to you any suggestions which may have occurred to me during my term of service as County Attorney of Salt Lake County, respecting the laws of county administration, etc., I beg leave to say that I am glad of the opportunity thus presented of directing attention to a number of more or less serious defects in existing statutory provisions—some of them so serious that I had determined, before receiving your Excellency's communication, to bring them in some way of my own motion to the attention of the Legislature at the coming session.

First in importance in the needed legislation is the making of some provision for the payment of the costs and expenses of criminal prosecutions in which inferior magistrates have jurisdiction to render final judgment for offenses against the laws of the Territory, and the costs and expenses of preliminary examinations before committing magistrates under those laws. It is, indeed, provided by existing statutes that they shall be, in the case of preliminary examinations, "a charge against the county in which the examination is held." (Compiled Laws of 1888, section 5392.) And other sections provide for their payment in the other class of cases out of the county treasuries. (Compiled Laws of 1888, sections 5258, 4883, subdivision 5.) But it is provided in the "Poland bill," in the last clause of section 2, that "the costs and expenses of all prosecutions for offenses against any law of the Territorial legislature shall be paid out of the treasury of the Territory." The Third district court has decided, in a case brought to test the question, that this provision of the paramount Federal law is in effect

PROHIBITS THE PAYMENT of such costs and expenses by the counties. Not being county liabilities, their payment by the counties would be illegal. Since this decision Salt Lake County has very properly refused to make appropriations for such payments. The Legislature has provided for the payment of witnesses and jurors in the district courts, but has never, so far as I know, made any appropriation for payment of the costs and expenses under consideration. This gives rise to a state of affairs very embarrassing in the administration of the criminal law, which in Salt Lake County includes about four hundred prosecutions and examinations before magistrates annually, exclusive of violation of Federal laws. The greatest hardship