

P. L. WILLIAMS' REPORT.

P. L. WILLIAMS, Commissioner of Schools for Utah, under the Edmunds-Tucker law, has made the following report to Congress. It is inserted here that it might be preserved in accessible shape as a matter of historical interest. It virtually asks for Congressional legislation and its bias is therefore decidedly against the community of Latter-day Saints:

To Congress:

In accordance with the requirements of law I submit the first annual report of the schools of Utah Territory:

The first enactment of the Legislature of Utah on the subject of a public school system was approved February 18th, 1873. It provided for the organization of school districts by the County Courts in the several counties of the Territory, for the election of three trustees in each district, prescribed their duties and defined their powers. They were authorized, amongst other things, to assess and collect an annual tax of one-fourth of one per cent. on all taxable property within their districts for school purposes. When more than that amount was required "to purchase, build, repair or furnish school houses or for other purposes," it was fixed by a two-thirds majority vote of the qualified voters resident in the district, present at a meeting called for that purpose.

This act also provided for the election of a Territorial Superintendent of District Schools, and for a County Superintendent of Schools in each county of the Territory. It was further provided that all schools organized under the direction of the trustees in the respective school districts of the Territory should be known in law by the name and title of district schools.

The earliest enactment of the Territory providing any certain or general support for schools by taxation was contained in the revenue law, approved February 22d, 1878, which provided that there should be "collected annually, beginning with the year 1878, an *ad valorem* tax on all the taxable property in the Territory of Utah * * * three mills on the dollar for the benefit of district schools."

And two years later, by the act approved February 20th, 1880, it was enacted that the moneys accruing for the benefit of district schools, under the provisions of the act of 1878, should be disbursed on orders

drawn by the Territorial Superintendent of district schools in favor of the Territorial sub-treasurer of each county, according to school population, and should be paid to the trustees by the Territorial sub-treasurers on the orders of the county superintendents; and said money should be used in paying school teachers during the year following the one in which it was assessed and collected.

The act of 1880 was the first to provide for taking an annual census of the children resident in the several school districts between 6 and 18 years, which was made the school age.

Since the act of 1880 there has been no material change in the legislation of the Territory upon the subject of schools, and none whatever with reference to the further support thereof by taxation.

The school law of the Territory, as it exists at present, and which is the same, substantially, as the act of February 20th, 1880, is herewith submitted in connection with the biennial report of the Commissioner of Schools for the years 1886-7, to the Twenty-eighth Session of the Legislative Assembly of the Territory, which began January 9th, 1888. In the practical operations of this law, it is found that the 3 mill tax provided by the act of 1878, and annually collected and distributed to the several counties and districts of the Territory, in proportion to the school population thereof, as shown by the last preceding annual census, is scarce enough to pay one-half of the compensation of the teachers hitherto employed; so that it has been necessary, and the almost uniform usage, up to the present time, to collect each term a tuition fee for each of the pupils in attendance at the school, which was fixed in the respective districts by the trustees, and graduated in amount according to the estimated balance required in addition to the public fund for the payment of the teachers.

Within the last two years, efforts have been made in a very few districts—and successfully in a still smaller number, perhaps not exceeding eight or ten in the Territory—to levy a local district tax sufficient to supplement the Territorial fund applicable to the payment of teachers, and thus maintain a free school.

There is no provision in the school law requiring school to be kept for any specified time during the year, or providing any penalty, in the

way of withholding any portion of the school fund to which a district may be entitled, in consequence of a failure to provide a school; but the whole subject of providing school-houses and furnishing and maintaining schools, is entirely within the pleasure of each district. The partial support provided by the Territorial law has a tendency to encourage the maintenance of schools, and yet the inadequacy of this fund, necessitating as it does the collection also of a tuition fee, operates to keep many children of the poorer classes of the population at home, when they would otherwise be attending school. While thus the Territory has accepted, to a limited extent, the theory of taxation for the benefit of a general system of schools, it has failed to carry out the theory to its legitimate results, by providing adequate means to support a system of free schools.

At the Twenty-eighth Session of the Legislature, held in the early part of the present year, a bill was framed, and passed the lower house of the assembly, which contained generally the provisions embodied in the more recent legislation of these States and Territories which have established and are maintaining a system of public schools, to which all the children between prescribed ages are entitled to attend free of charge. But, upon presentation in the Legislative Council, a substitute therefor was presented and passed, with little or no discussion, except so far as it was opposed by the two non-Mormon, or Gentile members of the Council; which substitute was, in substance, a re-enactment of the previously existing Territorial law, with the following material differences:

SEC. 13. All schools organized under the direction of the trustees in the respective school districts of this Territory shall be known in law by the name and title of district schools, and all other schools shall be known as private schools. All schools, both district and private, shall be entitled to a just and equitable apportionment of any public school fund arising from the United States, or from legislative enactments of this Territory. Such apportionments shall be made to said schools by the trustees on the basis of the actual attendance of pupils and the holding of four terms a year; and all such schools shall receive a distribution of funds in proportion to the number of terms held and the attendance of pupils. Provided, that no apportionment of any such public school fund shall be made to any district or private school unless such school shall hold at least two full terms during the year.