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MUNICIPAL OWNERSHIP OF PUBLIC UTILITIES

By John W. Hill, formerly chief engineer (municipally waterworks), member American Society of Civil Engineers, etc.

Reprinted from "The World Today."

All the arguments that can be made against it, with the additional argument that the very highest measure of success in business management has been attained in private or quasi-public enterprises; and this will always be so, so long as we live under a form of government subject to frequent elections, spasmodic reforms and the lifting into office of many men, often unfitted to conduct with success the commonest affairs of life. Municipal ownership means the conduct of public utilities by men whose chief and sometimes only claim to consideration is the fact that they received more votes than their opponents at the last election.

Unless all men are capable of managing public utilities, municipal ownership and operation in principle is bound to be a failure because any man by the votes of his friends may be suddenly thrust into an office which will require him to assume the management of enterprises calling for technical skill and experience, and herein lies the danger to public interests because the staff can not be any better than his head, and under the withering and disorganizing influence of partisan politics is often worse than the head.

Political appointments are to be condemned, because they ARE political appointments and not because of inherent objections to the man appointed, for no matter how great his talents, or how evident his fitness for the work assigned, the knowledge that his appointment is due to political influence rather than to recognition of merit, will clog his efforts and weaken his ambition, and the constant feeling of insecurity connected with public office will chill his ardor and shorten his reach.

Civil Service Does Not Work.
All public utilities begin with plans and construction work, and here arises the first economy in favor of private ownership. In organizing the staff to design and build, merit and efficiency alone are considered, political considerations do not enter, and each man is selected and each move made to secure the largest, quickest and safest return for the money expended. In private enterprises, promises for efficient service can be made and the incentive to active and successful effort can be maintained. Civil service rules which are often a bar to high achievement and practical ability in municipal enterprises, seldom find place in private work. A competent official is recognized and rewarded even though his knowledge of Greek and grammar is

ment of the members of the working staff to the positions of greatest usefulness is sure and easy under private management. The writer at one time had occasion to seek the services of a competent draftsman in tunnel work; several candidates were highly recommended for the place by the city Civil Service Commission, who, when put to work, succeeded indifferently well. Finally a man of large practical experience in coal mine surveying, but with a poor record from the civil service examination, was employed for the duty, with marvelous results in the speed and accuracy of his work. This man had grown up in the coal mines, had learned to handle a transit and level as a forester learns to handle an axe, with only the rudiments of trigonometry at command and wholly unable to explain on paper the usual adjustments of field instruments, but he was as sure of his work underground as if it was second nature. Life made good, notwithstanding his failure to show a satisfactory record on civil service examination, but it was only by violating the civil service rules with regard to appointments in the city service that his talents became available. In a private enterprise his record of past experience and recommendations would have secured a place for him.

Politicians Must Be Catered To.
Freedom of action in choosing one's assistants seldom prevails in the conduct of municipal bureaus. Eminent talents are rarely known and seldom sought for among the employes of municipalities, because the term of office is short or uncertain and the encouragement to lofty and persistent effort correspondingly lacking. In organizing a municipal staff the first consideration is political service and availability for future political ends. A ward captain will usually rank higher in the estimation of appointing power than an experienced mechanic, engineer, clerk or accountant, and utility and fitness for the task assigned is a secondary consideration, and too frequently not a consideration at all. Under such conditions public service is perfunctory, dilatory and inefficient, the cost of service is enhanced, and the comfort and convenience of the public impaired.

This is not necessarily due to inherent defects or incompetency in the individual appointee, but to a pernicious feature of American municipal government, which makes merit and fitness for service take second place to influence and patronage. Under such conditions any part of a public service which depends upon manual labor or human skill must be obtained at an increased cost over the same service from a system which knows neither influence nor patronage, and which maintains its employes according to merit and fitness for the duty assigned. In organizing a working staff for a private corporation, the fewest men consistent with the work to be performed are selected, and effort is always made to bind them by feelings of self interest to the enterprise, and retain them indefinitely, because their

experience becomes a valuable working asset of the corporation, which can not readily be replaced on short notice. No such conditions prevail in public affairs, because the man at the top is himself a creature of a chance of caprice, and his tenure is subject to the whims of the people who elevated him to office. He can not guarantee a term to his subordinates, because of political expediency and his own uncertain base, and the fidelity of service which comes from respect for vested authority, and the skill and command of his superior, can rarely be inspired in employes on municipal work.

Losses in Making Contracts.
In making of contracts and purchase of supplies for public utilities the private corporations have a decided advantage. The usual restrictions, hindrances, circumscription and indirectness of methods forced by law and ordinances in public contracts and purchases of materials are swept aside in private enterprises, and the oldest, whatever it is, is sought by direct methods guided by intelligence of purpose.

Contracts for public works are so hampered by "safeguards" and by restrictions, that an experienced and conscientious contractor is bound to protect his interests by demanding prices above those he would ask for the same kind of work from individuals and private corporations. The exercise of judgment and sense of fair dealing which prevails between men of honor and mental ability, can not prevail with the municipal officers and the contractor. The municipal contract is an inflexible instrument open to only one construction, and that the construction put upon it by the officer himself.

Contracts made by private corporations go direct to the three material points: 1. Kind and quality of work. 2. Time of performance. 3. Price and terms of payment. Contracts with private corporations are treated, as they should be, as commercial transactions, subject to their laws and customs, and free from the taint of political or any sinister influence. Differences between the buyer and seller on quality and price of work are quickly and fairly compromised, and as a rule work on the private contract is in progress before the municipal contract has completed its travels around the offices which by law are required to participate in its execution. The red tape connected with the letting and award of public contracts involves delay and expense which the bidder is bound to consider in making his price for the work.

Private inspection and measurement of work is usually exact, without being capricious, and the delay due to the list of officials who must be seen before difficulties can be met and overcome in public work are not encountered in private work, because some one in whom his employers have confidence is vested with authority to act, and his acts are by law the acts of his principals. In public affairs it is often a matter for the courts to decide as to who really has the authority to resolve disputed

and troublesome conditions of municipal contracts. Political and usually incompetent inspectors and inexperienced managers are the rule on public contracts, while a private corporation, from the necessity of conserving its capital, must have competent men to manage its work and avoid losses due to mistakes of judgment or errors of inexperience. Time and cost alike are essential elements of private corporations, because returns are sought for at the earliest convenient date, while public enterprises are usually conducted with small regard of time and less regard of cost.

Losses from Incompetence and Extravagance.
As a personal conviction I think the less the larger municipal corporations engage in lines of business which can be conducted by private corporations, the better it will be for the public at large. There is more need of coffee and sugar in a municipality than there is of trolley cars, and electric lighting. But no one, nor even our most aggressive demagogues, has proposed to establish a municipally owned and operated grocery store, but it may come to this in time, when the men who purvey our real necessities of life will be political partisans imbued with the spirit of political success, rather than with the desire to cultivate and secure the good will of their patrons.

It is proper that the bent of an empire or monarchy should be paternal, because, as a sentiment at least, everything and all avenues of progress start from a common center at the head of the government. Paternalism, however, is neither desirable nor possible in a republican form of government, where the official from the President downward in the scale are chosen for a brief time as executives of public will, and with an opportunity too limited to admit of permanently fixing the stamp of individual ideas on public affairs.

The best service is rendered when there is hope of reward, and the best commodity produced where there is hope of profit. Where reward and profit are lacking, service and commodity depreciate in value. The rewards of political life are dubious and ephemeral, and the profits are not forthcoming by honest ways. All these things go to make municipal ownership of public utilities an undesirable end. The losses due to extravagance and misdirected efforts of municipal bodies will represent enormous dividends on properly applied capital, and when it is considered that any municipal work can be built and operated at less cost by private corporations, it is a marvel how intelligent people can be hoodwinked into the support of the popular and irresponsible clamor for the conduct of public utilities by municipal ownership.

A case in point on one of the impediments to an upward of municipal contracts is worth consideration. In a city contract involving nearly eight hundred thousand dollars' worth of work and materials, the lowest bidder, a thoroughly responsible party, was somewhat ambiguous in stating his

prices on certain items, and to guard against error he was asked to explain the intended scope of the doubtful prices written in his proposal which was satisfactory, to writing his proposal was accepted.

A disappointed competitor prayed for an order of court restraining the director of public works from executing the contract because of irregularity in making the award. The prayer was granted and the director ordered to reject all bids and readvertise the contract, causing several weeks' delay, during which intervals of time prices of materials were advanced and the cost of the work accordingly increased.

The court in this case held that the director had no right, prior to award of contracts, to confer with the lowest and apparently best bidder upon the contents of his proposal, as to the amount of labor and material embraced, in the price of one or two of the many items, that it gave the bidder an unfair advantage over his competitors, notwithstanding under the law and customs of the department he was the lowest and best bidder. The court held that the award of a public contract was not subject to the business and common-sense judgment of the director, but was a simple problem of arithmetic which could be solved by any clerk in the director's office.

The opinion of the court cost the city many thousands of dollars and weeks of delay, and was thought by the director and his advisers to be unsound in law and logic. But it was the opinion of a court, and as such had to be respected.

Favors Arbitration and Regulation.
No such foolishness could arise in disposing of a list of tenders on a private contract, for only such people would be invited to bid as could certainly comply with the requirements of the contract. Personal interests would have no weight in making the award. Quality of work, guarantee, and time of performance and price alone would be considered, and no reasonable ground would be afforded for complaint on the part of the disappointed bidders. The buyer would seek the best article at the lowest price, unrestricted by the usual municipal conditions calculated to hamper his decision and thwart his judgment.

The faults of municipal contracts are not due so much to mismanagement as to the multitude of conditions to be met before a contract can be made, and the troublesome restrictions placed upon its performance after it is made. It cannot be gainsaid that the private corporation can buy the same thing at a better price and upon better terms, and can adjust disputed points of performance more quickly and satisfactorily than can a municipal corporation. The parties can go at once to the gist of the difficulties and adjust them according to the judgment of intelligent and experienced arbitrators. While private corporations are organized and operated for profit, and always have profit in view, the service rendered should be better and rates charged be more reasonable

than the service and rates of a municipal corporation which attempts to perform the same work or furnish the same commodity.

If faults are found in the service or charges of private corporations, the cause should be looked for in the ordinances or laws granting the franchises, rather than in the management or operation of the private corporation. The city of Philadelphia for years owned and operated a municipal gas works, which eventually became an asylum for broken down political heelers, and for some who were not broken down. The evils of municipal control shown in the poor quality of gas, indifferent and slovenly service, high prices, and large annual losses in the operation of the works, became so great that many of the people of this truly good (?) town, prayed that some one might be permitted to take the city gas works from municipal control, even if they had to steal it, and thus get rid of an incubus which political inefficiency and greed had fastened upon them.

In course of time, the gas works were leased to a great and powerful company which shortly overcame the difficulties formerly surrounding the municipal gas works, and gave to the people better service at lower prices. In addition to making an annual profit to the municipal sinking fund of several hundred thousand dollars, increasing from year to year, which was used to extinguish the overwhelming debt created by municipal control of the institution.

A certain city in the United States was about to construct large and necessary improvements in its waterworks, after plans and estimates had been prepared by engineers not under municipal control. A syndicate of capitalists agreed to construct the works within the estimate of cost and time. It was found, however, that the law would not permit of the construction in this way and that the works must be carried out under the management of the municipality, with the natural result that the cost has been exceeded by nearly 75 per cent, and the time exceeded by 100 per cent, with the works unfinished today. The parties who proposed to perform the work were men who had driven railroads, over mountains, across broad rivers and through the trackless wilderness, who know the exact value of materials and labor, and how to obtain the best results at the lowest prices, and could not afford to tolerate extravagance or delay, because their profit depended upon quickness of action and certainty of results.

Extortion by private corporations should not be tolerated, and a reasonable appeal to the courts can be relied upon to prevent or remedy this. Public utilities under private control should be allowed an income which will represent a reasonable profit on just capitalization and honest and efficient management, and more than this cannot be obtained. If the people are alive to their interests, it is always possible to compel satisfactory service at reasonable prices from private interests, and

no one appreciating the value of his property can afford to antagonize the people upon whose good will and patronage his success depends.—Advt.

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