

ting and smashing the army bill. William, however, has the right to dissolve the law-making body on such occasions and he did not stop to consider consequences any longer than our recent Delegate to Congress did before resigning—he just dissolved the body and sent them their respective ways.

Premier Caprivi posted off to his royal master with his resignation in his pocket and William sent for another man to represent him in the reichstag. Another election will be held for members of that body, and if they should also turn down the army bill—as seems most probable—the defeat will then be registered and his majesty must make the most of the situation as his subjects want it, not as he would like to have it. We have an idea that there is a certain grim and grizzled veteran who spent the better part of his life in making William's "job" secure for him, who is looking serenely upon the latter's discomfiture and enjoying the situation as thoroughly as a patriotic man who has been badly treated knows how to—the same being Bismarck.

THE JOINT BUILDING JOB

The collapse of Contractor Bowman's contract on the joint city and county building is one of those annoying occurrences that will thrust themselves upon us now and then even when we are careful, and are a matter of course when contracts are concluded and work commenced as they were in this instance. The way the case stands just now is also a logical sequence of that disposition so frequently exhibited under the present rule of making it easy for favorites to get places for which they are not qualified and easing them down when their disabilities can no longer be ignored.

The News took a position against the job being let as it was to Mr. Bowman when it was all before the public and a proper subject of controversy. We were not alone in this opposition by any means, but it all amounted to nothing and the deal was concluded amid a cloud of scandal if not a volume of suspicion. Being done, however, it was useless to prolong the opposition and the work was begun as the powers that be ordained it. It has been a misfit transaction from the start and can no longer be kept from the public. Instead of carrying on the work according to sealed agreement, the pseudo contractor is relieved of his onerous position and the business is carried on by those for whom it is being done. Even with this state of affairs developed, the wrong done is not righted so far as may be, but another and more serious one is established and continued to hide the original one. Bowman is kept on the building as though he were discharging his stipulated duties by prosecuting the work according to specification and paying therefor, while in reality he is only overseeing it and O. K.-ing bills to be paid by the city and county treasurers. There is hardly a tramp between the oceans that could not take a contract on such terms and discharge

its duties just as satisfactorily. It is an imposition on the public, not the only one but among the most conspicuous.

SOMETHING MUST BE DONE.

Up to date the News has noticed but one source of opposition to its position on the Delegate question, this coming from our nearest neighbor, the *Herald*, and it is ungracious enough in one place to pronounce, by implication at least, our well-meant efforts in behalf of the people of Utah so much "volunteered advice" to the Governor. True, if meant as written, is a mistake for which there is not sufficient reason; that official and no other has been offered any advice in these columns, at least so far as the present controversy is concerned, and none will be offered for two good reasons—We are not just now in the advising business, in the sense in which advice is used in this connection; and there is no doubt in our mind that the Governor is well informed and disposed to do what is right in the premises.

The News is shown that, according to common law, which in the absence of a statute on the subject must rule, a resignation does not terminate till its acceptance. Unfortunately for those who would overturn our position, that principle of law has no more application here than a section of the penal code would have. It relates to cases in which there is a power or authority to receive and act upon such resignations, and this does not obtain in the case under discussion. It is sought to be shown, by implication at least, that the Governor has such power, but it is not so nominated in the bond. The Governor's powers in a general way are defined by law and this is not one of them nor does it come within his purview, his duties in the premises being made clearly ministerial. The resignation is not sent to him for acceptance or rejection but merely that through him the people may be officially apprised of the vacancy and by him an election ordered to fill such vacancy. As soon as he, if he never received such notice, the people should not and are not presumed to be too losers; he would then presumably act upon the information otherwise received and perform the duty enjoined upon him by law of calling an election to fill the vacancy. It is not, therefore, true that "if the Governor takes official notice of the withdrawal he may clearly [rather] refrain from acting on the resignation." If he could do this he could do anything else of an official character which the law does not empower him to do, for he would not only be doing that for which there is no authority given, but would be acting as a judge in the case besides—assuming judicial functions in deciding as to what constitutes a vacancy and what does not, and establishing variously the equities of the case when his duties in the premises are plainly set out and need not be misunderstood by any one. Thus the conclusion that the resignation does not come before the clerk of the House of Representatives, but only the notice from the Delegate

that he had forwarded his resignation to the Governor, becomes a strained, labored and unreasonable construction; to put it in homely phrase, it is putting the cart before the horse, since the resignation is what is filed with the clerk and upon receipt of which he strikes the name from the rolls, while the notice thereof is forwarded to the Governor in order that he may take the action which the law requires of him.

If there is a power, a person or a body authorized to accept or reject the resignations of members of Congress, it is much better to point out who or what it is or they are with the law therefor than to indulge in quibbling and insinuations, particularly when, as a good many well informed people look at it, one-taird of the time within which an election may be called has expired. It is too important a subject to trifle with; and to lie supinely upon our backs and let the time go by, relying serenely upon the hope that a rule of law which has no present application will secure us in our rights, will not do. A member of Congress' tenure during good behavior rests exclusively with himself; he can hold the place or let it go, just as he pleases, and the institutions of the country would be tyrannical, the country itself a despotism, if it were otherwise. Having this sole power, and there being none to say him yea or nay, when he places his withdrawal on file the act is official and conclusive as to him, whether the governor of the state or territory from which such member comes ever hears of it at all or not. A representative from Kentucky whose name we have forgotten became enmeshed in one of the Congressional scandals so prevalent shortly after the war and sought the shortest route out of what threatened to be a perplexing investigation by resigning his seat at a sending a notice thereof to the governor, who at that time was Mr. Stevenson. The latter at once telegraphed back for the member to hold his seat as a mandate of the people of Kentucky and court the fullest investigation. Spurred on by this reply the gentleman arose in the House to announce to the speaker that he wished to recall his resignation; he was peremptorily ordered to sit down and be silent as he was not a member of the House and could not be recognized; and there are many similar cases. It may be said as to this that he had been sworn in and thus was a full member, while Mr. Rawlins had not been sworn and the cases are thus dissimilar; but it is also a fact that the member first spoke of was recognized as such for half a year before taking his seat and being sworn, because his pay was drawn or forthcoming during the whole of that time, and the treasurer does not pay those who are not members except by special act of Congress itself; those whose certificates of election are on file and whose right to a seat is uncontested are entered on the roll of membership and the pay, but as a matter of course, and nothing the death or resignation can dislodge them therefrom until the organization of the body to which they belong.

Utah has at present no Delegate in the Fifty-third Congress, through the resignation of the gentleman elected