United States. It may be news to the American people to be informed that the American principles and system of government has been supplanted by the British and Roman. Such, however, is the fact. All this has already been done. The reversal of the American revolution has been already accomplished. Now to the proofs, and we sincerely ask the readers attention.

May 9, 1890, the Supreme Court of the United States rendered its decision in the case of the confiscation of the Mormon Church property appealed from the Supreme Court of the Territory of Utah. The case arose in consequence of the enforcement of what is known as the "Edmunds Law or act of Congress, February 19, 1887," forfeiting and escheating "to the United States the property of corporations obtained or held in violation of section three, of the Act of Congress, approved the first day of July, eighteen hundred and sixty-two." By the act of 1862 "any corporation for religious or charitable purposes was forbidden to acquire or hold real estate in any Territory, during the existence of the territorial government, of greater value than $50-000." By the year 1887, the Mormon Church corporation had become possessed of real estate to the amount of about two million of dollars, and personal property to the value of about one million. All of this property, over $50,000 worth of real estate, was declared forfeited to the United States.

The Mormon Church claimed that this property was held in trust by the corporation for the individual members of the church who, by donations, bequests, etc., had placed their property in the hands of the corporation to be held in trust. The United States disputed this claim. The case was tried in the territorial court, and the whole sum was declared confiscated to the United States. The case was appealed to the Supreme Court of the United States, and the decision of the territorial court, confiscating the property, was confirmed.

It is not necessary here to enter upon any discussion as to whether the Mormon Church had violated the law of 1862, first because the Supreme Court of the United States decided that it was not necessary that the law should be violated in order that the corporation might be dissolved, but that "Congress for good and sufficient reason of its own, independant of that limitation, and of any violation of it, had a full and perfect right to repeal its charter and abrogate its corporate existence, which of course depended upon its charter," and second, because the merit of the question as between the Mormon Church and the United States is not material for the purpose of this article. The principle upon which the Supreme Court acted is all that is necessary to be discussed here; and principle is discernible without an examination or discussion as to the merit of the controversy.

The argument of the court proceeds as follows:—

When a business corporation, instituted for the purpose of gain or private interest, is dissolved, the modern doctrine is that its property, after the payment of its debts, equitably belong to its stockholders. But this doctrine has never been extended to public corporations. As to this, the ancient and established rule prevails, that when a corporation is dissolved, its personal property, like that of a man dying without heirs, becomes subject to the disposal of the sovereign authority.

Now with all due respect to the honorable court, it may be inquired, why should not the modern doctrine be applied to public corporations as well as private? Why should the ancient doctrine be adopted in such cases, when, to do it, it is necessary to proceed in the face of the principles and institutions of the government of which the court is but a part. When the ancient doctrine is adopted the principles of the ancient governments must likewise be adopted, because the ancient doctrine is but the expression of the principles of the ancient government. And the principles of all those governments were directly the reverse of the principles of this government. This will be seen more fully as we proceed. It is in fact seen in the above expression that personal property, in such cases as this under consideration, becomes subject to "the sovereign authority."

Upon this the question at once arises. Who or what is the sovereign authority in this government? And to this question we have an answer that is certainly plainly expressed, and certainly true, if not absolutely authoritative. Bancroft is the historian of the *constitution* not less than of the country, and upon this very point he has the following plain statement. "It is asked who is the sovereign of the United States? The words sovereign and subjects are unknown to the Constitution."—*History of Constitution, Book V, chap.* 1, *par.* 20.

By this it is evident that the Supreme Court steps upon foreign ground when it suggests the existence, in this country, of a sovereign authority. It is true that the people are sovereign; but the people do not exercise their sovereighty authoritatively as such directly, nor of themselves. "The people of the United States have declared in their constitution that *the law alone is supreme*; and have defined that supreme law." *Id. par.* 21. In the foregoing quotation from the opinion of the court it is made manifest that the existence of a sovereign authority was necessary to sustain a decision confirming the judgment already pronounced by the territorial court. And as, according to the quotation given from Bancroft, there is no such thing known to the American principles or institutions, the court was necessarily driven beyond this government and its institutions to find a basis for this sovereign authority. Accordingly the decision proceeds:—

The principles of the law of charities are not confined to a particular people or nation, but prevail in all civilized countries pervaded by the spirit of Christianity. They are found imbedded in the civil law of Rome, In the laws of the European nations, and especially in the laws of that nation, from which our institutions are derived.

But the principles of the government of Rome and all the European nations, and especially that nation from which the court says our institutions are derived—the British—have always been directly the reverse of this. In those governments there were sovereign authorities. They were not governments of the people, but governments of the sovereign, and the people were subjects. That of Rome was absolutism solely. The Emperor was supreme in everything. He was *parens patriæ*, that is, father of the country, and father of the people in the complete and fullest sense. He fed the people, he gave them money and whatever else they demanded, or whatever some political demagogue demanded, and took from them whatever he himself was pleased to demand. It was so also in England, at the period of the revolution, though there the sovereign had not the absolute character that attached to the Roman; yet, what the King lacked in this respect, Parliament possessed, so that the system of absolutism and of paternalism prevailed there, as formerly in the Roman government.

Nor is it correct to say, as did the court, that our institutions are derived from England. Our governmental institutions are as far as possible the opposite of those of England and were intended to be so when they were established. The government itself, as we have seen, is directly the reverse of that which existed in England when this government was established. When the United States government was established the governments of Europe were ruled by sovereigns who held their power by "divine right." In the Government of the United States that system was revolutionized and governments were declared to derive their just powers from the consent of the governed.

At that time the governments of Europe were all paternal. The Government of the United States is of, and from *the individual*. For "the distinctive character of the new people as a whole, *their nationality*, so to say, *was the principle of individuality* which prevailed among them *as it had nowhere* done before. . . . The Constitution establishes nothing that interferes with equality and individuality. . . .

It leaves the individual alongside of the individual. No nationality of character could take form except on the principles of individuality, so that the mind might be free, and every faculty have the unlimited opportunity for its development and culture. . . The *institutions and laws* of the country rise out of the masses of individual thought, which, like the waters of the ocean, are rolling evermore."—*Bancroft, Id. par.* 7. 9.

In England, and all other European governments, religion was held to be an essential element of civil government; but when this government was formed it was entirely separate from religion, and disavowed not only any connection, but any right to any connection with religion.

The Supreme court itself is an institution which so far from having been derived from any of the institutions of England or any other European nation, was a new creation entirely. The very form of government, that is, the distribution of its power into legislative, executive and judicial, enforced in theory by the illustrious Montesquieu, and practiced in the home government of every one of the American States, becomes a part of the Constitution of the United States, which derived their mode of instituting it from their own happy experience. It was established by the Federal con-