PEMBROKE'S RETIREMENT.

COUNCILMAN PEMBROKE, during his fifteen months' incumbency of an office to which the community believes, the figures prove, and Judge Zane decides, he was not elected, must certainly be credited with some very sensational, if not sensible, acts and utterances. The crowning feature of his meteoric career as an official will be found in the minutes of last evening's Council meeting: he not only infuriated the "Liberal" bull in its own ring by flaunting before it a banner which it feared to approach, but he planted, on retreating, a sharpened dart deep in its quivering sides. and left it to its own mad agony. Plainly speaking, he renounced and denounced his colleagues and the "Liberal" party, and retired from both; and he tells the why and wherefore in a few brief sentences.

We are opposed to the idea of men resigning positions to which they have been elected, no matter how unpleasant their duties in those positions may be made by others. If the others are wrong, so much more reason for the one to stand at his post—he may not prevent but he can hamper their crookedness; he may not be able to resist their assaults but he can be a thorn in their side. We are still more opposed, however, to the idea of men holding office to the exclusion of men legally elected to that office. In the former case, to hold on requires combativeness and courage. In the latter case, to hold on implies at least a willingness to receive other men's goods. Mr. Pembroke's resignation will probably not help his legally elected competitor a particle, and his holding on could not be regarded as a virtue as we have described it. It had been nobler in him to resign earlier and for the reason that another deserved the seat. But, for all that, we cannot say that his present course is altogether without merit. He has left his late friends something to ponder over, and that if of itself is a good thing. If they think more they will act less.

IS IT SO EASILY DONE?

A WASHINGTON correspondent of several Eastern and Southern newspapers informs his readers that an effort will be made this winter to secure statehood for Utah and Arizona, and that the well-known position of President Harrison in favor of granting statehood to the Territories that will be benefited by self-government lends color to the opinion that the effort will succeed. As to Arizona, the correspondent thinks its complexion is so Democratic that the Democratic House of Representatives will be glad to push an enabling act through; at the same time the Republican Senate and the President can easily see in the inchoate State a fair fighting chance for the success of their party. Concerning Utah, the correspondent makes the singular discovery that the "Liberals" are leading the statehood movement. Says he:

"The anti-Mormon laws which were engrafted by Congress into the Constitution of Idaho are reported to work so well that the Gentiles of Utah are now willing to risk them in laws which would give them statehood. Utah would be Republican by a large majority, with the voting qualifications which govern Idaho, and yet the Democratic House of Congress could not refuse to adopt such provisions if giving statehood to the former."

The item is chiefly interesting as showing with what charming facility your average newspaper correspondent disposes of the weightiest questions of the day. He can carve out a new State and settle grave political problems with all the ease and dexterity of the proverbial pirate when proceeding to scuttle a ship or cut a throat. Nothing equals it except the speed and airy abandon with which some of our local cotemporaries are building great railroads in impossible places.

AS TO CHURCH CONFISCATION.

THE *American Sentinel* of May 7, 1891, has a very able article entitled, "The New American Revolution." It relates solely to the decision of the United States Supreme court of May 19, 1890, on the confiscation of "Mormon" Church property. The *Sentinel* holds that according to the Declaration of Independence the principle underlying our government is, that it is "a piece of machinery which the people set up in order more fully to make themselves secure in the enjoyment of their rights." This principle underlies all the constitutions of the Union, both State and National. The great aim of the revolutionists was to frame a government that would be impersonal, and above all subordinate to the people. This they succeeded in doing. The *Sentinel* says that the work accomplished by the fathers of the Republic is now trampled under foot by the Supreme court of the United States, and that the principle of European despotisms has been made the rule of law. It emphatically asserts that the American principle and system of government has been supplanted by the British and Roman. Continuing, the *Sentinel* makes this presentment of the case: The act of Congress of 1862 prohibits any religious or charitable corporation in Utah to own property of greater value than $50,000. In 1887 the "Mormon" Church possessed real estate worth $2,000,000 and personal property worth $1,000,000. By the enforcement of what is known as the Edmunds law of 1887, the question of confiscating "Mormon" Church property over $50,000 in value under the law of 1862 came up. The Supreme Court of the Territory of Utah decided that the confiscation was valid. This decision was sustained by the Supreme Court of the United States. It was maintained by the defense that the property was a trust held by the corporation for individual members who by donations, bequests and contributions accumulated it, and placed it in the hands of the Church as a trust. This claim was disputed by the United States.

The *Sentinel* does not touch on the question of whether the law of 1862 was violated or not. The Supreme Court held that whether this law existed or not the corporation could be dissolved. But the *Sentinel* means to show that the American principle of government has been violated, and this it can do without touching on the law of 1862.

The Supreme Court in its decision of 1890 says:

"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 belongs 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, become subject to the disposal of the sovereign authority."

In reply to this the *Sentinel* says:

"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 to 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 government must likewise be adopted, because the ancient government 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.'"

The question now arises who or what is the sovereign authority. Bancroft says in his history of the Constitution, Book v, chapter 1: "Is it asked who is the sovereign of the United States? The words sovereign and subjects are unknown to the Constitution." It is true that the people