THE EVENING NEWS.

GEORGE Q. CANNON. EDITOR AND PUBLISHER.

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TUTION.

I istitution was represented at the the community, and a more extensive war between that and this country, he meeting. The meeting was called to order by the President of the Board of directors—President Young—and the Superintendent of the Institution, H. B. Clawson, Esq, read his report— It has fulfilled all reasonable expectation. upon motion was accepted by a unani- add greatly to its usefulness and effi- alien." mous vote. Wm. Clayton, Esq., the Secretary of the Institution, then read his report, which exhibited in a strik. objects for which the Institution was ing light the healthy and flourishing condition of the Institution and its business. We think every stockholder present must have been gratified at the

Institution and the prosperity which ruling of the court.

goods of home-manufacture. But aside can scarcely be questioned by any.

from such articles, an effort should be THE adjourned meeting of the Stock- made to stop the importation of pork, "Suppose an applicant for naturalization

it and the Secretary's report having tions, and it should receive the cordial attached to the principles of the Constitubeen adopted as theirs by the Board of support of every person who has the been adopted as theirs by the Board of support of every person who has the been adopted as theirs by the Board of support of every person who has the same? In either supposed case it would the applicants are men of good was considered highly satisfactory, and stock should be increased. This would final oath of naturalization to such an moral character, attached to the princiciency, and accomplish in a more thorough manner the great and laudable organized.

THAT RULING.

financial statement embodied in this YESTERDAY, his Honor Chief Justice report. Upon motion the report was McKean, Judge of the Third Judicial adopted. The Board of Directors, District Court, sitting in this city, renthrough the Secretary, then declared a dered a ruling in the cases of Messrs. dividend of ten per cent. for the six Sandberg and Horsley, the former a na months just ended, payable in cash at tive of Sweden, the latter of England, the expiration of sixty days, or if pre- who had applied for naturalization, kind of extraordinary satisfaction as to ferred to be added to the capital stock whereby beth were denied the privilege the applicants' wortniness; and deof esch shareholder, at the option of of citizenship. As this is a matter of clares that the latter should expect and such shareholder. Remarks were made grave importance to many of the resi- be expected to answer questions more by Hon. Wm. H. Hooper, congratulating dents of this Territory, it may not be strictly correct than a witness in a the stockholders on the prospects of the amiss to review the salient points of the litigated case, -more than a party in a

had attended it thus far. He felt, The grounds upon which this decisand in expressing the feeling he but ion is based, or ostensibly so, will be American citizens, none will dispute that echoed, he felt sure, the sentiments of found in the first paragraph of the the rights guaranteed by the Constituthe shareholders, that Zion's Co-opera- "ruling," the whole of which is pub- tion are more in accordance with the tive Mercantile Institution was a fixed lished in to-day's NEWS. From its dignity of honorable manhood, and are fact. Motions were made and seconded perusal it will be seen that the right of far more extended than those enjoyed that President Young be continued as naturalization-one of the most indi- by the citizens of any other nation; but President of the Board of Directors, feasible guaranteed by the Constitution, the fact that they are accorded to and that Hon, Wm. H. Hooper retain the has been denied to one of these appli- may be acquired by the citizers of the position of Vice-President and that cants simply because the Court objected world, is proof conclusive Wm Jennings, Geo. A. Smith, Horace to his religious bellef, for it was not the granting of them is not S. Eldredge, George Q. Cannon and proved that Mr. Sandberg had violated regarded as any particular favor by the or affirmation, etc., that it was bona Bros., or James Dwyer, News Dealers, Salt Lake

Thomas Taylor, the present Directors, in the least degree any law of the Constitution itself. As to the right of the United States, etc. (2 Statutes at

sterility, increase of product, and in-crease of wealth among the people. The Institution, during the past six months, has done business in articles of home manufacture to the amount of principle in a question the double in the double home manufacture to the amount of principle, is a question the decision of of right and liberty guaranteed by that duties of American citizens? Before about forty thousand dollars. With which we think fails rightfully within greatest of all charters of human right they take the oath of citizenship, let about forty thousand dollars. With which we think falls rightfully within greatest of all charters of human right . proper management there are good the province of the Supreme Court of promulgated by man-the American grounds to hope that at every semi- the United States; and the injustice and Constitution, considering this to be one FLOURISHING CONDITION OF ZION'S annual meeting the report will show unconstitutionality of refusing it in such of the highest and most sacred duties COOFERATIVE MERCANTILE INSTI- an increased production and sale of Cases as those of Sandberg and Horsley devolving upon them as citizens of this

The Court further save: holders of Ziot,'s Co-operative Mercan-tile Institution met, as per appoint- ties of which productions have been nent, at 2 p.m. yrsterday at the Taber-brought here to supply the demand. mache. A uniority of the stock in the The remedy for this is in the hands of native country, and that in the event of a

We answer that such cases as the above are vastly different to the one which called forth this extraordinary on the rights and duties of American ruling; parties, acting as supposed by the Court, do not take the oath required by the Constitution, and could not possivly "satisfy" any Court that they are well disposed towards the happiness he regarded it as in accordance with and well being of the United States. The Court, in this instance, seems to regard the granting of the rights of consequently it has a right to some libel or criminal case.

As to the privileges enjoyed by that

Great Republic.

JUDICIAL DECISION.

TEBBITORY OF UTAH, THIRD DISTRICT COURT. In the matter of the appplications of September Term, JOHN C. SANDBERG 1870, and Salt Lake City. WM. HORSLEY, for naturalization. Opinion of Chief Justice James B. McKean on Naturalization.

Sandberg, a Swede, and Horsley, an Englishman, applied for naturalization, ples of the Constitution of the United States, and well disposed to the good order and happiness of the same; and as it was important to learn their views citizens, and whether or not they believed the Act of Congress prohibiting polygamy to be binding upon them, the Court interrogated them accordingly. Sandberg answered, in substance, that the Court.

MCKEAN, C. J.-It is a principle of universal application that witnesses in litigation cases, and, in some of the States, prisoners under indictment, may have questions put to them which it is optional with them to answer or not. If to answer would criminate them, they may refuse to answer. The refus-Court and jury.

What are the rights of an applicant for naturalization, and what is the duty of the Court in the premises?

Among other facts this Court"should be satisfied" that the alien has resided within the United States five years at least, and within three years before his admission shall have declared on oath

in the number of acres redeemed from anti-polygamy law; and so long as this So far as the positive laws of man are Surrounded by such influences, guided NEW ADVERTISEMENTS. MORGAN COMMERCIAL COLLEGE AND the Court "be satisfied" that they understand its full meaning, and recognize its solemn obligations. Let the Court "be satisfied" whether they believe the supreme law of the land, to be the Constitution, the laws of Congress, and the treaties of the United States; or whether they believe it to be the revelations of some polygamic prophet. Let the Court "be satisfied" what pretended laws of God they mean to obey, and what positive laws of

man they mean to defy. In this country a man may adopt any religion that he pleases, or reject all religions if he pleases. But no man must violate our laws, and plead religion as an excuse; and no alien should be made a citizen, who will not promise to obey the laws. Let natives and aliens distinctly understand that in this country licence is not liberty, and crime is not religion.

Sandberg "satisfied" the Court that he is not, and Horsley failed to satisfy the Court he is a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. The duty of the Court is plain. These applications for naturalization must be rejected.

Special Notices.

Locks .- To prevent the depredations of burthe laws of God for a man to have more glars, we ref r our patrons to the advertisethan one wife at the same time; and ment of the Yale Lock Co. They warrant their that if the laws of the country forbade Locks to be burglar-proof, capable of baving a it, he regarded it as his duty to obey the million changes without duplicating one key. naturalization as a "favor," and that laws of God rather than the laws of They are suitable for closets, book cases, silver man. Horsley refused to answer, and and other chests, money drawers, private by his manner, as well as by his words, desks, tin, bank boxes, banks and sales with said, in substance, that that was his keys or combination. The following safe own business and not the business of manufacturers are using them: Herring, Farrell & Sherman, and many others.

Fruit Wanted .- A limited amount of fruit wanted for preserving purposes, at Deseret News Office.

Live Stock and Bees .- Bro. Wm. D. Roberts, purposes going east to purchase on commission and import Live Stock of all kinds; he al, nowever, almost invariably damages also guarantees to deliver Italian Bees in pattheir testimony in the estimation of the ent movable frame Hives, at \$25 per colony. For further particulars apply to C. H. Bassett, at Kimball & Lawrence's Store or himself, at Provo City.

> Conference Folks and Strangers, wishng the latest Authentic Maps of Utah, Great Salt Lake Valley and City, with Portrait and Autograph of Prest, Young, in pocket form er in single sheets, convenient for mailing to friends abroad, can now be supplied by Calder



NORMAL SCHOOL.



- TELEPINE NO. MERLIN.

indu det H. B. CLAWSON. Supt.

H. B. Clawson, the present Superinten- United States, or that he was aught a Judge to ask, and, of the indent and Wm. Clayton, the present but a law-abiding and well-disposed creased responsibility of the applicant admission to citizenship, the alien, Secretary, be re-elected, which motions person. were unsuimously carried and the meeting adjourned.

ple. He said:

regard to the spirit of this organization; it is supposed to be an interference with priunderiving principle of general application and benefit, sence some continue in a business capacity not only without sustaining ous rivalry thereto, misrepresenting its character for the seif-evident purpose of individual profit. This is to be deprecated because it savors of division and interferes with the great idea of united importation. which alone is the guarantee for home manufecture, it being apparent that so long fused. as any and every man can import, home goods will be at a discount, whereas, with one importing house penetrated by the spirit of this movement, importation is abruptly suspended, directly any article can be secured at home."

The Institution has had serious difficuittes to contend with. Many attempts have been made to domage and even to ruin its credit in the East. Telegraphic dispatches, letters and newspaper articles have been sent at various times misrepresenting the condition of the Institution and with the evident design of creating alarm in the breasts of dealers in the East, respecting its solvency. The adoption of co-operation, and the organization of the Institution for the purchase and sale of merchandise, had caused several men, who were in that business at the time, to apostatize and to come out in opposition to the principle. It was to be expected that they, and all those who were leagued with them in feeling, would oppose and do all in their power to cripple and destroy the Institution. They have done so. But despite all their efforts it has moved steadily onward and co-operation has been practically tested to the perfect satisfaction of those . ho have been interested in its adoption. Are we not warranted in saying that the chief difficulties which have lain in its pathway have been sur mounted? The people have now gained considerable experience in the management of business conducted upon its principles; they are familiarized with it, and in this, as in other untried principles, a great point is gained when they are tested by actual experience. Everything connected with it has become greatly simplified through the practical trial which it has received during the past eight months.

injury of one of the parties interrogated to go beyond its requirements. (Horsley), is very evident, for upon

rights and privileges of altens when Honor referred to the action applying for naturalization, the Court article six of the Constitution:

to support the laws of the United States the sort in his official capacity. which shall be made in pursuance thereof; nothing of which do the inhab- concerning the violation of the antiitants of this Territory seek to con- polygamy law:-officially he has no trovert.

His Honor next refers to the antipolygamy law of 1862, the pertinence or relevancy of which in the present case we either of the parties in question was a will endeavor to answer. which they were before the Court was very great majority of them,-the mem-United States.

call "Mormoniam" may refuse to recog- binding in the highest degree. nize plural marriage as a religious in- The questions propounded by the

in naturalization cases, to answer the

In the second paragraph of his ruling questions put to him, we cannot see the his Honor lays down a principle in law pertinency or relevancy of the remark The Superintendent of the Institu- touching the rights of witnesses and, in of the Court; we think that an oath, tion, in making his report, made the some States, of prisoners, with regard when administered in a court ofjustice, following statement, which is worthy to answering questions. He states that no matter what the nature of the case of consideration on the part of the peo- to answer is optional; if to answer under consideration is equally sacred would eriminate then they may refuse, and binding. As for the satisfaction "There is an evident misconception in but such refusal almost invariably referred to by the Court, in the the minds of many of our brethren, with damages, &c. We fail to see why a cases of sliens Sandberg and Horsrefusal, when the right is guaranteed ley, that all required by law,-namely, vate right and business, without any great by law, should work to the detriment guarantees as to their characters for of the questioned, and think that it morality, good order, &c., was on hand, would fail to do so with a court and and that was all the Court had a right the Institution, but in direct and ungener. jury strictly impartial. That it has, to demand or expect. The law has in this case, worked to the material fixed that, and no court has any right

> The remarks of his Honor Judge Mcthat only is the right to citizenship re- Kean relative to the negligence of other courts in relation to naturalization, are In animadaverting further upon the worthy of a passing remark. If his Courts outside of this Territory, they quotes from the second subdivision of are not completely irrelevant; but if to the course of any of his predecessors in

"This constitution and the laws of this Territory, we would like to know "This constitution and the laws of this Territory, we would like to know be made in pursuance thereof. Con-the United States which shall be made if his knowledge of that negligence is in pursuance thereof, and all treaties derived from the records of the Court 1862, entitled "an act to punish and made, or which shall be made under itself or merely from report? We opine the authority of the United States, shall that it springs merety from the latter, be the supreme law of the land" etc. in which case we are of the opinion And from the preceding concludes that that his Honor, whatever his views and therefore he who swears to support the feelings as a private citizen may be Constitution, swears at the same time has no business to knew anything of

> The same is also true as to his avowal knowledge whatever of any such violation.

The closing portion of the opinion is particularly unctuous; and the quesfall to see, as it does not appear that tions propounded by his Honor, we

at all connected with that question. bers of the Church of Jesus Christ of country, and that in the event of a war But had it been so, let us see how far Latter-day Saints, vlew American civithe non-observance of that law would lization as the highest type yet developaffect loyalty to the Constitution of the ed by humanity,-guaranteeing as it does to all classes of its citizens the One article of that sacred instrument fullest measure of civil and religious declares that Congress shall make no liberty; and the first and most sacred law respecting religion, nor prohibit- duty of American citizens they hold to ing the free exercise thereof. Now the be the preservation of those rights insystem of plural marriage among the tact, in all their integrity and plenti-Latter-day Saints, however others may tude! They believe, most emphaticalview it, is regarded and practised by ly that the Constitution is the supreme solemn mockery to administer the final them wholly as a part of their religion, law of the land; and all laws framed in oath of naturalization to such an alien. as one of the most sacred and import- accordance with or pursuant to the ant principles of their religious faith. principles and spirit of that sacred Those who dis-believe in what the world instrument are regarded by them as

Large, 153.) And at the time of his final "shall declare on oath or affirmation" "that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, p tentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty whereof he was before a citizen or subject."

But before admitting the alien to citizenship, it shall further appear to the satisfaction of the Court, that during the five years of his residence within the United States, "he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same." (2 Statutes at Large, 153-4.) The second subdivision of article 6 of

the Constitution, provides that, "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the Supreme law of the land, &c. Therefore he who swears to support

the Constitution of the United States, swears at the same time to support the laws of the United States which shall prevent the practice of polygamy in the Territories of the United States and other places," etc. In the first section of that act is this provision; "That every person having a husband or wife living, who shall marry any other per-son, whether married or single, in a Territory of the United States, or other place over which the United States have exclusive jurisdiction, shall," etc "be adjudged guilty of bigamy, and upon conviction thereof, shall be pun-ished by a fine not exceeding five hun-dred dollars, and by imprisonment for a term not exceeding five years." (12 Statutes at Large, 501.)

Now, suppose an applicant for natur-alization should state to the Court that he objected to some provisions of the Constitution, and would not obey and support them; or, suppose he should state that he would not absolutely renounce his allegiance to his native between that and this country, he would fight for his native land; shall the judge who presides in the Court violate his own oath by admitting such a man to citizenship? Or, suppose the applicant, in a spirit of defiance, refuses to answer in regard to these things, how can the Court possibly be satis fled that such a man "is attached to the principles of the Constitution of the United States, and we'l disposed to the good order and happiness of the same?" An applicant for naturalization to such an alien. An applicant for naturalization asks for a favor; asks for the high privilege of American citizenship: and he must show, to the satisfaction of the Court, that he is worthy of it. More than a witness in a litigated case, more than a party in a civil or criminal cause,

