



GEORGE Q. CANNON.....EDITOR

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### FLOURISHING CONDITION OF ZION'S CO-OPERATIVE MERCANTILE INSTITUTION.

THE adjourned meeting of the Stockholders of Zion's Co-operative Mercantile Institution met, as per appointment, at 2 p.m. yesterday at the Tabernacle. A majority of the stock in the Institution was represented at the 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 and the Secretary's report having been adopted as theirs by the Board of Directors at a previous meeting—which was considered highly satisfactory, and upon motion was accepted by a unanimous vote. Wm. Clayton, Esq., the Secretary of the Institution, then read his report, which exhibited in a striking light the healthy and flourishing condition of the Institution and its business. We think every stockholder present must have been gratified at the financial statement embodied in this report. Upon motion the report was adopted. The Board of Directors, through the Secretary, then declared a dividend of ten per cent. for the six months just ended, payable in cash at the expiration of sixty days, or if preferred to be added to the capital stock of each shareholder, at the option of such shareholder. Remarks were made by Hon. Wm. H. Hooper, congratulating the stockholders on the prospects of the Institution and the prosperity which had attended it thus far. He felt, and in expressing the feeling he but echoed, he felt sure, the sentiments of the shareholders, that Zion's Co-operative Mercantile Institution was a fixed fact. Motions were made and seconded that President Young be continued as President of the Board of Directors, that Hon. Wm. H. Hooper retain the position of Vice-President and that Wm. Jennings, Geo. A. Smith, Horace S. Eldredge, George Q. Cannon and Thomas Taylor, the present Directors, H. B. Clawson, the present Superintendent and Wm. Clayton, the present Secretary, be re-elected, which motions were unanimously carried and the meeting adjourned.

The Superintendent of the Institution, in making his report, made the following statement, which is worthy of consideration on the part of the people. He said:

"There is an evident misconception in the minds of many of our brethren, with regard to the spirit of this organization; it is supposed to be an interference with private right and business, without any great underlying principle of general application and benefit, hence some continue in a business capacity not only without sustaining the Institution, but in direct and ungenerous rivalry thereto, misrepresenting its character for the self-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 manufacture, it being apparent that so long 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 difficulties to contend with. Many attempts have been made to damage 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 who have been interested in its adoption. Are we not warranted in saying that the chief difficulties which have lain in its pathway have been surmounted? 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 eighteen months.

Some idea can be formed of the increased facilities which are now placed within the reach of the cultivators of the soil from the statement made yesterday in the report of the Superintendent, that during the past six months agricultural machinery to the value of twenty-one thousand dollars has been imported by the Institution. This, as he stated, must have great influence on the productive and labor-saving interests of the Territory, and is an evidence of the increase of population, increase in the number of acres redeemed from sterility, increase of product, and increase of wealth among the people.

The Institution, during the past six months, has done business in articles of home manufacture to the amount of about forty thousand dollars. With proper management there are good grounds to hope that at every semi-annual meeting the report will show an increased production and sale of goods of home-manufacture. But aside from such articles, an effort should be made to stop the importation of pork, beef and cheese, considerable quantities of which productions have been brought here to supply the demand. The remedy for this is in the hands of the community, and a more extensive production of these necessities is loudly demanded.

The friends of the Institution have every cause to be proud of its success. It has fulfilled all reasonable expectations, and it should receive the cordial support of every person who has the cause of Zion at heart. The capital stock should be increased. This would add greatly to its usefulness and efficiency, and accomplish in a more thorough manner the great and laudable objects for which the Institution was organized.

### THAT RULING.

YESTERDAY, his Honor Chief Justice McKean, Judge of the Third Judicial District Court, sitting in this city, rendered a ruling in the cases of Messrs. Sandberg and Horsley, the former a native of Sweden, the latter of England, who had applied for naturalization, whereby both were denied the privilege of citizenship. As this is a matter of grave importance to many of the residents of this Territory, it may not be amiss to review the salient points of the ruling of the court.

The grounds upon which this decision is based, or ostensibly so, will be found in the first paragraph of the "ruling," the whole of which is published in to-day's NEWS. From its perusal it will be seen that the right of naturalization—one of the most inalienable guaranteed by the Constitution, has been denied to one of these applicants simply because the Court objected to his religious belief, for it was not proved that Mr. Sandberg had violated in the least degree any law of the United States, or that he was aught but a law-abiding and well-disposed person.

In the second paragraph of his ruling his Honor lays down a principle in law touching the rights of witnesses and, in some States, of prisoners, with regard to answering questions. He states that to answer is optional; if to answer would criminate then they may refuse, but such refusal almost invariably damages, &c. We fail to see why a refusal, when the right is guaranteed by law, should work to the detriment of the questioned, and think that it would fall to do so with a court and jury strictly impartial. That it has, in this case, worked to the material injury of one of the parties interrogated (Horsley), is very evident, for upon that only is the right to citizenship refused.

In animadverting further upon the rights and privileges of aliens when applying for naturalization, the Court

quotes from the second subdivision of article six of the Constitution:

"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" etc. And from the preceding concludes that therefore he who swears to support the Constitution, swears at the same time to support the laws of the United States which shall be made in pursuance thereof; nothing of which do the inhabitants of this Territory seek to controvert.

His Honor next refers to the antipolygamy law of 1862, the pertinence or relevancy of which in the present case we fail to see, as it does not appear that either of the parties in question was a polygamist, or that the business upon which they were before the Court was at all connected with that question. But had it been so, let us see how far the non-observance of that law would affect loyalty to the Constitution of the United States.

One article of that sacred instrument declares that Congress shall make no law respecting religion, nor prohibiting the free exercise thereof. Now the system of plural marriage among the Latter-day Saints, however others may view it, is regarded and practised by them wholly as a part of their religion, as one of the most sacred and important principles of their religious faith. Those who disbelieve in what the world call "Mormonism" may refuse to recognize plural marriage as a religious institution, and the right of the "Mormons" to practice it as such; but we know that the latter view and practice it only in this light, and all the importance they attach to it springs from regarding it as one of the fundamental principles of the plan of salvation. Whether or not the right to practice it as such be conceded, it is a fact, known doubtless by the Court, that opinion among the members of the legal profession as well as among the public generally, is divided throughout the nation as regards the constitutionality of the anti-polygamy law; and so long as this is the case, the justice and constitutionality of refusing the privilege of naturalization even to practical polygamists, not those who merely believe in the principle, is a question the decision of which we think falls rightfully within the province of the Supreme Court of the United States; and the injustice and unconstitutionality of refusing it in such cases as those of Sandberg and Horsley can scarcely be questioned by any.

The Court further says:

"Suppose an applicant for naturalization 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 country, and that in the event of a war 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 satisfied' that such a man is attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same?" In either supposed case it would be a solemn mockery to administer the final oath of naturalization to such an alien."

We answer that such cases as the above are vastly different to the one which called forth this extraordinary ruling; parties, acting as supposed by the Court, do not take the oath required by the Constitution, and could not possibly "satisfy" any Court that they are well disposed towards the happiness and well being of the United States.

The Court, in this instance, seems to regard the granting of the rights of naturalization as a "favor," and that consequently it has a right to some kind of extraordinary satisfaction as to the applicants' worthiness; and declares that the latter should expect and be expected to answer questions more strictly correct than a witness in a litigated case,—more than a party in a libel or criminal case.

As to the privileges enjoyed by American citizens, none will dispute that the rights guaranteed by the Constitution are more in accordance with the dignity of honorable manhood, and are far more extended than those enjoyed by the citizens of any other nation; but the fact that they are accorded to and may be acquired by the citizens of the world, is proof conclusive that the granting of them is not regarded as any particular favor by the Constitution itself. As to the right of a Judge to ask, and, of the in-

creased responsibility of the applicant in naturalization cases, to answer the questions put to him, we cannot see the pertinency or relevancy of the remark of the Court; we think that an oath, when administered in a court of justice, no matter what the nature of the case under consideration is equally sacred and binding. As for the satisfaction referred to by the Court, in the cases of aliens Sandberg and Horsley, all required by law,—namely, guarantees as to their characters for morality, good order, &c., was on hand, and that was all the Court had a right to demand or expect. The law has fixed that, and no court has any right to go beyond its requirements.

The remarks of his Honor Judge McKean relative to the negligence of other courts in relation to naturalization, are worthy of a passing remark. If his Honor referred to the action of Courts outside of this Territory, they are completely irrelevant; but if to the course of any of his predecessors in this Territory, we would like to know if his knowledge of that negligence is derived from the records of the Court itself or merely from report? We opine that it springs merely from the latter, in which case we are of the opinion that his Honor, whatever his views and feelings as a private citizen may be, has no business to know anything of the sort in his official capacity.

The same is also true as to his avowal concerning the violation of the anti-polygamy law:—officially he has no knowledge whatever of any such violation.

The closing portion of the opinion is particularly unctuous, and the questions propounded by his Honor, we will endeavor to answer.

The people of this Territory, or the very great majority of them,—the members of the Church of Jesus Christ of Latter-day Saints, view American civilization as the highest type yet developed by humanity,—guaranteeing as it does to all classes of its citizens the fullest measure of civil and religious liberty; and the first and most sacred duty of American citizens they hold to be the preservation of those rights intact, in all their integrity and plentitude! They believe, most emphatically that the Constitution is the supreme law of the land; and all laws framed in accordance with or pursuant to the principles and spirit of that sacred instrument are regarded by them as binding in the highest degree.

The questions propounded by the Court, as to what pretended law do they, the Latter-day Saints, mean to obey, and "what positive laws of man do they mean to defy" have no bearing on the question at issue, but nevertheless, to post his Honor, we will briefly answer them. No "pretended" law of God will they, (the members of the Church of Jesus Christ of Latter-day Saints), obey; but the law of God, revealed in either ancient or modern revelation, they will observe, regardless of results, when commanded by Heaven to do so. So far as the positive laws of man are concerned, they will defy, or rather resist to their utmost every one abrogating the commands of the most High, or which encroaches upon the measure of right and liberty guaranteed by that greatest of all charters of human right promulgated by man—the American Constitution, considering this to be one of the highest and most sacred duties devolving upon them as citizens of this Great Republic.

### A NEGRO MICHAEL ANGELO.

In Campinas, Brazil, there is an enormous church which has been seventy years in building and is not completed. The remarkable feature about it is the wonderful carving of the interior, and the still more wonderful fact that the greater part of it is the work of a negro man, who has never studied the simplest principles of sculpture, and who, indeed, does not even know his alphabet. The sense of beauty of form was instinctive with him, and with the cunning hand of self taught genius he has carved temples and columns, flowers and arabesques, cherubim and archangels, throwing off his wondrous creations with the profusion which is only possible to those who draw their inspiration from within. He worked at his labor of love with delight until old age brought failing sight and trembling hands; and now, poor, solitary, helpless and blind, he ekes out a miserable pittance which his townsmen grant for his support, by begging alms in the streets of Campinas. Others have continued his work, more or less imperfectly, and as there had been no plans made, the variety of workmen has greatly detracted from the harmony of the general effect.—Ex.