

RESIDENCE AND NATURALIZATION.

ONE of the requirements of the law for the naturalization of aliens in this country is that they must make it appear to the satisfaction of the Court admitting them to citizenship that they have "resided within the United States five years at least, and within the State or Territory where such Court is held one year at least." This is a very good provision and one that the Courts are generally careful to see complied with. This question of residence is a matter for the Court before which the alien appears, to determine. When a certificate is issued, that is evidence that the Court has adjudicated upon the question of residence. The admission of an alien to citizenship is in the nature of a judgment and also of a decree of Court. A certificate issued in due form, with the record of the Court is conclusive evidence that the person to whom the certificate is granted has complied with all the requirements of the naturalization laws, including the necessary time of previous residence, both in the United States and in the State or Territory where the Court is held. Such a certificate is proof that the Court has inquired into all the facts and adjudicated upon them and the question cannot legally be reopened; it is *res judicata*.

But we will inquire a little into the question of residence. Where is a person's place of residence? It is where he makes his home. It cannot be simultaneous in two different countries or States or Territories. He may own property in different places, but his home or domicile must be established in one place to constitute residence there. An alien may reside in different parts of the United States, at different times during the five years preceding his admission to citizenship, but must reside for at least one year at least in the State or Territory where he applies for admission.

The law which requires this term of residence does not prohibit the resident from leaving his home during the prescribed period. He may be absent on pleasure or business or for any purpose whatever providing he does not establish a new domicile by abandoning his home in the United States and adopting some other country as his home. Absence from home is not abandonment of home. If the intent is to return and the absence temporary the residence is continued. An alien, for instance, may, on coming to this country with the intention of remaining here and becoming a citizen, establish his domicile within the boundaries of the United States and then take a trip to Europe or any other part of the world; he may return to the land of his birth and stay there for a time; but if it is evident that his home is in the United States, to which he intends to return and does return, his residence in this country counts from the time when he established his domicile here.

Thus, if a native of a foreign country, after arriving in Utah and making his home here with the intention of permanent residence, should be sent on a mission to some country outside of the United States previous to his admission to citizenship, the time of his absence would not be deducted from the period necessary for residence under the law. He would be simply away from his home, intending to return. His residence would continue, being neither abandoned nor diminished. The residence belongs once established, the resident may go and come at his pleasure, may visit other States or countries as he desires and is able, just the same as going to other houses than his own at a visit.

This is a principle of law. It has been settled by judicial decision, and, further, by national legislation. The naturalization laws of 1852 required of an alien residence in the United States for the "continuous term of five years next preceding his admission." In 1813 this was amended so as to be still more strict, these words being added: "Without being at any time during the five years out of the Territory of the United States." But, this being considered inequitable to immigrants, and the policy of the country being to encourage naturalization, this provision was repealed in 1818, and now simple "residence" for five years is all that is required in this matter. Story, one of the best authorities on constitutional law, says, in his *Conflict of Laws*:

"Actual residence is not indispensable to retain a domicile after it is once acquired; but it is retained *ad idem* solo by the mere intention not to change it or adopt another. If, therefore, a person leaves his home for temporary purposes, but with an intention to return to it, this change of place is not in law a change of domicile." p. 44.

Phillimore, in his *Laws of Domesticity*, says:

"If it appears that the intention of removing was to make a permanent settlement, or a domicile, in the time, the right of domicile is acquired by a residence of a few days." p. 135.

It has been said by some civilians that when the person retained the intention of returning to his former domicile, a thousand years would not suffice to establish a new one.

Secretary Marcy, in arguing the case of *Korn*, says:

"The authorities already referred to show that to lose a domicile when once obtained, the domiciled person must leave the country of his residence with the intention to abandon that residence and must acquire a domicile in another."

deal of intentional misrepresentation by the enemies of the people of Utah. Hon. George Q. Cannon, our Delegate to Congress, was naturalized in the First District Court of Utah, December 7th, 1854. For some time previous to this date he had been absent from home on a mission to the Sandwich Islands. He had resided, however, in the United States for a great many years, having come to this country in his boyhood, having resided in Nauvoo and subsequently established his home in Utah, coming here with the first company after the Pioneers, in 1847. He obtained his certificate of citizenship in due form under the provisions of that section of the law which relates to the admission of aliens who arrived in this country previous to the age of eighteen years.

In the contest for the seat in Congress, when R. N. Baskin attempted to oust our Delegate, this question of his absence in the Sandwich Islands was fully investigated and decided in his favor, according to the settled principles cited above. Now these same specious objections are brought forward for the purpose of defeating people not familiar with the facts and the principles of law in the case. The very evidence adduced to make it appear that George Q. Cannon was not a resident of the United States during the five years preceding his naturalization, nor of this Territory one year preceding, is conclusive proof that he was such a resident. His letters to the *Deseret News* while on his mission, which are cited against him, are positive evidence in his favor, for they establish the fact that he was absent from his home; that he was temporarily away from his domicile; that he was anxious, when liberated, to return to his home, and that his intention was not to change his country of abode but that he was a mere sojourner for a time in a foreign land, having established his residence in Utah, his permanent abiding place being in the United States.

The certificate of citizenship which he holds, is evidence enough of this as we have shown, and as has been determined by the Courts. For instance, the Supreme Court of Arkansas in the case of the State vs. Penny decided that,

"The judgment of a court of competent jurisdiction in a naturalization case is conclusive of its own validity and closes the door to all inquiry as to whether the requisites of the law have been complied with, for that will be presumed." (10th Arkansas 621).

But apart from this consideration it must be clear to every sensible person who investigates this subject that the objection as to the residence of George Q. Cannon previous to his naturalization falls to the ground without the shadow of a splinter of support. It is being urged for the purpose of deception and is another proof that our enemies can only fight us with falsehood, which is conclusive evidence that truth is on our side. The position of Hon. George Q. Cannon on the naturalization question is simply impregnable, and those who are putting forth these quibbles and prevarications are well aware of the fact and that is why they are troubled and seek to deceive. Let them alone in their folly and villany, and pay no attention to their froth and vain pretenses.

FIFTY-FIRST ANNUAL CONFERENCE.

THIRD DAY.

2 p. m.

The choir sang,
Come, dearest Lord, descend and dwell,
By faith and love, in every breast.

Prayer by Apostle Lorenzo Snow.
The choir sang,
How firm a foundation, O ye Saints of Lord,
Is laid for your faith in his excellent word.

APOSTLE JOHN H. SMITH

Said I was not ashamed of the gospel of Christ, because he knew it to be the power of God unto salvation. He felt truly thankful for the pleasure of being here at this Conference, to listen to such words as were calculated to build us up in our most holy faith. The presence of the thousands of Saints in our midst, reminding us of the great contrast with their condition nearly 50 years ago, when persecutions were so severe. The early experience of the Saints was of the most trying character. We were not permitted to worship and dwell in peace. Our opportunities for instruction in the word of God were very limited. It was so with him personally. He never had the advantages in his early life that are now enjoyed by the Saints of the present time. He believed that God our Heavenly Father intended to make His people the best educated of any of His creatures. It was His purpose that they should be able to read, write and improve and advance step by step in human progress, that we may be better prepared to carry on the great work of God that He has laid upon our shoulders. The door for our advancement in letters is now open, and there is no excuse for any one to grow up in ignorance. Very many of our dear brethren, the mothers' influence, for when a mother is determined to have her son and daughters grow up in the knowledge of letters, they will certainly do so and grow up to be honored among mankind. He never heard of any of the Church advocates, any principle of wrong doing, but from his youth up he had listened to their teaching, and knew that all their counsels and instructions were of a character that would elevate and ennoble and advance mankind in the scale of being. God has designed that His people should be among the best of the world. He has designed that we should be zealous in self-culture and good works, and establish for ourselves a reputation that will stand the test of time. It is our duty, without fear. It is our mission to publish the gospel from land to land and also to be useful at home, for we are called to be useful to men, and use an influence that will lead the youth away from sin and evil, and elevate them to be fit companions for the highest intelligence. He strongly recommended parents to inspire their children with love and confidence, so that in all their sayings and doings they will feel that there is no one to whom they can appeal so quickly and safely for counsel, and to whom they can confide their secret desires and thoughts, as their own parents. He concluded by praying that God may guide us into the truth, and make us wise in the knowledge of His will, and that we may be able to stand in the midst of the world, and be a blessing to the nations of our race.

President Geo. Q. Cannon then read an epitome of receipts and disbursements of tithing for the year 1880. On motion the report was referred to the auditing committee. He also read an account of receipts

and disbursements of the Mutual Emigrating Fund. This report had been audited by a committee appointed for that purpose. It was formally accepted by the Conference.

The Relief Society report was then read and was also accepted as follows:

Officers of the Relief Society:—Ellis R. Snow, President; Zina D. Young and Elizabeth A. Whitney, Counselors; Sarah M. Kimball, Secretary; M. I. Morris, Treasurer.

Stake superintendents who have sent in their reports: Bear Lake, Julia P. Liney; Davis, Sarah A. Roberts; Garfield, George H. Kanab, Elizabeth Nuttall; Willard, R. M. Pratt; Morgan, Lydia Lake; Parowan, Ellen W. Lunt; Salt Lake, M. I. Morris; St. George, Minerva W. Snow; Summit, Sarah S. Richards; Tooele, Mary Ann Hunter; Utah, Margaret T. Smoot; Weber, Mrs. A. Richards; Sevier, Elizabeth Benn.

Box Elder reported, but the name of the superintendent does not appear. The following Stakes not reported: Beaver, Cache, Wasatch, Arizona, Little Colorado and Eastern Arizona.

Total of teachers, 1,630; members, 9,650; officers and members, 12,280; meetings held, 1,632; average attendance, 3,841.

On hand at date of last report: Cash, \$3,422.21; property, \$24,099.23; wheat, 9,859 bushels.

Disbursements—To the poor, \$3,493.31; emigration, \$210.43; temple, \$1,214.12; clothing, \$1,389.97; books, 143.13; missionary, \$93.70; buildings, \$1,017.47; Indians, \$86.45.

Totals on hand in cash, property and wheat, \$38,822.24.

President Cannon passed a high encomium on the neat and comprehensive report of the Relief Society, and also on the labors that the sisters have so zealously performed, and considered there can be no one so well acquainted with the good being accomplished by them but must highly appreciate them.

The Sunday School Union annual report was then read and accepted as follows:

Sunday School Statistical Report.

No. of schools reported, 274; No. of scholars not reported, 10; No. of officers and teachers, 3,220; No. of female officers and teachers, 1,010; total number of officers and teachers, 4,230; average attendance of officers and teachers, 3,729; No. of male pupils, 15,921; No. of female pupils, 16,555; total number of pupils, 32,476; average attendance of pupils, 27,778; total number of officers, teachers and pupils, 37,807; No. of theological classes, 171; No. of Bible and Testament classes, 385; No. of Book of Mormon classes, 156; No. of Doctrine and Covenant classes, 182; No. of Juvenile Instructor classes, 151; No. of Catechism classes, 156; No. of miscellaneous classes, 1,397; total number of classes, 3,445; No. of books in library, 20,580; amount of funds on hand at end of last year, \$1,170.87; amount of funds disbursed, \$6,670.69; amount of funds disbursed, \$6,287.07; amount of funds in treasury, \$1,481.66.

Officers of the Deseret Sunday School Union: George Q. Cannon, General Superintendent; George Goddard, 1st Assistant; Levi W. Richards, Secretary; George Reynolds, Treasurer.

PRESIDENT JOHN TAYLOR

In reading over these statements there are some things it may be necessary to mention. It would take too much time to give before this conference a detailed account of all the receipts and disbursements of the Trustees-in-Trust. We have, however, an Auditing Committee, which was duly appointed by the Conference for the purpose of auditing all the income and expenditure, and comparing and investigating all these matters. We have to look to them for their action in relation to these details, and a vote has already been taken on the subject. However, it is proper you should know these things. And I would state that although the Auditing Committee still the Trustees-in-Trust, still the Auditing Committee, I presume, know more of the details of these things than I do, because they know more especially under their supervision.

In regard to the operations of the Perpetual Emigrating Fund Company, we renewed, as you know, at the jubilee, quite a large amount, leaving a debt, also, of a very large amount. I find the statement is not here. However, I suppose it amounts to, in general terms, to the \$700,000 or \$800,000 yet due to the fund, and having remitted a like amount, we do expect the brethren who are owing this fund will try to pay it, and meet their obligations in regard to what we may have a better showing than we have to-day. We certainly ought to be ashamed, as a people, of our neglect in regard to this thing. Out of this \$800,000, we have only received about \$5,000 within the last six months—that is, about one hundredth part. It is rather a poor showing for Latter-day Saints, who profess to be honest; and I think we ought to attend to these matters. This money has been laid out to assist those coming to this land, and their promises to pay have been received. We have authorized the Bishops and Presidents of the several Stakes to remit a certain amount of this indebtedness, and we do expect that those who are owing a balance will be honorable enough to attend to it, otherwise it places it out of our power, without calling upon those who have hitherto subscribed to help us to meet our obligations, that we would hardly be an act of justice.

We therefore call upon those brethren who are owing the Emigrating Fund to attend to it in order that the very nuclei of the company may be relieved, and that we may be able to give assistance to those who desire to emigrate to this country, for there are thousands who are waiting to receive the benefit of this fund, and those who do not pay their indebtedness are depriving them of this privilege. I am sure, if it is a subject of importance and men ought to meet their indebtedness, but when men do not attempt to pay their obligations, but are the poor, they become delinquent before their brethren and before their God. We do not have justice, we know, every year, they come once in 50 years, therefore these things ought to be attended to. I speak thus in behalf of the poor in Europe. The brethren come from time to time, and to the Perpetual Emigrating Fund Company, saying, "Cannot you assist us?" Why, yes, we could help you, but we have no money. We have received assistance would only be honest and meet their obligations, and we would do it very gladly, with a willing heart, and with good feelings.

In regard to the labors of the Relief Society, they are certainly very creditable and very praiseworthy, and I felt much gratified that they should not be made mention of, for they are doing a very creditable work in Israel. It seems to be the peculiar province of the Relief Society in this capacity, and I do not know but they put as much a little effort as we do. They are doing a very creditable work in Israel. It seems to be the peculiar province of the Relief Society in this capacity, and I do not know but they put as much a little effort as we do.

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Totals on hand in cash, property and wheat, \$38,822.24.

President Cannon passed a high encomium on the neat and comprehensive report of the Relief Society, and also on the labors that the sisters have so zealously performed, and considered there can be no one so well acquainted with the good being accomplished by them but must highly appreciate them.

positions of the Territory. The officers are: Louis Felt, President; M. M. Barrett and Clara M. Cannon, Counselors; Lilla F. Felt, Secretary; Minnie Felt, Treasurer.

The report was adopted by unanimous vote. Also a report of the appropriation that was voted for at our last Conference in aid of the poor.

PRESIDENT JOHN TAYLOR

Said in listening to the report it could be seen that the majority of the Stakes had fulfilled their obligations, but some had not done so, and all of those who had not done so, were called upon to raise their right hands. (There was a unanimous vote.) It was also motioned and carried that the report be so corrected as to be correct.

President George Q. Cannon then read a report of the amount of back tithing, which had been collected, and which was also adopted by unanimous vote.

A report of the Emigrating Fund Company was also read, together with the amount remitted.

PRESIDENT JOHN TAYLOR

Made a few remarks on the subject of the amount which had accumulated on the books as back or delinquent tithing, and which by vote of last Conference the Church had agreed to cancel a portion of, so that their tithing could be clear and plain, and he hoped in the future there would be no more delinquencies allowed to accumulate. He said that the amount of promissory notes being given. Some people seemed to think when their notes were given, the debt was paid. He said that to honor the law given by the Lord, and live up to it, he also desired the Saints to pay every honest obligation they have entered into, and thus secure a reputation for honor and integrity and uprightness of character. The report of the Emigrating Fund Company was then adopted as read.

APOSTLE F. D. RICHARDS

Arose to make some explanations of the report of the P. E. Fund. He spoke of the poverty-stricken circumstances of many of the poor in the old country, and also the indebtedness to the Fund of many of those who have been helped to this country, and these facts should stimulate those who are owing to make every effort to meet these obligations as early as possible, and should also act as an incentive to the Presidents of Stakes and Bishops to use their influence in having these debts gathered in. In cases where misfortune, sickness, or poverty prevented the Saints from paying their indebtedness to the Fund, the public fund stretches forth its hand to their relief that they may be free from the burden that was hanging over them, but those who were able were expected to settle their obligations.

APOSTLE ERASTUS SNOW