

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 re-opened; 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 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 being 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 on a visit.

This is a principle of law. It has been settled by judicial decisions, and, further, by national legislation. The naturalization laws of 1802 required of an alien residence in the United States for the "continued 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 inimical to immigration, and the policy of the country being to encourage naturalization, this provision was repealed in 1848, 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 *animo 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 *Law of Domicile*, says:

"If it appear that the intention of removing was to make a permanent settlement, or for an indefinite time, the right of domicile is acquired by a residence of a few days." p. 146.

"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 Koszta, 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."

These are the principles by which the courts of this country have been guided in their judgments in relation to this important question.

We will now apply this to a case about which there has been a great 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 deceiving 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 *bona fide* residence; that his intention was not to change his country or 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 villianry, and pay no attention to their froth and vain pretences.

THE SCHOOL QUESTION.

The remarks of President Joseph F. Smith during the Conference, on

the folly and wickedness of some so-called Latter-day Saints, in sending their children to be taught by those whose object and intent are to lead them from the faith of their parents, were timely and indisputable. The inconsistency of those who take such a course is certainly of the most glaring kind. To come out from the world under convictions that its institutions, spirit and tendencies are wrong and contrary to the order of heaven, and then place our tender children, with minds unformed or immature, under those very influences, appears to us plain evidence either of great blindness or deep hypocrisy.

Parents who profess to believe that God has set up his Church and Kingdom on the earth and established a system which is divine, and that all others are the creations of men, containing fatal elements of error and doomed to dissolution, and yet send their children to be tutored in the schools and spirit of the world, must be very thoughtless or very insincere. Believing what they assert, how can they act in such a manner and claim to be truthful and consistent?

In touching again on this subject we do not wish to say anything against the ladies and gentlemen who have come into Utah for the purpose of instructing the youth of this Territory. They have been engaged by religious societies for the specific purpose of working upon the minds of "Mormon" children, so as to lead them into what they consider Christian ideas and principles. They are performing a duty, earning their salaries. If they think our religion and practices wrong, they are justified in using all lawful means to try and introduce what they believe to be right. They concede the impossibility of doing anything to turn the older "Mormons" from their faith, but knowing the force of youthful impressions, think they can succeed in leading the youth in their direction. Therefore their aim is to establish and conduct attractive schools, and by throwing out the bait of cheaper education or more thorough tuition than common in some special branches, to beguile "Mormon" parents into placing the children under their care, when the main object will be measurably easy of accomplishment.

If they succeed in this, who is to blame? Not the sectarian teacher who believes he is doing his duty, but the parents who, after repeated warnings, are fooled into the snare that is set for them. The effects of their folly may not be at once apparent, but they are bound, at some time, to make themselves manifest. The better, and nicer, and pleasanter the missionary teacher appears, the stronger and more abiding influence will be acquired over the pupil. If the sectarian school is conducted on principles that render it more attractive to the scholars than the "Mormon" school, the child will perceive the contrast and give credit accordingly, and in proportion to the respect aroused for the teacher will be the child's estimate of the value of his or her views on all important matters, religion included.

We have been informed of a conversation between President Hayes and a religious minister of this Territory, which illustrates this subject. The President remarked that if he asked the opinion of politicians and office-holders in regard to the Utah problem, their answers were open to the suspicion that they had private axes to grind; but a minister of the gospel ought to be able to give an opinion as to the best course to pursue, uninfluenced by such motives. The gentleman replied that he had studied the matter for a long time, and had come to the conclusion that the bombshell, extirpation and disfranchisement policy was futile and wrong, and that it would create sympathy for the semi-martyred father and ill-used mother, and cause the children to execrate those who originated it. "What would you do then?" was the query. The reply was, "I would take the educational interest of the Territory under the charge of the government, erect fine substantial school-houses, provide suitable furniture, equip the houses completely, engage good undenominational teachers, create a strong contrast with the present houses, teachers, etc., have good, live educators of every grade, and thus evoke from the youth of Utah a strong sympathy for the government thus aiding the schools, and also for the Christian churches.

"But, my dear sir, have you counted the cost?"

"I have, and compared with the expense of extirpating the one relic which cost blood, lives innumerable and billions of money, this would be but a drop in the bucket, besides it would cost no blood, but be mild and Christian. We cannot directly convert the youth from the dogmas of their fathers, but we can by this means of contrast 'work out' the youth by superior educational facilities and by showing them the avenues to preferment and position in the country, open to them by coming out from 'Mormonism.'"

This is in the same spirit in which missionary school teachers are sent out under eastern patronage. The plan is to establish attractive schools with money subscribed for the purpose, take advantage of the educational interest constantly increasing in the Territory, make no open opposition to "Mormon" tenets, but gradually and imperceptibly build up in the minds of the scholars a wall of partition between them and the faith of their fathers and mothers, and cautiously draw them into union with the world.

President George Q. Cannon made some powerful remarks during the Conference upon the necessity of improvement in our educational facilities, so that every child in the Territory might receive instruction in at least the common rudiments of learning, and at the same time obtain that religious training which is so essential. This is worthy of the attention of our best men and women in all the settlements of Utah. In many places our school-houses need great improvement. So with the furniture and appliances therein. As fast as possible the old, inconvenient buildings should be replaced by those more suitable for the purpose, and supplied with seats, desks, maps, charts, globes, etc., etc., while teachers of ability as well as of good character and spirit, who will present examples worthy of imitation, should be engaged and liberally paid for their services, and neatness, cleanliness, order, veneration and obedience should be encouraged. Our schools should be such as will attract the scholars and command the respect of both parents and children.

The law is liberal in its provisions concerning the District Schools. A fund for the payment of teachers is created by the territorial tax, and local option is given to raise means for school purposes up to an additional two per cent. on the taxable property of any district where the people are disposed to assess it. Whether the amount necessary is obtained by taxation, or tuition fees, or private subscription, there should be sufficient in every place to maintain good schools; and those who desire the progress and welfare of the Territory cannot do anything better to that end than aid in promoting the educational interests of the community.

But we have no need to look to strangers for assistance in this regard, much less to place our children in the power of those who would prejudice them against principles which we have forsaken all to establish in the earth. Let us provide education for our own children, both secular and religious, and while we are striving ourselves to build up Zion, never be so stupid and culpable as to place our children under the influence of Babylon. God will hold us responsible for our course in this thing, and we trust that the words of warning uttered during the Conference will not go unregarded nor without permanent effect.

Uncle Sam's Condition Powders are recommended as the best Horse and Cattle Medicine. If the animal is Scraggy, Spiritless or has no appetite the Powders are an excellent remedy, every owner of stock will do well to try them. Sold by GODDE, PITTS & Co.

NOTICE TO CREDITORS.

In the Probate Court of Davis County, Utah Territory.

IN THE MATTER OF THE ESTATE OF JONATHAN H. HOLMES, DECEASED.

NOTICE IS HEREBY GIVEN BY THE undersigned Administratrix of the Estate of Jonathan H. Holmes, deceased, to the creditors of and to all persons having claims against the said deceased, to exhibit them with the necessary vouchers within four months after the first publication of this notice, to the said Administratrix at her residence at Farmington, Davis County, Utah.

SARAH I. HOLMES, Administratrix of the Estate of Jonathan H. Holmes, deceased. Dated at Farmington, Davis County, March 21st, 1881. w4t

NOTICE.

In the Probate Court in and for the County of Salt Lake, Territory of Utah.

IN THE MATTER OF THE ESTATE OF DANIEL McALLISTER, DECEASED.

NOTICE IS HEREBY GIVEN, BY THE undersigned administrators of the estate of Daniel McAllister, deceased, to the creditors of, and persons having claims against the said deceased, to exhibit them with the necessary vouchers, within ten months after the first publication of this notice to Mary McAllister at Mill Creek, Salt Lake County.

Dated April 1, 1881. MARY McALLISTER, CHARLES E. MILLER, Administrators of the estate of Daniel McAllister, deceased. w4t 10

\$72 A WEEK. \$12 a day at home easily made. Costly outfit free. Address TRUE & Co., Augusta, Maine. w38

NOTICE TO CREDITORS.

Estate of Jorgen Sorenson, deceased.

NOTICE IS HEREBY GIVEN BY THE undersigned, administrator of the estate of Jorgen Sorenson, deceased, to the creditors of, and all persons having claims against the said deceased, to exhibit them with the necessary vouchers, within four months after the first publication of this notice, to the said administrator, at his residence, Tenth Bishop's Ward, Salt Lake City, in the County of Salt Lake.

JOHN J. SORENSON, Administrator of the estate of Jorgen Sorenson, deceased. Dated at Salt Lake City, March 14th, 1881. w4 t

NOTICE TO CREDITORS.

ESTATE OF ANN K. DUNYON, DECEASED.

Notice is hereby given by the undersigned Administrators of the Estate of Ann K. Dunyon, deceased, to the creditors of, and all persons having claims against the said deceased, to exhibit them with the necessary vouchers within ten months after the first publication of this notice, to the said Administrators at the office of Daniel H. Wells, Salt Lake City, in the County of Salt Lake, Territory of Utah.

ELMA D. GRAVES, ISAAC J. DUNYON, Administrators of the Estate of Ann K. Dunyon, deceased. Dated at Salt Lake City, April 9, 1881. w4t



BEST SIX CORD SPOOL COTTON

FOR SALE AT WHOLESALE

Z. C. M. I. d w 6m

25 all large new Chrome Cards, the prettiest you ever saw, with name, 10c NASSAU CARD CO., Nassau, N. Y. caw w4t

FREE 3 Samples and Catalogue of best selling articles on earth. World Mfg Co. 122 Nassau St. N. Y.



The ONLY BLACKING that meets the demand for a quick and brilliant polish. "BIXBY'S BEST" absolutely nourishes and preserves the leather. S. M. Bixby & Co, 173 & 175 Washington St. N. Y.