getting the seat they were trying to steal for him look in the least degree flattering. Hence they who threatened to "make Rome howl" began to howl themselves and say words that are not considered fit for polite society.

Something had to be done. What next? Here it is, in the shape of an action in the Third District Court to have the certificate of naturalization held by George Q. Cannon annulled and declared void, and to enjoin Delegate Cannon from receiving any salary of his office. The attorneys for Mr. Campbell in this case are P. T. Van Zile and Sutherland and McBride. The papers have been served, and the design is to open the whole question of Mr. Cannon's naturalization and obtain a judicial decision upon it.

In a recent inquiry consequent upon the proceedings of the contest for the seat, it was found, contrary to expectation or at least to statements freely made previously, that Mr. Cannon held a certificate of citizenship in due form having the seal of the Court. It was fondly thought by some of the parties to the conspiracy that this document was lost, as it was not produced when the certificate of election was in dispute. It is this duly attested paper, which, according to Secretary Blaine's publicly announced doctrine, is unimpeachable, that the present suit is brought to annul. The grounds of complaint are that Mr. Cannon was born in Great Britain; that coming to this country, where he resided for a time, the went to California and subsequently to the Sandwich Isles; that returning to Utah in 1854 he obtained his certificate of naturalization the same year fraudulently, because five years' previous residence in the United States and one year's residence in the Territory next preceding the date of naturalization, were required by law; that there is no record of his admission to citizenship; also that previous to leaving the United States for Hawaii, Mr. Cannon did not declare his intention to become a citizen.

We have assured our readers when referring to this subject, that at the proper time and in the proper place Delegate Cannon could make a perfect showing of his citizenship. We still offer the same assurance. Briefly told his position is this: He came to this country in his boyhood and resided in Nauvoo, Illinois, as is well known and can be proved; he subsequently came to Utah with the Saints; he was sent on a mission to California and thence on a mission to the Sandwich Isles; he was then absent from *home;* he made no residence abroad in a legal sense, his absence from his domicile not affecting his residence, in law, as has been frequently shown in judicial decisions upon this question; on his return, having resided in the United States more than the required period, he was naturalized in the First Judicial District Court, and received his certificate with the seal of the Court, which was recorded in the book kept for that purpose by the Clerk of the Court; the proceedings were regular; they took place in open Court, two witnesses were examined as to his qualifications and everything was conducted according to the usages of the Court and the laws relating to naturalization.

Now as to the declaration of intention: Mr. Cannon came to this country before he was eighteen years of age, therefore, under the naturalization laws, no declaration of intention was necessary. The Court being satisfied that Mr. Cannon had resided in the United States and the Territory the required period, issued the certificate. On the back of it, is endorsed the page of the naturalization record in which it is recorded; the book is now among the records of the Supreme Court of this Territory, and on the page denoted the record appears. That the book is the proper record is further evident from the facts that the Court, as appears of record in February, 1854, ordered the clerk to obtain it and keep it for such purpose, and that it was so kept and used, the record of the naturalization of other persons appearing therein in similar form.

The evidence is complete, the proof is irrefutable, the facts are indisputable; there is no room for doubt, no chance for legal twistings, no sphere for judicial discretion and tortuous renderings, it is all plain, straightforward and complete. This suit, therefore, is merely vexatious and malicious. Its final issue, whatever may be done in the interval, cannot fail to be favorable to our Delegate. We have in former articles, gone over many features of the arguments affecting this case, and may touch upon them again, that they may be clearly understood by the public. And while we cannot but view with contempt the efforts of the clique of conspirators, and the attempt of a person with 1,357 votes to claim the seat in Congress to which his opponent was elected with 18,568 votes, we are confident of the result and have no cares concerning the shameful proceedings to harass, annoy and perplex the People's Delegate, and to rob the masses of the citizens of Utah of a sacred and inalienable political right.

THE MAIN POINTS TURNED ASIDE.

THERE are two points in the complaint filed by the attorneys for A. G. Campbell, on which the plaintiffs rely for a decree that Hon. Geo. Q. Cannon is not a citizen of the United States. First, that he being a subject of Great Britain did not, after arriving in the United States, declare his intention to become a citizen; second, that being absent from this country from July, 1850, to August, 1854, he had "actually lived, labored and resided out of the Territory of Utah, and outside the limits and jurisdiction of the United States," and therefore the testimony of his witnesses given in December, 1854—the date of his naturalization—that he had resided five years in the United States and one year in this Territory next preceding the date of naturalization, was false. We will briefly examine each of these points.

It is shown in the petition of plaintiff for the decree, and not disputed, that Mr. Cannon was born in 1827, and that he came to Nauvoo in 1842. This would make him 15 years of age on his arrival in the United States. It is further shown that he remained in this country until the summer of 1850. He therefore resided in the United States for eight years previous to leaving for the Sandwich Islands. The naturalization laws of the United States provide that, "Any alien being under the age of twenty-one years who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration of intention" required of aliens who come to this country after such specified age. Mr. Cannon, therefore, having arrived in the United States when he was but 15 years of age, had no need to declare his intention to become a citizen before applying for admission.

The first point relied upon thus falls out of sight, provided that the second is found untenable. The whole question, then, turns upon the legal meaning of the term "residence." If George Q. Cannon resided in the United States five years, and in this Territory one year next preceding the date of his naturalization, then both objections fail together. That he did so reside can be established beyond the possibility of reasonable doubt.

The date of his arrival in this ctuntry is given above; his conoinued residence therein cannot be disproved. His absence in the Sandwich Isles for a period did not change his legal domicile nor vitiate his claim as a resident of this country and Territory. It is shown in the complaint that he was sent "on a mission;" that his object in leaving this place was "to make converts and proselytes to the sect of which he was a member." He was merely away from his home temporarily with the plain, implied and expressed intention of returning. It would be preposterous to state that a man loses his domicil on taking a visit abroad for business or pleasure; it would be also contrary to established principles of law. The Act of March 3, 1813, required residence "without being at any time during the five years out of the territory of the United States." But this was repealed by the Act of June 26, 1848, and in that repeal it was virtually declared that such continued location was not required of an alien. The term residence was thus left to its general legal meaning and effect.

Mr. Cannon acquired a residence by his remaining in the country during the eight years preceding his departure on his mission. He could not lose that residence without an express and explicit renunciation thereof and adoption of another country as his residence. All the authorities affirm that the *intention* governs in this particular, and that "if 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."

The very nature of his mission is proof that he did not change his residence within the meaning of the law. He was a mere *sojourner* in the Sandwich Islands. When his mission was ended he *returned* to his home, and during his absence, his own expressions, published and now on record, show that it was his intention to come back to his domicile, and that his absence was but temporary. In a former article we quoted from undoubted authorities on this subject, proving the points here advanced. A case which illustrates the present issue, although not exactly parallel, was the Delgado dispute. Delgado was a claimant before the Spanish Commission. It was urged by the Spanish advocate that Delgado was absent from the United States during a portion of the five years next preceding his naturalization; but the umpire, M. Bartholdi, decided that,

"The claimant (Delgado) has been naturalized an American citizen according to the laws of the United States; the judge who ordered him to be admitted a citizen of the United States was the competent authority to decide if the claimant had been a resident five years and had complied with the laws."

In Mr. Cannon's case the Judge did so decide as appears by the certificate and record. According to Chief Justice Marshall, of the Supreme Court, "this judgment, if in legal form, closes all inquiry, and like every other judgment, is complete evidence of its own validity." The naturalization laws leave this matter to the Judge to decide: "It shall be made to appear *to the satisfaction of the Court* admitting such alien that he has resided," etc. That this was so made to appear is proven by the certificate, for the alien would not have been permitted to take the oath required unless the Court had been satisfied of his qualifications.

It is not alleged in the complaint or petition that the proceedings of the Court were irregular, but it is denied that they took place. It is asserted that the Court did not adjudge the defendant a citizen on the day and date claimed, but that the act was solely performed by the Clerk. But the proofs are all to the contrary, and the best proofs are the certificate and record, which will outweigh any allegations or side issues that may be introduced by the plaintiff. The facts are that George Q. Cannon did appear in open Court with his witnesses on December 7th, 1854, and was then and there adjudged as possessing the requisite qualifications, and was admitted in due form after taking the necessary oath, and his certificate is conclusive evidence of these facts. Further, the record adopted and in use by the Court for this special purpose, shows that this was the case, and makes the evidence complete.

It rests upon the plaintiff to prove his rash assertions and establish beyond a reasonable doubt that the Judge did not decree that Mr. Cannon should be admitted, *that he was not naturalized,* and that the Clerk, without any authority from the Court, did make out and issue that identical certificate to the defendant. By the time the plaintiff has proved these negatives and affirmatives, which are impossible of demonstration because contrary to facts, the conspirators to the stealing of Mr. Cannon's seat may recover a little from the chagrin and discomfiture into which they have been plunged by the failure which has hitherto overwhelmed them.

Their whole case is founded in fraud, built up in malice and framed in impudence and assumption. It will fall to pieces by its own rottenness, and expose its fabricators to the derision of onlookers as well as the contempt and despising of all honest men and women in the land.

Sir Duncan McGregor, K. C. B., is dead.

MISSIONARY LABORS.

FOLLOWING is the greater portion of a letter written to friends in this city by Elder John W. Taylor, formerly of the DESERET NEWS business office, now on a mission to the Southern States:

JONESBOROUGH,
Clayton County,
May 21st, 1881.

Last Sunday was my birth-day. I was in an unusual way celebrating the same, being in a place where the gospel had not been preached before, having previously made an appointment to preach in the afternoon, the time came and the hour for commencing our meeting found the meeting house crowded to overflowing; those who could not get inside crowded around the windows and doors, while others again drove their buggies near the doors and windows to look over the heads of those who were standing on the ground. Here I was, not knowing where the next meal was coming from, neither had we any concern. After singing, as I was with an inexperienced Elder, I was requested by him to be sure and occupy all the time. I arose and took my text, "Prove all things and hold fast to that which is good." Every eye rested upon me, while the best of attention was paid by all, and the Spirit of the Lord came upon me while preaching upon the first principles of the gospel, and through the demonstration of the Holy Spirit the people were astonished to hear such tidings from one who came from "Mormondom." Meeting over, I was surrounded by a crowd of people, radiating around me some ten feet, while a man named Nash began to interrogate me upon the principles of celestial marriage, or, as he called it, "the seven wife system," the spirit of truth came upon me and he was put to shame, before the crowd. Many wanted us to accompany them home, and our Heavenly Father raised up friends by the score and it now appears like a good work will be done there. This is a sample of missionary life—seldom staying at the same house more than one night—entertaing them till late in the evening; the neighbors all come in to hear the "strange doctrine." Thus far we have not held a meeting where one of our Elders has preached before. Have been much blessed of the Lord. Have been with Brother Packer for a week.

On July the 23, 23, 24 and 25 we will attend conference in Haralson County, 50 miles west from here if all is well, and will likelp meet with a few of the Elders from Utah and likely Brother Morgan.

NOTICE TO CREDITORS.

Estate of John Lovell, Deceased.

NOTICE IS HEREBY GIVEN BY THE undersigned executors of the estate of John Lovell, 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 executors, at their residence, at Oak Creek, in Millard County, U. T.

GEORGE LOVELL,
JOSEPH H. LOVELL
PETER ANDERSON,
Executors of the Estate of John Lovell, deceased.

Oak Creek, April 26th, 1881. w18 4