emnly, 'Frederick, is God dead?' He was not dead then. He still lives—and we have faith that some day it will appear that the decalogue and the golden rule have a place in American politics."

The qualities of truth, boldness and independence characterize the *Republican's* article. It sets forth correctly some of the motives which control in the present policy of Congress relative to a number of public questions. This much may be said without entirely endorsing that paper's position relative to the subjects referred to.

While our Massachusetts contemporary has pointed out tendencies which actually are menacing to the welfare of the Republic, it has not noted the most significant sign of degeneracy in Congress, nor the greatest peril now threatening the weal of the country. While bribery in any form is a deplorable evil; while the improper disbursement of the people's money will certainly have a demoralizing effect, and while the use of the national legislative power for the enriching of the few at the expense of the many is an abominable abuse, yet it is possible for all these evils to flourish to a great extent without actually imperiling the perpetuity of the nation. These are but skin diseases upon the body politic, which, if they do not become too aggravated, may continue for an indefinite period without producing dissolution.

But there is a measure pending in Congress, which has been reported favorably by a committee, and the passage of which is predicted by its friends, which is of a nature to inject poison into the vitals of our national system. That so astute a writer as the one from whose article the above quotations are made, in an enumeration of "perils to the republic" should have failed to take note of it, is somewhat singular. It is the bill which attacks religious liberty, the very corner stone of the American national structure, by providing for disfranchisement on account of religious belief, or church membership.

There is more danger to the American Republic in one such measure as this, actually placed upon the statute book, than in all the unwise and corrupt financial legislation, accomplished or proposed, to which the Springfield *Republican* has directed attention, were it all as bad as that paper represents it to be.

If men will have no care for the future they will soon have sorrow for the past.

THE IDAHO TEST OATH DECISION.

[Supreme Court of the United States. No. 1261. — October Term, 1889. Samuel D. Davis, appellant *vs.* H. G. Beason, sheriff of Oneida County, Idaho Territory. Appeal from the Third Judicial District of the Territory of Utah.]

STATEMENT.

In April, 1889, the appellant, Samuel D. Davis, was indicted in the district court of the third judicial district of the Territory of Idaho, in the county of Oneida, in connection with divers persons named, and divers other persons whose names were unknown to the grand jury, for a conspiracy to unlawfully pervert and obstruct the due administration of the laws of the Territory, in this that they would unlawfully procure themselves to be admitted to registration as electors of said county of Oneida for the general election then next to occur in that county, when they were not entitled to be admitted to such registration, by appearing before the respective registrars of the election precincts in which they resided, and taking the oath prescribed by the statute of the State, in substance as follows:

"I do swear (or affirm) that I am a male citizen of the United States of the age of twenty-one years (or will be on the 6th day of November, 1888); that I have (or will have) actually resided in this Territory four months, and in this county for thirty days next preceding the day of the next ensuing election; that I have never been convicted of treason, felony, or bribery; that I am not registered or entitled to vote at any other place in this Territory; and I do further swear that I am not a bigamist or polygamist; that I am not a member of any order, organization, or association which teaches, advises, counsels, or encourages its members, devotees, or any other person to commit the crime of bigamy or polygamy; or any other crime defined by law as a duty arising or resulting from membership in such order, organization, or association, or which practices bigamy, polygamy, or plural or celestial marriage as a doctrinal rite of such organization; that I do not and will not, publicly or privately, or in any manner whatever, teach, advise, counsel, or encourage any person to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a religious duty or otherwise; that I do regard the Constitution of the United States and the laws thereof and the laws of this Territory, as interpreted by the courts, as the supreme laws of the land, the teachings of any order, organization, or association to the contrary notwithstanding, so help me God," when, in truth, each of the defendants was a member of an order, organization, and association, namely, the Church of Jesus Christ of Latter-day Saints, commonly known as the Mormon Church, which they knew taught, advised, counseled, and encouraged its members and devotees to commit the crimes of bigamy and polygamy as duties arising and resulting from membership in that order, organization, and association, and which order, organization, and association, as they all knew, practiced bigamy and polygamy and plural and celestial marriage as doctrinal rites of said organization; and that in pursuance of said conspiracy the said defendants went before the registrars of different precincts of the county (which are designated), and took and had administered to them respectivley the oath aforesaid.

The defendants demurred to the indictment, and the demurrer being overruled they pleaded separately not guilty. On the trial which followed on the 12th of September, 1889, the jury found the defendant, Samuel D. Davis, guilty as charged in the indictment. The defendant was thereupon sentenced to pay a fine of $500, and in default of its payment to be confined in the county jail of Oneida County for a term not exceeding two hundred and fifty days, and was remanded to the custody of the sheriff until the judgment should be satisfied.

Soon afterwards, on the same day, the defendant applied to the court, before which the trial was had, and obtained a writ of habeas corpus, alleging that he was imprisoned and restrained of his liberty by the sheriff of the county; that his imprisonment was by virtue of his conviction and the judgment mentioned and the warrant issued thereon; that such imprisonment was illegal; and that such illegality consisted in this: 1. That the facts in the indictment and record did not constitute a public offense, and the acts charged were not criminal or punishable under any statute or law of the Territory; and, 2. That so much of the statute of the Territory which provides that no person is entitled to register or vote at any election who is "a member of any order, organization, or association which teaches, advises, counsels, or encourages its members, devotees, or any other person to commit the crime of bigamy or polygamy, or any other crime defined by law, as a duty arising or resulting from membership in such order, organization, or association, or which practices bigamy or polygamy, or plural or celestial marriage as a doctrinal rite of such organization," is a "law respecting an establishment of religion," in violation of the first amendment of the Constitution and void.

The court ordered the writ to issue, directed to the sheriff, returnable before it at 3 o'clock on the afternoon of that day, commanding the sheriff to have the body of the defendant before the court at the hour designated, with the time and cause of his imprisonment, and to do and receive what should then be considered concerning him. On the return of the writ the sheriff produced the body of the defendant and also the warrant of commitment under which he was held, and the record of the case showing his conviction for the conspiracy mentioned and the judgment thereon. To this return, the defendant, admitting the facts stated therein, excepted to their sufficiency to justify his detention. The court holding that sufficient cause was not shown for the discharge of the defendant, ordered him to be remanded to the custody of the sheriff. From this judgment the de-