claimed his right to worship in that Church. This act undertakes to say that he shall not do this without forfeiting his franchise, one of the most sacred rights of citizenship.

This is equivalent to saying he shall not belong to that particular Church, nor worship within it, because of its doctrines on certain subjects, although he is not bound to and may not believe them. He may join any other church, may have the same religion and exercise it in any other church, but not in this one.

Thus far we have proceeded upon the hypothesis that, since there is nothing in the record to show what the appellant really did believe, he may have become a member of the Church and worshipped in it according to its methods without believing in these doctrines, and for such worship he could not be constitutionally deprived of his franchise.

But suppose he did believe in bigamy and polygamy, and associated and worshipped with others who believed with him, or he with them, in a church organization. Can he be disfranchised because of this belief?

It will not do to say that he is disfranchised, not because of his belief, but because of his membership in the church. That would be sticking in the bark, because some reason must be found for saying that he shall not belong to such a Church, and that reason, as cannot be disguised, is belief in its doctrines as to bigamy and polygamy. Therefore this is disfranchisement on account of belief. "Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices." (98 U.S.,166.)

In the Reynolds case (98 United States, 164) this court held that "Congress was deprived of all legislative power over mere opinion," that it "was left free to reach actions which were in violation of social duties or subversive of good order," but that it could not "prohibit the free exercise of religion." (Ibid, 162.) The question before the court in that case was, whether a man who had entered into a plural marriage could claim exemption from punishment because he had done so from a sense of religious duty. The court held that, while he was protected in his belief, he was liable to punishment for the practice, and it endorsed the declaration, "that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order." (98 United States, 163.)

The appellant might safely rest his case on this definition, for, as we have already shown, he has been guilty of no "overt act against peace and good order," because mere membership in the Church is not an overt act against peace and good order. But the importance of the subject demands a more extended inquiry into the meaning of the terms "religion" and "the free exercise thereof." The Constitution has not defined these terms, nor have they been fully expounded by this court. We therefore invite the attention of the court to some popular definitions that may throw light on this subject:

RELIGION.

"Religion means the conscious relation between man and God, and the expression of that religion in human conduct."—Religious Encyclopædia or Dictionary, Schaff-Herzog.

"Religion in Christian countries is generally understood as the feeling of reverence toward the Creator and ruler of the world, together with all those acts of worship and service to which that feeling leads. The root of this sentiment lies in the very constitution of man."—The New People's Cyclopædia of Universal Knowledge, vol. 3.

"In all forms of religion there is one part which may be called the doctrine of dogma, which is to be received by faith; and the cultus or worship, which is the outward expression of the religious sentiment. By religion is also meant that homage to the Deity in all the forms which pertain to the spiritual life, in contrast with theology, the theory of the divine nature and government."—McClintock & Strong's Cyclopædia of Biblical, Theological, and Ecclesiastical Literature, vol. 8.

RELIGIOUS LIBERTY.

"Entire freedom of creed, thought, and worship, perfect equality of all religious associations, and a protection of each from the domination of the other is what is meant by religious liberty. * * * In the United States religious liberty is a personal right, the principle being fundamental that what is religious is of necessity beyond the reach of Government."—The New People's Cyclopædia of Universal Knowledge, vol. 2.

"The free exercise and enjoyment of religious profession and worship may be considered as one of the absolute rights of individuals, recognized in our American Constitutions and secured to them by law. Civil and religious liberty generally go hand in hand, and the suppression of either of them, for any length of time, will determine the existence of the other."—2 Kent's Commentaries, 35.

A number of other citations are made to similar effect.

It is evident from the foregoing standard authorities that religious liberty is a right embracing more than mere opinion, sentiment, faith, or belief. It includes all "human conduct" that gives expression to the relation between man and God; it includes "all frames of feeling, all forms of faith, and acts of worship" to which man is impelled by his hopes or fears; it includes the "cultus" or "outward expression of the religious sentiment;" it means "entire freedom of creed, thought, and worship," with a restriction upon the Government that it "cannot go behind the overt act;" in other words, it includes all acts of manifestation or exercise of religion which are not in violation of "peace and good order." (98 United States, 163.)

That the term "free exercise of religion" was intended by the promoters of the first article of amendment to the Constitution to have this broad and comprehensive signification is apparent from an examination of the history of that period, to which this court said we should look for the meaning of the term, and, in the Reynolds case, supra, it gave an epitome thereof.

Here is given the full text of that epitome, and after quoting in full the Virginia "Act for establishing religious freedom," referred to by the Supreme Court, the brief cites the language of Thomas Jefferson concerning that act, and also of George Washington.

The provisions from the Constitutions of the original States and from the charters of several of the colonies, declaring the "natural and inalienable right of every individual to worship God according to the dictates of his own conscience," and securing "the free exercise of religion," so long as it did not disturb "the peace and safety of the State," are quoted at length, also Mr. Madison's definition of religious freedom, the amendments on this subject proposed by the States at the time of the adoption of the Federal Constitution, and other valuable historical facts, after which the document continues:

It is evident from the foregoing that the colonial idea of religious freedom did not consist in the preservation of the right to entertain opinion or belief merely, but in securing the right to a "free exercise of religion, according to the dictates of conscience;" and this included "*practices*" as well as faith and worship, so long as they did not "actually disturb the civil peace of the colony." There can be no doubt that this is the "free exercise of religion" which our patriot fathers intended to secure to their posterity, and it is what we are contending for in this case.

The comments of St. George Tucker on the First Amendment to the Constitution are quoted at length and the brief continues:

Here we have the thrilling words of one who was nurtured in the very cradle of liberty, telling us that this constitutional guaranty is no idle pledge, but that it secures "the absolute and unrestrained exercise of our religious opinions and duties, in that mode which our own reason and conviction dictate, without the control or intervention of any human power or authority whatever," and that "all men of all religions" are "equally entitled to protection, as far as they demean themselves honestly and peaceably." What language could be plainer than this? And who better qualified to speak upon this important subject than one who was at the time an eminent expounder of constitutional law in the new republic.

Leaving the musty annals of the last century, we come now to the testimony of the great commentator on the Constitution and find that he does not differ from the others in his interpretation of the guaranty of religious liberty. He says:

"The rights of conscience are, indeed, beyond the just reach of any human power. They are given by God, and cannot be encroached upon by human authority, without a criminal disobedience of the precepts of natural, as well as of revealed religion."—2 Story on the Constitution, Sec. 1876.

Further extracts from Story are