

come to any in times of great excitement may have believed it his duty to kill; may have associated with others of like mind and shared a common purpose to commit the worst and most infamous felony; but if he control himself, if he resist the temptation and do not commit the crime, or give any manifestation of intention to commit it, he is not amenable to punishment for his thoughts. The law supposes that he will control himself. It does not seek to take him in the moment when he is struggling with temptation to crime and, by any process, uncover his thoughts and so punish him for entertaining them. He must not be punished for thinking a wrong. He may be punished only for doing a wrong.

"This is a principle of justice growing out of universal human weakness. It supposes that all men may contemplate crime; that none are exempt from thoughts of wrongdoing. It does not seek, therefore, to force anyone to reveal those uncommitted wrongs of which he is 'conscious with himself' alone. It respects the secrets of self-knowledge—that is of 'conscience,' and it grants liberty of self-knowledge—'freedom of conscience'—until it has led to the actual commission of crime. The crime must not merely have been thought of, no matter how long the thought may have persisted, or how strong the temptation may have been. There must be criminal action before legal infamy can rightly follow. The test oath, which pries into thoughts to find whether or not they are criminal that infamy may be inflicted, violates this plain principle of justice. The Idaho oath, directed against Mormons, is intended to be such a test of thought, carrying with it the necessity either of perjury or of the infamy which attaches only to criminal acts—which cannot rightly attach to any uncommitted crime, since uncommitted crime is a contradiction of terms—a mere grammatical error in the use of words; illogical, inconceivable and absurd. Infamy follows crime, but crime, as far as human laws are rightly concerned with it, is an act, not a thought or a belief, however wrong the thought or belief may be. Those who will examine the Idaho test oath will easily see that its whole intention is to punish the thought of uncommitted and therefore non-existent crime. The law requires the citizen to swear:

"I am not a member of any order, sect or organization which teaches, advises or encourages the practice of bigamy or polygamy, or any other crime defined by law, as a duty or privilege resulting or arising from the faith or practice of such order, sect or organization; or that teaches, counsels, encourages or advises any person or persons to commit the crime of bigamy or polygamy, or any other crime defined by law, as a religious duty. That I am not a bigamist or polygamist. That I do not either publicly or privately teach, counsel, encourage or advise any person or persons to enter into bigamous or polygamous relations or into the relation known as "plural or celestial marriage." That I regard the Constitution of the United States and the laws thereof, and of this Territory, as interpreted by the courts, as the supreme law of the land; and that I will support and uphold the same, the teachings of any order, sect or organization to the contrary notwithstanding, so help me God."

"Mohammedan or Mormonism is not the religion of this country. This country can rightfully prohibit any specific act of crime, as bigamy or polygamy, as it may prohibit such human sacrifices as practiced occasionally in Hayti by negro voodoo worshippers. But no State of the Union may rightfully require a negro to swear that he is not himself a voodoo worshipper and that he is not at

the time of taking the oath thinking of committing the crime of murder, either as a religious act or for any other reason. If he manifests any intention of committing the crime, he can be legally and rightly locked up. If he commits it, he can be hanged; but if he were the lowest and most depraved barbarian on earth, justice demands that he be not put upon the rack and forced to confess his thoughts. The Mohammedan or the Mormon must not commit bigamy in the United States, but the law which forces him to swear whether or not he has thought of, or is now thinking of, living with more than one woman as a condition for any reason, to him seemingly desirable, is itself infamous with all the infamy it seeks to inflict on him, in case it does not force him to the crime of perjury—in case he confesses that he regards or that he has regarded any designated crime as desirable.

It is alleged that those who have been thus persecuted by the republican party have become democrats in opposing their persecutors, and this with many republicans is sufficient reason for forever denying them mercy or justice; but if it were politically right to visit infamy on the thought of wrong doing, Louisiana or Mississippi might frame a test oath against voodooism and sorcery, with their horrible practices, which would disfranchise two-thirds of the Republicans in those States. If Louisiana and Mississippi Republicans were required to swear: 'I do not believe in or practice conjuring, voodooism or any form of sorcery or devil-worship,' two-thirds of the Republicans in those States would be forced either to perjure themselves, to accept legal infamy as a punishment, or to accomplish the practically impossible by becoming intelligent enough to see the folly of their ignorant superstitions.

Besides, when we begin these tests of belief and conscience, where are they to end? Colonel Robert G. Ingersoll delights in saying of Presbyterians worse and more bitter things than its strongest opponents have known how to say of Mormonism. Whose thoughts are to be the standard of right thinking? Who can be trusted to inflict infamy for thought which is extorted on oath from the self-knowledge of those who have committed no act of crime?

FISH AND GAME LEGISLATION.

At each session of the Utah Legislature, attempts are made to remodel the statutes which relate to fish and game. The House spent most of Thursday, Feb. 13, in considering a bill having this object in view, and the proceedings convinced spectators that the solons were trying to legislate upon a subject concerning which most of them knew very little. They were apparently desirous to serve the best interests of the people relative to the matter, but did not seem to know how to reach that object.

The only way in which this Territory can be provided with a good fish and game law is to have a methodical and scientific investigation of the whole subject made by competent persons, and a law framed in

accordance with its results. Who knows enough of the habits of the fishes, birds and animals found in this elevated mountain region to be able to make an intelligent statement of them? Probably not a member of the assembly claims to have such knowledge, even from hearsay. And yet to legislate upon this subject in the absence of this information is like administering medicine to a patient in the absence of a diagnosis.

The fish and game interests of the Territory are very important. They involve a food supply for the people, and should be protected and fostered by intelligent laws. That laws relating to them may be intelligent, it is absolutely necessary that more complete information than that in the possession of the present Legislature, relative to the subject, shall be procured. The usual method, under these circumstances, is for a commission to be appointed to collate facts, make observations, and report to the assembly a bill adapted to the ends desired.

A WISE POLICY THE BEST.

MUCH as we may deplore and regret the methods by which Geo. M. Scott has reached the Mayoralty, we are free to admit that he is, in many respects, head and shoulders above his party. We have heard something in relation to his views on the situation. It is hoped the information is correct, because it would show that he proposes to be governed by prudence, and some consideration for justice, in his official capacity. The sentiment, or rather, pronounced feeling of a large class of his party favors the making of a clean-sweep of all the appointive offices. The idea is, in that respect, to obliterate every vestige of the People's Party from official position in this municipality. We understand that Mr. Scott does not favor a policy of that character. He considers it would be unwise, increasing rather than diminishing the irritation already existing between the two prominent classes of the community.

This is a statesman-like attitude and shows, if it be correct, that the Liberals, in their choice of candidate for Mayor, probably selected the most suitable man in their ranks. We wish we were in a position to say that the same course had been pursued regarding other candidates, but truth forbids the making of any such ridiculous statement. Most of them gained place on the ticket on