

The Legal News.

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CIVIL RIGHTS IN THE UNITED STATES.

The Supreme Court of the United States, on Monday, Oct. 22, delivered judgment, by a majority of eight to one, on an important question of civil rights. The following is a summary of the points held by the Court:—

First—That Congress had no constitutional authority to pass the sections in question under either the thirteenth or fourteenth amendment to the constitution.

Second—That the fourteenth amendment is prohibitory upon the states only, and that legislation authorized to be adopted by Congress for enforcing that amendment is not direct legislation on matters respecting which states are prohibited from making or enforcing certain laws, or ordaining certain acts, but is corrective legislation, necessary or proper for counteracting or redressing the effect of such laws or acts; that in forbidding the states, for example, to deprive any person of life, liberty or property without due process of law, and giving Congress power to enforce the prohibition, it was not intended to give Congress the power to provide for due process of law for the protection of life, liberty and property, (which would embrace almost all subjects of legislation), but to provide modes of redress for counteracting the operation and effect of State laws obnoxious to the prohibition.

Third—That the thirteenth amendment gives no power to Congress to pass the sections referred to, because that amendment relates only to slavery and involuntary servitude, which it abolishes and gives Congress power to pass laws for its enforcement; that this power only extends to the subject-matter of the amendment itself, namely, slavery and involuntary servitude and necessary incidents and consequences of these conditions; that it has nothing to do with different races or colors, but only refers to slavery, the legal equality of different races and classes of citizens being provided for in the fourteenth amendment, which prohibits States from doing anything to interfere with such equality; that it is not an infringement of the thirteenth amendment to refuse to any person equal accommodations and privileges in an inn or place of public entertainment, however it may be violative of his legal rights; that it im-

poses upon him no badge of slavery or involuntary servitude, which imply some sort of subjection of one person to another, and the incapacity incident thereto, such as inability to hold property, to make contracts, to be parties in court, etc., and that if the original civil rights act, which abolished these incapacities, might be supported by the thirteenth amendment, it does not, therefore, follow that the act of 1875 can be supported by it.

Fourth—That this decision affects only the validity of the law in states and not in territories or in the District of Columbia, where the legislative power of Congress is unlimited; and it does not undertake to decide what Congress might or might not do under the power to regulate commerce with foreign nations, and among the several states, the law not being drawn with any such view.

Fifth—That, therefore, it is the opinion of the Court that the first and second sections of the act of Congress of March 1, 1875, entitled, "An act to protect all citizens in their civil and legal rights," are unconstitutional and void, and judgment should be rendered upon the indictments accordingly.

REFUSING A VERDICT.

We noticed lately a case, in British Columbia, in which the jury acquitted the prisoner in spite of the presiding Chief Justice's direction. We now find another case which was tried at Toronto on Friday, October 26, before Mr. Justice Galt, in which the jury wished to convict of murder, notwithstanding the Judge's instruction that the charge of murder had not been established. It was the case of Charles Andrews, indicted for the murder of one Moroney. It appeared that in a scuffle Andrews fired a shot which took fatal effect upon Moroney, but there was nothing to indicate premeditation. The jury, after being absent about an hour and a quarter returned with a verdict of "guilty of wilful murder," with a recommendation to mercy. We take from the *Mail* the following account of what ensued:—

There was complete silence in the court room, which was broken by his Lordship saying:—

"I wish you would reconsider that a little, gentlemen. Have you taken into consideration the assault made on that man (prisoner) before the affair?"

The FOREMAN—That is where the recommendation to mercy comes in, my Lord.

The JUDGE—I wish you would retire and reconsider the thing.

Mr. BRITTON, (the Crown Prosecutor)—No, my Lord, I submit that the evidence warrants their finding.

The JUDGE—No, no.

A JURYMEN—There appears to be a slight difference