

CIVIL RIGHTS.

The term civil rights, in a comprehensive sense, might properly be applied to all classes of rights not strictly political, such as the right to acquire and hold property, to maintain suits, to obtain an education, and the right to worship according to the dictates of one's own conscience. But within the last eight or nine years the term civil rights has been used in a comparatively limited sense in connection with certain legislation that has been made to prevent unjust discrimination against our people. This brings before us a consideration of the late decision of the Supreme Court of the United States in the civil rights cases, which it is well that we all should thoroughly understand, in order that we may know just what our present status is in this particular since the rendition of that decision. On the 1st of March, 1875, an act of Congress was approved, the first section of which provided as follows: "That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land and water, theatres, and other places of public amusement, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude." And section second provided a penalty of \$500 for the violation of the first section, to be collected in a civil action in the United States District and Circuit Courts.

About three years ago eight cases, in which suits had been brought under this statute, were taken up from the United States Circuit Court in different parts of the country on writs of errors to the Supreme Court of the United States. These cases involved the equal rights of colored citizens in hotels, and theatres, and on railroads. It was claimed by the plaintiffs in error that this statute was unconstitutional and void, which formed the principal issue. Hence, when these cases were reached it was necessary for the Supreme Court to pass upon the constitutionality of the statute, and determine whether Congress was legally vested by organic law with the power that it exercised in passing the civil rights act. The majority of that court decided that the matters contained in the civil rights bill were exclusively within the legislative province of the various States, and that Congress had no power under the Constitution to pass that law;