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Attention is called to the "Wants" column. All are invited to use it in soliciting information or seeking new positions. The name and address of applicants should be given in full, so that answers will go direct to them. The "Exchange" column is likewise open.

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BOOK-REVIEWS.

Justice and Jurisprudence: an Inquiry concerning the Constitutional Limitations of the Thirteenth, Fourteenth, and Fifteenth Amendments. Philadelphia, Lippincott. 8°. $3.

THIS book disarms criticism by its purpose. It is an appeal by "The Brotherhood of Liberty" in behalf of the lost civil rights of the colored people in the United States. Equal civil rights were supposed to have been legally conferred upon our colored citizens by the amendments to the Constitution after the war, especially the fourteenth, and by Senator Sumner's famous "civil rights bill," approved March 1, 1875. Shortly after the war there followed a general acquiescence, and many decisions by the minor courts, and many statutes in the several States, practically enforcing, as far as laws could do it, the equal civil rights of all citizens, without regard "to color or previous condition of servitude."

The way these rights were lost, as far as their legal guaranties are concerned, is soon told after they reached that "grave of liberty," the Supreme Court of the United States. The main points are these: The Constitution of Louisiana after the war provided that "all persons shall enjoy equal rights and privileges upon any conveyance of a public character." A law was passed by that State accordingly, similar to Senator Sumner's civil rights bill, making it a fineable offence to exclude a colored person, for that reason, from public accommodations. Mrs. De Cuir (colored) was thus excluded from the white ladies' cabin of a steamboat, and recovered a judgment for $1,000, fine, therefor. The State courts affirmed that judgment. But when the case came before the Supreme Court of the United States it was reversed — and reversed on a ground that has never ceased to be a surprise; to wit, that the law was "a regulation of interstate commerce, and, therefore, to that extent, unconstitutional and void" (*Hall v. De Cuir*, 95 *U. S. Repts.*, 485, 1877). For the United States only have jurisdiction over such commerce, and the States cannot regulate it.

The colored people and their friends were astounded at this decision. They insisted that the State Constitution and laws thus stricken down as void had nothing to do with commerce or property, but were confined to acts in regard to persons and their rights and protection. The two matters are disparate, like trying to measure legal rights by pounds or miles. Like, for instance, the demands upon Gov. Seward to return fugitive slaves because they had carried off the calico on their backs.

But there is no appeal — but to the people — from a decision of the Supreme Court, and so it was legally settled that a State could practically do nothing to enforce the equal rights and privileges of colored citizens, because commerce was king, and had to go on just as it used to do when the Dred Scott decision was in force.

Still it was hoped that the United States courts would sustain the United States civil rights law, and thus enable the general government to do what the States could not, — protect all citizens in their equal rights and privileges in public assemblies and conveyances. Five cases arising under this United States civil rights law came before the United States Supreme Court and were decided together in 1883. The court held that the Fourteenth Amendment "is prohibitory upon the States only," and does not authorize any direct legislation, "but only a correction" of State legislation; "such as may be necessary and proper for counteracting and redressing the effect of State laws or acts." Therefore the United States civil rights laws were declared unconstitutional and void. (*The civil rights cases, U. S. R.*, 109, 3). The colored people and their friends have never been able to adequately express their indignation over this decision. They held many meetings for that purpose, and the book before us may be regarded as their protest in good, solid, bound form. The points they make were to a large extent presented most ably and indignantly in a dissenting opinion by Mr. Associate Justice Harlan, in which he lays aside ordinary judicial reserve, to tell the majority of the court that, "The opinion in these cases proceeds, it seems to me, upon grounds entirely too narrow and artificial. I cannot resist the conclusion that the substance and spirit of the recent amendments to the Constitution have been sacrificed by a subtle and ingenious verbal criticism. . . . Constitutional provisions, adopted in the interest of liberty, and for the purpose of securing, through national legislation if need be, rights inhering in a state of freedom, and belonging to American citizenship, have been so construed as to defeat the ends the people desired to accomplish, which they attempted to accomplish, and which they supposed they had accomplished, by changes in their fundamental law" (*same case, p.* 26).

The narrow, ingenious, and subtle criticism by which the Fourteenth Amendment was defeated by this decision, is in limiting the "provisions" of the amendment, all of which Congress is authorized to enforce, to the single negative and corrective provision over the States, whereas the plain purpose and intention of the whole of the provisions were to directly secure all citizens in equal rights; and to that end, and as a necessary incident only, the States are also restricted from violating them by their own laws. The very first one of the provisions places the whole subject within the jurisdiction of the United States, and then next follows the restraint upon States from conflicting action. But the court does not even quote in its opinion the first and main sentence and provision of the amendment, and so leaves the power of Congress to be limited and applied only to the correction of the States. "Never was a conclusion more lame, impotent, and absurd!" was the outcry of the friends of liberty everywhere. Had Senator Sumner been alive, this complete overthrow of the great object of his later life would have broken his heart. Under that decision, of course, the States will not do any thing, and the United States cannot. The colored people are thus left with the empty name of