

The Mis-Education of the Negro

Bouvier's Law dictionary

BOUVIER'S

LAW DICTIONARY

BY

JOHN BOUVIER

Ignoratis terminis ignoratur et ars.—Co. Litt. 2a

*Je sais que chaque science et chaque art a ses termes propres, inconnus
au commun des hommes.*—FLEURY

A New Edition

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BY

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NEGRO. A black man descended from the black race of Southern Africa; it has been held not to include a mulatto; 18 Ala. 726. See MIXED JURY; CIVIL RIGHTS; RAILROAD; MISCEGENATION.

WHITE RACE NATIVITAS. In Old

CIVIL RIGHTS. A term applied to certain rights secured to citizens of the United States by the 13th and 14th Amendments to the constitution, and by various acts of congress made in pursuance thereof.

The act of April 9, 1866, provided that all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are citizens of the United States; that such citizens of every race and color shall have the same right in every state and territory to make and enforce contracts, to sue, be parties, give evidence, etc., and to the full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and be subject to like punishment, etc., and none other. This act is constitutional; 1 Abb. U. S. 28; 1 Am. L. T. 7; and must be liberally construed; 1 Abb. U. S. 28.

It is substantially replaced by the 14th Amendment which provides that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; or deprive any person of life, liberty, or property, without due process of law; or deny to any person within its jurisdiction the equal protection of the laws.

This provision applies to white as well as colored persons, and is intended to protect them against the action both of their own state and of other states in which they

may happen to be. It renders void an act of a state legislature which gives to a few persons the sole right to carry on stockyards near New Orleans; 16 Wall. 36. A statute of West Virginia provided that juries should be composed of "white male citizens," etc. Held, that the object of this amendment was to prevent any discrimination between whites and blacks, and this statute was therefore invalid; 99 U. S. 303. But where a statute of Virginia did not in terms exclude negroes from juries, but entrusted the selection of jury-men to the county judge, who habitually excluded negroes in his selection, it was held that his conduct was a gross violation of the act of congress of March, 1878, which prohibits such discrimination, but that it was not such a denial of the rights of negroes as is contemplated by the statutes for the removal of such causes to the federal courts; a mixed jury in any particular case is not provided for in the act; but it is the right of every colored man that in the selection of jury-men to pass upon his life, etc., negroes shall not be, *by law*, excluded on account of their race; 100 U. S. 313; 17 Alb. L. J. 111. See 45 La. Ann. 903.

The provision of the act of March 1, 1875, that no person possessing all other qualifications required by law shall be disqualified from jury service in any state on account of race, color, or previous condition of servitude, and imposing a penalty upon any officer who shall not comply with its provisions, is constitutional; 100 U. S. 339.

Where equally good public schools are provided for white and colored children, a provision that the two races shall attend different schools is not contrary to the 14th Amendment; 3 Woods 177; 70 Miss. 477; (but an act establishing a uniform system of common schools for colored children and excluding them from any share in the common school-fund was held to be a violation of the 14th Amendment of the constitution of the United States; 83 Ky. 49.) So of the separation of white and black persons in public conveyances, when appropriate, though distinct, quarters are provided for each; 9 Cent. L. J. 206; 114 Mo. 88; 45 La. Ann. 80; 109 U. S. 3; 62 Fed. Rep. 46; so with the rules of a theatre reserving certain sections for whites, while allowing black persons to occupy others; 111 Mo. 303; but to require colored persons to occupy particular seats in a theatre was held to be a violation of the Act, Ill. June 10, 1885, declaring the right of colored persons to "full and equal enjoyment of the accommodations" of theatres, etc.; 30 Ill. App.; aff. 128 Ill. 287. These amendments were designed to secure rights of a civil and political nature only, but not social or domestic rights; a state law forbidding marriages between whites and blacks does not contravene these provisions; 59 Ala. 57; 3 Woods 367; 3 Hughes 9; 30 Gratt. 808. A state law punishing more severely adultery between a white and a negro is valid; 58 Ala. 190; 106 U. S. 583. So is one de-

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clearing null and void marriages between whites and negroes; 1 Woods 537. A barber shop cannot discriminate against a colored person and deny him any rights therein to which a white person would be entitled if requiring the services of a barber; 25 Neb. 674.

A state is not prohibited by the 14th Amendment from prescribing the jurisdiction of the several courts, either as to their territorial limits, or the subject matter, amount, or penalties of their respective judgments; 101 U. S. 22.

A law in Maine that no person shall recover damages from any municipality for injuries caused by a defective highway, if he is a resident of a place by the laws of which such actions will not lie, is invalid under the 14th Amendment; 69 Me. 278.

The right to sell liquor is not one of the rights of citizens protected by the 14th Amendment; 18 Wall. 129. The constitutionality of statutes prohibiting the transaction of business or engaging in the ordinary secular avocations on Sunday is unquestioned; 33 Barb. 548; 4 Ired. 400; 40 Ala. 725; 31 La. Ann. 663; 33 Ind. 201.

Negroes born within the United States are entitled to vote under the 14th Amendment, and are protected therein by the act of May 31, 1870; 2 Bond 389.

This amendment does not add to the privileges and immunities of citizens, but only protects those which they already have. It does not entitle women to vote in the various states; 21 Wall. 162; 1 McArthur. 169; 11 Blatch. 200. It does not prohibit a state from passing laws to regulate the charges of warehousemen in their business; 94 U. S. 113; nor a state law forbidding the carrying of dangerous weapons; 153 U. S. 535.

See also 17 Wall. 446; U. S. Rev. Stat. §§ 1977, 1978, 1979, 1980; article in 1 So. L. Rev. 192.

MIXED JURY. A jury composed partly of white men and partly of negroes. See CIVIL RIGHTS.

One consisting partly of citizens and partly of aliens. See *MEDIETAS LINGUÆ*; **JURY.**

MEDIETAS LINGUÆ (Lat. half tongue). A term denoting that a jury is to be composed of persons one-half of whom speak the English and one-half a foreign language. See **JURY.**

MISCEGENATION. (Lat. *miscere*, to mix, and *genere*, to beget). A mixture of races. The intermarriage of persons belonging to the white and black races. In many of the states this is prohibited by statute. The constitutionality of such statutes has been repeatedly affirmed; Cl. Cr.

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MISCEGENATION

L. 321; 80 Mo. 175; McClain Cr. L. § 57; 3 Tex. App. 263; 58 Ala. 190; s. c. 30 Am. Rep. 131; 30 Gratt. 858; 3 Heisk. 287. It has been further held that a statute denouncing a severer penalty on persons of the two races living together in adultery, than that prescribed for a like offence between persons of the same race, is constitutional; 58 Ala. 190; s. c. 29 Am. Rep. 739; s. c. 106 U. S. 583; 2 Whart. Cr. L. § 1754. See CIVIL RIGHTS.

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CONTAINING

DEFINITIONS OF THE TERMS AND PHRASES
OF AMERICAN AND ENGLISH JURISPRU-
DENCE, ANCIENT AND MODERN

AND INCLUDING

THE PRINCIPAL TERMS OF INTERNATIONAL, CONSTITUTIONAL, ECCLESIASTICAL
AND COMMERCIAL LAW, AND MEDICAL JURISPRUDENCE, WITH A COLLEC-
TION OF LEGAL MAXIMS, NUMEROUS SELECT TITLES FROM THE
ROMAN, MODERN CIVIL, SCOTCH, FRENCH, SPANISH, AND
MEXICAN LAW, AND OTHER FOREIGN SYSTEMS,
AND A TABLE OF ABBREVIATIONS

BY

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BANKRUPTCY, MORTGAGES, CONSTITUTIONAL LAW, INTERPRETATION
OF LAWS, RESCISSION AND CANCELLATION
OF CONTRACTS, ETC.

THIRD EDITION

BY

THE PUBLISHER'S EDITORIAL STAFF

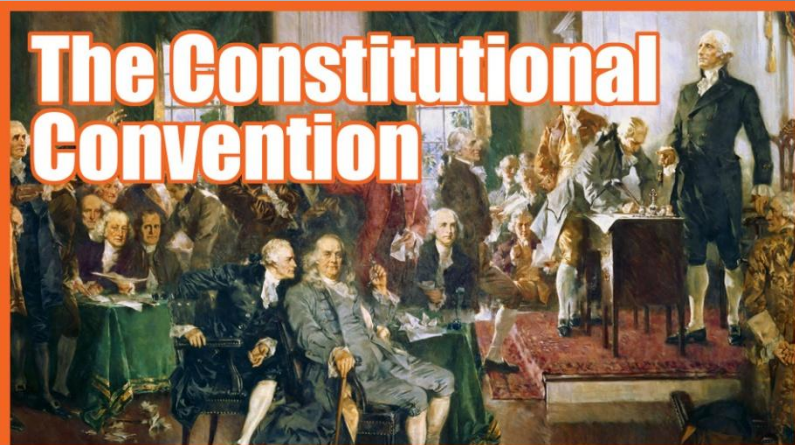
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NEGRO. The word "negro" means a black man, one descended from the African race, and does not commonly include a mulatto. *Felix v. State*, 18 Ala. 720. But the laws of the different states are not uniform in this respect, some including in the description "negro" one who has one-eighth or more of African blood.

Term "negro" means necessarily person of color, but not every person of color is "negro." *Rice v. Gong Lum*, 139 Miss. 760, 104 So. 105, 109.

The U.S. Constitution



CONSTITUTION OF THE UNITED STATES

They are formulated for this reason

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I.

Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.]* The actual Enumeration

*Changed by Section 2 of the Fourteenth Amendment.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall

OURSELF, *pron. reciprocal.* [our and self.] This is added after *we* and *us*, and sometimes is used without either for *myself*, in the regal style only; as, *we ourselves* will follow. Shak.

—Unless we would denude *ourselves* of all force to defend us. Clarendon.

OURSELVES, *plu. of ourselves.* We or us, not others; added to *we*, by way of emphasis or opposition.

We *ourselves* might distinctly number in words a great deal farther than we usually do. Locke.

Safe in *ourselves*, while on *ourselves* we stand. Dryden.

POSTERITY, *n.* [Fr. *posterité*; L. *posteritas*, from *posterus*, from *post*, after.]

1. Descendants; children, children's children, &c. indefinitely; the race that proceeds from a progenitor. The whole human race are the *posterity* of Adam.

2. In a general sense, succeeding generations; opposed to *ancestors*.

To the unhappy that unjustly bleed,
Heav'n gives *posterity* t' avenge the deed.
Pope.

Making Negroes into Corporate “citizens” not “Citizens”

Amendment XIII.**

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV.***

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are **citizens** of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges

*Superseded by Section 3 of the Twentieth Amendment.

**The Thirteenth Amendment was ratified December 6, 1865.

***The Fourteenth Amendment was ratified July 9, 1868.

or immunities of **citizens** of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. **But neither** the

United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.