

UNITED STATES SUPREME COURT

Opinion of Chief Justice Chase in the Mississippi Injunction Case.

The Executive of the Nation Cannot be Restrained by the Judiciary.

The Motion to File the Bill Denied.

Decision in the Case of Duane vs. The San Francisco Vigilance Committee.

The Prize Steamer Peterhoff Restored to Her Owners.

The Mississippi Injunction Case—Opinion of Chief Justice Chase.

WASHINGTON, April 15, 1867.

In the United States Supreme Court today the Chief Justice delivered the opinion of the Court in the case of the State of Mississippi vs. Andrew Johnson, President of the United States, and E. O. C. Ord, General commanding in the district of Mississippi and Arkansas, from executing or in any manner carrying out certain acts of Congress therein named. The acts referred to are those of March 2 and March 23, 1867, commonly known as the Reconstruction acts. The Attorney General objected to the leave asked for upon the grounds that he was not a party to the case, and sought an injunction against him to restrain the performance of his duties as President should be allowed to be filed in this court. This point has been fully argued, and we will now dispose of it. We shall limit our inquiry to the question presented by the objection, without expressing any opinion on the broader issues discussed in argument, whether in any case the President of the United States may be required, by the process of this court, to perform a purely ministerial act required by law, or may be held amenable in any way, otherwise than by impeachment, for crime. The single point which requires consideration is this—Can the President be restrained from carrying into effect an act of Congress alleged to be unconstitutional? It is assumed by the counsel for the State of Mississippi that the President, in the execution of the Reconstruction acts, is required to perform a mere ministerial duty. In this assumption there is, we think, a compounding of the terms "ministerial" and "executive," which are by no means equivalent in import. A ministerial act is a simple, definite duty, arising under conditions admitted or proved to exist, and imposed by law. The case of *Marbury vs. Madison*, Secretary of the Treasury (1 Cranch, 137), furnishes an illustration of such a ministerial duty. In that case, the President was required to issue a writ of habeas corpus, and the duty of delivery was imposed by law on the Secretary of State. It was held that the performance of such a ministerial duty is not a discretionary act, and that the President is not amenable to the jurisdiction of this court. In the case of *Ex parte Merryman*, (16 Peters, 672), an act of Congress had directed the President to suspend the writ of habeas corpus in certain cases, and the President was held to be bound to obey the law, although the act was considered to be unconstitutional. This case, however, is distinguished from the present case, in that the President was required to perform a purely ministerial act, and the law was held to be valid. In the present case, the Reconstruction acts are held to be unconstitutional, and the President is held to be bound to obey the law, although the act is considered to be unconstitutional. This is a departure from the principle established in *Ex parte Merryman*, and it is held that the President is not amenable to the jurisdiction of this court. The Reconstruction acts are held to be unconstitutional, and the President is held to be bound to obey the law, although the act is considered to be unconstitutional. This is a departure from the principle established in *Ex parte Merryman*, and it is held that the President is not amenable to the jurisdiction of this court.

MUNICIPAL AFFAIRS

The Fair for the Benefit of Roman Catholic Children—The Hackney Coaches—The New Post Office Site, &c.

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DEATH UNDER SUSPICIOUS CIRCUMSTANCES

Coroner's Inquest on the Late John G. Chaney—The Examination of the Body—The Verdict—The Burial.

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