

batters of black people. They con-
sidered the disease from those who
have had it before them. They
learn to associate color and condi-
tion as objects of common aversion;
and thus it has come to pass that
Negrophobia is a very general char-
acteristic of white Americans, espe-
cially in the South, and too much
so at the North. It is simply a
principle of educated caste,
taught on color as the sign of
inferiority. This is the whole diffi-
culty with Senator Saulsbury; and
he is probably now too old to get
rid of it. If he had been taught in
early years to treat colored people
as human beings, by right of Nature
and share with them in the com-
mon burdens and privileges of
social and civil life, he would not
have disgraced his own humanity,
and equally the office he fills, with
a rignmarole of senseless froth.
It so happens that in the charter
of Nature colored men have just as
many rights as white men, and hold
them by a derivation and sanction
equally divine and sacred. Let
this one fact be accepted as a fun-
damental truth, and practically ac-
cnowledged, and all other questions
between the two races, will by a
logical force take care of them-
selves. Colored people and white
people will then stand upon their
capacities and merits as human
beings, each class having the same
opportunity successfully to run the
race of life. Equality of privileges
and rights being granted to the
two races, then, if one can run bet-
ter than the other, so be it. There
is no objection to the fact, if fact
it be. There is no just ground of
complaint because the fastest run-
ners win the race. Those who have
the most brains can do the best
thinking, and secure to themselves
its advantages. Justice does not de-
mand an equality of condition and
circumstance where there is an in-
equality of natural powers; but it
does demand that all men should
have a fair chance to use the powers
with which they are invested. Color,
whether black or white, is but an
accident of humanity, and hence
criticism of its elementary rights.
Then Senator Saulsbury shall have
made this discovery, and shaped
his moral sentiments to its require-
ments, as he probably will not in
this world, he will be thoroughly
satisfied of his recent speech in the
Senate of the United States.
And, though Senator Saulsbury's
reasons may thereby suffer "the
damnation of a negro grave,"
let Senator Sumner's Civil
Rights Bill become law.—*Inde-*

act 23 of the statutes of 1871. ren-
dered a judgment of \$1000 in favor of
the plaintiff, and the defendant ap-
pealed.

There are numerous bills of ex-
ceptions found in the record, but
their examination is not important
in determining this case. Six of
them relate to the formation of,
and the judge's charge to the jury;
the other two relate to the admis-
sion of testimony, and are not im-
portant. There was no evidence
introduced on the part of the de-
fendant.

All the material allegations of the
plaintiff, we consider, are fully es-
tablished. The plaintiff is shown
to be a man of character and re-
spectability; that he has frequently
held public offices, and that he is
now, and was at the time he was
refused refreshments, in defendant's
coffeehouse saloon, Civil Sheriff of
the parish of Orleans.

It is clear that the refusal of the
accommodations asked for was made
solely on the ground that the plain-
tiff is a man of color. The defend-
ant has therefore incurred the pen-
alty of the act of 1869 (Acts of 1869,
p. 37). We think the judgment is
therefore correct.

From this opinion Justices Wiley
and Howe dissented, on the grounds
that the damages were excessive.
Justice Wiley remarked:

"The question of damages with
the District Judge seemed to have
depended upon the color of the
plaintiff; I think there should be no
distinction. Furthermore, if defend-
ant, instead of merely refusing the
plaintiff a drink, had picked up a
chair and beaten him half to death,
the damages he would have recov-
ered would probably not have ex-
ceeded \$250. Shall a man's right
of personal protection be considered
less sacred than his right to receive
a drink? I think the case should
properly have been remanded for a
new trial before a jury."

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