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BY TELEGRAPH

EASTERN.

IMPORTANT SUPREME COURT DECISION

WASHINGTON, 15.—The Supreme Court in case No. 3, Commonwealth of Virginia vs. Pettitioner. This case comes before the United States Supreme Court upon application from the Governor of Virginia, for a writ of mandamus to compel Judge Rives, of the United States Circuit Court for the western district of that State, to return to the State authorities two criminals whom he has taken out of their custody for trial in his own court. The facts of the case are well known. The subject matter of the controversy raised is an abstract one of jurisdiction. The complaint is that Judge Rives has violated the sovereign rights of the State. The question presented is, which has the right to try these persons, the State or United States? The General Field and Judge Robertson, on behalf of the State, argue that the case is one in which the commonwealth of Virginia is a party in its character as a sovereign State, and that an inferior Federal court, created by act of Congress, cannot, under any circumstances, be clothed with power to deal with a State or to decide any question of controversy with her respecting or arising out of her sovereignty. If she is amenable to any judicial tribunal under the Constitution, it is the United States Supreme Court. They argue further, that even the latter has no control over the State or its courts, except when the Federal assent is brought before it by a writ of error from the State court of last resort. The State courts and not United States courts are exclusive tribunals for the trial of cases committed within the State and against its laws. Counsel for the petitioner further maintain that section 641, which gives the Federal courts jurisdiction in cases where the State court has no jurisdiction, does not confer the jurisdiction claimed. The right to have a jury of a particular race or color in whole or in part is not one of the rights which the Constitution in question secured. It is merely extended to the colored race the rights already existing and enjoyed by white citizens, and provided that these rights should not be denied to colored citizens. Finally counsel for the petitioner declare that the State of Virginia is not denied to any race or color the equal protection of the laws, that the act of Judge Rives should be declared null and void, and that the writ of mandamus prayed is the only appropriate and complete remedy, as there seems to be no right of appeal or writ of error to this court.

Attorney-General Devens

and W. Willoughby, opposing the petition for a mandamus, argue, first, that the Supreme Court has no jurisdiction in the present case; that the commonwealth of Virginia refused to make itself a party to the proceedings in the circuit court; that this petition cannot therefore be considered as anything in the nature of an appellate proceeding, and that the Federal court should institute an original suit in the Supreme Court in a controversy like this between itself and its own citizens. They argue, second, in defense of Judge Rives, that under the act of March 3, 1877, that every person has the right to trial by jury constituted without discrimination against his own race or color, and that in the present case that right has been denied. White men may have a jury of their own race and color, negroes cannot. White men cannot be subjected to any prejudice because of race or color, and yet if a denial of this right of equality, and if such denial is based upon the ground of color or race, the power of the United States may enforce this guarantee of equality to the extent that it is denied. That at a State trial the jury is composed of persons of the same race, in such case is mentioned. All cases involving a Federal question may be brought under the supervision of Federal judicial power, even though the State be a party. This point is argued by counsel in opposition to the petitioner at considerable length and with full citation of authorities. They claim that the right of general supervision over the criminal law of a State, but maintain its constitutionality when a Federal question is involved.

A Robber Shot and Killed

NEW YORK, 15.—A dispatch from London says: A robber, known as "Tommy," was shot and killed by a police officer on the Strand, London, yesterday.

A Political Prisoner

BOSTON, 15.—It is reported that C. C. Carpenter, pastor of the First Unitarian Church, Roxbury, will resign on Sunday next, his advocacy of Gen. Butler giving umbrage to a large number of his congregation.

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