

SUPREME COURT OF NORTH CAROLINA

State v. Southern Railway Co.

119 N.C. 814 (1896) · Decided September 15, 1896

SUMMARY

The court upheld the constitutionality of North Carolina Code section 1973, which prohibited the running of certain trains after 9:00 a.m. on Sunday. It held that the statute was a valid exercise of the state's police power unless superseded by federal legislation and affirmed the defendant's conviction because the evidence did not establish necessity for operating the train after the statutory deadline.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Avisey, J.
JURISDICTION	North Carolina
DECIDED	September 15, 1896
DISPOSITION	affirmed
PROCEDURAL POSTURE	Southern Railway Co. was convicted by a jury in Guilford Superior Court of violating North Carolina Code section 1973 by running a freight train on Sunday after 9:00 a.m. The company appealed after the trial court refused requested jury instructions concerning interstate commerce, necessity, unavoidable delay, and willfulness.
STANDARD OF REVIEW	Review of the trial court's refusal to give requested jury instructions and the legal sufficiency of the evidence supporting the conviction.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of North Carolina.
PARTIES	Southern Railway Co. v. State

TOPICS

dormant commerce clause

federalism

constitutional law

statutory interpretation

criminal procedure

PRACTICE AREAS

constitutional law

criminal law

railroad regulation

interstate commerce

QUESTIONS PRESENTED

1. Whether North Carolina Code section 1973, prohibiting the running of freight trains on Sunday after 9:00 a.m., was unconstitutional as applied to a train carrying interstate freight.
2. Whether the interstate character of the train exempted the company from the state Sunday-train statute absent superseding federal legislation.
3. Whether the evidence established a necessity sufficient to excuse operation of the train after the statutory deadline.
4. Whether the trial court properly refused the defendant's requested jury instructions and directed the jury that the evidence established guilt.

HOLDINGS

1. North Carolina Code section 1973 was not unconstitutional merely because it incidentally affected interstate commerce; it validly prescribed a rule of conduct for persons within the State under the police power.
2. The interstate character of the freight train did not exempt Southern Railway from section 1973; the statute remained enforceable unless Congress enacted superseding regulations governing the running of interstate trains on Sunday.
3. A railroad charged under section 1973 could avoid liability only by proving that operation after 9:00 a.m. was undertaken under the stress of necessity to preserve the health or save the lives of the crew or relieve severe suffering; Southern Railway failed to make that showing.

KEY QUOTATIONS

"Such a law is valid and must be obeyed unless and until Congress shall have passed some statute which supersedes that act by prescribing regulations for the running of trains on the Sabbath on all railway lines engaged in interstate commerce." (820)

"The proof offered falls very far short of excusing the act, denounced as a violation of law, by showing that it could not have been obeyed by the exercise of due precaution without imminent risk of endangering the lives or health of the crew on board the train." (821)

FACTUAL BACKGROUND

On Sunday, December 15, 1895, Southern Railway's through freight train traveled from Charlotte, North Carolina, toward Danville, Virginia, carrying interstate freight. Because of delays caused in part by passenger trains having priority, the train remained at Jamestown until 9:25 a.m. and then proceeded to Greensboro, arriving at 10:25 a.m. The company asserted that it had to reach Greensboro because water was unavailable at Jamestown and food and subsistence were needed for the crew, but the court found the evidence insufficient to establish that continued operation after 9:00 a.m. was necessary to protect the crew's health or lives.

PROCEDURAL HISTORY

The State indicted Southern Railway Co. for operating a freight train in Guilford County on Sunday after the statutory deadline. After the State's evidence and the conductor's testimony concerning delays and the need to obtain water and food, the trial court instructed the jury that the evidence established guilt, and the jury returned a guilty verdict. The company appealed from the resulting judgment, which the Supreme Court of North Carolina affirmed.

DISPOSITION

affirmed

CASES CITED

- Hunnington v. Georgia, 163 U.S. 299 (1896)
- Railway v. Van Husen, 95 U.S. 470, 473 (1877)
- Morgan v. Louisiana, 118 U.S. 455, 463 (1886)
- Smith v. Alabama, 124 U.S. 465, 474, 479, 482 (1888)
- Bagg v. Railroad, 109 N.C. 279 (1892)
- State v. Brown, 109 N.C. 802 (1892)
- State v. McBrayer, 98 N.C. 619 (1887)

OPINION

State v. Southern Railway Co. 119 N.C. 814

AVISEY, J.

Avisey, J. : The statute (The Code, Sec. 1973) under which the indictment is drawn is not unconstitutional. Although it affects interstate commerce to some extent, there is nothing in its provisions which suggests a purpose on the part of the Legislature to interfere with such traffic, *820or indicative of any other intent than to prescribe in the honest exercise of the police power a rule of civil conduct for persons within her territorial jurisdiction. Such a law is valid and must be obeyed unless and until Congress shall have passed some statute which supersedes that act by prescribing regulations for the running of trains on the Sabbath on all railway lines engaged in interstate commerce. Hunnington v. Georgia, 163 U. S., 299. While the State may not interfere with transportation into or through its territory, "beyond what is absolutely necessary for its self-protection," it is authorized in the-exercise of the police power to provide for maintaining domestic order, and for protecting the health, morals and security of the people. Railway v. Van Husen, 95 U. S., 470, 473. Congress is unquestionably empowered, whenever it may see fit to do so, to supersede by express enactment on this subject all conflicting State legislation. But, until its powers are asserted and exercised, the statute under which the indictment is drawn may be enforced and will constitute one of the many illustrations of the principle that the States have the power, at least in the absence of any action by Congress, to pass laws necessary t.o preserve the health and morals of their people, though their enforcement may involve some slight, delay or

disturbance of the transportation of goods or persons through their borders. *Morgan v. Louisiana*, 118 U. S., 455, 463 ; *Hunington v. Georgia*, supra, at p. 314 ; *Smith v. Alabama*, 124 U. S., 465, 474, 479, 482; *Bagg v. Railroad*, 109 N. C., 279. The statute (Code, Sec. 1973) declares the running of any such train as that in question is admitted to have been, after 9 o'clock on Sunday morning, to be a misdemeanor. It is not denied that the train arrived at Greensboro at 10:25 A. M. on Sunday. The State, therefore, *821established prima facie the guilt of the defendant. If the defense relied upon was that it was necessary to run after the hour fixed as the limit by statute in order to preserve the health or to save the lives of the crew employed on the train, or relieve them from severe suffering, it was incumbent on the defendant to show to the satisfaction of the jury that the act was done under the stress of such necessity in order to excuse it as not in violation of the spirit though in conflict with the letter of the law. *State v. Brown*, 109 N. C., 802; *State v. McBrayer*, 98 N. C., 619. The evidence is not sufficient in any aspect of it to excuse the running of the train after 9 o'clock. Admitting that it was impossible to procure water at the tank at Jamestown (though the fact shown was not that the tank could not have been filled by pumping but that it was empty) or supplies of food for the crew, non constat but that both food and water could have been obtained in sufficient quantity at any town or station on the road west of Jamestown. In fact, the testimony tends rather to show⁷ that those who directed the movements of the train had abundant reason for anticipating further delays, and ought, therefore, to have ordered it to lie over sooner. The authorities of the road ought to have been aware that in such a busy time, when so many trains were in motion, they ought, in the exercise of ordinary care, to have ordered the train to move on to the siding in time to avoid any risk of violating the law. The proof offered •falls very far short of excusing the act, denounced as a violation of law, by showing that it could not have been obeyed by the exercise of due precaution without imminent risk of endangering the lives or health of the crew on board the train. For the reasons given the judgment of the court below is affirmed. Affirmed.