

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 It held that the statute was a valid exercise of the state's police power unless superseded by federal legislation and affirmed the defendant's conviction because the evidence did not establish necessity for operating the train after the statutory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)