have the jury composed in part of colored men. A mixed jury in a particular case is not essential to the equal protection of the laws, and the right to it is not given by any law of Virginia, or by any Federal statute. It is not, therefore, guaranteed by the Fourteenth Amendment, or within the purview of section 641."

In Gibson v. Mississippi, 162 U.S. 565, 582, 16 S.Ct. 904, 907, 40 L.Ed. 1075, 1078, the following observation was made by the court: "In view of this decision, it is clear that the accused in the present case was not entitled to have the case removed into the circuit court of the United States, unless he was denied, by the constitution or laws of Mississippi, some of the fundamental rights of life or liberty that were guarantied to other citizens resident in that state. The equal protection of the laws is a right now secured to every person without regard to race, color, or previous condition of servitude; and the denial of such protection by any state is forbidden by the supreme law of the land. These principles are earnestly invoked by counsel for the accused. But they do not support the application for the removal of this case from the state court, in which the indictment was found, for the reason that neither the constitution of Mississippi nor the statutes of that state prescribe any rule for, or mode of procedure in, the trial of criminal cases which is not equally applicable to all citizens of the United States and to all persons within the jurisdiction of the state, without regard to race, color, or previous condition of servitude."

We have indicated that in the case of Commonwealth v. Millen, 289 Mass. 441, 194 N.E. 463, the Supreme Court of the United States reviewed a situation similar to that here presented, and the petition for a writ of certiorari was refused. (295 U.S. 765, 55 S.Ct. 924, 79 L.Ed. 1706).

The case of Kentucky v. Powers, 201 U. S. 1, 26 S.Ct. 387, 396, 50 L.Ed. 633, 5 Ann. Cas. 692, is a leading case on the subject; this is indicated in the opinions from which we have quoted. It is there said by Mr. Justice Harlan: "The question as to the scope of § 641 of the Revised Statute again arose in the subsequent cases of Neal v. Delaware, 103 U.S. 370, 386, 26 L.Ed. 567, 570; Bush v. Kentucky, 107 U.S. 110, 116, 1 S.Ct. 625, 27 L. Ed. 354, 356; Gibson v. Mississippi, 162 U. S. 565, 581, 584, 16 S.Ct. 904, 40 L.Ed. 1075, 1078, 1079. * * * In each of these cases it was distinctly adjudged, in harmony with previous cases, that the words in § 641—'who is denied or cannot enforce in the judicial tribunals of the state, or in the part of the state where such suit or prosecution is pending, any right secured to him by any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction of the United States'—did not give the right of removal, unless the Constitution or the laws of the state in which the criminal prosecution was pending denied or prevented the enforcement in the judicial tribunals of such state of the equal rights of the accused as secured by any law of the United States. Those cases, as did the prior ones, expressly held that there was no right of removal under § 641, where the alleged discrimination against the accused, in respect of his equal rights, was due to the illegal or corrupt acts of administrative officers, unauthorized by the Constitution or laws of the state, as interpreted by its highest court. For wrongs of that character the remedy, it was held, is in the state court, and ultimately in the power of this court, upon writ of error, to protect any right secured or granted to an accused by the Constitution or laws of the United States, and which has been denied to him in the highest court of the state in which the decision, in respect of that right, could be had."

[8] From all the cases, it will be noted, that the Fourteenth Amendment to the Constitution of the United States is broader than the provisions of section 641, Revised Statutes. Ex parte Virginia (Virginia v. Rives), 100 U.S. 313, 25 L.Ed. 667.

[9] The statute of Alabama for change of venue, of which appellant complains, did not operate to deprive him of a civil right given to members of any class, and was not prejudicial to him by reason of his race, color, or previous condition of servitude. Petitioner does not point to any constitutional or statutory provision which in any way deprives him of a civil right given to others, and hence we are of opinion that he was not entitled to have his cause removed to the federal court.

[10] We hold that section 5581 of the Code Ala.1923 does not offend any provision of the State or Federal Constitutions; that section 31 of the Judicial Code of the United States (28 U.S.C.A. § 74), providing for removal of causes to the federal court in the district where the civil rights are denied,