

JAS. C. WALKER,  
LAWYER,  
80 CAMP ST., NEW ORLEANS.

New Orleans, Jan. 2nd. 1892.  
Hon. Albion J. Bourgee,  
Mayville, New York.

Dear Sir:

I have been retained as local counsel by a select committee of respectable and educated colored men, composed of Messrs. Martiniat, Bonseigneur, Esters & Hal, to take the initial steps in the Federal Courts, or in the Louisiana Courts, as may be determined on, towards testing the constitutionality of the Separate car law, enacted recently by the Legislature of this State; and my instructions are to confer with you as early as practicable, with special regard to the high consideration and esteem, and confidence, in which you are held by the parties whom I have named, and their associates. I find the task an agreeable one, as I am more than impressed with the obliging interest you are reported to have manifested in their behalf.

Now, without further introduction, I shall enter at once upon the practical part of

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the work assigned to me.

In the first place, I note the fact that a similar statute was passed in Mississippi and that the decree of the Supreme Court of that State, (as the law was construed) was affirmed to be constitutional by the Supreme Court at Washington. This was an indictment against the officers of the L. & N. R. R. Co. for not attaching to their passenger trains two separate coaches for the use of colored people in transit within the limits of the State of Mississippi. The law was held to be a local police regulation and therefore not to interfere with the right vested in "Congress to regulate Commerce among the States." I beg to be favored with your views, and permit me to say, with your suggestions, before deciding upon any course.

An impression prevails, rather an anticipation be it said, that the Federal Courts here will not entertain a favorable opinion of the side we are interested in maintaining. Our State Courts do not present a more promising alternative.

WALKER,  
ATTORNEY,  
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We are called upon to decide whether the one or the other jurisdiction shall be appealed to, and whether the best openings are presented by the Interstate Commerce Law, or by the Amendments to the Constitution.

The two cases, *Royal*, & that of *Bonda*, in the 117 U. S. Reports, seem to indicate, very plainly, reluctance on the part of the Federal Courts to interfere until the State Courts are fully and finally resorted to.

Now, if the Law is after all ~~to~~ only an authorized police regulation, the Interstate Commerce Law may not afford relief or remedy.

Then again, is there a discrimination as to class, color, or condition? A recent editorial claims that the privileges are equal, and only distinct. What of this idea?

This is all I feel justified in burthening you with at this writing, which I bring to a close in the hope that I have not failed to interest you in these perplexing questions.

Respectfully,  
Yours,  
Jas. C. Walker