

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

New Orleans Jan 21st 1892.

Hon. Albion Tourgee,
Mayville, New York.

Dear Sir: Your favor of the 14th inst. is at hand, but not yet fully digested. I will say however that with regard to the suggestion that we apply to the Circuit Court of the U. S. as soon as our man is ~~found guilty~~ ^{found guilty} or our demurrer overruled, it seems to me that we should mature the plan so as to determine whether it be not more expedient to ask of our Sup. Court, the highest Court in our State, for Writs of Prohibition & Certiorari, to avert sentence, opening that the accused has been surrendered by his bondsman & that he is in prison. We can then go to the U. S. Circuit Court for habeas Corpus, & if refused, then have him admitted to bail by the Circuit Court or by the U. S. Supreme Court pending the appeal from judgment by the Court refusing habeas Corpus. Has the Circuit Court of Appeals jurisdiction by appeal from Circ. Courts refusing habeas Corpus?

This will have to be looked into. We don't want to pursue this course.

You will find enclosed a copy of the affidavit I have drawn up. Please favor me with your idea of it as early as your leisure will permit, as the committee now & then intimate their impatience at my delay in taking the initiative. We will have a pamphlet pending the proceedings to conclude on what points of the law to insist. It appears to me that the law is multiparious, but I doubt whether our State Courts could be easily persuaded so to construe it.

With compliments &c, I beg that you will accept the assurance of my regard.

Respectfully

Jas. C. Walker

P. S. An appeal lies from our State Court to our State Supreme Court in the premises. The fine is only \$20⁰⁰ so that the Sup. Ct. has "no jurisdiction" there being no sentence of imprisonment or amercement, nor labor.