

Hon A. W. Loring.

Order:

Mayville New York

Chief Justice Allen B. Morse of the Supreme Court of Michigan. In his opinion in the case of Ferguson vs Gies (82 Mich. 358) a case brought under the Civil rights act of Michigan, after quoting the act, said:

"This statute exemplifies the changed feeling of our people toward the African race, and places the colored man upon a perfect equality with all others, before the law in this state. Under it no line can be drawn in the street, public parks or public buildings upon one side of which the black man must stop, while the white man may enjoy the other side or both sides, at his will and pleasure.

x x x x Any discrimination founded upon the race or color of the citizen is unjust and cruel, and can have no sanction in the law of this State. The cases which permit it in other States can only be justified on the principle that God made a difference between them, which difference renders the African inferior to the white, and naturally engenders a prejudice against the African, which makes it necessary for the peace and safety of the public that the two

Wm. J. Barlow

Races be separated, in public places and Conveyances.

This Reasoning does not commend itself either to the head or judgment.

The Negro is here, and was brought here by the white man. He must be treated as a free man or a slave, as a man or brute. The humane and enlightened judgment of our people has decided — although it cost blood and treasure as to determine — that the Negro is a man, a free man, a Citizen, and entitled to equal rights before the law with the white man. This decision was a just one. Because it was divinely ordered that the skin of one man should not ~~be~~ be as white as that of another furnishes no more reason that he should have less rights and privileges under the law, than if he had been born white, but cross-eyed, or otherwise deformed. The law as I understand it, will never punish a color, or misfortune God has fastened upon a man from his birth, to be punished by the law, unless it is a misfortune that leads to some contagion or criminal act. The law is tender, rather than harsh towards all infirmity, and if to be born black is a misfortune, then the law should lessen rather than increase the burden of the black man's life.

I should have little respect for Deity, if I could for a moment admit that the color was designed by him to be forever a badge of inferiority, which would authorize the human law to drive the colored man from public places, or give him less rights than the white man enjoys.

I will give you a synopsis of the Case. Ferguson a colored man was denied a meal in Gies' restaurant in Detroit on account of his color. He sued for damages. a Republican Judge decided no cause for action. Holding that the defendant had the right to say whom he would serve, Ferguson took the case to the Supreme Court, where the Chief Justice in the opinion cited above sent it back to the lower court. When the Judge (Republican) with a jury almost wholly Republican gave Ferguson six cents damages, and assessed the costs on him amounting to several hundred dollars.

You will see by the enclosed Cutting from the Detroit Evening News of Aug 20th that I am enthusiastically in favor and shall work for this same Judge Allen B. Morse who

is now running for governor on
the Democratic Ticket, and I call
on all colored men to do the same
in this state.

Don't you think that that is the
thing for us to do?

Could we in loyalty to our race and
friends do otherwise?

Should we not always stand by the
men who stand by us no matter
what party they belong to?

And is not this especially so
when that man is the Chief Justice
of the Court of our last resort,
As the U. S. Supreme Court had
decided that the States themselves
had to decide in the matter of Civil
Rights.

I desire a letter from you
on all these points. Decision re
or make it the subject of your
next "By Stander Notes" in the
Inter Ocean.

Very truly Yours

C. Habr Markin

Dowagiac Mich, Aug 26th 1892