

concerned. The statute under which this suit is brought, as construed by the state court, seeks to take away from him that power so long as he is within Louisiana. x x x We think the statute, to the extent that it requires those engaged in the transportation of passengers among the states to carry colored ~~passengers~~ passengers in Louisiana in the same cabin with whites, is unconstitutional and void. If the public good requires such legislation, it must come from congress and not from the state*. While the statute was held void as to cases like the one ^{then} in hand, because it interfered with interstate commerce, still the opinion, as we view it, proceeds upon the theory that in the absence of valid legislation the defendant had the right to set apart a portion of ^{the} ~~her~~ steamboat for the special and exclusive use of white passengers. If common carriers may make and enforce such rules, there can be no good reason assigned why proprietors of theatres may not do the same thing. This being so, it is not necessary to a proper disposition of this case to say how far or to what extent theatres are to be regarded as public places; nor is it necessary to say to what extent they may be made public places by statute or local municipal laws. In any event the proprietors of theatres may make and enforce such rules as the one now in question.

Colored persons have their own schools, their own churches, and often their own places of amusement. Whites attending places of amusement designed specially for colored persons may be required to occupy separate ^{seats} ~~seats~~. When colored persons attend ~~churches~~, theatres, and other places of amusement conducted and carried on by white persons, custom assigns to them separate seats. Such sepa-

ration does not necessarily assert or imply inferiority on the part
of one or the other. It does no more than work out natural laws
and race peculiarities. It ordinarily contributes to the convenience

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