

9586



Villa Trocadero,

April 13th, 1899.

3 p.m.

My dear Martinsen:

I wish you would amend the statement of "Reasons" sent you last night, by adding to one of them, you will easily determine which, that paragraph which treats of the issue of the writ, -- ~~XXXXXXXXXXXXXXXXXXXX~~ these words: "Such a writ could have no other effect than to cause a forcible invasion of the 'dwelling' of the Consul, and must either have been issued by the Judge through inadvertence, or with actual purpose to violate the treaty. I do not imagine it could have been the latter."

You will also strike out at the end of said statement all after the words, "then indeed is language meant to conceal thought and not to express it" or their equivalent. Leave off all the rest.

You will prepare a neat copy of this statement, as amended, in translation, of course, attaching thereto my name and the Consular seal. This you will please send to the ~~Préfet~~ Prefect along with a letter to the following effect:

M.le Prefect.

I am informed that one of your subordinates has expressed a doubt whether the assault upon my person, the invasion of my dwelling by force, and the examination of books and papers therein, under a writ of seizure and distraint by the Commissary of Police of Arcachon and others, accompanied by public declarations that they had no regard for the flag of a friendly nation, its consul or its treaties with it, constituted a violation of my Consular rights.

I beg to call your serious attention to the accompanying statement, which to my mind renders unavoidable any other conclusion.

The Treaty authorizes the Consul to display the flag of his country, both on his "offices and dwelling." The two need not be in the same building, nor adjacent, and usually are not. Both are declared by the treaty to be inviolable. It is also expressly declared that neither of these "shall be invaded by the local authorities under any pretext."

~~evade~~ I do not wish to make a mountain out of a molehill, nor seek to ~~invade~~ any personal responsibility by assertion of my official char-

acter . Whatever the law requires, that I do readily and cheerfully. I feel very certain, however, that my government would not approve if I should pass by without notice an act of such flagrant character on the part of the local authorities. To do so, would bring the United States into contempt before all nations. Besides that I am satisfied that such an incident occurring especially to a Consul who is known by his published works to many millions of the people of the United States, would if it became generally known, very deleteriously affect the forthcoming Exposition of 1900, from which so many good results are expected to accrue to both countries.

It seems to me that the matter may be arranged without difficulty or loss of dignity on either side in this manner:

1--Let the Writ be recalled and cancelled.

2--Let the Judge issuing it state in writing that it was done inadvertently, the official character of the person named in it ~~having~~ *not* having been called to his attention, and he not having in mind at the ~~time~~ time of its issue that Treaty regulations were such that it might involve consular rights.

3--Let the Huissier and Commissary of police be directed to come and apologize for their personal violence and the affront offered to a friendly flag, with the same publicity with which the act was committed.

I have no ill-feeling against the Commissary and certainly none against the Judge. Having been for many years the President judge of a superior tribunal in the United States, I know by what inadvertence such errors may occur, especially in a community where Treaty rights are rarely involved in litigation. A

All I desire is such a formal acknowledgement, that no invasion of Treaty stipulation was intended by the local authorities as may relieve me from the painful duty of reporting it to my government as an act which cannot be passed over in silence.

Very respectfully, etc.

(Sign my name and impress seal.)

*William W. Lowrey*