

CONSULATE OF THE UNITED STATES
OF AMERICA.

May 5th, 1899.

To the Judge of the Tribunal of Premier Instance of Bordeaux.

My dear Sir:

I was very glad to get your letter of the 24th of May, before closing the report to my government upon the incident to which it refers.

Your cordial recognition of the invalidity of the writ of saisie-gagerie, has induced me to withhold such report in the hope that this unpleasant matter may be satisfactorily adjusted without farther complication.

As I understand the matter, the writ of saisie-gagerie was under the seal of the Tribunal and I suppose the natural result of --if the other members of the Tribunal share your opinion, would be a formal judgement annulling the previous decree for want of jurisdiction, as you intimate, a certified copy being delivered to me.

My understanding of the procedure in such cases, derived from ~~the~~ the authorities accessible to me, is that it is the province of the Consul only to suggest the infraction of treaty-rights to the Tribunal by whose ^{action} ~~order~~ the infraction came, and leave them to make or refuse the amende in such manner as they see fit. A plenepotentary may demand a specific act of disavowal, but a Consul has only the right to suggest such as may be agreeable to the authorities to make, ~~ex mero motu~~. It is the rule that ordering the obnoxious act, ~~and~~ the instrument--that is, the executive officer who commits the wrongful act--is formally reprov'd, and required publicly to salute the flag he publicly

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I beg leave to enclose a statement of the reasons why, in my judgment, the deliberate and intended issue of such writ would constitute a judicial invasion of my consular rights, just as the issue of any similar writ in the United States against a French Consul would constitute a judicial violation of his consular rights. I desire to call this to your particular attention, since I am well aware of the tendency in all ^{judicial} tribunals to regard ~~the~~ consular rights as derived ^{almost entirely} from the common law of nations, rather than based on specific treaty provisions. The references made in this memorandum are to the treaty of 1853, between France and the United States of America of which one duplicate original, written in the English language is on file in the State Department at Washington. I have never seen a copy of the same in French and so translate the English provisions.

Hoping to receive an early reply, I remain, Monsieur le President etc.

Consul of the United States of America in and for ^{the}
District of Bordeaux; Doctor of Laws, Professor of
Legal Ethics, ancien president-juge d'une tribunal
Americaine de superieur jurisdiction, et l'auteur
de plusieurs livres sur la pratique et la philosophie
de loi.

✓
President of the
Tribunal Civil
Bordeaux

5th May 1899.

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