

UNITED STATES CONSULATE,

BORDEAUX, FRANCE, July 8th 1899

Honorable John Hay,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to report herewith, a matter which seems to me of some importance, but in which by a curious turn the affair has taken, I seem unable to take any farther steps. It arose out of the attempt of a party here to make me pay a false and fraudulent demand. It resulted in

1--The issue of a writ against me as "Consul des Etats-Unis", commanding a search of my dwelling and the seizure of my furniture and other movables found therein.

2--The execution of said writ against my protest and with the exercise of personal violence to myself.

I filed written protests without delay (1) With the Commissary of Police who made the forcible entry: (2) With the Prefet of the Department: (3) With the President of the Tribunal Civil of Bordeaux, from which the writ issued: (4) With the Vice-President of the same who signed the writ.

The President took a fair, manly view of the matter but was hampered by the practice of his court from action in the premises. The others, in my judgment have merely sought to evade and delay the matter.

I reported the incident briefly to the Ambassador at the time when I thought the action of the court a mere inadvertence and hoped for an amicable settlement with the local authorities, and was directed by him to proceed in the course taken.

Soon after, the complainant, well-knowing he had no case against me, withdrew from the prosecution, paying the costs and dismissing the ~~suit~~. This knocked me out of court, not being a party to the record in any pending suit, I can neither demand a trial nor take an appeal. I am practically in the position of a man who is non-suited after winning his case.

The offence to the government by the issue of the writ and the action of the constables, in violation of the treaty remains. There is practically, no controversy as to the facts--none at all as to the most important ones. Having only the consular authority to protest to the local authorities and suggest such adjustment as seemed to me reasonable and proper, which might be granted without loss of dignity and accepted without waiver of any substantial claim under the treaty, I have no farther duty in relation to the matter, and have so informed the authorities. That I am much chagrined at my failure to adjust what ought to have been a very unimportant incident, goes without saying. What course should be adopted in regard to it hereafter, is not for me to say. I have done all in my power, to minimize the gravity of the affair, but have been met in a very different spirit--not openly hostile but evasive, and as it seems to me, insincere. When you come to consider my report and the accompanying documents, you will see there are some very aggravating features which go to show that it was a deliberate and intended affront, not to me, but to the government I represent.

(2)

I knew there was a very deep and general feeling against the United States among the mercantile and laboring classes and to a considerable extent also among the professional classes; but I could not for a long time believe that a Judge occupying so high a position would deliberately violate the provisions of a treaty with the exceptional character he was well aware, to gratify such a feeling. I cannot resist the conviction that the very charitable view I took of the matter was quite erroneous. Except some annoyance that may have resulted from my protest against the clearance of ships laden with contraband of war, and a natural difference in regard to the jurisdiction of an estate, in which my claim was finally conceded, nothing had occurred to indicate any but the most cordial feeling on the part of the authorities as well as the people, to resent our resentment our prosperity and the importance that has so suddenly come to attach to the American republic as a world-power. In illustration of this, I may state that only two days ago, I received a formal order, served by a bailiff, to produce and certify within twenty-four hours, certain records supposed to be in this office. Of course, it was the act of a fool--must have been--of which I shall probably hear no more, since I merely laughed at the officer and ordered him to leave the Consulate. It was a matter in which I had no personal interest, in which an avoué took up the idea that he could compel me to certify the citizenship of his client. It is of no importance except as showing the tendency to disregard the immunity guaranteed by the treaty.

I think the dignity of the country and the efficiency of our Consular service would be enhanced by insisting on reparation for a grave affront, but am well aware that there may be circumstances beyond my knowledge which may make it undesirable to press such a demand at this time.

The matter is fully stated in the accompanying report and the enclosures forwarded with it.

I have the honor to be, sir,

Very respectfully,

Your obedient servant/

Albion T. Bourgee

U.S. Consul, Bordeaux.

United States Consul at Bordeaux, France.

Letter to the
Hon. John Hay
Secretary of State
Hawmilling Report
8th July 1899-