

PAPERS
RELATING TO THE
FOREIGN RELATIONS
OF
THE UNITED STATES,

TRANSMITTED TO CONGRESS,
WITH THE ANNUAL MESSAGE OF THE PRESIDENT,

DECEMBER 4, 1883.

PRECEDED BY A
LIST OF PAPERS AND FOLLOWED BY AN INDEX OF
PERSONS AND SUBJECTS.



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No. 155.

Mr. Roustan to Mr. Frelinghuysen.

[Extract.—Translation.]

LEGATION OF FRANCE,
Washington, November 23, 1882. (Received November 24.)

MR. SECRETARY OF STATE: The international conference for the protection of submarine cables, which recently met at Paris, has just terminated its labors. Before breaking up, its members prepared a draft of a convention and gave expression to the desires which they have engaged, by a protocol signed at the closing session, to submit to their respective Governments for examination. * * *

The French Government would be glad if the agreement thus prepared by the delegates of the various states could be finally adopted with as little delay as possible, and has assumed the task of receiving adhesions.

I will thank you to inform me whether the United States Government feels disposed to authorize its representative at Paris to sign the instrument, the draft of which has probably already been submitted to you by Mr. Morton, and I will transmit the decision of the Washington Cabinet to Mr. Dulcere as soon as you shall have made it known to me.

Accept, &c.,

TH. ROUSTAN.

No. 156.

Mr. Roustan to Mr. Frelinghuysen.

[Translation.]

LEGATION OF FRANCE,
Washington, June 4, 1883. (Received June 5.)

MR. SECRETARY OF STATE: I had the honor, in my note of the 20th of November last, to refer to the desire felt by the Government of the Republic that the Washington Cabinet should facilitate the working of the French courts in Tunis by renouncing the benefit of consular jurisdiction in the regency in behalf of American citizens.

Since that time, a court of first instance and one for the maintenance of peace, established by the French Government, have been sitting in the states of the Bey. I have the honor herewith to transmit to you, by order of my Government, the text of the law organizing French courts in Tunis, that of the decree of the Bey authorizing the exercise thereof, and that of two sets of regulations, one of which has reference to the appointment of associate judges in criminal cases, and the other to the establishment of the districts of justices of the peace. It will be sufficient, Mr. Secretary of State, for you to read these documents in order to be able to form a correct idea of the judicial organization recently established in the regency, and to convince yourself that it secures to American citizens all the judicial guarantees that they can claim in civilized countries. The minister of foreign affairs therefore hopes that the Government of the United States will have no objection

to settling with the French Government a question that now seems to be merely one of pure form, inasmuch as the consular jurisdiction of the United States was abolished at the same time as the United States consulate-general in the regency; the majority of the European powers have, moreover, raised no obstacles to the settlement of this question.

Accept, &c.,

TH. ROUSTAN.

[Inclosure 1.—Translation.]

Law concerning the organization of French courts in Tunis.

The Senate and Chamber of Deputies have adopted, and the President of the Republic has promulgated, the following law:

ARTICLE 1. A French court and six justices of the peace shall be established in the regency of Tunis.

The court of first instance shall sit at Tunis; the justices of the peace shall sit at Tunis, at Goletta, at Bizerta, at Sousa, at Sfax, and at Keff.

The district in which the court shall have jurisdiction shall embrace the entire regency. The district of each justice of the peace shall be determined by a decree to be issued with the advice and consent of the council of state.

If the necessities of the judicial service shall require it, other courts of first instance and other justices of the peace may be appointed by regulations which shall determine what territory their jurisdiction shall comprise.

ART. 2. These courts shall be dependent upon the court of Algiers. They shall have jurisdiction in all civil and commercial cases between French citizens and French protégés. They shall likewise have jurisdiction in all suits brought against French citizens and French protégés for violations of law, misdemeanors or crimes.

Their competence may be extended to all other persons by orders or decrees of his highness the Bey, rendered with the consent of the French Government.

ART. 3. Justices of the peace shall have, in civil and penal cases, the same extended competence that is determined by the decree of August 19, 1854. Nevertheless, justices of the peace sitting in a town where there is a court of first instance shall have this extended competence only in personal actions, or actions relative to personal property in civil or commercial cases; in all others they shall exercise their ordinary competence, as determined by the laws and decrees in force in Algeria.

ART. 4. The court of first instance shall have final jurisdiction in personal actions and actions relating to personal property in which the amount involved does not exceed 3,000 francs, and in actions relating to real estate in which the amount involved does not exceed 120 francs of income. In cases tried for the first time, its competence shall be unlimited. It shall have original jurisdiction in all cases in which justices of the peace do not have jurisdiction in accordance with the foregoing article.

In criminal cases it shall have final jurisdiction in all cases defined as crimes, with the assistance of six associate judges, who shall have a vote, and who shall be drawn from a list which shall be prepared every year in a manner to be determined by an executive regulation. If the accused party, or one of the accused parties, is a French citizen or a French protégé, the associate judges shall all be French citizens.

ART. 5. Cases shall be brought to the cognizance of the court having jurisdiction in criminal cases by an order of reference issued by the chamber of indictments of the court of Algiers, according to the provisions of the code of preliminary criminal examination; its decisions shall be rendered in the same manner as decisions in cases of misdemeanors.

ART. 6. The court, assisted by associate judges, as provided in Art. 4, shall hold its sessions every three months at such times as shall be appointed by ministerial order.

ART. 7. With the exceptions provided for in the foregoing articles, the rules of procedure and of criminal examination which are determined by the laws, decrees, and ordinances in force in Algeria, shall be applicable to the courts established in Tunis.

ART. 8. The time allowed for summonses and appeals shall be fixed according to the royal ordinances of April 16, 1853.

Nevertheless, if the party summoned is not a resident of Tunis, the time allowed for obedience to a summons shall be:

For parties living in other countries, either in Europe or on the shores of the Mediterranean and the Black Sea, two months.

For parties living beyond these limits, five months.

ART. 9. When there is occasion for the publication of legal notices, they shall be printed in one of the newspapers designated for this purpose by order of the minister resident of France at Tunis, and if they shall appear in any other newspaper they shall be null and void.

ART. 10. The provisions of the ministerial order of November 26, 1841, relative to the office of defender, and the provisions of the decrees and orders concerning the discharge of the office of bailiff in Algeria, shall be likewise applicable in Tunis. Nevertheless, French citizens and foreigners who shall, at the time of the promulgation of this law, be engaged in the practice of the legal profession in Tunis, and who shall, within one month from the date of said promulgation, have addressed to the minister resident a request to be allowed to represent the parties before the court of Tunis, may, after the opinion of the court given in the chamber of the council (the attorney of the Republic having been heard), be permitted, by decree by way of exception, to act as defenders before that court.

ART. 11. The court at Tunis shall consist of a presiding judge, three actual judges, two judges to fill vacancies, one attorney of the Republic, and one clerk. One of the judges, who shall be appointed by the ministry of justice, shall act as examining judge. The number of the judges and substitutes may be increased, and assistant clerks may be appointed by decrees issued in the form of executive regulations.

ART. 12. The justices' courts shall consist of one justice of the peace, of one or more justices to fill vacancies, and one clerk. An officer of the judicial police shall act as public minister.

ART. 13. Interpreters shall be attached to the courts and justices of the peace.

ART. 14. The decrees providing for the appointment and removal of magistrates, ministerial officers and interpreters shall be issued on motion of the keeper of the seals and minister of justice.

ART. 15. The magistrates composing the courts established in Tunis, the clerk's assistants, and the interpreters attached to these courts, shall be subject to the laws and regulations governing the Algerian jurisdiction. The conditions of age and capacity as regards appointments shall be the same that are required in Algeria for the discharge of the same functions. Their salaries shall be fixed according to the table appended to this law.

ART. 16. The office of notary shall continue to be discharged in the regency by French consular officers until said office shall have been organized by an executive regulation.

ART. 17. The tariff of costs in civil and criminal cases shall be fixed by an executive regulation. Until the promulgation of the said executive regulation, the courts shall observe the tariffs in force in Algeria.

ART. 18. All provisions concerning consular jurisdiction, applicable in the regency of Tunis, are hereby abolished so far as they may conflict with the foregoing provisions.

ART. 19. This law shall take effect three days after its publication in the official journal of the Tunisian Government.

This law, having been considered and adopted by the Senate and Chamber of Deputies, shall be executed as a law of the state.

Done at Paris, March 27, 1863.

JULES GRÉVY.

By the President of the Republic :

The minister of foreign affairs,

CHALLEMEL LACOUR.

The keeper of the seals, minister of justice and worship,

F. MARTIN-FEUILLEE.

Table appended to the law providing for the organization of French courts in Tunis, fixing the salaries of magistrates and judicial officers in Tunis.

COURT AT TUNIS.		Francs.
Presiding judge.....	12,000	12,000
Examining judge	8,800	8,800
Judge	8,000	8,000
Judge to fill vacancies	2,400	2,400
Attorney of the Republic.....	12,000	12,000
Substitute	8,000	8,000
Clerk.....	4,000	4,000
Assistant clerk.....	3,000	3,000
Interpreter	3,400	3,400

JUSTICE COURT.

	France.
Justices of the peace	5,000
Clerk.....	3,500
Interpreters	3,000
Officer of judicial police	3,500

Examined in order to be appended to the law of March 27, 1883, the said law having been considered and adopted by the Senate and Chamber of Deputies.

The President of the French Republic,

JULES GRÉVY.

By the President of the Republic:

The minister of foreign affairs,

CHALLEMEL LACOUR.

The keeper of the seals, minister of justice and of worship,

F. MARTIN-FEUILLEE.

[Inclosure 2.—Translation.]

DECREE OF THE BEY OF TUNIS, DATED MAY 5, 1883.

By our decree of the 10th Djourmadi El Tam, 1300, we have promulgated in the re- gency the French law of March 27, 1883, establishing French courts in Tunis. We have heard that several friendly powers, whose consuls, in virtue of capitulations and treaties concluded with our predecessors, have been invested with certain judicial powers, are willing to renounce this privilege, if their countrymen become amenable to the French courts recently established.

Article 2 of the law of March 27, 1883, allows us to extend the competence of these courts with the consent of the French Government.

Having secured that consent, we hereby issue the following decree :

SOLE ARTICLE.

Subjects or citizens of friendly powers, whose consular courts shall be abolished, shall be amenable to the French courts in the same manner as French citizens.

[Inclosure 3.—Translation.]

DECREE RELATIVE TO THE APPOINTMENT OF THE ASSOCIATE JUDGES OF THE COURT AT TUNIS FOR CRIMINAL CASES.

The President of the French Republic, in pursuance of the report of the keeper of the seals, minister of justice and worship; in view of Article 4, paragraphs 3 and 4, of the law of March 27, 1883, providing for the organization of French courts in Tunis, the council of state having been heard, hereby decrees as follows :

ARTICLE 1. The general list of associate judges shall be composed of 150 names, and shall be divided into distinct classes: The first class shall contain the names of the French associate judges; the second, the names of the foreign associate judges; the third, the names of the native associate judges. The number of the associate judges of each class shall be 150.

ART. 2. These lists shall be prepared by a commission, which shall be composed as follows :

As regards the appointment of French associate judges: 1st. of the minister resident of France in Tunis or of his representative, president; 2d, of the presiding judge of the court; 3d, of the attorney of the Republic; 4th, of the consul-general of France, or, if there shall be none, of an officer designated by the minister of foreign affairs; 5th, of the first deputy of the nation.

As regards the appointment of associate judges of foreign nationalities: 1st, of the minister resident of France at Tunis or his representative, president; 2d, of the presiding judge of the court; 3d, of the attorney of the Republic; 4th, of two notables, who shall be designated by the representatives of the foreign powers.

As regards the appointment of native associate judges: 1st, of the minister resident of France in Tunis or his representative, president; 2d, of the president of the court; 3d, of the attorney of the Republic; 4th, of two officers or notables, who shall be designated by a decree of his highness the Bey.

ART. 3. Two copies of the list shall be prepared, one of which shall be deposited with the clerk of the court, and the other shall remain among the archives of the residence [legation?]. The lists shall be permanent until they are renewed.

ART. 4. The list of the French associate judges shall be prepared so soon as this decree shall have been promulgated. Those of the foreign and native associate judges shall be prepared when orders or decrees of his highness the Bey, issued with the consent of the French Government, shall have extended the competence of the court to the subjects or citizens of other powers or to natives. The commissioner appointed in pursuance of Art. 2 shall be convoked every year by the minister resident of France, during the month of December, in order that they may renew the list of associate judges.

ART. 5. The first list prepared in pursuance of these regulations shall remain in force until the 31st of December following. The list subsequently prepared shall remain in force from January 1 to December 31 of each year.

ART. 6. The associate judges shall be chosen among persons at least thirty years of age, and of well-known respectability and standing.

ART. 7. The office of associate judge shall not be held by any French or foreign officer in Tunis, by any person actively engaged in the military or naval service, or by any Tunisian civil or military officer. Domestic or servants shall not be appointed associate judges.

ART. 8. One month at least before the opening of each criminal session the presiding judge of the court shall draw by lot in the chamber of the council, from the general lists, and at the rate of ten from each class, the names of the officers who shall be called during the said session to complete the number required by the court.

ART. 9. The six persons whose names shall have been drawn first from the list of the first class shall be designated as associate judges for the next session. The four others shall, according to the order of drawing by lot, replace such associate judges as may have died and such as may furnish evidence of inability to act owing to absence or sickness, or as may have been sentenced to punishment on account of a crime or misdemeanor since the renewal of the list, or who may be undergoing a criminal prosecution.

If the accused or one of the accused is a French citizen, the associate judges or their substitutes shall sit as assistants of the court. If the parties accused are of foreign nationality, the presiding judge of the court shall summon to sit with the three French associate judges the three foreign associate judges whose names shall have been drawn first from the list of the second class.

If the parties accused are natives, the presiding judge of the court shall likewise provide for the replacement of the last three French associate judges by the addition of the three native associate judges whose names shall have been drawn first from the list of the third class. If of the parties accused some are foreign and others natives, the last three French associate judges shall be replaced by two foreign associate judges and one native associate judge in the order of the drawing by lot.

Provision shall be made for the replacement of such foreign or native judges as may have died, or be absent, sick, condemned or under prosecution, by the summons of the associate judges designated after them by lot and in the order of the drawing.

ART. 10. The names of the associate judges who shall have acted as such during one session shall not be inserted in the other lists to be drawn during the current year.

ART. 11. The keeper of the seals, minister of justice and worship, shall have charge of the execution of this decree.

Done at Paris, April 14, 1883.

JULES GRÉVY.

By the President of the Republic:

The keeper of the seals, minister of justice and worship,

F. MARTIN-FEUILLEE.

The President of the French Republic, in accordance with the report of the keeper of the seals, minister of justice and worship, in view of the law of March 27, 1883, providing for the organization of French courts in Tunis, and the appointment of six justices of the peace to sit at Tunis, Bizerta, Goletta, Keff, Souaa, and Sfax, the council of state having been heard, hereby decrees as follows:

ARTICLE I. The jurisdiction of the justices of the peace of Tunis shall comprise the military district of Tunis, except that part of this district which is reserved to the justice of the peace of Goletta, and the military districts of Ain-Tonga and Zaghouan. The district of the justice of the peace of Bizerta shall comprise the military district of Bizerta, the sub-district of Mateur and the district of Beja.

The district of the justice of the peace of Goletta shall comprise that part of the district of Tunis which is situated between the sea and a determinate line drawn through Ramart, Aouina, Oued Méliana, and the limit of the district of Zaghouan. The district of the justice of the peace of Keff shall comprise the military district of Ain-Drahm, Ghardi maou Keff, and the sub-district of Ferlana. The district of the justice of the

peace of Sousa shall comprise the military districts of Sousa, Kaionan, Mahadia, and of Hamada.

The district of the justice of the peace of Sfax shall comprise the military district of Sfax Djilma, Mahares, Gabes, El-diacha, the sub-district of Tozeur and the districts of Gafsa and Djerba, Ksar, Mousenim.

ART. 2. The keeper of the seals shall have charge of the execution of this decree. Done at Paris, April 14, 1883.

JULES GRÉVY.

By the President of the Republic:

The keeper of the seals, minister of justice and worship,
F. MARTIN-FEULLÉE.

No. 157.

Mr. Frelinghuysen to Mr. Roustan.

DEPARTMENT OF STATE,
Washington, July 3, 1883.

SIR: With reference to previous correspondence on the subject, I have the honor to acknowledge the receipt of your note of the 4th ultimo, giving an account of the provision which has been made for the administration of justice in Tunis, and requesting in consequence the abandonment of the claim to extraterritorial privileges for American citizens in that country.

In reply, I have to inform you that this matter is now pending in Congress, and that your note and its accompanying papers will be submitted at the next session.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.