

## RIGHTS, PRIVILEGES, AND DUTIES OF CONSULAR OFFICERS

*Convention signed at Washington February 23, 1853*  
*Senate advice and consent to ratification, with amendments, March 29,*  
*1853*<sup>1</sup>

*Ratified by the President of the United States, with amendments,*  
*April 1, 1853*<sup>1</sup>

*Ratified by France June 28, 1853*

*Ratifications exchanged at Washington August 11, 1853*

*Entered into force August 11, 1853*

*Proclaimed by the President of the United States August 12, 1853*

*Articles 8 and 9 abrogated by the United States July 1, 1916, in ac-*  
*cordance with Seamen's Act of March 4, 1915*<sup>2</sup>

*Article 7 interpreted by agreement of February 23 and March 4, 1933*<sup>3</sup>

*Replaced January 7, 1968, by convention of July 18, 1966*<sup>4</sup>

10 Stat. 992; Treaty Series 92<sup>5</sup>

### CONSULAR CONVENTION BETWEEN THE UNITED STATES OF AMERICA, AND HIS MAJESTY, THE EMPEROR OF THE FRENCH

The President of the United States of America, and His Majesty, the Emperor of the French, being equally desirous to strengthen the bonds of friendship between the two nations and to give a new and more ample development to their commercial intercourse, deem it expedient, for the accomplishment of that purpose, to conclude a special convention which shall determine, in a precise and reciprocal manner, the rights, privileges and duties of the Consuls of the two countries.

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<sup>1</sup> The U.S. amendments called for deletion of the phrase "the President of" after the word "between" in the title of the convention and addition of the words "so long and to the same extent as the said laws shall remain in force" in the first sentence of art. 7 following the phrase "In all the States of the Union whose existing laws permit it,".

The text printed here is the amended text as proclaimed by the President.

<sup>2</sup> 38 Stat. 1164.

<sup>3</sup> EAS 44, *post*, p. 992.

<sup>4</sup> 18 UST 2939; TIAS 6389.

<sup>5</sup> For a detailed study of this convention, see 6 Miller 169.

Accordingly they have named:

The President of the United States:

The Honorable Edward Everett, Secretary of State of the United States;

His Majesty, the Emperor of the French:

The Count de Sartiges, Commander of the Imperial order of the Legion of Honor &c. &c., his Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE 1

The Consuls General, Consuls, and Vice Consuls or Consular Agents of the United States and France shall be reciprocally received and recognized, on the presentation of their Commissions, in the form established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them without charge, and on the exhibition of this exequatur they shall be admitted at once and without difficulty by the territorial authorities, federal or state, judicial or executive, of the ports, cities and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The Government that furnishes the exequatur reserves the right to withdraw it on a statement of the reasons for which it has thought proper to do so.

#### ARTICLE 2

The Consuls General, Consuls, Vice Consuls or Consular Agents of the United States and France, shall enjoy in the two countries the privileges usually accorded to their offices, such as personal immunity, except in the case of crime, exemption from military billetings, from service in the militia or the national guard and other duties of the same nature; and from all direct and personal taxation whether federal, state or municipal. If, however, the said Consuls General, Consuls, Vice Consuls or Consular Agents are citizens of the country in which they reside, if they are or become owners of property there or engage in commerce, they shall be subject to the same taxes and imposts, and with the reservation of the treatment granted to commercial agents, to the same jurisdiction, as other citizens of the country who are owners of property or merchants.

They may place on the outer door of their offices or of their dwelling houses, the arms of their nation with an inscription in these words: "Consul of the United States", or "Consul of France"; and they shall be allowed to hoist the flag of their country thereon.

They shall never be compelled to appear as witnesses before the courts. When any declaration for judicial purposes or deposition is to be received

from them in the administration of justice, they shall be invited in writing to appear in court, and if unable to do so, their testimony shall be requested in writing or be taken orally at their dwellings.

Consular pupils shall enjoy the same personal privileges and immunities as Consuls General, Consuls, Vice Consuls or Consular Agents.

In case of death, indisposition or absence of the latter, the Chancellors, Secretaries and Consular pupils attached to their offices, shall be entitled to discharge *ad interim* the duties of their respective posts, and shall enjoy, whilst thus acting, the prerogatives granted to the incumbents.

#### ARTICLE 3

The Consular offices and dwellings shall be inviolable. The local authorities shall not invade them under any pretext. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum.

#### ARTICLE 4

The Consuls General, Consuls, Vice Consuls or Consular Agents of both countries shall have the right to complain to the authorities of the respective governments, whether federal or local, judicial or executive, throughout the extent of their consular district, of any infraction of the treaties or Conventions existing between the United States and France, or for the purpose of protecting informally the rights and interests of their countrymen, especially in cases of absence. Should there be no Diplomatic Agent of their nation, they shall be authorized in case of need, to have recourse to the general or federal government of the country in which they exercise their functions.

#### ARTICLE 5

The respective Consuls General and Consuls shall be free to establish in such parts of their districts as they may see fit, Vice Consuls or Consular Agents, who may be taken indiscriminately from among Americans of the United States, Frenchmen or citizens of other countries. These agents, whose nomination, it is understood, shall be submitted to the approval of the respective governments, shall be provided with a certificate given to them by the Consul by whom they are named and under whose orders they are to act.

#### ARTICLE 6

The Consuls General, Consuls, Vice Consuls or Consular Agents shall have the right of taking at their offices or bureaux, at the domicile of the parties concerned or on board ship, the declarations of Captains, crews, passengers, merchants or citizens of their country, and of executing there all requisite papers.

The respective Consuls General, Consuls, Vice Consuls or Consular Agents shall have the right, also, to receive at their offices or bureaux, conformably to the laws and regulations of their country, all acts of agreement executed between the citizens of their own country and citizens or inhabitants of the country in which they reside, and even all such acts between the latter, provided that these acts relate to property situated, or to business to be transacted, in the territory of the nation to which the Consul or the agent before whom they are executed may belong.

Copies of such papers duly authenticated by the Consuls General, Consuls, Vice Consuls or Consular Agents, and sealed with the official seal of their Consulate or Consular Agency, shall be admitted in Courts of Justice throughout the United States and France, in like manner as the originals.

#### ARTICLE 7<sup>6</sup>

In all the States of the Union whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitously or for value received, by donation, testament or otherwise, just as those citizens themselves, and in no case shall they be subjected to taxes on transfer, inheritance, or any others different from those paid by the latter, or to taxes which shall not be equally imposed.

As to the States of the Union by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right.

In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the Government of France accords to the citizens of the United States the same rights within its territory in respect to real and personal property and to inheritance, as are enjoyed there by its own citizens.

#### ARTICLE 8<sup>7</sup>

The respective Consuls General, Consuls, Vice Consuls or Consular Agents, shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the Captain, officers and crew without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not, on any pretext, interfere in these differences, but shall lend forcible aid to the Consuls when they

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<sup>6</sup> See footnote 1.

<sup>7</sup> Abrogated by the United States July 1, 1916, in accordance with Seamen's Act of Mar. 4, 1915 (38 Stat. 1164).

may ask it, to arrest and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls addressed in writing to the local authority and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the Consuls. Their release shall be granted at the mere request of the Consuls made in writing. The expenses of the arrest and detention of those persons shall be paid by the Consuls.

#### ARTICLE 9<sup>8</sup>

The respective Consuls General, Consuls, Vice Consuls or Consular Agents may arrest the officers, sailors and all other persons making part of the crews of ships of war or merchant vessels of their nation, who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board, or back to their country. To that end, the Consuls of France in the United States shall apply to the magistrates designated in the act of Congress of May 4, 1826,<sup>9</sup> that is to say, indiscriminately to any of the federal, State or municipal authorities; and the Consuls of the United States in France shall apply to any of the competent authorities, and make a request in writing for the deserters, supporting it by an exhibition of the registers of the vessel and list of the crew, or by other official documents, to show that the men whom they claim belonged to said crew. Upon such request alone, thus supported, and without the exaction of any oath from the Consuls, the deserters, not being citizens of the country where the demand is made, either at the time of their shipping or of their arrival in the port, shall be given up to them. All aid and protection shall be furnished them for the pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country at the request and at the expense of the Consuls until these agents may find an opportunity of sending them away. If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty and shall not again be arrested for the same cause.

#### ARTICLE 10

The respective Consuls General, Consuls, Vice Consuls or Consular Agents shall receive the declarations, protests and reports of all captains of vessels of their nation in reference to injuries experienced at sea; they shall examine and take note of the stowage; and when there are no stipulations to the contrary between the owners, freighters or insurers, they shall be charged with the repairs. If any inhabitants of the country in which the Consuls reside, or citizens of a third nation are interested in the matter and the parties cannot agree, the competent local authority shall decide.

<sup>8</sup> See footnote 7.

<sup>9</sup> 4 Stat. 160.

## ARTICLE 11

All proceedings relative to the salvage of American vessels wrecked upon the coasts of France, and of French vessels wrecked upon the coasts of the United States, shall be respectively directed by the Consuls General, Consuls and Vice Consuls of the United States in France, and by the Consuls General, Consuls and Vice Consuls of France in the United States, and until their arrival by the respective Consular Agents wherever an Agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandize saved.

It is understood that such merchandize shall not be subjected to any custom house duty if it is to be re-exported, and if it be entered for consumption, a diminution of such duty shall be allowed in conformity with the regulations of the respective countries.

## ARTICLE 12

The respective Consuls General, Consuls, Vice Consuls or Consular Agents, as well as their Consular pupils, Chancellors and Secretaries, shall enjoy in the two countries all the other privileges, exemptions and immunities which may at any future time be granted to the agents of the same rank of the most favored nation.

## ARTICLE 13

The present Convention shall remain in force for the space of ten years from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington within the period of six months, or sooner, if possible. In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this Convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

In testimony whereof the respective plenipotentiaries have signed this Convention and hereunto affixed their respective seals.

Done at the City of Washington, the twenty-third day of February, Anno Domini one thousand eight hundred and fifty-three.

EDWARD EVERETT	[SEAL]
SARTIGES	[SEAL]