

Case No. 15,550. UNITED STATES V. LAFONTAINE.
[4 Cranch, C. C. 173.]¹

Circuit Court, District of Columbia.

May Term, 1831.

CRIMES BY SERVANTS OF FOREIGN MINISTERS.

An indictment against the domestic servant of a foreign minister quashed for want of jurisdiction.

Joseph Lafontaine was indicted for an assault and battery upon Edward Cowen.

Mr. Dandridge, for the defendant moved the court for a rule on the attorney of the United States to show cause why the indictment should not be quashed, on the ground that the defendant was the domestic servant of the Baron Stackelberg, charge d'affaires of his majesty the king of Sweden and Norway, and that the supreme court of the United States alone has jurisdiction of proceedings against foreign ministers and their domestics. This motion was supported by an affidavit of Mr. Dandridge that he had often seen the defendant in the employ of the Baron Stackelberg as a domestic servant, and that he had received from the baron a letter, which is annexed to his affidavit, in which the baron informs him that his cook, Joseph Lafontaine, has been indicted in the circuit court of this District and county for an assault and battery; and requesting Mr. Dandridge will see that the defendant is proceeded against according to the laws of the United States and the laws of nations.

Mr. Dandridge also produced a certificate from the department of state that the baron is, and has been ever since his residence here, charge d'affaires of his majesty the king of Sweden and Norway, near this government, and that he is fully acknowledged and accredited as such by the president of the United States.

Mr. Dandridge also cited the judiciary act of 1789, § 13 (1 Stat 73), and Archb. Cr. Pl. 45, 46.

All which appearing upon the return of the rule, and no cause to the contrary being shown, the following order was made and entered on the minutes of the court:

THE COURT being satisfied by the affidavit of John Dandridge, filed in this cause, that the defendant was at the time of the supposed offence, charged in the indictment, a domestic servant of the Baron Stackelberg, charge d'affaires of the king of Sweden and Norway, received and accredited as such by the president of the United States, and that, therefore, this court has not jurisdiction of the cause, it is therefore ordered that the indictment be quashed.

¹ [Reported by Hon. William Cranch, Chief Judge.]