

Case No. 16,122a.

{2 Dall. 299, note.}¹

UNITED STATES v. RAVARA.

Circuit Court, D. Pennsylvania.

April Term, 1794.

INTERNATIONAL LAW—OFFENCES BY CONSULS—THREATENING
LETTERS—JURISDICTION OF FEDERAL COURTS.

[A foreign consul, notwithstanding his official character, is indictable in this country, and triable in the federal courts, for the common-law offence of sending anonymous and threatening letters with intent to extort money.]

[This was an indictment against the consul from Genoa, for a misdemeanor in sending anonymous and threatening letters to various persons named, with a view to extort money. A motion to quash the indictment was heretofore overruled. Case No. 16,122.]

[The defendant was defended on the following points:] (1) That the matter charged in the indictment was not a crime by the common law, nor is it made such by any positive law of the United States. In England it was once treason; it is now felony; but in both instances it was the effect of positive law. It can only, therefore, be considered as a bare menace of bodily hurt; and, without a consequent inconvenience, it is no-injury public or private. 4 Bl. Comm. 5; 8 Hen. VI. c. 6; 9 Geo. I. c. 22; 4 Bl. Comm. 144; 3 Bl. Comm. 120. (2) That considering the official character of the defendant, such a proceeding ought not to be sustained, nor such a punishment inflicted. The law of nations is a part of the law of the United States; and the law of nations seems to require, that a consul should be independent of the ordinary criminal justice of the place where he resides. Vatt. Law Nat. bk. 2, c. 2, § 34. (3). But that, exclusive of the legal exceptions, the prosecution had not been maintained in point of evidence; for, it was all circumstantial and presumptive, and that too, in so slight a degree, as ought not to weigh with a jury on so important an issue. 2 Hale, P. C. 289; 4 Smol. Hist. Eng. p. 382, in note.

Mr. Rawle, in reply, insisted that the offence was indictable at common law; that the consular character of the defendant gave jurisdiction to the circuit court, and did not entitle him to an exemption from prosecution agreeably to the law of nations; and that the proof was as strong as the nature of the case allowed, or the rules of evidence required.

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In support of his argument he cited the following authorities: 4 Bl. Comm. 142,144; 1 Lev. 146; 1 Keb. 809; 4 Bl. Comm. 180; Strange, 193; 4 Bl. Comm. 242; Crown Cir. Comp. 376; Fost. 128; Leach, 204; [Respublica v. Teischer] 1 Dall. [1 U. S.] 338; 1 Sid. 168; Comb. 304; Leach, 39; Ld. Raym. 1461; [Respublica v. Sweers] 1 Dall. [1 U. S.] 45.

Before JAY, Circuit Justice, and PETERS, District Judge.

THE COURT were of opinion in the charge, that the offence was indictable, and that the defendant was not privileged from prosecution in virtue of his consular appointment. The jury, after a short consultation, pronounced the defendant guilty; but he was afterwards pardoned, on condition (as I have heard) that he surrendered his commission and exequatur.

As to the question of jurisdiction, see U. S. v. Worrall [Case No. 16,766].

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