

A.

Court House San Francisco
District of San Francisco and
Northern District of California,
Nov 19th 1846.

To J. A. Lutter, Esq.

Dear Sir

Your letter of the 10 inst con-
taining the result of your reflections upon the attachment
lain upon your property on the process issued by this
Court, is before me for reply. Without further assu-
rants I could refer you to my letter of yesterday to Mr
Justice Sinclair and the documents therewith transmitted.
But I can add that I laid your letter with all the papers or
proceedings before Capt J. B. Montgomery, U. S. A.,
Commanding Northern District, and the Executive authority
thereof, who not only has approved the whole proceedings
as duly issued but has not hesitated to say that the advice
tenued by Col Russell, to Mr Justice Sinclair was entirely
unwarrantable and wrong, as the Plaintiff must have been cited
to answer the notice for the dissolution even if the attachment
was improperly lain, before any argument could have been
had but that the advice was wrong in all points and that
Justice Sinclair did well and rightly by refusing to dissolve
the attachment. As to my authority in the premises I
refer you to my letter to Justice Sinclair, with the simple
remark that it is surprising that you should not know
that the Judge of San Francisco the "Jury de primera
Instancia" del 2^a distrito "o del Norte de California" is
the acting Supreme Judge there being no higher Court or
Supreme Court of the whole Territory to whom said Judge
can remit his docket and that said Judge is the head
of the Judicial District. But it seems clear to me
that you know all this from your long residence in the
Country when it is known beyond dispute by all the late
officers of the Country of this I had no doubt when the
process was sent to Justice Sinclair and that he knew
his duty in the premises which has been proved by his action there