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Archives of American Art

Jacques Seligmann & Co. records, General Correspondence: Cassel van Doorn, Baron, 1944-1950

Extracted on Apr-19-2024 12:11:53

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In effect you telegraphed me that you earned less than \$300. on this transaction which was incomprehensible to me until the day you told me that instead of remitting \$6,000. to the proprietor of this tapestry, you had paid him "partly in merchandise" on which you had a loss of some \$10. or some tens of dollars.

Without going into the fiscal advantages of bookkeeping losses, or into the advantages to be derived sometimes from disposing of unsaleable in spite of an amortized cost price, it appears that by this procedure your firm failed in its duties as agent which in our countries is of exceptional seriousness.

In effect, its mission was to buy for my account the tapestry in question from its proprietor or proprietors, and in remuneration for its agency, would receive 5% of the agreed commission, that is 5% of the purchase price.

Instead of loyally executing this commission, your firm made certain arrangements with the seller, by your own admission, so that all or part of the \$6,000. remained in your hands.

It is evident that this transaction resulted in a hidden profit without which it would not have been undertaken, or if not a profit, at least certain advantages.

In my capacity as principal, I have the right to insist that you render me a complete accounting with supportint proof of the execution of the order which I had given you and which you had accepted in consideration of the agreed remuneration.

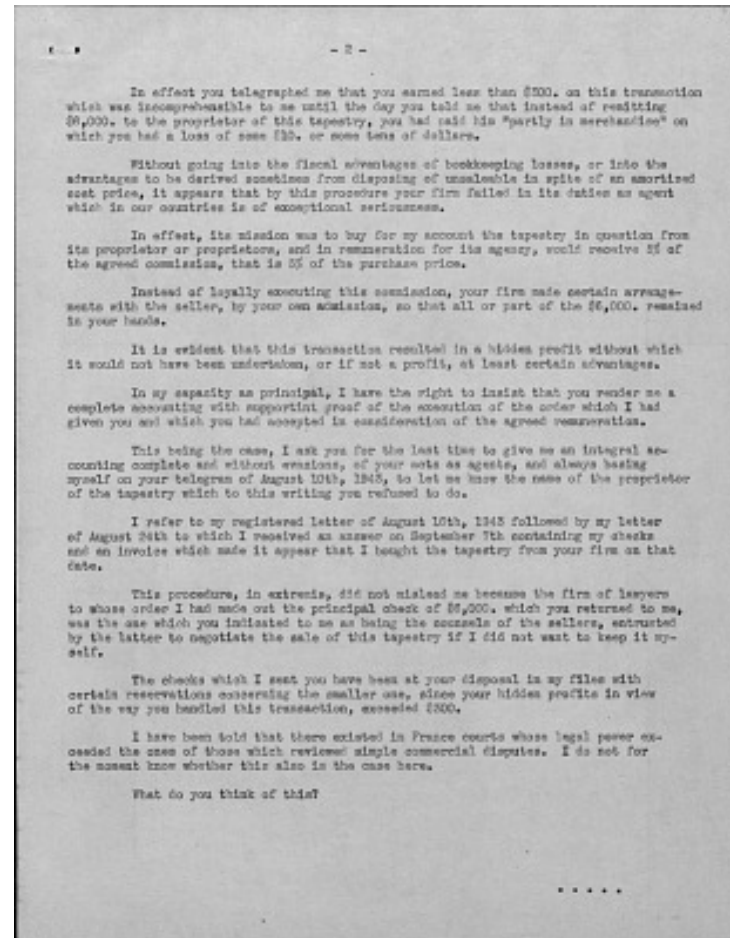
This being the case, I ask you for the last time to give me an integral accounting complete and without evasions, of your acts as agents, and always basing myself on your telegram of August 10th, 1943, to let me know the name of the proprietor of the tapestry which to this writing you refused to do.

I refer to my registered letter of August 16th, 1943 followed by my letter of August 24th to which I received an answer on September 7th containing my checks and an invoice which made it appear that I bought the tapestry from your firm on that date.

This procedure, in extremis, did not mislead me because the firm of lawyers to whose order I had made out the principal check of \$6,000. which you returned to me, was the one which you indicated to me as being the counsels of the sellers, entrusted by the latter to negotiate the sale of this tapestry if I did not want to keep it myself.

The checks which I sent you have been at your disposal in my files with certain reservations concerning the smaller one, since your hidden profits in view of the way you handled this transaction, exceeded \$300.

I have been told that there existed in France courts whose legal power exceeded the ones of those which reviewed simple commercial disputes. I do not for the moment know whether this is also the case



here.

What do you think of this?

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