

istered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto. If any person shall willfully and corruptly commit perjury, or by any means procure any person to commit perjury in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any Act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with in any district of the United States, in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit he shall be deemed and taken to be guilty of a misdemeanor and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined in a sum not to exceed \$3,000, and may be charged, proceeded against, tried, convicted, and dealt with, therefor, in the district where he may be arrested or in custody. (R. S. § 1750.)

132. General regulations by President for Diplomatic and Consular Service.—The President is authorized to prescribe such regulations, and make and issue such orders and instructions, not inconsistent with the Constitution or any law of the United States, in relation to the duties of all diplomatic and consular officers, the transaction of their business, the rendering of accounts and returns, the payment of compensation, the safe-keeping of the archives and public property in the hands of all such officers, the communication of information, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce, from time to time, as he may think conducive to the public interest. It shall be the duty of all such officers to conform to such regulations, orders, and instructions. (R. S. § 1752.)

133. Purchase of buildings for Diplomatic and Consular Service.—The Secretary of State is hereby authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the diplomatic service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment: *Provided, however,* That not more than the sum of \$500,000 shall be expended in any fiscal year under the authorization herein made: *And provided further,* That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of \$150,000 at any one place) and which limit shall not thereafter be exceeded in any case, except by new and express authorization of Congress. (Feb. 17, 1911, c. 105, 86 Stat. 917.)

134. Gifts of buildings, etc., for Diplomatic and Consular Service.—The President is authorized in his discretion to accept, on behalf of the United States unconditional gifts of land, buildings, furniture, and furnishings, or any of them, for the

use of diplomatic and consular offices and residences. (Mar. 2, 1921, c. 113, § 1, 41 Stat. 1214.)

Chapter 2.—CONSULAR COURTS.

Sec.

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Section 141. Judicial authority generally.—To carry into full effect the provisions of the treaties of the United States with certain foreign countries, the ministers and consuls of the United States in China, Siam, Turkey, Morocco, Muscat, Abyssinia, Persia, and the territories formerly a part of the former Ottoman Empire including Egypt, duly appointed to reside therein, shall, in addition to other powers and duties imposed upon them, respectively, by the provisions of such treaties, respectively, be invested with judicial authority described in this chapter, which shall appertain to the office of minister and consul, and be a part of the duties belonging thereto, wherein, and so far as, the same is allowed by treaty, and in accordance with the usages of the countries in their intercourse with the Franks or other foreign Christian nations. (R. S. §§ 4083, 4125, 4126; June 14, 1878, c. 103, 20 Stat. 181.)

142. General jurisdiction in criminal cases.—The officers mentioned in the preceding section are fully empowered to arraign and try, in the manner provided in this chapter, all citizens of the United States charged with offenses against

law, committed in such countries, respectively, and to sentence such offenders in the manner in this chapter authorized; and each of them is authorized to issue all such processes as are suitable and necessary to carry this authority into execution. (R. S. § 4084.)

143. **General jurisdiction in civil cases; venue.**—Such officers are also invested with all the judicial authority necessary to execute the provisions of such treaties, respectively, in regard to civil rights, whether of property or person; and they shall entertain jurisdiction in matters of contract, at the port where, or nearest to which, the contract was made, or at the port at which, or nearest to which, it was to be executed, and in all other matters, at the port where, or nearest to which, the cause of controversy arose, or at the port where, or nearest to which, the damage complained of was sustained, provided such port be one of the ports at which the United States are represented by consuls. Such jurisdiction shall embrace all controversies between citizens of the United States, or others, provided for by such treaties, respectively. (R. S. § 4085.)

144. **Vice consul at Shanghai to exercise judicial functions of consul general.**—The judicial authority and jurisdiction in civil and criminal cases vested in and reserved to the consul general of the United States at Shanghai, China, under section 192 of chapter 3 of this title, shall be vested in and exercised by a vice consul of the United States at Shanghai, China. (Mar. 2, 1909, c. 235, 35 Stat. 679; Mar. 4, 1915, c. 145, 38 Stat. 1122.)

145. **System of laws to be applied.**—Jurisdiction in both criminal and civil matters shall, in all cases, be exercised and enforced in conformity with the laws of the United States, which are hereby, so far as is necessary to execute such treaties, respectively, and so far as they are suitable to carry the same into effect, extended over all citizens of the United States in those countries, and over all others to the extent that the terms of the treaties, respectively, justify or require. But in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies, the common law and the law of equity and admiralty shall be extended in like manner over such citizens and others in those countries; and if neither the common law, nor the law of equity or admiralty, nor the statutes of the United States, furnish appropriate and sufficient remedies, the ministers in those countries, respectively, shall, by decrees and regulations which shall have the force of law, supply such defects and deficiencies. (R. S. § 4086.)

146. **Rules and regulations for consular court generally.**—In order to organize and carry into effect the system of jurisprudence demanded by such treaties, respectively, the ministers, with the advice of the several consuls in each of the countries, respectively, or of so many of them as can be conveniently assembled, shall prescribe the forms of all processes to be issued by any of the consuls; the mode of executing and the time of returning the same; the manner in which trials shall be conducted and how the records thereof shall be kept; the form of oaths for Christian witnesses, and the mode of examining all other witnesses; the costs to be allowed to the prevailing party, and the fees to be paid for judicial services; the manner in which all officers and agents to execute process, and to carry this chapter into effect, shall be appointed and compensated; the form of bail bonds, and the security which shall be required of the party who appeals from the decision of a consul; and shall make all such further decrees and regulations from time to time, under the provisions of this chapter, as the exigency may demand. (R. S. § 4117.)

147. **Dissent of consuls to and publication of rules, etc.**—All such regulations, decrees, and orders shall be plainly drawn up in writing, and submitted, as in the preceding section provided, for the advice of the consuls, or as many of them as can be consulted without prejudicial delay or inconvenience, and such

consul shall signify his assent or dissent in writing, with his name subscribed thereto. After taking such advice, and considering the same, the minister in each of those countries may, nevertheless, by causing the decree, order, or regulation to be published with his signature thereto, and the opinions of his advisers inscribed thereon, make it binding and obligatory, until annulled or modified by Congress; and it shall take effect from the publication or any subsequent day thereto named in the act. (R. S. § 4118.)

148. **Transmission of rules, etc., to Secretary of State.**—All such regulations, orders, and decrees shall, as speedily as may be after publication, be transmitted by the ministers, with the opinions of their advisers, as drawn up by them severally, to the Secretary of State, to be laid before Congress for revision. (R. S. § 4119.)

149. **Warrant, arrest, trial, and sentence by consul generally.**—Each of the consuls mentioned in section 141 of this chapter, at the port for which he is appointed, is authorized upon facts within his own knowledge, or which he has good reason to believe true, or upon complaint made or information filed in writing and authenticated in such way as shall be prescribed by the minister, to issue his warrant for the arrest of any citizen of the United States charged with committing in the country an offense against law; and to arraign and try any such offender; and to sentence him to punishment in the manner prescribed in this chapter. (R. S. § 4087.)

150. **Jurisdiction of consul in criminal cases when sitting alone; when decision final.**—Any consul, when sitting alone for the trial of offenses or misdemeanors, shall decide finally all cases where the fine imposed does not exceed \$100, or the term of imprisonment does not exceed sixty days. (R. S. § 4105.)

151. **Jurisdiction of consul in criminal cases when sitting alone; when appeal to minister lies.**—Any consul when sitting alone may also decide all cases in which the fine imposed does not exceed \$500, or the term of imprisonment does not exceed ninety days; but in all such cases, if the fine exceeds \$100, or the term of imprisonment for misdemeanor exceeds sixty days, the defendants or any of them, if there be more than one, may take the case, by appeal, before the minister, if allowed jurisdiction, either upon errors of law or matters of fact, under such rules as may be prescribed by the minister for the prosecution of appeals in such cases. (R. S. § 4080.)

152. **Calling in associates in criminal cases; reference to minister on disagreement.**—Whenever, in any case, the consul is of opinion that, by reason of the legal questions which may arise therein, assistance will be useful to him, or whenever he is of opinion that severer punishments than those specified in the preceding sections will be required, he shall summon, to sit with him on the trial, one or more citizens of the United States, not exceeding four, and in capital cases not less than four, who shall be taken by lot from a list which had previously been submitted to and approved by the minister, and shall be persons of good repute and competent for the duty. Every such associate shall enter upon the record his judgment and opinion, and shall sign the same; but the consul shall give judgment in the case. If the consul and his associates concur in opinion, the decision shall, in all cases, except of capital offenses and except as provided in the preceding section, be final. If any of the associates differ in opinion from the consul, the case, without further proceedings, together with the evidence and opinions, shall be referred to the minister for his adjudication, either by entering up judgment therein, or by remitting the same to the consul with instructions how to proceed therewith. (R. S. § 4106.)

153. **Jurisdiction of consuls in civil cases; finality; associates in civil cases; reference to minister on disagreement.**—Each of the consuls mentioned in section 141 of this chapter shall have at the port for which he is appointed, jurisdiction

as herein provided, in all civil cases arising under such treaties, respectively, wherein the damages demanded do not exceed the sum of \$500; and, if he sees fit to decide the same without aid, his decision thereon shall be final. But whenever he is of opinion that any such case involves legal perplexities, and that assistance will be useful to him, or whenever the damages demanded exceed \$500, he shall summon, to sit with him on the hearing of the case, not less than two nor more than three citizens of the United States, if such are residing at the port, who shall be taken from a list which had previously been submitted to and approved by the minister, and shall be of good repute and competent for the duty. Every such associate shall note upon the record his opinion, and also, in case he dissents from the consul, such reasons therefor as he thinks proper to assign; but the consul shall give judgment in the case. If the consul and his associates concur in opinion, the judgment shall be final. If any of the associates differ in opinion from the consul, either party may appeal to the minister, under such regulations as may exist; but if no appeal is lawfully claimed, the decision of the consul shall be final. (R. S. § 4107.)

154. Evidence; how taken.—In all cases, criminal and civil, the evidence shall be taken down in writing in open court, under such regulations as may be made for that purpose; and all objections to the competency or character of testimony shall be noted, with the ruling in all such cases, and the evidence shall be part of the case. (R. S. § 4097.)

155. Punishment generally; contempt.—In all cases, except as, in this chapter, otherwise provided, the punishment of crime provided for by this chapter shall be by fine or imprisonment, or both, at the discretion of the officer who decides the case, but subject to the regulations in this chapter contained, and such as may hereafter be made. It shall, however, be the duty of such officer to award punishment according to the magnitude and aggravation of the offense. Every person who refuses or neglects to comply with the sentence passed upon him shall stand committed until he does comply, or is discharged by order of the consul, with the consent of the minister in the country. (R. S. § 4101.)

156. Capital offenses; requisites for convictions; conviction of lesser offense.—Insurrection or rebellion against the government of either of the countries mentioned in section 141 of this chapter, with intent to subvert the same, and murder, shall be capital offenses, punishable with death; but no person shall be convicted of either of those crimes, unless the consul and his associates in the trial all concur in opinion, and the minister also approves of the conviction. But it shall be lawful to convict one put upon trial for either of these crimes, of a less offense of a similar character, if the evidence justifies it, and to punish, as for other offenses, by fine or imprisonment, or both. (R. S. § 4102.)

157. Punishment for contempt of court.—No fine imposed by a consul for a contempt committed in presence of the court, or for failing to obey a summons from the same, shall exceed \$50; nor shall the imprisonment exceed twenty-four hours for the same contempt. (R. S. § 4104.)

158. Execution of criminals; pardons.—Whenever any person is convicted of either of the crimes punishable with death, in either of the countries mentioned in section 141 of this chapter, it shall be the duty of the minister to issue his warrant for the execution of the convict, appointing the time, place, and manner; but if the minister is satisfied that the ends of public justice demand it, he may from time to time postpone such execution; and if he finds mitigating circumstances which authorize it, he may submit the case to the President for pardon. (R. S. § 4103.)

159. Fees for judicial services; application of moneys; rendition of accounts.—It shall be the duty of the minister in each

of the countries mentioned in section 141 of this chapter to establish a tariff of fees for judicial services, which shall be paid by such parties, and to such persons, as the minister shall direct; and the proceeds shall, as far as is necessary, be applied to defray the expenses incident to the execution of this chapter; and regular accounts, both of receipts and expenditures, shall be kept by the minister and consuls and transmitted annually to the Secretary of State. (R. S. § 4120.)

160. Settlement of criminal cases.—In all criminal cases which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the minister in the country, or consul, to adjust and settle the same among themselves, upon pecuniary or other considerations. (R. S. § 4090.)

161. Arbitration, reference, and compromise of civil cases.—It shall be the duty of the ministers and the consuls in the countries mentioned in section 141 of this chapter to encourage the settlement of controversies of a civil character, by mutual agreement, or to submit them to the decision of referees agreed upon by the parties; and the minister in each country shall prepare a form of submission for such cases, to be signed by the parties, and acknowledged before the consul. When parties have so agreed to refer, the referees may, after suitable notice of the time and place of meeting for the trial, proceed to hear the case, and a majority of them shall have power to decide the matter. If either party refuses or neglects to appear, the referees may proceed ex parte. After hearing any case such referees may deliver their award, sealed, to the consul, who, in court, shall open the same; and if he accepts it, he shall indorse the fact, and judgment shall be rendered thereon, and execution issue in compliance with the terms thereof. The parties, however, may always settle the same before return thereof is made to the consul. (R. S. § 4098.)

162. Aid of local authorities invoked.—The ministers and consuls shall be fully authorized to call upon the local authorities to sustain and support them in the execution of the powers confided to them by treaty, and on their part to do and perform whatever is necessary to carry the provisions of the treaties into full effect, so far as they are to be executed in the countries, respectively. (R. S. § 4100.)

163. Where jurisdiction of minister exercised.—The jurisdiction allowed by treaty to the ministers, respectively, in the countries named in section 141 of this chapter shall be exercised by them in those countries, respectively, wherever they may be. (R. S. § 4108.)

164. Jurisdiction of minister; when appellate and when original.—The jurisdiction of such ministers in all matters of civil redress, or of crimes, except in capital cases for murder or insurrection against the governments of such countries, respectively, or for offenses against the public peace amounting to felony under the laws of the United States, shall be appellate only: *Provided*, That in cases where a consular officer is interested, either as party or witness, such minister shall have original jurisdiction. (R. S. § 4109.)

165. Appellate jurisdiction of minister; new trials.—Each of the ministers mentioned in section 141 of this chapter shall, in the country to which he is appointed, be fully authorized to hear and decide all cases, criminal and civil, which may come before him, by appeal, under the provisions of this chapter, and to issue all processes necessary to execute the power conferred upon him; and he is fully empowered to decide finally any case upon the evidence which comes up with it, or to hear the parties further, if he thinks justice will be promoted thereby; and he may also prescribe the rules upon which new trials may be granted, either by the consuls or by himself, if asked for upon sufficient grounds. (R. S. § 4091.)

166. Jurisdiction of minister to try capital and felony cases.—Capital cases for murder or insurrection against the

government of either of the countries hereinbefore mentioned in this chapter, by citizens of the United States, or for offenses against the public peace amounting to felony under the laws of the United States, may be tried before the minister of the United States in the country where the offense is committed if allowed jurisdiction. (R. S. § 4090.)

167. **Prevention of American citizens from enlisting with foreign countries.**—Each such minister mentioned in the preceding section may issue all manner of writs, to prevent the citizens of the United States from enlisting in the military or naval service of either of the countries mentioned in section 141 of this chapter, to make war upon any foreign power with whom the United States are at peace, or in the service of one portion of the people against any other portion of the same people; and he may carry out this power by a resort to such force belonging to the United States as may at the time be within his reach. (R. S. § 4090.)

168. **Marshals of consular courts; appointment and salary.**—The President is authorized to appoint marshals for such of the consular courts as he may think proper, not to exceed two in number, namely: One in Siam and one in Turkey, each of whom shall receive a salary of \$1,000 a year, in addition to the fees allowed by the regulations of the ministers, respectively, in those countries: *Provided*, That no salary shall be allowed the marshal at the consulate in Siam. (R. S. §§ 1693, 4111.)

169. **Execution and return of process by marshal.**—It shall be the duty of the marshals, respectively, to execute all process issued by the minister of the United States in those countries, respectively, or by the consul at the port at which they reside, and to make due return thereof to the officer by whom it was issued, and to conform in all respects to the regulations prescribed by the ministers, respectively, in regard to their duties. (R. S. § 4112.)

170. **Bond of marshal.**—Each marshal, before entering upon the duties of his office, shall give bond for the faithful performance thereof in a penal sum not to exceed \$10,000, with two sureties to be approved by the Secretary of State. Such bond shall be transmitted to the Secretary of the Treasury, and a certified copy thereof be lodged in the office of the minister. (R. S. § 4113.)

171. **Suit on bond of marshal.**—Whenever any person desires to bring suit upon the bond of any such marshal, it shall be the duty of the Secretary of the Treasury, or of the minister having custody of a copy of the same, to give to the person so applying a certified copy thereof, upon which suit may be brought and prosecuted with the same effect as could be done upon the original: *Provided*, The Secretary of the Treasury, or the minister to whom the application is made, is satisfied that there is probable cause of action against the marshal. (R. S. § 4114.)

172. **Necessity for production of original bond.**—Upon a plea of non est factum, verified upon oath, or any other good cause shown, the court or the consul or minister trying the cause may require the original bond of the marshal to be produced; and it shall be the duty of the Secretary of the Treasury to forward the original bond to the court, or consul, or minister requiring the same. (R. S. § 4115.)

173. **Service of process, etc., in suit on bond of marshal.**—All rules, orders, writs, and processes of every kind which are intended to operate or be enforced against any of the marshals, in any of the countries named in section 141 of this chapter, shall be directed to and executed by such persons as may be appointed for that purpose by the minister or consul issuing the same. (R. S. § 4116.)

174. **Expenses of prisons in foreign countries.**—The President, when provision is not otherwise made, is authorized to allow, in the adjustment of the accounts of each of the ministers or consuls, the actual expenses of the rent of suitable

buildings or parts of buildings to be used as prisons for American convicts in the countries mentioned in section 141 of this chapter, not to exceed in any case the rate of \$600 a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed, in any case, the sum of \$800 per annum. But no more than four prisons shall be hired in China, one in Turkey, and one in Siam, at such port or ports as the minister, with the sanction of the President, may designate, and the entire expense of prison and prison keepers at the consulate of Bangkok, in Siam, shall not exceed the sum of \$1,000 a year.

The President is authorized to allow, in the adjustment of the accounts of the consul general at Shanghai, the actual expense of the rent of a suitable building, to be used as a prison for American convicts in China, not to exceed \$1,500 a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed \$5,000 a year; and to allow, in the adjustment of the accounts of the consuls at other ports in China, the actual expense of the hire of constables and the care of offenders, not to exceed in all \$5,000 a year. (R. S. §§ 4121, 4122.)

175. **Allowance for keeping and feeding prisoners.**—No more than 50 cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding. This is not to be understood as covering cost of medical attendance and medicines when required by such prisoners. (Mar. 2, 1901, c. 802, §1 Stat. 893.)

176. **Secretary of State to exercise judicial duties when no minister.**—If at any time there be no minister in either of the countries mentioned in section 141 of this chapter, the judicial duties which are imposed by this chapter upon the minister shall devolve upon the Secretary of State, who is authorized and required to discharge the same. (R. S. § 4128.)

177. **General extension of chapter to unnamed countries.**—The provisions of this chapter relating to the jurisdiction of consular and diplomatic officers over civil and criminal cases in the countries mentioned in section 141 of this chapter, shall extend to any country of like character with which the United States may after July 1, 1870, enter into treaty relations. And whenever the United States shall negotiate a treaty with any foreign government, in which the American consul general or consul shall be clothed with judicial authority, and securing the right of trial to American citizens residing therein before such consul general or consul, and containing provisions similar to or like those contained in the treaties with the governments named in section 141 of this chapter, then this chapter, so far as the same may be applicable, shall have full force in reference to said treaty, and shall extend to the country of the government negotiating the same. (R. S. § 4120; June 14, 1876, c. 103, 20 Stat. 181.)

178. **"Minister" and "consul" defined.**—The word "minister," when used in this chapter shall be understood to mean the person invested with, and exercising, the principal diplomatic functions. The word "consul" shall be understood to mean any person invested by the United States with, and exercising, the functions of consul general, consul, or vice consul. (Feb. 1, 1876, c. 6, 19 Stat. 2.)

179. **Responsibility as judicial officers.**—All such officers shall be responsible for their conduct to the United States, and to the laws thereof, not only as diplomatic or consular officers, but as judicial officers, when they perform judicial duties, and shall be held liable for all negligences and misconduct as public officers. (R. S. § 4110.)

180. **Power of consuls in uncivilized countries or countries not recognized by treaties.**—The consuls of the United States at islands or in countries not inhabited by any civilized people, or recognized by any treaty with the United States, are authorized to try, hear, and determine all cases in regard to civil

rights, whether of person or property, where the real debt or damages do not exceed the sum of \$1,000, exclusive of costs, and upon full hearing of the allegations and evidence of both parties, to give judgment according to the laws of the United States, and according to the equity and right of the matter, in the same manner as justices of the peace are, prior to June 22, 1860, authorized and empowered where the United States have exclusive jurisdiction. They are also invested with the powers conferred by the provisions of sections 145 and 149 of this chapter for trial of offenses or misdemeanors. (R. S. § 4088.)

181. Provisions of chapter extended to Turkey.—The provisions of this chapter, so far as the same relate to crimes and offenses committed by citizens of the United States, shall extend to Turkey, under the treaty with the Sublime Porte of May 7, 1830, and shall be executed in the Ottoman dominions in conformity with the provisions of the treaty, and of this chapter, by the minister and the consuls appointed to reside therein, who are hereby ex-officio vested with the powers in this chapter conferred upon ministers and consuls in China, for the purposes above expressed, so far as regards the punishment of crime, and also for the exercise of jurisdiction in civil cases wherein the same is permitted by the laws of Turkey, or its usages in its intercourse with the Franks, or other foreign Christian nations. (R. S. § 4125.)

182. Suspension by President of consular courts in Turkey and in Egypt.—Whenever the President of the United States shall receive satisfactory information that the Ottoman Government, or that of Egypt, has organized other tribunals on a basis likely to secure to citizens of the United States, in their dominions, the same impartial justice which they now enjoy there under the judicial functions exercised by the minister, consuls, and other functionaries of the United States, pursuant to this chapter, he is hereby authorized to suspend the operations of this chapter as to the dominions in which such tribunals may be organized, so far as the jurisdiction of said tribunals may embrace matters now cognizable by the minister, consuls, or other functionaries of the United States in said dominions, and to notify the Government of the Sublime Porte, or that of Egypt, or either of them, that the United States, during such suspension will, as aforesaid, accept for their citizens the jurisdiction of the tribunals aforesaid over citizens of the United States which has heretofore been exercised by the minister, consuls, or other functionaries of the United States. (Mar. 23, 1874, c. 62, § 1, 18 Stat. 23.)

183. Extension of provisions of chapter to Persia; suits between American citizens and subjects of Persia and other countries.—The provisions of this chapter shall extend to Persia, in respect to all suits and disputes which may arise between citizens of the United States therein; and the minister and consuls who may be appointed to reside in Persia are hereby invested, in relation to such suits and disputes, with such powers as are by this chapter conferred upon ministers and consuls in China. All suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred, at the place where a consul or agent of the United States may reside, and shall be discussed and decided according to equity, in the presence of an employee of the consul or agent of the United States; and it shall be the duty of the consular officer to attend the trial in person, and see that justice is administered. All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign powers, shall be tried and adjudicated by the intermediation of their respective ministers or consuls, in accordance with such regulations as shall be mutually agreed upon by the minister of the United States for the time being, and the ministers of such foreign powers, respec-

tively, which regulations shall from time to time be submitted to the Secretary of State. (R. S. § 4126.)

Chapter 3.—UNITED STATES COURT FOR CHINA.

Sec.

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- 196. Procedure generally; exclusion of associate aids.
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- 198. Commissioner for court; appointment; powers and compensation; district of Shanghai.
- 199. Tenure of office of judge; removal of other officers by President.
- 200. Bond of marshal and clerk; deputies; bond and compensation of deputies.
- 201. Expenses of judge and of district attorney in attendance or sessions in other cities than Shanghai.
- 202. Fees of marshal and clerk; payment into Treasury.

Section 191. Establishment of court; sessions; seal; writs, processes, etc.—A court is hereby established, to be called the United States Court for China, which shall have exclusive jurisdiction in all cases and judicial proceedings whereof jurisdiction may have been exercised, prior to June 30, 1900, by United States consuls and ministers by law and by virtue of treaties between the United States and China, except in so far as the said jurisdiction is qualified by sections 192 and 193 of this chapter. The said court shall hold sessions at Shanghai, China, and shall also hold sessions at the cities of Canton, Tientsin, and Hankau at stated periods, the dates of such sessions at each city to be announced in such manner as the court shall direct, and a session of the court shall be held in each of these cities at least once annually. It shall be within the power of the judge, upon due notice to the parties in litigation, to open and hold court for the hearing of a special cause at any place permitted by the treaties, and where there is a United States consulate, when, in his judgment, it shall be required by the convenience of witnesses, or by some public interest. The place of sitting of the court shall be in the United States consulate at each of the cities, respectively.

That the seal of the said United States Court for China shall be the arms of the United States, engraved on a circular piece of steel of the size of a half dollar, with these words on the margin, "The Seal of the United States Court for China,"

The seal of said court shall be provided at the expense of the United States.

All writs and processes issuing from the said court, and all transcripts, records, copies, jurats, acknowledgments, and other papers requiring certification or to be under seal, may be authenticated by said seal, and shall be signed by the clerk of said court. All processes issued from the said court shall bear test from the day of such issue. (June 30, 1900, c. 3934, § 1, 34 Stat. 814.)

192. Jurisdiction of consular courts restricted; appeal from consular courts.—Consuls of the United States in the cities of China to which they are respectively accredited shall have the same jurisdiction as they, prior to June 30, 1900, possessed in civil cases where the sum or value of the property involved in the controversy does not exceed \$500 United States money and in criminal cases where the punishment for the offense charged can not exceed by law \$100 fine or sixty days' imprisonment, or both, and shall have power to arrest, examine, and discharge accused persons or commit them to the said court. From all final judgments of the consular court either party shall have the right of appeal to the United States Court for China. (June 30, 1900, c. 3931, § 2, 34 Stat. 814.)

193. Administration of estates of decedents.—The United States Court for China shall have and exercise supervisory control over the discharge by consuls and vice consuls of the duties