

Section 108, R. S. § 1701, as amended Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100, related to penalty for violation of restriction and action on bond.

§ 109. Allowance for office rent of consulates.

CODIFICATION

Section, R. S. § 1706; act Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100, is in the opinion of the Secretary of State no longer operative. It provided for allowance for office rent of consulates.

§§ 121, 122. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131 (13, 20), 60 Stat. 1036.

Section 121, R. S. § 1740, as amended Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100; Feb. 5, 1915, ch. 23, § 6, 38 Stat. 806; Feb. 27, 1925, ch. 364, 43 Stat. 1017, related to commencement of salary of officers, and is now covered by sections 881 and 882 of this title.

Section 122, act June 11, 1874, ch. 275, § 4, 18 Stat. 70, related to the fixing of travel time allowances, and is not now covered.

Effective date of repeal, see note set out under section 801 of this title.

§ 123. Repealed. Feb. 23, 1931, ch. 276, § 22, 46 Stat. 1210, eff. July 1, 1931.

Section, R. S. § 1742, related to salary during absence, and is now covered by section 1146 of this title.

§§ 124-126. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131 (14, 21), 60 Stat. 1036.

Section 124, act June 17, 1874, ch. 294, 18 Stat. 77, as amended Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100, related to absence without leave, and is covered by section 882 of this title.

Section 125, R. S. § 1743, related to extra compensation, and is covered by subchapter IV of chapter 14 of this title.

Section 126, act June 17, 1874, ch. 294, 18 Stat. 77, related to private correspondence on affairs of foreign governments, and is now covered by section 806 of this title.

Effective date of repeal, see note set out under section 801 of this title.

§§ 127, 128. Transferred.

CODIFICATION

Sections 127, 128 have been transferred to sections 1201 and 1202 of this title, respectively.

§§ 129-130h. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131 (16, 17), 1132, 60 Stat. 1036, 1040.

Section 129, R. S. § 1748, as amended Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100, related to office paraphernalia, and is not now covered.

Section 130, R. S. 1749, related to allowances of widows, and is now covered by section 1082 of this title.

Section 130a, act Apr. 27, 1938, ch. 180, title I, § 1, 52 Stat. 250, as amended June 29, 1939, ch. 243, title I, § 1, 53 Stat. 887; May 14, 1940, ch. 189, title I, § 1, 54 Stat. 183; June 28, 1941, ch. 258, title I, § 1, 55 Stat. 268; July 2, 1942, ch. 472, title I, § 1, 56 Stat. 471; July 1, 1943, ch. 182, title I, § 1, 57 Stat. 273; June 28, 1944, ch. 294, title I, § 1, 58 Stat. 398; May 21, 1945, ch. 129, title I, § 1, 59 Stat. 172; July 5, 1946, ch. 541, title I, § 1, 60 Stat. 449, related to the expenses of bringing home remains of personnel dying abroad, and is now covered by section 1136 of this title.

Section 130b, act Apr. 27, 1938, ch. 180, title I, § 1, 52 Stat. 250, as amended June 29, 1939, ch. 248, title I, § 1, 53 Stat. 887; May 14, 1940, ch. 189, title I, § 1, 54 Stat. 183; June 28, 1941, ch. 258, title I, § 1, 55 Stat. 267; July 2, 1942, ch. 472, title I, § 1, 56 Stat. 470; July 1, 1943, ch. 182, title I, § 1, 57 Stat. 273; June 28, 1944, ch. 294, title I, § 1, 58 Stat. 398; May 21, 1945, ch. 129, title I, § 1, 59 Stat. 171; July 5, 1946, ch. 541, title I, § 1, 60 Stat. 449, related to expenses of transporting personnel, families, and their effects to and from posts, and is now covered by sections 1136 and 1138 of this title.

Effective date of repeal, see note set out under section 801 of this title.

§ 131. Transferred.

CODIFICATION

Section has been transferred to section 1203 of this title.

§ 132. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131 (18), 60 Stat. 1036.

Section, R. S. § 1752, related to general regulations by President, and is now covered by sections 842 and 843 of this title.

Effective date of repeal, see note set out under section 801 of this title.

§ 133. Repealed. May 7, 1926, ch. 250, § 7, 44 Stat. 405.

Section, act Feb. 17, 1911, ch. 105, 36 Stat. 917, provided for purchase of buildings for Diplomatic and Consular Service.

§ 134. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1132, 60 Stat. 1040.

Section, act Mar. 2, 1921, ch. 113, § 1, 41 Stat. 1215, related to acceptance of gifts of lands, buildings, etc., for use of the Service, and is now covered by section 809 of this title.

Effective date of repeal, see note set out under section 801 of this title.

§§ 135, 136. Transferred.

CODIFICATION

Section 135 has been transferred to section 815 of this title.

Section 136 has been transferred to note set out under section 909 of this title.

Chapter 2.—CONSULAR COURTS

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§ 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 sections 141-143, 145-159, 163-174, 176-181, 183, 211, 212, 218, 219, 251-253, and 1172 of this title, sections 701-704 of Title 28, and sections 21-24 of Title 50, 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. §§ 4033, 4125, 4126, 4127; June 14, 1873, ch. 193, 20 Stat. 131.)

DERIVATION

R. S. § 4033 was from act June 22, 1860, ch. 179, § 1, 12 Stat. 72; act July 28, 1866, ch. 296, § 11, 14 Stat. 322; act July 1, 1870, ch. 194, § 1, 16 Stat. 183.

R. S. §§ 4125-4127 were from act June 22, 1860, ch. 179, §§ 21, 28, 29, 12 Stat. 76, 78.

CROSS REFERENCES

United States Court for China, see section 191 et seq. of this title.

§ 142. General jurisdiction in criminal cases.

The officers mentioned in section 141 of this title are fully empowered to arraign and try, in the manner provided in sections 141-143, 145-159, 163-174, 176-181, 183, 211, 212, 218, 219, 251-253, and 1172 of this title, sections 701-704 of Title 28, and sections 21-24 of Title 50, 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 such sections 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 2, 12 Stat. 72.

§ 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 enter-

tain 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 3, 12 Stat. 73.

§ 144. Vice consul at Shanghai to exercise judicial functions of consul general.

CODIFICATION

Section, act Mar. 2, 1909, ch. 235, 35 Stat. 679; Mar. 4, 1915, ch. 145, 38 Stat. 1122, was formerly set out as section 197c of this title, and was rendered obsolete by act June 4, 1920, ch. 223, 41 Stat. 746, formerly classified to section 198 of this title.

§ 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, 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. § 4036.)

DERIVATION

Act June 22, 1860, ch. 179, § 4, 12 Stat. 73.

§ 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 sections 141-143, 145-159, 163-174, 176-181, 183, 211, 212, 218, 219, 251-253, and 1172 of this title, sections 701-704 of Title 28, and

sections 21–24 of Title 50 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 such sections, as the exigency may demand. (R. S. § 4117.)

DERIVATION

Act June 22, 1860, ch. 179, § 5, 13 Stat. 73.

§ 147. Assent or dissent of consul to, and publication of rules, etc.

All such regulations, decrees, and orders shall be plainly drawn up in writing and submitted, as in section 146 of this title 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 5, 13 Stat. 73.

§ 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 6, 13 Stat. 73.

§ 149. Warrant, arrest, trial, and sentence by consul generally.

Each of the consuls mentioned in section 141 of this title, 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 sections 141–143, 145–159, 163–174, 176–181, 183, 211, 212, 218, 219, 251–258, and 1172 of this title, sections 701–704 of Title 28, and sections 21–24 of Title 50. (R. S. § 4087.)

DERIVATION

Act June 22, 1860, ch. 179, § 7, 12 Stat. 74.

§ 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 8, 12 Stat. 74.

§ 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. § 4089.)

DERIVATION

Act June 22, 1860, ch. 179, § 9, 12 Stat. 74.

§ 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 sections 150, 151 of this title 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 decisions shall, in all cases, except of capital offenses and except as provided in section 151 of this title, 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 10, 12 Stat. 74.

CROSS REFERENCES

Provisions of this section and section 153 of this title, allowing consuls in certain cases to summon associates, to have no application to United States Court for China, see section 196 of this title.

§ 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 title 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 11, 12 Stat. 74.

§ 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.)

DERIVATION

Act July 1, 1870, ch. 194, § 12, 16 Stat. 75.

§ 155. Punishment generally; contempt.

In all cases, except as, in sections 141–143, 145–159, 163–174, 176–181, 183, 211, 212, 218, 219, 251–258, and 1172 of this title, sections 701–704 of Title 28, and sections 21–24 of Title 50, otherwise provided, the punishment of crime provided for by such sections shall be by fine or imprisonment, or both, at the discretion of the officer who decides the case, but subject to the regulations in such sections 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 14, 12 Stat. 75.

§ 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 title, 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 15, 12 Stat. 75.

§ 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 8, 12 Stat. 74.

§ 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 title, 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 15, 12 Stat. 75.

§ 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 title 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 sections 141–143, 145–159, 163–174, 176–181, 183, 211, 212, 218, 219, 251–258, and 1172 of this title, sections 701–704 of Title 28, and sections 21–24 of Title 50; 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 17, 12 Stat. 75.

§ 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. § 4099.)

DERIVATION

Act June 22, 1860, ch. 179, § 18, 12 Stat. 76.

§ 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 title 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 pre-

pare 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 19, 12 Stat. 76.

§ 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 20, 12 Stat. 76.

§ 163. Where jurisdiction of minister exercised.

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

DERIVATION

Act June 22, 1860, ch. 179, § 27, 12 Stat. 78.

§ 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 27, 12 Stat. 78.

§ 165. Appellate jurisdiction of minister; new trials.

Each of the ministers mentioned in section 141 of this title 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 sections 141-143, 145-159, 163-174, 176-181, 183, 211, 212, 218, 219, 251-258, and 1172 of this title, sections 701-704 of Title 28, and sections 21-24 of Title 50, 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 13, 12 Stat. 75.

§ 166. Jurisdiction of minister to try capital and felony cases.

Capital cases for murder or insurrection against the government of either of the countries mentioned in section 141 of this title, 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 24, 12 Stat. 77.

§ 167. Prevention of American citizens from enlisting with foreign countries.

Each such minister mentioned in section 166 of this title 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 title, 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 24, 12 Stat. 77.

§ 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; June 30, 1906, ch. 3934, § 8, 34 Stat. 816.)

DERIVATION

R. S. § 1693 was from act Mar. 3, 1869, ch. 125, § 7, 15 Stat. 322.

R. S. § 4111 was from act June 22, 1860, ch. 179, § 25, 12 Stat. 77.

§ 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 25, 12 Stat. 77.

§ 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 25, 12 Stat. 77.

§ 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 25, 12 Stat. 77.

§ 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 25, 12 Stat. 77.

§ 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 title, 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 25, 12 Stat. 77.

§ 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 title, 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 at 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.)

DERIVATION

R. S. § 4121 was from act June 22, 1860, ch. 179, § 26, 12 Stat. 77; act Mar. 3, 1869, ch. 125, § 7, 15 Stat. 322.

R. S. § 4122 was from act July 1, 1870, ch. 194, § 9, 16 Stat. 184.

§ 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, ch. 802, 31 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 title, the judicial duties which are imposed by sections 141-143, 145-159, 163-174, 176-181, 183, 211, 212, 218, 219, 251-258, and 1172 of this title, sections 701-704 of Title 28, and sections 21-24 of Title 50 upon the minister shall devolve upon the Secretary of State, who is authorized and required to discharge the same. (R. S. § 4128.)

DERIVATION

Act June 22, 1860, ch. 179, § 22, 12 Stat. 76; act July 1, 1870, ch. 194, § 2, 16 Stat. 183.

§ 177. General extension to unnamed countries.

The provisions of sections 141-143, 145-159, 163-174, 176-181, 183, 211, 212, 218, 219, 251-258, and 1172 of this title, sections 701-704 of Title 28, and sections 21-24 of Title 50 relating to the jurisdiction of consular and diplomatic officers over civil and criminal cases in the countries mentioned in section 141 of this title 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 title, then such sections, 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. §§ 4127, 4129; June 14, 1878, ch. 193, 20 Stat. 131.)

DERIVATION

R. S. § 4127 was from act June 22, 1860, ch. 179, § 29, 12 Stat. 78.

R. S. § 4129 was from act July 1, 1870, ch. 194, § 1, 16 Stat. 183.

§ 178. "Minister" and "consul" defined.

The word "minister", when used in sections 141-143, 145-159, 163-174, 176-181, 183, 211, 212, 218, 219, 251-258, and 1172 of this title, sections 701-704 of Title 28, and sections 21-24 of Title 50 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. (R. S. § 4130; Feb. 1, 1876, ch. 6, 19 Stat. 2; Feb. 5, 1915, ch. 23, § 6, 38 Stat. 806.)

DERIVATION

Act June 22, 1860, ch. 179, § 22, 12 Stat. 76; act July 1, 1870, ch. 194, § 2, 16 Stat. 183.

§ 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.)

DERIVATION

Act June 22, 1860, ch. 179, § 23, 12 Stat. 76.

§ 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 were, 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 title for trial of offenses or misdemeanors. (R. S. § 4088; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

DERIVATION

Act June 22, 1860, ch. 179, § 30, 12 Stat. 78.

§ 181. Provisions of chapter extended to Turkey.

The provisions of sections 141-143, 145-159, 163-174, 176-181, 183, 211, 212, 218, 219, 251-258, and 1172 of this title, sections 701-704 of Title 28, and sections 21-24 of Title 50, 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 such sections, by the ambassador and the consuls appointed to reside therein, who are hereby ex-officio vested with the powers in such sections 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; Feb. 27, 1925, ch. 364, 43 Stat. 1015.)

DERIVATION

Act June 22, 1860, ch. 179, § 21, 12 Stat. 76.

CROSS REFERENCES

United States Court for China, see sections 191-202 of this title.

§ 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 sections 141-143, 145-159, 163-174, 176-181, 183, 211, 212, 218, 219, 251-258, and 1172 of this title, sections 701-704 of Title 28, and sections 21-24 of Title 50, he is authorized to suspend the operations of such sections 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, ch. 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 sections 141-143, 145-159, 163-174, 176-181, 183, 211, 212, 218, 219, 251-258, and 1172 of this title, sections 701-704 of Title 28, and sections 21-24 of Title 50 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 invested, in relation to such suits and disputes, with such powers as are by such sections 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, respectively, which regulations shall from time to time be submitted to the Secretary of State. (R. S. § 4126.)

DERIVATION

Act June 22, 1860, ch. 179, § 28, 12 Stat. 78.

Chapter 3.—UNITED STATES COURT FOR CHINA §§ 191-202.

CODIFICATION

Sections, acts June 30, 1906, ch. 3934, 34 Stat. 814-816; Mar. 2, 1909, ch. 235, 35 Stat. 879; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; Mar. 4, 1915, ch. 145, 38 Stat. 1122; June 4, 1920, ch. 223, 41 Stat. 746; Feb. 27, 1925, ch. 364, title I, 43 Stat. 1025; Apr. 29, 1926, ch. 195, title I, 44 Stat. 341; Feb. 24, 1927, ch. 189, title I, 44 Stat. 1192; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54; Feb. 15, 1928, ch. 57, title I, 45 Stat. 76; May 29, 1928, ch. 904, §§ 1, 2, 45 Stat. 997; Aug. 7, 1935, ch. 452, § 1, 49 Stat. 538; and June 24, 1936, ch. 757, 49 Stat. 1909, related to the United States Court for China and were omitted pursuant to the Treaty of Jan. 11, 1943, 57 Stat., pt. 2, 767, between the United States and the Republic of China by which the United States relinquished all of its extraterritorial rights in China.

Chapter 4.—PASSPORTS

- Sec.
211. Repealed.
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214a. Fees erroneously charged and paid; refund.
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227. Regulations as to alien passport requirements continued.
228. Refusal of visas of aliens whose admission might endanger public safety; reference to Secretary of State.
229. Same; rules and regulations.

§ 211. Repealed. July 3, 1926, ch. 772, § 4, 44 Stat. 887.
Section, R. S. § 4075; act June 14, 1902, ch. 1088, § 1, 32 Stat. 386, provided for issuance of passports.

§ 211a. Authority to grant, issue, and verify passports.
The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic representatives of the United States, and by such consuls generals, consuls, or vice consuls when in charge, as the Secretary of State may designate, and by the

chief or other executive officer of the insular possessions of the United States, under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify such passports. (July 3, 1926, ch. 772, § 1, 44 Stat. 887.)

§ 212. Who entitled to passport.

No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States. (R. S. § 4076; June 14, 1902, ch. 1088, § 2, 32 Stat. 386.)

DERIVATION

Act May 30, 1866, ch. 102, 14 Stat. 54.

§ 213. Application for passport.

Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, which said application shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. (June 15, 1917, ch. 30, title IX, § 1, 40 Stat. 227.)

CROSS REFERENCES

Letters or writings nonmailable, see section 343 of Title 18, Criminal Code and Criminal Procedure.

§ 214. Fees for passport; persons excused from payment.

There shall be collected and paid into the Treasury of the United States quarterly a fee of \$1 for executing each application for a passport and \$9 for each passport issued to a citizen or person owing allegiance to or entitled to the protection of the United States: *Provided*, That nothing herein contained shall be construed to limit the right of the Secretary of State by regulation to authorize the retention by State officials of the fee of \$1 for executing an application for a passport: *And provided further*, That no fee shall be collected for passports issued to officers or employees of the United States proceeding abroad in the discharge of their official duties, or to members of their immediate families, or to seamen, or to widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines, buried abroad whose journey is undertaken for the purpose and with the intent of visiting the graves of such soldiers, sailors, or marines, which facts shall be made a part of the application for the passport. (June 4, 1920, ch. 223, § 1, 41 Stat. 750.)

SUPERSEDED IN PART

This section so far as it fixes the charge for the issue of passports is superseded by section 217a of this title.

CROSS REFERENCES

Fees for passports, see section 217a of this title.

§ 214a. Fees erroneously charged and paid; refund.

Whenever a fee is erroneously charged and paid for the issue of a passport to a person who is exempted from the payment of such a fee by section 214 of this title, the Department of State is authorized to refund to the person who paid such fee the amount thereof, and the money for that purpose