

IN THE SENATE OF THE UNITED STATES,

August 16th, 1856.

The Senate having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act for continuing the improvement of the Des Moines Rapids, in the Mississippi River," returned to the House of Representatives by the President of the United States, with his objections, and sent by the House of Representatives to the Senate, with the message of the President returning the bill:

Resolved, That the bill do pass, two thirds of the Senate agreeing to pass the same.

Attest:

ASBURY DICKINS, *Secretary*.

Aug. 18, 1856. CHAP. CXXVII.—*An Act to regulate the Diplomatic and Consular Systems of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That ambassadors, envoys extraordinary and ministers plenipotentiary, ministers resident, commissioners, chargés d'affaires, and secretaries of legation, appointed to the countries hereinafter named in Schedule A, shall be entitled to compensation for their services, respectively, at the rates per annum hereinafter specified; that is to say, ambassadors and envoys extraordinary and ministers plenipotentiary, the full amounts specified therefor in said Schedule A; ministers resident and commissioners, seventy-five per centum; chargés d'affaires, fifty per centum; and secretaries of legation, fifteen per centum, of the said amounts, respectively: *Provided*, That the compensation of the secretary of the legation to China, acting as interpreter, shall be at the rate of five thousand dollars, and if not acting as such, at the rate of three thousand dollars, and that of the secretary of legation to Turkey, acting as dragoman, at the rate of three thousand dollars, and if not acting as such, at the rate of two thousand dollars, per annum.

Pay of diplomatic and consular officers.

Pay of secretaries to legations to China and Turkey.

SCHEDULE A.

Great Britain and France, each seventeen thousand five hundred dollars.

Russia, Spain, Austria, Prussia, Brazil, Mexico, and China, each twelve thousand dollars.

All other countries, each ten thousand dollars.

Sub officers of the legations at London and Paris and to China and Turkey.

SEC. 2. *And be it further enacted*, That the President be, and is hereby authorized to appoint for the legations at London and Paris, respectively, an assistant secretary of legation, who shall be entitled to compensation for their services, respectively, at the rate of fifteen hundred dollars per annum; for the legation to China, an interpreter, when the secretary of legation shall not be acting as such, who shall be entitled to compensation at the rate of five thousand dollars; and for the legation to Turkey, a dragoman, when the secretary of legation shall not be acting as such, who shall be entitled to compensation at the rate of one thousand dollars per annum.

Pay of consuls, consuls general, and commercial agents.

SEC. 3. *And be it further enacted*, That consuls general, consuls, and commercial agents, appointed to the ports and places hereinafter specified in Schedules B and C, shall be entitled to compensation for their services, respectively, at the rates per annum hereinafter specified in said Schedules B and C; and if the President shall think proper to appoint a consul to any port or place named in the said Schedules B and C for a commercial agent, instead of such commercial agent, or *vice versa*, and an appointment shall be made accordingly, the compensation for such consular officer shall be the same in any such case as that fixed for such port or place in the schedule embracing the same; and if he shall

think the public interests will be subserved by appointing to any such port or place a consul general instead of a consul or commercial agent, and an appointment shall be made accordingly, the compensation for such consul general shall be the same as that fixed for such port or place in the schedule embracing the same.

SCHEDULE B.

Schedule B.

I. *Consuls General.*

Consuls gen-

eral.

Post, p. 404.
1859, ch. 75, § 2.

British North America.—Quebec, four thousand dollars.

British India.—Calcutta, five thousand dollars.

Egypt.—Alexandria, three thousand five hundred dollars.

Japan.—Simoda, five thousand dollars.

Cuba.—Havana, six thousand dollars.

Turkey.—Constantinople, three thousand dollars.

Hanseatic and Free Cities.—Frankfort-on-the-Main, three thousand dollars.

II. *Consuls.*

Consuls.

Great Britain.—Liverpool and London, each, seven thousand five hundred dollars. Melbourne, four thousand dollars. Hong Kong, three thousand five hundred dollars. Glasgow, three thousand dollars. Mauritius and Singapore, each two thousand five hundred dollars. Belfast, Cork, Dundee, Demarara, Halifax, Kingston, (Jamaica,) Leeds, Manchester, Nassau, (New Providence,) Southampton, and Turk's Island, each, two thousand dollars. Prince Edward's Island, one thousand dollars.

France.—Havre, six thousand dollars. Paris, five thousand dollars. Marseilles, two thousand five hundred dollars. Bordeaux, two thousand dollars. La Rochelle and Lyons, each, one thousand five hundred dollars.

Russia.—Moscow, Odessa, Revel, and St. Petersburg, each, two thousand dollars.

Spain.—Matanzas, Trinidad de Cuba, and Santiago de Cuba, each, two thousand five hundred dollars. San Juan, (Porto Rico,) two thousand dollars. Cadiz, Malaga, and Ponce, (Porto Rico,) each, one thousand five hundred dollars.

Austria.—Trieste, two thousand dollars. Vienna, one thousand five hundred dollars.

Prussia.—Aix-la-Chapelle, two thousand five hundred dollars.

China.—Canton and Shanghai, each, four thousand dollars. Fouchou, three thousand five hundred dollars. Amoy and Ningpo, each, three thousand dollars.

Turkey.—Beyrout and Smyrna, each, two thousand dollars. Jerusalem, one thousand five hundred dollars.

Netherlands.—Rotterdam, two thousand dollars. Amsterdam, one thousand dollars.

Belgium.—Antwerp, two thousand five hundred dollars.

Portugal.—Funchal and Oporto, each, one thousand five hundred dollars.

Denmark.—St. Thomas, four thousand dollars. Elsinour, one thousand five hundred dollars.

Sardinia.—Genoa, one thousand five hundred dollars.

Switzerland.—Basle, two thousand dollars. Geneva, one thousand five hundred dollars.

Sicilies.—Messina, Naples, and Palermo, each, one thousand five hundred dollars.

Saxony.—Leipsic, one thousand five hundred dollars.

Bavaria.—Munich, one thousand dollars.

Tuscany.—Leghorn, one thousand five hundred dollars.
Wurtemberg.—Stuttgart, one thousand dollars.
Hanseatic and Free Cities.—Bremen and Hamburg, each two thousand dollars.
Barbary States.—Tangiers, Tripoli, and Tunis, each, three thousand dollars.
Brazil.—Rio de Janeiro, six thousand dollars. Pernambuco, two thousand dollars.
Mexico.—Vera Cruz, three thousand five hundred dollars. Acapulco, two thousand dollars.
Peru.—Callao, three thousand five hundred dollars.
Chili.—Valparaiso, three thousand dollars.
Buenos Ayres.—Buenos Ayres, two thousand dollars.
Nicaragua.—San Juan del Sur, two thousand dollars.
New Grenada.—Aspinwall, two thousand five hundred dollars. Panama, three thousand five hundred dollars.
Venezuela.—Laguayra, one thousand five hundred dollars.
Sandwich Islands.—Honolulu, four thousand dollars. Lahaina, three thousand dollars.

Commercial
agents.

III. *Commercial Agents.*

Nicaragua.—San Juan del Norte, two thousand dollars.
St. Domingo (Island).—Port-au-Prince, two thousand dollars. St. Domingo (city), one thousand five hundred dollars.

Schedule C.

SCHEDULE C.

Consuls.

I. *Consuls.*

Great Britain.—Capetown and Falkland Islands, each, one thousand dollars.
Austria.—Venice, seven hundred and fifty dollars.
Prussia.—Stettin, one thousand dollars.
Turkey.—Candia and Cyprus, each, one thousand dollars.
Netherlands.—Batavia, one thousand dollars.
Portugal.—Fayal and Santiago, (Cape de Verdes,) each, seven hundred and fifty dollars.
Denmark.—Saint Croix, seven hundred and fifty dollars.
Sardinia.—Spezzia, one thousand dollars.
Greece.—Athens, one thousand dollars.
Muscat.—Zanzibar, one thousand dollars.
Brazil.—Bahia, Maranham Island, Para, and Rio Grande, each, one thousand dollars.
Mexico.—Matamoras, Mexico (city), and Tampico, each, one thousand dollars. Paso del Norte and Tabasco, each, five hundred dollars.
Peru.—Paita and Tumbes, each, five hundred dollars.
Chili.—Talcahuano, one thousand dollars.
New Grenada.—Carthagena and Sabanillo, each, five hundred dollars.
Honduras.—Omoa, one thousand dollars.
Ecuador.—Guayaquil, seven hundred and fifty dollars.
Bolivia.—Cobija, five hundred dollars.
Uruguay.—Montevideo, one thousand dollars.
Society Islands.—Tahiti, one thousand dollars.
New Zealand.—Bay of Islands, one thousand dollars.
Navigators' Island.—Apia, one thousand dollars.
Feejee Islands.—Lanthala, one thousand dollars.

II. *Commercial Agents.*

Portugal.—St. Paul de Loanda, (Angola,) one thousand dollars.

Liberia.—Monrovia and Gaboon, each, one thousand dollars.

St. Domingo (Island).—Cape Haytien, one thousand dollars. Aux Cayes, five hundred dollars.

Russia in Asia.—Amoor River, one thousand dollars.

SEC. 4. *And be it further enacted,* That consuls general, consuls, and commercial agents, not embraced in Schedules B and C, shall be entitled, as compensation for their services, to such fees as they may collect in pursuance of the provisions of this act, respectively.

All others to have only their fees.

SEC. 5. *And be it further enacted,* That no consul general, consul, or commercial agent, embraced in Schedule B, shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his consulate, or commercial agency, directly or indirectly, either in his own name, or in the name or through the agency of any other person; and if appointed after this act shall take effect, he shall, in his official bond, stipulate, as a condition thereof, not to violate this prohibition; and if appointed before, and retained in office after this act shall take effect, he shall, within such reasonable time as the President shall prescribe, enter into a new official bond with such stipulation as a condition thereof; and if any such consul general, consul, or commercial agent, shall violate such prohibition, he shall be liable to a penalty therefor, for the use of the United States, equal in amount to the annual compensation specified for him in said Schedule B, which may be recovered in an action of debt at the suit of the United States, either directly for the penalty, as such, against such consul general, consul, or commercial agent, or upon his official bond, as liquidated damages, for the breach of such condition against such consul general, consul, or commercial agent, and his sureties, or any one or more of them; and in every such case all such actions shall be open to the United States for the collection of such penalty till the same shall be collected in some one of such actions; and every such penalty, when collected, shall be paid into the treasury of the United States; and such prohibition shall be applicable to all consuls general, but not to any consul or commercial agent not embraced in said Schedule B, except as hereinafter authorized, unless otherwise expressly provided by law.

No consul, &c., embraced in Schedule B, to be engaged in mercantile business.

Bond to that effect to be given.

Penalty for violation.

SEC. 6. *And be it further enacted,* That the President be, and is hereby authorized to appoint three interpreters of the Chinese language, who shall be entitled to compensation for their services, respectively, at a rate not to exceed fifteen hundred dollars per annum, to be determined by the President, and to assign such interpreters, from time to time, to such consulates in China, and with such duties, as he may think proper.

Interpreters for consuls in China.

SEC. 7. *And be it further enacted,* That the President be, and is hereby authorized, whenever he shall think the public good will be promoted thereby, to appoint consular pupils, not to exceed twenty-five in number at any one time, who shall be citizens of the United States, and entitled to compensation for their services, respectively, at a rate not to exceed one thousand dollars per annum, to be determined by the President; and to assign such pupils, from time to time, to such consulates, and with such duties as he may [think] proper; and before the appointment of any such pupil shall be made, satisfactory evidence, by examination or otherwise, shall be furnished of his qualifications and fitness for the office to the Secretary of State, and by him laid before the President.

Consular pupils. This section repealed. 1857, ch. 37, § 2. Post, p. 160.

Their pay.

Examination of fitness.

SEC. 8. *And be it further enacted,* That no person appointed after this act shall take effect, to any such office as is mentioned in the first, second, third, sixth, or seventh sections of this act, shall be entitled to compensation for his services therein, except from the time when he shall reach

When compensation is to commence and cease, or be suspended.

1857, ch. 107,
 § 6.
Post, p. 220.
 1858, ch. 154,
 § 20.
Post, p. 328.

his post and enter upon his official duties, to the time when he shall cease to hold such office, and for such time as shall be actually and necessarily occupied in receiving his instructions, not to exceed thirty days, and in making the transit between the place of his residence, when appointed, and his post of duty, at the commencement and termination of the period of his official service, for which he shall in all cases be allowed and paid, except as hereinafter mentioned, and no person shall be deemed to hold any such office after his successor shall be appointed and actually enter upon the duties of his office at his post of duty, nor after his official residence at such post shall have terminated if not so relieved; but no such allowance or payment shall be made to any consul general, consul, or commercial agent, contemplated by the fourth section of this act, or to any vice consul, vice commercial agent, deputy consul, or consular agent, for the time so occupied in receiving instructions, or in such transit as aforesaid; nor shall any such officer, as is referred to in this section, be allowed compensation for the time so occupied in such transit, at the termination of the period of his official service, if he shall have resigned or been recalled therefrom for any malfeasance in his office.

When a diplomatic officer receives an added appointment to have half the pay of the added office.

SEC. 9. *And be it further enacted*, That when to any diplomatic office held by any person there shall be superadded another, such person shall be allowed additional compensation for his services, in such superadded office, at the rate of fifty per centum of the amount allowed by this act for such superadded office, and such superadded office shall be deemed to continue during the time to which it is limited by the terms thereof, and for such time as shall be actually and necessarily occupied in making the transit between the two posts of duty, at the commencement and termination of the period of such superadded office so limited, and no longer.

Pay of secretaries acting as chargé d'affaires.

SEC. 10. *And be it further enacted*, That for such time as any secretary of legation shall be lawfully authorized to act as chargé d'affaires ad interim at the post to which he shall have been appointed, he shall be entitled to receive compensation at the rate allowed by this act for a chargé d'affaires at such post; but he shall not be entitled to receive, for such time, the compensation allowed for his services as secretary of legation.

Pay of consular officers performing diplomatic functions.

SEC. 11. *And be it further enacted*, That for such time as any consular officer shall be authorized, pursuant to the provisions of this act, to perform diplomatic functions, in the absence of the regular diplomatic officer in the country to which he shall be appointed, he shall be entitled, in addition to his compensation as such consular officer, to receive compensation for his services while so authorized, at the rate allowed by this act for a secretary of legation in such country.

When consular officers may exercise diplomatic functions.

SEC. 12. *And be it further enacted*, That no consular officer shall exercise diplomatic functions, or hold any diplomatic correspondence or relation on the part of the United States, in, with, or to the government or country to which he shall be appointed, or any other country or government, when there shall be in such country any officer of the United States authorized to perform diplomatic functions therein, nor in any case, unless expressly authorized by the President so to do.

Bonds of consuls general, consuls, and commercial agents.

SEC. 13. *And be it further enacted*, That every consul general, consul, and commercial agent, appointed before, and retained in office after this act shall take effect, shall, without unnecessary delay, and every such officer, appointed after this act shall take effect, shall, before he receives his commission or enters upon the duties of his office, enter into a bond to the United States with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than one thousand, nor more than ten thousand dollars, and in such form as the President shall prescribe, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall

come to his hands, or to the hands of any other person to his use as such consul general, consul, or commercial agent, under any law now or hereafter enacted: and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such consul general, consul, or commercial agent; and in the cases of consuls general, consuls, and commercial agents embraced in Schedule B, such bond shall contain, by way of further condition, the stipulation required by the fifth section of this act; and all such bonds shall be deposited with the Secretary of the Treasury, and in no case shall the penalty of such bond be less than the annual compensation allowed to the officer entering into such bond; and the President shall be authorized to require a new or additional bond from any such consul general, consul, or commercial agent, in like form and in such penalty, within the limits aforesaid, in amount, as he shall prescribe, whenever, in his opinion, the public good shall require it.

New bond may be required.

SEC. 14. *And be it further enacted*, That the President be, and he is hereby authorized to define the extent of country to be embraced within any consulate or commercial agency, and to provide for the appointment of vice consuls, vice commercial agents, deputy consuls, and consular agents, therein, in such manner and under such regulations as he shall deem proper; but no compensation shall be allowed for the services of any such vice consul, or vice commercial agent, beyond nor except out of the allowance made by this act for the principal consular officer in whose place such appointment shall be made; and no vice consul, vice commercial agent, deputy consul or consular agent, shall be appointed otherwise than in such manner and under such regulations as the President shall prescribe, pursuant to the provisions of this act.

President may define the limits of consulates, &c., and appoint vice consuls, &c.

Their pay to be out of the allowance of their principals.

SEC. 15. *And be it further enacted*, That every vice consul and vice commercial agent shall be entitled, as compensation for his services as such, to the whole or so much of the compensation of the principal consular officer, in whose place he shall be appointed, as shall be determined by the President, and the residue, if any, shall be paid to such principal consular officer; and every consular agent shall be entitled, as compensation for his services, to such fees as he may collect in pursuance of the provisions of this act, or so much thereof as shall be determined by the President; and the principal officer of the consulate or commercial agency within the limits of which such consular agent shall be appointed, shall be entitled to the residue, if any, in addition to any other compensation allowed him by this act for his services therein; and the President shall have power to subject any consul or commercial agent contemplated by the fourth section of this act, and any vice consul, vice commercial agent, deputy consul or consular agent to the prohibition as to trade contained in the fifth section of this act, and to require from any of them such bond as is provided for by the thirteenth section of this act, whenever he shall think the public interests will be promoted thereby.

Pay of vice consuls and vice commercial agents.

Pay of consular agents.

President may interdict trade to any consul, &c., or vice consul, &c.

SEC. 16. *And be it further enacted*, That the President be, and is hereby authorized to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several legations, consulates, and commercial agencies, and to adapt the same, by such differences as may be necessary or proper, to each legation, consulate, or commercial agency, and such rates or tariffs shall be reported annually to Congress; and it shall be the duty of all officers and persons connected with such legations, consulates, or commercial agencies to collect for such official services such and only such fees as may be prescribed for their respective legations, consulates, and commercial agencies; and it shall be the duty of the collectors of the several districts, whenever any clearance is granted to any ship or vessel of the United States, duly registered as such, and bound on any foreign voyage, to annex thereto, in every case, a copy of the rates or tariffs of

President may establish fees, &c.

To report the same annually.

Collectors to annex to clearances a copy of such tariff.

fees which shall be allowed in pursuance of the provisions of this act, and then in force; and it shall be the duty of all consular officers at all times to keep up in their offices, respectively, a copy of such rates or tariffs as shall be in force, in a conspicuous place, and subject to the examination of all persons interested therein.

Consuls, &c.,
to keep a copy
in their offices.

Receipts to be
given for fees.

Penalty for
extortion.

May be off set
to compensation.

Fees to be ac-
counted for.

Returns to be
made.

Penalty for
omission to col-
lect fees.

Accounts and
books of fees,
how to be kept.

SEC. 17. *And be it further enacted,* That it shall be the duty of all consular officers to give receipts for all fees which shall be collected for their official services respectively, expressing the particular services for which the same were collected; and if any such consular officer shall collect, or knowingly allow to be collected for any such service, any other or greater fees than such as shall be allowed pursuant to the provisions of this act for such service, he shall, besides his liability to refund the same, be liable to pay to the person by whom or in whose behalf the same shall be paid, treble the amount of said unlawful charge so collected, as a penalty therefor, to be recovered by such person, in any proper form of action, to and for the use of such person, besides costs of suit. And in any such case the Secretary of the Treasury is hereby authorized to retain out of the compensation of such officer, the amount of such overcharge, and of such penalty, and charge the same to such officer in account, and thereupon to refund such unlawful charge, and pay such penalty to the person entitled to the same if he shall think proper so to do.

SEC. 18. *And be it further enacted,* That all fees collected at any of the legations, or by the consuls general, consuls, and commercial agents mentioned in Schedules B and C, and by vice consuls and vice commercial agents appointed to perform their duties, or by any other persons in their behalf, shall be accounted for to the Secretary of the Treasury, and held subject to his draft, or other directions. And all such consuls general, consuls, commercial agents, and consular agents, as are allowed for their compensation the whole or any part of the fees which they may collect pursuant to the provisions of this act, and all vice consuls and vice commercial agents appointed to perform the duties of said consuls general, consuls, and commercial agents as are allowed for their compensation the whole or any part of such fees as aforesaid, shall make returns of all such fees as they or any other persons in their behalf shall so collect, in such manner as the Secretary of State shall prescribe; and all such fees as shall be so collected, accounted for, and reported, shall be reported annually to Congress, with the report of the rates or tariffs of fees required by the seventeenth section of this act, with a full list of all consular officers: and if any consul general, consul, or commercial agent, mentioned in Schedules B and C, or any vice consul, or vice commercial agent, appointed to perform the duty of any such officer mentioned in said Schedules B and C, shall omit to collect any fees which he shall be entitled to charge, pursuant to the provisions of this act, for any official service, he shall be liable to the United States therefor, as though he had collected the same, unless, upon good cause shown therefor, the Secretary of the Treasury shall think proper to remit the same; and every consular officer shall number all receipts given by him for fees received for official services, in the order of their dates, beginning with number one at the commencement of the period of his service, and on the first day of January in every year thereafter. And he shall keep a book, in which he shall register all fees so received by him, in the order in which they shall be received, specifying in such register each item of service and the amount received therefor, from whom, and the dates when received, and if for any service connected with any ship or vessel, the name thereof, and indicating what items and amounts are embraced in each receipt given by him therefor, and numbering the same according to the number of the receipts respectively, so that the receipts and register shall correspond with each other; and he shall, in such register, specify the name of the person for whom, and the date when he shall grant, issue, or verify

any passport, certify any invoice, or perform any other official service in the entry of the receipt of the fees therefor, and also number each consular act so receipted for with the number of such receipt, and as shown by such register. And it shall be the duty of all owners, agents, consignees, masters and commanders of ships and vessels to whom any receipt for fees shall be given by any consular officer, to furnish a copy thereof to the collector of the district in which such ships and vessels shall first arrive on their return to the United States. And it shall be the duty of every collector to forward to the Secretary of the Treasury all such copies of receipts as shall have been so furnished to him, and also a statement of all certified invoices which shall come to his office, giving the dates of the certificate, and the names of the persons for whom, and of the consular officers by whom the same were certified; and every consular officer, in rendering his account or report of fees received, shall furnish a full transcript of the register which he is hereby required to keep, under oath or affirmation that the same is true and correct, and that the same contains a full and accurate statement of all fees received by him, or for his use, for his official services as such consular officer, to the best of his knowledge, during the period for which the same shall purport to be rendered, and that such oath or affirmation may be taken before any person having authority to administer oaths and affirmations at the port or place where such consular officer is located. And if any such consular officer shall wilfully and corruptly commit perjury, in any such oath or affirmation, within the intent and meaning of any act of Congress now or hereafter made, he may be charged, proceeded against, tried, and convicted, and dealt with in the same manner, in all respects, as if such offence had been committed in the United States, before any officer duly authorized therein to administer or take such oath or affirmation, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offence.

SEC. 19. *And be it further enacted*, That no such officer as is mentioned in the first, second, third, fourth, sixth, or seventh sections of this act shall, nor shall any consular agent, be absent from his post, or the performance of his duties, for a longer period than ten days at any one time, without the permission previously obtained of the President. And no compensation shall be allowed for the time of any such absence in any case, except cases of sickness; nor shall any diplomatic or consular officer correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States, nor recommend any person, at home or abroad, for any employment of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument pecuniary, pecuniary favor, office, or title of any kind, from any such government.

SEC. 20. *And be it further enacted*, That the compensation provided by this act shall be in full for all the services and personal expenses which shall be rendered or incurred by the officers or persons respectively for whom such compensation is provided, of whatever nature or kind such services or personal expenses may be, or by whatever treaty, law, or instructions such services or personal expenses so rendered or incurred are or shall be required; and no allowance, other than such as is provided by this act, shall be made in any case for the outfit or return home of any such officer or person; and no consular officer shall, nor shall any person under any consular officer, make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner shall be entitled who shall be discharged in any foreign country, or for any money advanced to any such seaman or mariner who shall seek relief from any consulate or commercial agency; nor shall any con-

Copy of receipts for fees to be delivered to collector on return of vessels, to be forwarded to Sec'y of the Treasury.

Oath to accounts.

Penalty for perjury.

Absence from post when forbidden. Deductions from pay therefor.

No diplomatic or consular officer to correspond with private persons on public affairs, or recommend to, or ask for or accept office abroad.

Pay to be in full for all services.

Commissions on wages, or being interested in boarding or supplying sailors, forbidden.

Proviso. sular officer, or any person under any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner: *Provided*, that such prohibition as to profit shall not be construed to relieve or prevent any such officer who shall be the owner or otherwise interested in any ship or vessel of the United States, from transporting in such ship or vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation, under and by virtue of the fourth section of the act entitled "An act supplementary to the act concerning consuls and vice consuls, and for the further protection of American seamen," approved February twenty-eighth, eighteen hundred and three.

1849, ch. 9.
Vol. II. p. 203.

Provision as to those holding office who are not citizens.

SEC. 21. *And be it further enacted*, That no compensation provided by this act for any such officer as is mentioned in the first section of this act, or for any assistant secretary of legation, or for any such officer as is mentioned in Schedules B and C of the third section of this act, or any appropriation therefor, shall be applicable to the payment of the compensation of any person appointed to or holding any such office after this act shall take effect, who shall not be a citizen of the United States; nor shall any other compensation be allowed in any such case.

Stationery and contingencies for the legations, consulates, and agencies to be provided.

SEC. 22. *And be it further enacted*, That the President be, and is hereby, authorized to provide at the public expense all such stationary, blanks, record and other books, seals, presses, flags, and signs, as he shall think necessary for the several legations, consulates, and commercial agencies in the transaction of their business; and whenever he shall think there is sufficient reason therefor, to allow consuls general, consuls, and commercial agents, who are not allowed to trade, actual expenses of office rent, not to exceed, in any case, ten per centum of the amount of the annual compensation allowed to such officer, and 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 return(e)s, 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 interests; and it shall be the duty of all such officers to conform to such regulations, orders, and instructions; and it shall be the duty of the Secretary of State to publish official notifications, from time to time, of such commercial information communicated to him by such diplomatic and consular officers, as he may deem important to the public interests, in such newspapers, not to exceed three in number, as he may select, and to report to Congress, at least once in each year, a synopsis of so much of the information on all subjects which shall be so communicated to him, as he may deem valuable for public information.

President may prescribe rules as to transaction of business.

1856, ch. 170.
Post, p. 139.

Secretary of State to publish commercial information.

Passports.

SEC. 23. *And be it further enacted*, That the Secretary of State shall be authorized to grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by such diplomatic or consular officers of the United States, and 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 any such passport; nor shall any passport be granted or issued to, or verified for, any other persons than citizens of the United States; nor shall any charge be made for granting, issuing, or verifying any passport except in a foreign country; and in any case the fee allowed therefor shall not exceed the sum of one dollar, nor shall any such charge be made for more than one such verification in any foreign country; and if any person acting, or claiming to act, in any office or capacity, under the United States, or any of the

States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport, or other instrument in the nature of a passport, to or for any citizen of the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any consular officer who shall be authorized to grant, issue, or verify passports, shall knowingly and wilfully grant, issue, or verify any such passport to or for any person not a citizen of the United States, the person so offending shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be imprisoned not exceeding one year, or fined in a sum not to exceed five hundred dollars, or both, and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody; and it shall be the duty of all persons who shall be authorized, pursuant to the provisions of this act, to grant, issue, or verify passports, to make return of the same to the Secretary of State, in such manner and as often as he shall require; and such returns shall specify the names and all other particulars of the persons to whom the same shall be granted, issued, or verified, as embraced in such passport: *Provided*, That in any country where a legation of the United States is established, no person other than the diplomatic representative of the United States, at such place shall be permitted to grant or issue any passport, except in the absence therefrom of such representative.

SEC. 24. *And be it further enacted*, That every secretary of legation and consular officer is hereby authorized, whenever he shall be required or may deem it necessary or proper so to do, at the post, port, place, or within the limits of his legation, consulate, or commercial agency, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and also to perform any notarial act or acts such as any notary public is required or authorized by law to do or perform within the United States; and every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done, by or before any such officer, when certified under his hand and seal of office, shall be as good, valid, effectual, and of like force and effect within the United States, to all intents and purposes, as if such oath, affirmation, affidavit, deposition, or notarial act had been administered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto; and if any person shall wilfully 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 offence 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 offence; 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 three thousand dollars, and may be charged, proceeded against, tried, convicted, and dealt with, therefor, in the district where he may be arrested or in custody.

Secretaries of legation and consular officers may administer oaths, and act as notaries.

Penalty for perjury in such oaths.

Evidence of the taking of the oath.

Penalty for forging certificates of oaths.

Provisions in case of desertion of seamen.

SEC. 25. *And be it further enacted*, That whenever any seaman or mariner of any vessel of the United States shall desert such vessel, the master or commander of such vessel shall note the fact and date of such desertion on the list of the crew, and the same shall be officially authenticated at the port or place of the consulate or commercial agency first visited by such vessel after such desertion, if such desertion shall have occurred in a foreign country, or if in such case such vessel shall not visit any place where there shall be any consulate or commercial agency before her return to the United States, or the desertion shall have occurred in this country, the fact and time of such desertion shall be officially authenticated before a notary public immediately at the first port or place where such vessel shall arrive after such desertion; and all wages that may be due to such seaman or mariner, and whatever interest he may have in the cargo of such vessel, shall be forfeited to and become the property of the United States, and paid over for their use to the collector of the port where the crew of such vessel are accounted for as soon as the same can be ascertained; first deducting therefrom any expense which may necessarily have been incurred on account of such vessel in consequence of such desertion; and in settling the account of such wages or interest no allowance or deduction shall be made except for moneys actually paid, or goods at a fair price supplied, or expenses incurred to, or for such seaman or mariner, any receipt or voucher from, or arrangement with such seaman or mariner, to the contrary notwithstanding.

Provision for the case of the discharge of seamen abroad.

SEC. 26. *And be it further enacted*, That upon the application of any seaman or mariner for a discharge, if it shall appear to the consular officer that he is entitled to his discharge under any act of Congress, or according to the general principles or usages of maritime law, as recognized in the United States, he shall discharge such seaman or mariner, and shall require from the master or commander of the ship or vessel from which such discharge shall be made, the payment of three months' extra wages, as provided by the act hereinbefore mentioned, approved February twenty-eight, eighteen hundred and three; and it shall be the duty of such master or commander to pay the same, and no such payment or any part thereof shall be remitted in any case, except such as are mentioned in the proviso of the ninth clause of the act entitled "An act in addition to the several acts regulating the shipment and discharge of seamen and the duties of consuls," approved July twentieth, eighteen hundred and forty, and as hereinafter provided, and the extra wages required to be paid by the said ninth clause of the last hereinbefore mentioned act, and by this section, shall be applicable to the same purposes and in the same manner as is directed by the said act approved February twenty-eighth, eighteen hundred and three, in regard to the extra wages required to be paid thereby; and if any consular officer, when discharging any seaman or mariner, shall neglect to require the payment of and collect the extra wages required to be paid in the case of the discharge of any seaman or mariner, by either of the said acts, as far as they shall remain in force under this act or by this act, he shall be accountable to the United States for the full amount of their share of such wages, and to such seaman or mariner to the full amount of his share thereof; and if any seaman or mariner shall, after his discharge, have incurred any expense for board or other necessaries at the port or place of his discharge before shipping again, such expense shall be paid out of the share of the three months' wages to which he shall be entitled, which shall be retained for that purpose, and the balance only paid over to him: *Provided, however*, That in cases of wrecked or stranded ships or vessels, or ships or vessels condemned as unfit for service, no payment of extra wages shall be required.

Proviso.

List to be kept

SEC. 27. *And be it further enacted*, That every consular officer shall

keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels on and from which they shall be shipped and discharged, and the payments, if any, made on account of each so discharged, and also of the number of the vessels arrived and departed, and the amounts of their registered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and as nearly as possible the nature and value of their cargoes, and where produced, and make returns of the same, with their accounts and other returns, to the Secretary of the Treasury; and no consular officer shall certify any invoice unless he shall be satisfied that the person making the oath or affirmation thereto is the person he represents himself to be, that he is a credible person, and that the statements made under such oath or affirmation are true; and he shall, thereupon, by his certificate, state that he was so satisfied; and it shall be the duty of every consular officer to furnish to the Secretary of the Treasury, as often as shall be required, the prices current of all articles of merchandise usually exported to the United States from the port or place in which he shall be located.

Prices current to be furnished.

SEC. 28. *And be it further enacted*, That it shall be the duty of every master and commander of a ship or vessel of the United States, whenever he shall have occasion for any consular or other official service, which any consular officer of the United States shall be authorized by law or usage officially to perform, and for which any fees shall be allowed by the said rates or tariffs of fees as aforesaid, to apply to such one of the said officers as may then be officially located at the consulate or commercial agency, if any there be where such service shall be required, to perform such service, and such master or commander shall pay to such officer such fees as shall be allowed for such service, in pursuance of the provisions of this act; and if any such master or commander shall omit so to do, he shall be liable to the United States for the amount of the fees lawfully chargeable for such services, as though the said services had been performed by such officer; and all consular officers are hereby authorized and required to retain in their possession all the papers of such ships and vessels, which shall be deposited with them as directed by law, till payment shall be made of all demands and wages on account of such ships and vessels.

Masters, &c. of ships obliged to apply to said officers when he has occasion for any of said services.

Papers may be detained till payment of fees.

SEC. 29. *And be it further enacted*, That if any citizen of the United States who shall die abroad shall, by any lawful testamentary disposition, leave special directions for the custody and management, by the consular officer of the port or place where he shall die, of the personal property of which he shall die possessed in such country, as contemplated by the act entitled "An act concerning consuls and vice consuls," approved April fourteenth, seventeen hundred and ninety-two, it shall be the duty of such officer, so far as the law of such country will permit, strictly to observe such directions; and if any such citizen so dying shall, by any lawful testamentary disposition, have appointed any other person or persons than such officer to take charge of and manage such property, it shall be the duty of such officer, whenever required by such person or persons so appointed, to give his official aid in whatever way may be necessary to facilitate the proceedings of such person or persons in the lawful execution of such trust, and, so far as the laws of the country permit, to protect the property of the deceased from any interference of the local authorities of the country where such citizen shall die; and to this end it shall be the duty of such consular officer to place his official seal upon all or any of the personal property or effects of the deceased, and to break and remove such seal as may be required by such person or persons, and not otherwise.

Duties of consular officers when citizens die abroad.

1792, ch. 24, § 2.

Vol. i. p. 255.

SEC. 30. *And be it further enacted*, That all fees collected for and in behalf of the United States, in pursuance of this act, shall be collected

Fees, in what coinage payable.

in the coin of the United States, or at its representative value in exchange.

Construction of former acts about consular officers.

SEC. 31. *And be it further enacted*, That in the construction, and for the purposes, of all other acts and parts of acts which shall remain in force after this act shall take effect, defining any of the powers, declaring any of the rights, prescribing any of the duties, or imposing any penalty or punishment for any act of omission or commission of any consul, commercial agent, vice consul, or vice commercial agent, or allowing or enjoining the performance of any act, matter, or thing, with or before any such officer, all such acts and parts of acts shall in all these several respects, so far as may be consistent with the subject-matter and context of the same and with this act and the treaties of the United States, be deemed and taken to include and apply to all consular officers as though all such officers were specially named therein; and the said official designations in contemplation of all such acts and parts of acts, and of this act, shall be deemed and taken to have the respective meanings herein—after assigned to them—that is to say, “consul general,” “consul,” and “commercial agent,” shall be deemed and taken to denote full, principal, and permanent “consular officers,” as distinguished from subordinates and substitutes; “deputy consul” and “consular agent” shall be deemed and taken to denote “consular officers” subordinate to such principals, exercising the powers and performing the duties within the limits of their consulates or commercial agencies respectively, the former at the same ports or places, and the latter at ports or places different from those at which such principals are located respectively; and “vice consuls” and “vice commercial agents” shall be deemed and taken to denote “consular officers,” who shall be substituted, temporarily, to fill the places of “consuls general,” “consuls,” or “commercial agents,” when they shall be temporarily absent or relieved from duty; and the term “consular officer,” as used in this act, shall be deemed and taken to include all such officers as are mentioned in this section, and none others; and the term “diplomatic officer,” as used in this act, shall be deemed and taken to include all the officers mentioned in the first section of this act, and none others.

Meaning of titles of consular officers.

Penalties on consular officers for violation or neglect of duty.

SEC. 32. *And be it further enacted*, That if any consular officer shall wilfully neglect or omit to perform seasonably any duty imposed upon him by this or any other act, or by any order or instruction made or given in pursuance of this or any other act, or shall be guilty of any wilful malfeasance or abuse of power, or any corrupt conduct in his office, he shall be liable to all persons injured by any such neglect, or omission, malfeasance, abuse, or corrupt conduct, for all damages occasioned thereby; and for all such damages by any such officer, he, and his sureties upon his official bond, shall be responsible thereon to the full amount of the penalty thereof, to be sued in the name of the United States for the use of the person or persons so injured; *Provided*, That such suit shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States, as against such officer, under such bond, for every wilful act of malfeasance or corrupt conduct in his office; and if any such officer shall refuse to pay any draft, order, or warrant which may be drawn upon him by the proper officer of the Treasury Department for any public moneys of the United States in his hands, or for any amount due from him to the United States, whatever the capacity in which he may have received or may hold the same, or to transfer or disburse any such moneys promptly upon the legal requirement of any authorized officer of the United States, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment not to exceed ten years nor less than one year, or by fine not to exceed two thousand dollars nor less than two hundred dollars, or both, at the discretion of the court; and any such officer so offending, may be charged, proceeded against, tried, convicted,

and dealt with in any district in which he may be arrested or in custody.

SEC. 33. *And be it further enacted*, That the fifth, sixth, and seventh sections of the act hereinbefore mentioned, approved July twentieth, eighteen hundred and forty, and all of the act entitled "An act to remodel the diplomatic and consular systems of the United States," approved March first, eighteen hundred and fifty-five, and all acts and parts of acts whereby any such fees as are contemplated by the seventeenth section of this act are fixed or allowed, and any usage or law whereby any attache is or may be allowed to any legation other than such as are provided in this act, or requiring any secretary of legation to be employed otherwise than as provided by this act, and all other acts and parts of acts, so far as the same are inconsistent with this act, be and the same are hereby annulled and repealed; and no attache shall be allowed in any case, nor any secretary of legation, otherwise than as provided by this act.

Repeal of certain specified parts of acts and of all inconsistent acts.

1840, ch. 48.
Vol. v. p. 394.
1855, ch. 133.
Vol. x. p. 619.

SEC. 34. *And be it further enacted*, That this act shall take effect on the first day of January next, and not before.

APPROVED, August 18th, 1856.

CHAP. CXXVIII.—*An Act making Appropriations for the Current and Contingent Expenses of the Indian Department, and for fulfilling Treaty Stipulations with various Indian Tribes, for the Year ending June thirtieth, one thousand eight hundred and fifty-seven.*

Aug. 18, 1856.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian department, and fulfilling treaty stipulations with the various Indian tribes.

For the current and contingent expenses of the Indian department, viz:

Current and contingent expenses.

For the pay of superintendents of Indian affairs, and of the several Indian agents, per acts of fifth June, eighteen hundred and fifty, twenty-eighth September, eighteen hundred and fifty, twenty-seventh February, eighteen hundred and fifty-one, third March, eighteen hundred and fifty-two, third March, eighteen hundred and fifty-three, thirty-first July, eighteen hundred and fifty-four, and third March, eighteen hundred and fifty-five, fifteen thousand dollars.

1850, ch. 16.
1850, ch. 82.
1851, ch. 14.
1852, ch. 11.
1853, ch. 104.
1854, ch. 167.
1855, ch. 204.
Vol. x. p. 686.
1854, ch. 167.
Vol. x. p. 315.
1846, ch. 34.
Vol. ix. p. 20.

For the pay of the several Indian sub-agents, per act of thirty-first July, eighteen hundred and fifty-four, ten thousand five hundred dollars.

For the pay of clerk to superintendent at St. Louis, Missouri, per act of twenty-seventh June, eighteen hundred and forty-six, one thousand two hundred dollars.

For the pay of clerk to superintendent in California, per act of third March, eighteen hundred and fifty-two, two thousand five hundred dollars.

1852, ch. 11.
Vol. x. p. 2.
Presents.
Provisions.
Buildings.
Contingencies.

For presents to Indians, five thousand dollars.

For provisions for Indians, eleven thousand eight hundred dollars.

For buildings at agencies, and repairs thereof, ten thousand dollars.

For contingencies of the Indian department, thirty-six thousand five hundred dollars.

For fulfilling treaty stipulations with the various Indian tribes:

Blackfoot Nation.—For first of ten instalments as annuity, to be expended in the purchase of such goods, provisions, and other useful articles, as the President, at his discretion, may from time to time determine, per ninth article of the treaty of seventeenth October, eighteen hundred and fifty-five, twenty thousand dollars.

Blackfoot Nation.
Post, p. 659.

For expenses of transportation and delivery of annuities in goods and provisions, seventeen thousand dollars.