

SEC. 1735. Whenever any consular officer willfully neglects or omits to perform seasonably any duty imposed upon him by law, or by any order or instruction made or given in pursuance of law, or is guilty of any willful malfeasance or abuse of power, or of 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, 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 injured. Such suit, however, shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States, as against any officer, under such bond, for every willful act of malfeasance or corrupt conduct in his office.

Neglect of duty,
&c.

18 Aug., 1856, c.
127, s. 32, v. 11, p.
64.

SEC. 1736. If any consul or commercial agent neglects or omits to perform, seasonably, the duties imposed upon him by the laws regulating the shipment and discharge of seamen, and the reclamation of deserters on board or from vessels in foreign ports, or is guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be punishable by imprisonment for not more than five years and not less than one, and by a fine of not more than ten thousand dollars and not less than one thousand. [See § 4600.]

Neglect of duty
to seamen; cor-
rupt conduct.

20 July, 1840, c.
48, s. 18, v. 5, p. 397.

SEC. 1737. If any consul, vice-consul, commercial agent, or vice-commercial agent falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years and by a fine of not more than ten thousand dollars.

False certificate
of property.

28 Feb., 1803, c.
9, s. 7, v. 2, p. 204.

SEC. 1738. 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 is appointed, or any other country or government, when there is 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. [See § 5335.]

When consular
officers may per-
form diplomatic
functions.

18 Aug., 1856, c.
127, s. 12, v. 11, p. 56.

SEC. 1739. For such time as any consular officer shall be authorized 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 which would be allowed for a secretary of legation in such country.

Compensation of
consular officer per-
forming diplomatic
functions.

18 Aug., 1865, c.
127, s. 11, v. 11, p. 56.

CHAPTER THREE.

PROVISIONS COMMON TO DIPLOMATIC AND CONSULAR OFFICERS.

Sec.	Sec.
1740. Term during which salary is payable.	1748. Expenses of legations, consulates, &c.
1741. Absence.	1749. Allowance to widow of consular offi- cer deceased in a foreign country.
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SEC. 1740. No ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter to any legation or consulate, or consul-general, consul, or commercial agent, mentioned in Schedules B and C, shall be entitled to compensation for his services, except from the time when he reaches his post and enters upon his offi-

Term during
which salary is
payable.

18 Aug., 1856, c.
127, s. 8, v. 11, p. 55.

cial duties to the time when he ceases to hold such office, and for such time as is actually and necessarily occupied in receiving his instructions, not to exceed thirty days, and in making the direct 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 is appointed and actually enters upon the duties of his office at his post of duty, nor after his official residence at such post has terminated if not so relieved. But no such allowance or payment shall be made to any consul-general, consul, or commercial agent, not embraced in Schedules B and C, 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 has resigned or been recalled therefrom for any malfeasance in his office.

Absence.

18 Aug., 1856, c. 127, s. 19, v. 11, p. 59.

SEC. 1741. No ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter for any legation or consulate, or consul-general, consul, or commercial agent, mentioned in Schedules B and C, or consular agent, shall 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.

Salary in case of absence.

3 March, 1869, c. 125, s. 2, v. 15, p. 321.

SEC. 1742. No diplomatic or consular officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in any one year; but the time equal to that usually occupied in going to and from the United States in case of the return, on leave, of such diplomatic or consular officer to the United States may be allowed in addition to such sixty days.

Extra compensation prohibited.

18 Aug., 1856, c. 127, s. 20, v. 11, p. 59.

SEC. 1743. The compensation allowed by law to the various diplomatic and consular officers shall be in full for all the services rendered and personal expenses incurred by the persons respectively for whom such compensation is provided, of whatever kind such services or personal expenses may be, or by whatever treaty, law, or instructions they are required; and no allowance, other than such as is so provided, shall be made in any case for the outfit or return home of any such officer or person.

Compensation to citizens only.

18 Aug., 1856, c. 127, s. 21, v. 11, p. 60.

SEC. 1744. No compensation provided for any officer mentioned in section sixteen hundred and seventy-five, or for any assistant secretary of legation, or any appropriation therefor, shall be applicable to the payment of the compensation of any person appointed to or holding any such office who shall not be a citizen of the United States; nor shall any other compensation be allowed in any such case.

President to regulate fees.

18 Aug., 1856, c. 127, s. 16, v. 11, p. 57.

SEC. 1745. The President is 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 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 such rates or tariffs shall be reported annually to Congress.

Fees to be collected in coin.

18 Aug., 1856, c. 127, s. 30, v. 11, p. 63.

SEC. 1746. All fees collected by diplomatic and consular officers for and in behalf of the United States shall be collected in the coin of the United States, or at its representative value in exchange.

SEC. 1747. All fees collected 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.

Officers to account for fees.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

SEC. 1748. The President is authorized to provide at the public expense all such stationery, 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.

Expenses of legations, consulates, &c.

18 Aug., 1856, c. 127, s. 22, v. 11, p. 60.

SEC. 1749. Whenever any diplomatic or consular officer of the United States dies in a foreign country in the discharge of his duty, there shall be paid to his widow, or, if no widow survive him, then to his heirs at law, a sum of money equal to the allowance now made to such officer for the time necessarily occupied in making the transit from his post of duty to his residence in the United States.

Allowance to widow of consular officer deceased in a foreign country.

22 Feb., 1873, c. 184, s. 2, v. 17, p. 474.

SEC. 1750. Every secretary of legation and consular officer is hereby authorized, whenever he is required or deems 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 to perform any notarial act which any notary public is required or authorized by law to do within the United States. 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 valid, and of like force and effect within the United States, to all intents and purposes, as if administered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto. If any person shall willfully and corruptly commit perjury, or by any means procure any person to commit perjury in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with in any district of the United States, in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined in a sum not to exceed 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. [See §§ 5392, 5393.]

Depositions.

18 Aug., 1856, c. 127, s. 24, v. 11, p. 61.

Herman vs. Herman, 4 Wash. C. C., p. 555.

Penalty for perjury in such cases.

Evidence of taking the oath.

Penalty for forging certificate of oath.

SEC. 1751. No diplomatic or consular officer shall 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 favor, office, or title of any kind, from any such government.

Certain correspondence by officers prohibited.

18 Aug., 1856, c. 127, s. 19, v. 11, p. 59.

Regulations.

18 Aug., 1856, c. 127, s. 22, v. 11, p. 60.

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