

(June 30, 1902, ch. 1331, § 1, 32 Stat. 546.)

CODIFICATION

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1178 of this title, and prior thereto to section 78 of this title.

§ 4199. Penalty for failure to give bond and for embezzlement

Every consular officer who accepts any appointment to any office of trust mentioned in section 4198 of this title without first having complied with the provisions thereof by due execution of a bond as therein required, or who shall willfully fail or neglect to account for, pay over, and deliver any money, property, or effects so received to any person lawfully entitled thereto, after having been requested by the latter, his representative or agent so to do, shall be deemed guilty of embezzlement and shall be punishable by imprisonment for not more than five years and by a fine of not more than \$5,000.

(June 30, 1902, ch. 1331, § 2, 32 Stat. 547.)

CODIFICATION

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1179 of this title, and prior thereto to section 79 of this title.

§ 4200. Certification of invoices generally

No consular officer shall certify any invoice unless he is satisfied that the person making oath thereto is the person he represents himself to be, that he is a credible person, and that the statements made under such oath are true; and he shall, thereupon, by his certificate, state that he was so satisfied.

(R.S. § 1715.)

CODIFICATION

R.S. § 1715 derived from act Aug. 18, 1856, ch. 127, § 27, 11 Stat. 62.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1180 of this title, and prior thereto to section 83 of this title.

§ 4201. Fees for certification of invoices

Fees for the consular certification of invoices shall be, and they are, included with the fees for official services for which the President is authorized by section 4219 of this title to prescribe rates or tariffs.

(Apr. 5, 1906, ch. 1366, § 9, 34 Stat. 101.)

CODIFICATION

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

A further provision of section 9 of act Apr. 5, 1906, repealed R.S. § 2851, which provided for certification of invoices of imported merchandise by the collector of the post, and R.S. § 1721, which prescribed a fee of one dollar to be charged by the consul-general for the British North American provinces, for certifying invoices of goods not exceeding \$100 in value.

Section was formerly classified to section 1181 of this title, and prior thereto to section 84 of this title.

§ 4202. Exaction of excessive fees for verification of invoices; penalty

The fee provided by law for the verification of invoices by consular officers shall, when paid, be

held to be a full payment for furnishing blank forms of declaration to be signed by the shipper, and for making, signing, and sealing the certificate of the consular officer thereto; and any consular officer who, under pretense of charging for blank forms, advice, or clerical services in the preparation of such declaration or certificate, charges or receives any fee greater in amount than that provided by law for the verification of invoices, or who demands or receives for any official services, or who allows any clerk or subordinate to receive for any such service, any fee or reward other than the fee provided by law for such service, shall be punishable by imprisonment for not more than one year, or by a fine of not more than \$2,000, and shall be removed from his office.

(R.S. § 1716.)

CODIFICATION

R.S. § 1716 derived from act Mar. 3, 1869, ch. 125, § 3, 15 Stat. 321.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1182 of this title, and prior thereto to section 85 of this title.

§ 4203. Destruction of old invoices

The Secretary of State is authorized to cause, from time to time, the destruction of invoices that have been filed in the consular offices for a period of more than five years.

(Feb. 24, 1903, ch. 753, 32 Stat. 854.)

CODIFICATION

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1183 of this title, and prior thereto to section 86 of this title.

§ 4204. Restriction as to certificate for goods from countries adjacent to United States

No consular officer of the United States shall grant a certificate for goods, wares, or merchandise shipped from countries adjacent to the United States which have passed a consulate after purchase for shipment.

(R.S. § 1717.)

CODIFICATION

R.S. § 1717 derived from act Feb. 22, 1873, ch. 184, § 3, 17 Stat. 474.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1184 of this title, and prior thereto to section 87 of this title.

§ 4205. Retention of papers of American vessels until payment of demands and wages

All consular officers are authorized and required to retain in their possession all the papers of vessels of the United States, which shall be deposited with them as directed by law, till payment shall be made of all demands and wages on account of such vessels.

(R.S. § 1718.)

CODIFICATION

R.S. § 1718 derived from act Aug. 18, 1856, ch. 127, § 28, 11 Stat. 63.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1185 of this title, and prior thereto to section 88 of this title.

§ 4206. Fees for services to American vessels or seamen prohibited

No fees named in the tariff of consular fees prescribed by order of the President shall be charged or collected by consular officers for the official services to American vessels and seamen. Consular officers shall furnish the master of every such vessel with an itemized statement of such services performed on account of said vessel, with the fee so prescribed for each service, and make a detailed report to the Secretary of the Treasury of such services and fees, under such regulations as the Secretary of State may prescribe.

(June 26, 1884, ch. 121, § 12, 23 Stat. 56.)

CODIFICATION

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Provisions of section 12 of act June 26, 1884 (this section), permitting the Secretary of the Treasury to allow consular officers who are paid in whole or in part by fees such compensation for their services as they would have received but for the prohibition in this section were superseded by section 4223 of this title and were omitted, as was a provision of said section appropriating a sum sufficient for the payment of the compensation herein mentioned.

Section was formerly classified to section 1186 of this title, and prior thereto to section 89 of this title.

§ 4207. Profits from dealings with discharged seamen; prohibition

No consular officer, nor any person under any consular officer shall 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 is entitled who is discharged in any foreign country, or for any money advanced to any such seaman or mariner who seeks relief from any consulate; nor shall any consular 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. Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law.

(R.S. § 1719; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

CODIFICATION

R.S. § 1719 derived from act Aug. 18, 1856, ch. 127, § 20, 11 Stat. 59.

Reference to "commercial agency" was omitted in view of the abolition of the grade of commercial agent by act Apr. 5, 1906.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1187 of this title, and prior thereto to section 90 of this title.

§ 4208. Valuation of foreign coins in payment of fees

Consuls, vice consuls, and consular agents in the Dominion of Canada, in the collection of official fees, shall receive foreign moneys at the rate given in the Treasury schedule of the value of foreign coins.

(R.S. § 1722.)

CODIFICATION

R.S. § 1722 derived from act Mar. 3, 1869, ch. 125, § 3, 15 Stat. 321.

Provisions of R.S. § 1722 that no consul, vice consul, or consular agent in the Dominion of Canada shall be allowed tonnage fees for any services, actual or constructive, rendered any vessel owned and registered in the United States that may touch at a Canadian port, were omitted as superseded by section 12 of act June 26, 1884, ch. 121, 23 Stat. 56, which is classified to section 4206 of this title.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1188 of this title, and prior thereto to section 91 of this title.

§ 4209. Exaction of excessive fees generally; penalty of treble amount

Whenever any consular officer collects, or knowingly allows to be collected for any service, any other or greater fees than are allowed by law 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 are paid, treble the amount of the unlawful charge so collected, as a penalty, to be recovered with costs, in any proper form of action, by such person for his own use. And in any such case the Secretary of the Treasury may 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 may thereupon refund such unlawful charge, and pay such penalty to the person entitled to the same if he shall think proper so to do.

(R.S. § 1723.)

CODIFICATION

R.S. § 1723 derived from act Aug. 18, 1856, ch. 127, § 17, 11 Stat. 58.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1189 of this title, and prior thereto to section 92 of this title.

§ 4210. Liability for uncollected fees

Every consul general, consul, or vice consul appointed to perform the duty of any such officer, who omits to collect any fees which he is entitled to charge for any official service, shall be liable to the United States therefor, as if he had collected the same; unless, upon good cause shown therefor, the Secretary of the Treasury shall think proper to remit the same.

(R.S. § 1724; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

CODIFICATION

R.S. § 1724 derived from act Aug. 18, 1856, ch. 127, § 18, 11 Stat. 58.

References to "commercial agent" and "vice-commercial agent" were omitted in view of the abolition of the grade of commercial agent by act Apr. 5, 1906.