

§ 4195. Repealed. Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title II, § 234(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A-426

Section, R.S. §1709; Mar. 3, 1911, ch. 223, 36 Stat. 1083; June 10, 1921, ch. 18, title III, §304, 42 Stat. 24; July 12, 1940, ch. 618, 54 Stat. 758; Pub. L. 99-653, §21, Nov. 14, 1986, 100 Stat. 3658; Pub. L. 100-525, §8(p), Oct. 24, 1988, 102 Stat. 2618; Pub. L. 104-316, title II, §202(i), Oct. 19, 1996, 110 Stat. 3843, related to estates of United States citizens who died within or were domiciled at time of death within jurisdiction of consular or diplomatic officers and directed that Secretary of State act as conservator.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective six months after Nov. 29, 1999, see section 1000(a)(7) [div. A, title II, §234(c)] of Pub. L. 106-113, set out as an Effective Date note under section 2715b of this title.

§ 4196. Notification of death of decedent; transmission of inventory of effects

For the information of the representative of the deceased, the consular officer, or, if no consular officer is present, a diplomatic officer, in the settlement of his estate shall immediately notify his death in one of the gazettes published in the consular district, and also to the Secretary of State, that the same may be notified in the State to which the deceased belonged; and he shall, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased taken as before directed.

(R.S. §1710; July 12, 1940, ch. 618, 54 Stat. 760.)

Editorial Notes

CODIFICATION

R.S. §1710 derived from act Apr. 14, 1792, ch. 24, §2, 1 Stat. 255.

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

Section was formerly classified to section 1176 of this title, and prior thereto to section 76 of this title.

AMENDMENTS

1940—Act July 12, 1940, substituted “the consular officer, or, if no consular officer is present, a diplomatic officer,” for “the consul or vice-consul.”

§ 4197. Following testamentary directions; assistance to testamentary appointee

When a citizen of the United States dies in a foreign country and leaves, by any lawful testamentary disposition, special directions for the custody and management, by the consular officer, or in his absence a diplomatic officer, within whose jurisdiction the death occurred, of the personal property in the foreign country which he possessed at the time of death, such officer shall, so far as the laws of the foreign country permit, strictly observe such directions if not contrary to the laws of the United States. If such citizen has named, by any lawful testamentary disposition, any other person than a consular officer or diplomatic officer to take charge of and manage such property, it shall be the duty of the officer, whenever required by the person so named, to give his official aid in whatever way may be practicable to facilitate the

proceedings of such person in the lawful execution of his trust, and, so far as the laws of the country or treaty provisions permit, to protect the property of the deceased from any interference by the authorities of the country where such citizen died. To this end it shall be the duty of the consular officer, or if no consular officer is present a diplomatic officer, to safeguard the decedent's property by placing thereon his official seal and to break and remove such seal only upon the request of the person designated by the deceased to take charge of and manage his property.

(R.S. §1711; July 12, 1940, ch. 618, 54 Stat. 760.)

Editorial Notes

CODIFICATION

R.S. §1711 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 1177 of this title, and prior thereto to section 77 of this title.

AMENDMENTS

1940—Act July 12, 1940, amended section generally.

§ 4198. Bond as administrator or guardian; action on bond

No consular officer of the United States shall accept an appointment from any foreign state as administrator, guardian, or to any other office or trust for the settlement or conservation of estates of deceased persons or of their heirs or of persons under legal disabilities, without executing a bond, with security, to be approved by the Secretary of State, and in a penal sum to be fixed by him and in such form as he may prescribe, conditioned for the true and faithful performance of all his duties according to law and for the true and faithful accounting for delivering, and paying over to the persons thereto entitled of all moneys, goods, effects, and other property which shall come to his hands or to the hands of any other person to his use as such administrator, guardian, or in other fiduciary capacity. Said bond shall be deposited with the Secretary of the Treasury. In case of a breach of any such bond, any person injured by the failure of such officer faithfully to discharge the duties of his said trust according to law, may institute, in his own name and for his sole use, a suit upon said bond and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue in due form; but if such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant; and the United States shall in no case be liable for the same. The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of any person injured by a breach of the condition of the same until the whole penalty has been recovered.

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

Editorial Notes

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.)

Editorial Notes

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.)

Editorial Notes

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.)

Editorial Notes

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.)

Editorial Notes

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.)

Editorial Notes

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.)

Editorial Notes

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 pa-