CODIFICATION

''United States District Court for the District of Puerto Rico'' substituted in text for ''District Court of the United States for Puerto Rico'' in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that ''There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district'' and section 119 of Title 28, which states that ''Puerto Rico constitutes one judicial district''.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in act Mar. 2, 1901, ch. 812, § 2, 31 Stat. 953.

CHANGE OF NAME

''Puerto Rico'' substituted in text for ''Porto Rico'' pursuant to act May 17, 1932, which is classified to section 731a of this title.

### § 869. Fees payable by United States out of revenue of Puerto Rico

Such fees and expenses as are payable by the United States if earned or incurred in connection with a district court of the United States shall be paid from the revenue of Puerto Rico if earned or incurred in connection with the United States District Court for the District of Puerto Rico.

(Mar. 2, 1901, ch. 812, § 2, 31 Stat. 953; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

''United States District Court for the District of Puerto Rico'' substituted in text for ''District Court of the United States for Puerto Rico'' in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that ''There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district'' and section 119 of Title 28 which states that ''Puerto Rico constitutes one judicial district''.

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

As originally enacted, so much of section 2 of act Mar. 2, 1901, as is pertinent here, was as follows: ''Such fees and expenses as are payable by the United States, if earned or incurred in connection with a circuit or district court of the United States, shall be paid from the revenues of Porto Rico, if earned or incurred in connection with the district court of the United States for Porto Rico.''

CHANGE OF NAME

''Puerto Rico'' substituted in text for ''Porto Rico'' pursuant to act May 17, 1932, which is classified to section 731a of this title.

### § 870. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992

Section, acts Mar. 2, 1917, ch. 145, § 46, 39 Stat. 966; Feb. 26, 1919, ch. 49, §§ 2, 4, 40 Stat. 1182; Aug. 7, 1939, ch. 501, § 6, 53 Stat. 1226, related to salaries of district court officials. See section 604 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

### § 871. Omitted

CODIFICATION

Section, acts Mar. 2, 1917, ch. 145, § 47, 39 Stat. 967; May 17, 1932, ch. 190, 47 Stat. 158, which related to fees and mileage of jurors and witnesses, was superseded by sections 1821, 1825 and 1871 of Title 28, Judiciary and Judicial Procedure.

### § 872. Habeas corpus; mandamus; suit to restrain assessment or collection of taxes

The supreme and district courts of Puerto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district courts of the United States, and the district courts may grant writs of mandamus in all proper cases.

No suit for the purpose of restraining the assessment or collection of any tax imposed by the laws of Puerto Rico shall be maintained in the United States District Court for the District of Puerto Rico.

(Mar. 2, 1927, ch. 145, § 48, 39 Stat. 967; Mar. 4, 1927, ch. 503, § 7, 44 Stat. 1421; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

''United States District Court for the District of Puerto Rico'' substituted in text for ''District Court of the United States for Puerto Rico'' in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that ''There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district'' and section 119 of Title 28 which states that ''Puerto Rico constitutes one judicial district''.

AMENDMENTS

1927—Act Mar. 4, 1927, added second paragraph.

CHANGE OF NAME

''Puerto Rico'' substituted in text for ''Porto Rico'' pursuant to act May 17, 1932, which is classified to section 731a of this title.

### § 873. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section, acts Mar. 2, 1917, ch. 145, § 49, 39 Stat. 967; May 17, 1932, ch. 190, 47 Stat. 158, related to appointment of judges, marshals and secretaries.

EFFECTIVE DATE OF REPEAL

Repeal effective July 25, 1952, see note set out under section 732 of this title.

### § 873a. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992

Section, act Feb. 12, 1940, ch. 25, § 1, 54 Stat. 22, which related to rules governing civil cases. See section 2072 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

### § 874. Judicial process; officials to be citizens of United States; oath

All judicial process shall run in the name of ''United States of America, ss, the President of the United States'', and all penal or criminal prosecutions in the local courts shall be conducted in the name and by the authority of ''The People of Puerto Rico.'' All officials shall be citizens of the United States, and, before enter-

ing upon the duties of their respective offices, shall take an oath to support the Constitution of the United States and the laws of Puerto Rico.

(Mar. 2, 1917, ch. 145, § 10, 39 Stat. 954; May 17, 1932, ch. 190, 47 Stat. 158.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, § 16, 31 Stat. 81.

CHANGE OF NAME

''Puerto Rico'' substituted in text for ''Porto Rico'' pursuant to act May 17, 1932, which is classified to section 731a of this title.

### §§ 875, 876. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992

Section 875, act Mar. 2, 1917, ch. 145, § 55, 39 Stat. 968, related to continuation of court's jurisdiction.

Section 876, act Jan. 7, 1913, ch. 6, 37 Stat. 648, related to temporary judge.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

## SUBCHAPTER V—RESIDENT COMMISSIONER

### § 891. Resident Commissioner; election

The qualified electors of Puerto Rico shall choose a Resident Commissioner to the United States at each general election, whose term of office shall be four years from the 3d of January following such general election, and who shall be entitled to receive official recognition as such commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the Governor of Puerto Rico.

(Mar. 2, 1917, ch. 145, § 36, 39 Stat. 963; May 17, 1932, ch. 190, 47 Stat. 158; June 5, 1934, ch. 390, § 5, 48 Stat. 879.)

CODIFICATION

Section is comprised of second sentence of section 36 of act Mar. 2, 1917. The first sentence of section 36, providing for election of a Resident Commissioner to the United States at the next general election for a term commencing with date of issuance of certificate of election and terminating Mar. 4, 1921, was omitted. Parts of the third and fourth sentences of section 36 are classified to section 893 of this title. The other part of the third sentence of section 36, which fixed the salary of the commissioner at $7,500 per annum, was superseded by act Feb. 26, 1907, ch. 1635, § 4, 34 Stat. 993, as amended by act Mar. 4, 1925, ch. 549, § 4, 43 Stat. 1301. See Prior Provisions note under section 31 of Title 2, The Congress. The other part of the fourth sentence of section 36, which allowed the commissioner $500 as mileage, was classified to former section 46 of Title 2 and was omitted from the Code as superseded by former section 43b–1 of Title 2. The fifth and sixth sentences of section 36 are classified to section 892 of this title.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, § 39, 31 Stat. 86.

The salary allowed by section 39 of act Apr. 12, 1900, was increased by act Feb. 26, 1907, ch. 1635, § 4, 34 Stat. 993.

The resident commissioner was allowed traveling expenses in addition to his salary, and the commencement of his term was fixed by act July 1, 1902, ch. 1383, § 3, 32 Stat. 732.

The manner of paying the salary and traveling expenses of the resident commissioner was fixed by a provision of act June 22, 1906, ch. 3514, § 1, 34 Stat. 417.

AMENDMENTS

1934—Act June 5, 1934, changed commencement of term of office from Mar. 4 to Jan. 3 following the general election.

CHANGE OF NAME

''Puerto Rico'' substituted in text for ''Porto Rico'' pursuant to act May 17, 1932, which is classified to section 731a of this title.

### § 892. Qualifications of Commissioner; appointment to fill vacancy

No person shall be eligible to election as Resident Commissioner who is not a bona fide citizen of the United States and who is not more than twenty-five years of age, and who does not read and write the English language. In case of a vacancy in the office of Resident Commissioner by death, resignation, or otherwise, the governor, by and with the advice and consent of the senate, shall appoint a Resident Commissioner to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified.

(Mar. 2, 1917, ch. 145, § 36, 39 Stat. 963.)

CODIFICATION

Section is comprised of fifth and sixth sentences of section 36 of act Mar. 2, 1917. For classification of the remainder of section 36, see Codification note set out under section 891 of this title.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, § 39, 31 Stat. 86.

### § 893. Salary of Commissioner; allowances; franking privilege

The Resident Commissioner shall receive a salary payable monthly by the United States. He shall be allowed the same sum for stationery and for the pay of necessary clerk hire as is allowed Members of the House of Representatives of the United States. He shall be allowed the franking privilege granted Members of Congress.

(Mar. 2, 1917, ch. 145, § 36, 39 Stat. 963; Mar. 4, 1925, ch. 549, § 4, 43 Stat. 1301.)

CODIFICATION

Section is comprised of parts of third and fourth sentences of section 36 of act Mar. 2, 1917. For classification of the remainder of section 36, see Codification note set out under section 891 of this title.

### § 894. Salary and traveling expenses; payment

The salary and traveling expenses of the Resident Commissioner from Puerto Rico to the United States shall be paid by the Chief Administrative Officer of the House of Representatives in the same manner as the salaries of the members of the House of Representatives are paid.

(June 22, 1906, ch. 3514, § 1, 34 Stat. 417; May 17, 1932, ch. 190, 47 Stat. 158; Pub. L. 104–186, title II, § 224(1), Aug. 20, 1996, 110 Stat. 1752.)