

that the licensee shall, upon the demand of the commission, grant to it the right to use, free of all charge, any of the water upon the island of Molokai, and any of the surplus water tributary to the Waimea River upon the island of Kauai, which is covered by the license and which the commission deems necessary for the additional purpose of adequately irrigating any tract.

(e) All rights conferred on the commission by this section to use, contract for, acquire the use of water shall be deemed to include the right to use, contract for, or acquire the use of any ditch or pipe line constructed for the distribution and control of such water and necessary to such use by the commission. (July 9, 1921, c. 42, § 221, 42 Stat. 114.)

§ 716. Right of alteration, amendment, or repeal reserved. The Congress of the United States reserves the right to alter, amend, or repeal the provisions of this subchapter. (July 9, 1921, c. 42, § 223, 42 Stat. 115.)

§ 717. Acts repealed. All acts or parts of acts of the Territory of Hawaii, to the extent that they are inconsistent with the provisions of this subchapter, are repealed. (July 9, 1921, c. 42, § 401, 42 Stat. 121.)

§ 718. Partial unconstitutionality; effect of. If any provision of this subchapter, or the application of such provision to certain circumstances, is held unconstitutional, the remainder of the subchapter and the application of such provision to circumstances other than those as to which it is held unconstitutional shall not be held invalidated thereby. (July 9, 1921, c. 42, § 402, 42 Stat. 121.)

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Section 731. Territory included under name Puerto Rico. The provisions of this chapter shall apply to the island of Puerto Rico and to the adjacent islands belonging to the United States and waters of those

islands; and the name Puerto Rico, as used in this chapter, shall be held to include not only the island of that name, but all the adjacent islands as aforesaid. (Apr. 12, 1900, c. 191, § 1, 31 Stat. 77; Mar. 2, 1917, c. 145, § 1, 39 Stat. 951; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 731a. Change of name; Puerto Rico.** From and after May 17, 1932, the island designated "Porto Rico" shall be known and designated as "Puerto Rico." All laws, regulations, and public documents and records of the United States in which such island is designated or referred to under the name of "Porto Rico" shall be held to refer to such island under and by the name of "Puerto Rico." (May 17, 1932, c. 190, 47 Stat. 158.)

**§ 732. Capital.** The capital of Puerto Rico shall be at the city of San Juan and the seat of government shall be maintained there. (Apr. 12, 1900, c. 191, § 6, 31 Stat. 79; Mar. 2, 1917, c. 145, § 4, 39 Stat. 953; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 733. Citizens; former Spanish subjects and children; body politic; name.** All inhabitants continuing to reside in Puerto Rico who were Spanish subjects on the 11th day of April 1899, and then resided in Puerto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Puerto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April 1900, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the 11th day of April 1899; and they, together with such citizens of the United States as may reside in Puerto Rico, shall constitute a body politic under the name of the People of Puerto Rico, with governmental powers as hereinafter conferred, and with power to sue and be sued as such. (Apr. 12, 1900, c. 191, § 7, 31 Stat. 79; May 17, 1932, c. 190, 47 Stat. 158.)

See sections 5 and 5a of Title 8.

**§ 733a. Citizens; residence in island of citizens of United States.** All citizens of the United States who have resided or who shall after March 4, 1927, reside in the island for one year shall be citizens of Puerto Rico. (Mar. 2, 1917, c. 145, § 5a; Mar. 4, 1927, c. 503, § 2, 44 Stat. 1418; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 733b. Same; persons born in Puerto Rico; naturalization of women.** All persons born in Puerto Rico on or after April 11, 1899 (whether before or after June 27, 1934) and not citizens, subjects, or nationals of any foreign power, are hereby declared to be citizens of the United States: *Provided*, That this section shall not be construed as depriving any person, native of Puerto Rico, of his or her American citizenship heretofore otherwise lawfully acquired by such person; or to extend such citizenship to persons who shall have renounced or lost it under the treaties and/or laws of the United States or who are now residing permanently abroad and are citizens or subjects of a foreign country: *And provided further*, That any woman, native of Puerto Rico and permanently residing therein, who, prior to March 2, 1917, had lost her American nationality by reason of her marriage to an alien eligible to citizenship, or by reason of the loss of the United States citizenship by her husband, may be naturalized under the provisions of section 369 of Title 8. (Mar. 2, 1917, c. 145, § 5b; June 27, 1934, c. 845, 48 Stat. 1245.)

**§ 734. United States laws extended to Puerto Rico; internal revenue receipts covered into treasury.** The statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States, except the internal revenue laws: *Provided, however*, That all taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States, or consumed in the island shall be covered into the treasury of Puerto Rico.

(Apr. 12, 1900, c. 191, § 14, 31 Stat. 80; Mar. 2, 1917, c. 145, § 9, 39 Stat. 954; May 17, 1932, c. 190, 47 Stat. 158.)

See section 725s of Title 31.

#### CROSS REFERENCE

For internal revenue tax on articles of merchandise of Puerto Rican manufacture coming into the United States and withdrawn for consumption or sale, see Title 26, INTERNAL REVENUE.

**§ 735. Certain laws continued in force; power to modify or repeal laws.** The laws and ordinances of Puerto Rico in force on March 2, 1917, shall continue in force and effect, except as altered, amended, or modified in this chapter, until altered, amended, or repealed by the legislative authority herein provided for Puerto Rico or by Act of Congress of the United States; and such legislative authority shall have power, when not inconsistent with the provisions of this chapter, by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this chapter as it may from time to time see fit. (Apr. 12, 1900, c. 191, § 15, 31 Stat. 80; Mar. 2, 1917, c. 145, § 57, 39 Stat. 968; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 736. Puerto Rican law modified.** So much of the law which was in force at the time of cession, April 11th, 1899, forbidding the marriage of priests, ministers, or followers of any faith because of vows they may have taken, being paragraph 4, article 83, chapter 3, civil code, and which was continued by the order of the secretary of justice of Puerto Rico, dated March 17, 1899, and promulgated by Major General Guy V. Henry, United States Volunteers, is repealed and annulled, and all persons lawfully married in Puerto Rico shall have all the rights and remedies conferred by law upon parties to either civil or religious marriages. Paragraph 1, article 105, section 4, divorce, civil code, and paragraph 2, section 19, of the order of the minister of justice of Puerto Rico, dated March 17, 1899, and promulgated by Major General Guy V. Henry, United States Volunteers, are so amended as to read: "Adultery on the part of either the husband or the wife." (Apr. 12, 1900, c. 191, § 8, 31 Stat. 79; Mar. 2, 1917, c. 145, § 57, 39 Stat. 968; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 737. Bill of rights and restrictions.** No law shall be enacted in Puerto Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

All persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned for debt.

The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the governor, whenever during such period the necessity for such suspension shall exist.

No ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken or damaged for public use except upon payment of just compensation ascertained in the manner provided by law.

Nothing contained in this chapter shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees.

No law granting a title of nobility shall be enacted, and no person holding any office of profit or trust under the government of Puerto Rico shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State, or any officer thereof.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Slavery shall not exist in Puerto Rico.

Involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall not exist in Puerto Rico.

No law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and that no political or religious test other than an oath to support the Constitution of the United States and the laws of Puerto Rico shall be required as a qualification to any office or public trust under the government of Puerto Rico.

No public money or property shall ever be appropriated, applied, donated, used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such. Contracting of polygamous or plural marriages is prohibited.

No money shall be paid out of the treasury except in pursuance of an appropriation by law, and on warrant drawn by the proper officer in pursuance thereof.

The rule of taxation in Puerto Rico shall be uniform.

All money derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the Treasury and paid out for such purpose only except upon the approval of the President of the United States.

Eight hours shall constitute a day's work in all cases of employment of laborers and mechanics by and on behalf of the government of the island on public works, except in cases of emergency.

The employment of children under the age of fourteen years in every occupation injurious to health or morals or hazardous to life or limb is hereby prohibited. (Mar. 2, 1917, c. 145, § 2, 39 Stat. 951; Feb. 3, 1921, c. 34, § 1, 41 Stat. 1096; May 17, 1932, c. 190, 47 Stat. 158; Mar. 2, 1934, c. 37, § 1, 48 Stat. 361.)

**§ 738. Free interchange of merchandise with United States.** All merchandise and articles coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry free of duty and in no event shall any tariff duties be collected on said merchandise or articles. (Apr. 12, 1900, c. 191, § 3, 31 Stat. 77; May 17, 1932, c. 190, 47 Stat. 158.)

See section 1319 of Title 19.

**§ 739. Duties on foreign imports; books and pamphlets in English language.** The same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Puerto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries. All

books and pamphlets printed in the English language shall be admitted into Puerto Rico free of duty when imported from the United States. (Apr. 12, 1900, c. 191, § 2, 31 Stat. 77; Aug. 5, 1909, c. 6, § 1, 36 Stat. 71, 74; May 17, 1932, c. 190, 47 Stat. 153.)

See section 1201 of Title 19.

**§ 740. Duties and taxes to constitute fund for benefit of Puerto Rico; ports of entry.** The duties and taxes collected in Puerto Rico in pursuance of the provisions of this chapter, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States upon articles of merchandise coming from Puerto Rico, shall be paid into the treasury of Puerto Rico to be expended as required by law for the government and benefit thereof, and the Secretary of the Treasury shall designate the several ports and subports of entry in Puerto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Puerto Rico by the provisions of this chapter, and he shall fix the compensation and provide for the payment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions of law. (Apr. 12, 1900, c. 191, § 4, 31 Stat. 78; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 741. Export duties, taxes, etc.; bonds to anticipate revenues.** No export duties shall be levied or collected on exports from Puerto Rico, but taxes and assessments on property, income taxes, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Puerto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Puerto Rico or any municipal government therein as may be provided by law, and to protect the public credit. (Mar. 2, 1917, c. 145, § 3, 39 Stat. 953; Feb. 3, 1921, c. 34, § 2, 41 Stat. 1096; Mar. 4, 1927, c. 503, § 1, 44 Stat. 1418; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 741a. Internal-revenue taxes; levy and collection; discrimination.** The internal-revenue taxes levied by the Legislature of Puerto Rico in pursuance of the authority granted by this chapter on articles, goods, wares, or merchandise may be levied and collected as such legislature may direct, on the articles subject to said tax, as soon as the same are manufactured, sold, used, or brought into the island: *Provided*, That no discrimination be made between the articles imported from the United States or foreign countries and similar articles produced or manufactured in Puerto Rico. The officials of the Customs and Postal Services of the United States are hereby directed to assist the appropriate officials of the Puerto Rican government in the collection of these taxes. (Mar. 2, 1917, c. 145, § 3, 39 Stat. 953; Mar. 4, 1927, c. 503, § 1, 44 Stat. 1418; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 742. Acknowledgment of deeds.** Deeds and other instruments affecting land situate in the District of Columbia, or any other territory or possession of the United States, may be acknowledged in Puerto Rico before any notary public appointed therein by proper authority, or any officer therein who has ex officio the powers of a notary public. The certificate by such notary shall be accompanied by the certificate of the executive secretary of Puerto Rico to the effect that the notary taking such acknowledgment is in fact such notarial officer. (Mar. 22, 1902, c. 273, 32 Stat. 88; Mar. 2, 1917, c. 145, § 54, 39 Stat. 968; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 743. Quarantine stations and regulations.** Quarantine stations shall be established at such places in Puerto Rico as the Surgeon General of the Public Health Service of the United States shall direct, and the quarantine regulations relating to the importation of diseases from other countries shall be under the control of the Government of the United States.

(Apr. 12, 1900, c. 191, § 10, 31 Stat. 80; Aug. 14, 1912, c. 288, 37 Stat. 309; May 17, 1932, c. 190, 47 Stat. 158.)

§ 744. **Coasting-trade laws.** The coasting trade between Puerto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States. (Apr. 12, 1900, c. 191, § 9, 31 Stat. 79; May 17, 1932, c. 190, 47 Stat. 158.)

§ 745. **Public indebtedness; bonds.** No public indebtedness of Puerto Rico and the municipalities of San Juan and Ponce shall be allowed in excess of 10 per centum of the aggregate tax valuation of its property, and no public indebtedness of any other subdivision or municipality of Puerto Rico shall hereafter be allowed in excess of 5 per centum of the aggregate tax valuation of the property in any such subdivision or municipality, and all bonds issued by the government of Puerto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of Puerto Rico or of any political or municipal subdivision thereof, or by any State, Territory, or possession, or by any county, municipality, or other municipal subdivision of any State, Territory, or possession of the United States, or by the District of Columbia. In computing the indebtedness of the people of Puerto Rico, municipal bonds for the payment of interest and principal of which the good faith of the people of Puerto Rico has heretofore been pledged and bonds issued by the people of Puerto Rico secured by bonds to an equivalent amount of bonds of municipal corporations or school boards of Puerto Rico shall not be counted, but all bonds hereafter issued by any municipality or subdivision within the 5 per centum hereby authorized for which the good faith of the people of Puerto Rico is pledged shall be counted. (Apr. 12, 1900, c. 191, § 38, 31 Stat. 86; Mar. 2, 1917, c. 145, § 3, 39 Stat. 953; Feb. 3, 1921, c. 34, § 2, 41 Stat. 1096; Mar. 4, 1927, c. 503, § 1, 44 Stat. 1418; May 17, 1932, c. 190, 47 Stat. 158.)

§ 746. **Public lands and buildings; reservations; rights prior to July 1, 1902.** All public lands and buildings, not including harbor areas and navigable streams and bodies of water and the submerged lands underlying the same, owned by the United States in the island of Puerto Rico and not reserved by the President of the United States prior to July 1, 1903, pursuant to authority vested in him by law, are granted to the government of Puerto Rico, to be held or disposed of for the use and benefit of the people of said island. Said grant is upon the express condition that the government of Puerto Rico, by proper authority, release to the United States any interest or claim it may have in or upon the lands or buildings reserved by the President as mentioned herein. Nothing herein contained shall be so construed as to affect any legal or equitable rights acquired by the government of Puerto Rico or by any other party, under any contract, lease, or license made by the United States authorities prior to the 1st day of May 1900. (July 1, 1902, c. 1383, § 1, 32 Stat. 731; May 17, 1932, c. 190, 47 Stat. 158.)

§ 747. **Public property transferred.** All property which may have been acquired in Puerto Rico by the United States under the cession of Spain in the treaty of peace entered into on the 10th day of December 1898, in any public bridges, road houses, water powers, highways, unnavigable streams and the beds thereof, subterranean waters, mines or minerals under the surface of private lands, all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor works boards of Puerto Rico, all the harbor shores, docks, slips, reclaimed lands, and all public lands and buildings not reserved by the United States for public purposes prior to March 2, 1917, is placed under the control of the government of Puerto Rico, to be administered for the benefit of the people of Puerto Rico; and the Legislature of Puerto Rico shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem

advisable. (Apr. 12, 1900, c. 191, § 13, 31 Stat. 80; Mar. 2, 1917, c. 145, § 7, 39 Stat. 954; May 17, 1932, c. 190, 47 Stat. 158.)

§ 748. **Conveyance by President to people of lands, buildings, etc.** The President may, from time to time, in his discretion, convey to the people of Puerto Rico, such lands, buildings, or interests in lands, or other property now owned by the United States, and within the territorial limits of Puerto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Puerto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United States. (Mar. 2, 1917, c. 145, § 7, 39 Stat. 954; May 17, 1932, c. 190, 47 Stat. 158.)

§ 749. **Harbors and navigable waters transferred.** The harbor areas and navigable streams and bodies of water and submerged lands underlying the same in and around the island of Puerto Rico and the adjacent islands and waters, owned by the United States on March 2, 1917, and not reserved by the United States for public purposes, are placed under the control of the government of Puerto Rico, to be administered in the same manner and subject to the same limitations as the property enumerated in sections 747 and 748 of this title. All laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interests of navigation and commerce, except so far as the same may be locally inapplicable, shall apply to said island and waters and to its adjacent islands and waters. Nothing in this chapter contained shall be construed so as to affect or impair in any manner the terms or conditions of any authorizations, permits, or other powers lawfully granted or exercised in or in respect of said waters and submerged lands in and surrounding said island and its adjacent islands by the Secretary of War or other authorized officer or agent of the United States prior to March 2, 1917. (Mar. 2, 1917, c. 145, § 8, 39 Stat. 954; May 17, 1932, c. 190, 47 Stat. 158.)

§ 750. **Grants of franchises; public service commission, etc.** All grants of franchises, rights, privileges, and concessions of a public or quasi public nature shall be made by a public-service commission consisting of a public-service commissioner, who shall be the president of the said commission, and two associated commissioners, to be appointed by the governor with the advice and consent of the senate. The Public Service Commissioner shall be appointed for a term of three years and until his successor shall be appointed and shall have qualified, and one of the said associated commissioners, first appointed, shall hold for a term of two years and one shall hold for a term of one year; and thereafter, each of said associate commissioners shall hold for a term of three years and until their successors shall have been appointed and shall have qualified: *Provided*, That the present elective members of the said commission shall continue to be members of said commission until their term of office expires as now provided by law and shall form the commission, together with the three members appointed by the governor as aforesaid, until the expiration of such period of their services and not thereafter. The salary of the commissioner shall be \$6,000 a year and the said commissioner shall devote his entire time to his duties as such commissioner. The compensation of the associated members, both those elected and appointed, shall be \$10 for each day's attendance at the sessions of the commission; but in no case shall they receive more than \$1,000 during any one year. The said commission is empowered and directed to discharge all the executive functions relating to public-service corporations prior to March 2, 1917, conferred by law upon the executive council and such additional duties and functions as may be conferred upon said commission by the legislature. Franchises, rights, and privileges granted by the said commission shall not be effective until approved by the governor and shall be reported to Congress, which hereby reserves the power to annul or

modify the same. (Mar. 2, 1917, c. 145, § 38, 39 Stat. 964; Mar. 4, 1927, c. 503, § 6, 44 Stat. 1420.)

§ 751. **Interstate commerce and certain other laws inapplicable to Puerto Rico.** Chapter 1 of Title 49, TRANSPORTATION, and the safety appliance Acts and the several amendments made or to be made thereto as found in chapter 1 of Title 45, RAILROADS, shall not apply to Puerto Rico. (Mar. 2, 1917, c. 145, § 38, 39 Stat. 964; Mar. 4, 1927, c. 503, § 6, 44 Stat. 1420; May 17, 1932, c. 190, 47 Stat. 158.)

§ 752. **Special provisions in franchises; corporate real-estate holdings.** All grants of franchises and privileges under section 750 of this title shall provide that the same shall be subject to amendment, alteration, or repeal, and shall forbid the issue of stocks or bonds except in exchange for actual cash or property at a fair valuation to be determined by the public-service commission equal in amount to the par value of the stocks or bonds issued, and shall forbid the declaring of stock or bond dividends, and in the case of public-service corporations shall provide for the effective regulation of charges thereof and for the purchase or taking of their property by the authorities at a fair and reasonable valuation.

No corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, and every corporation hereafter authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed five hundred acres of land; and this provision shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture. Corporations, however, may loan funds upon real estate security, and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in Puerto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable. (May 1, 1900, No. 23, § 3, 31 Stat. 716; Mar. 2, 1917, c. 145, § 39, 39 Stat. 964; May 17, 1932, c. 190, 47 Stat. 158.)

§ 753. **Legislature to regulate rates, tariffs, etc., of public carriers; enforcement of such laws.** The legislative assembly of Puerto Rico is hereby authorized to enact laws relating to the regulation of the rates, tariffs, and service of all public carriers in Puerto Rico, and the public service commission by this chapter created shall have power to enforce such laws under appropriate regulation. (Mar. 2, 1917, c. 145, § 38, 39 Stat. 964; Mar. 4, 1927, c. 503, § 6, 44 Stat. 1420; May 17, 1932, c. 190, 47 Stat. 158.)

§ 754. **Qualifications of electors.** Voters at elections held pursuant to this chapter shall be citizens of the United States twenty-one years of age or over and have such additional qualifications as may be prescribed by the Legislature of Puerto Rico. No property qualification shall ever be imposed upon or required of any voter. (Mar. 2, 1917, c. 145, § 35, 39 Stat. 963; May 17, 1932, c. 190, 47 Stat. 158.)

§ 755. **Coins; redemption; exchange; recoinage; legal tender.** For the purpose of retiring the Puerto Rican coins in circulation in Puerto Rico on April 12, 1900, and substituting therefor the coins of the United States, the Secretary of the Treasury is authorized to redeem, on presentation in Puerto Rico, all the silver coins of Puerto Rico known as the peso and all other silver and copper Puerto Rican coins in circulation in Puerto Rico on such date, not including any such coins that may be imported into Puerto Rico after the 1st day of February 1900, at the rate of 60 cents in the coins of the United States for 1 peso of Puerto Rican coin, and for all minor or subsidiary coins the same rate of exchange shall be applied. The Puerto Rican coins so purchased or redeemed shall be recoined at the expense of the United States, under the direction of the Secretary of the Treasury, into such coins of the United States now authorized by law as he may

direct. No coins shall be a legal tender, in payment of debts contracted for any amount in Puerto Rico, except those of the United States, and except those owing prior to April 12, 1900, which shall be payable in the coins of Puerto Rico in circulation at that date, or in the coins of the United States at the rate of exchange herein mentioned. (Apr. 12, 1900, c. 191, § 11, 31 Stat. 80; May 17, 1932, c. 190, 47 Stat. 158.)

See section 462 of Title 31.

#### THE EXECUTIVE AND GOVERNMENT OFFICIALS

§ 771. **Governor.** The supreme executive power shall be vested in an executive officer, whose official title shall be "The Governor of Puerto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate, and hold his office at the pleasure of the President and until his successor is chosen and qualified. The governor shall reside in Puerto Rico during his official incumbency and maintain his office at the seat of government. He shall have general supervision and control of all the departments and bureaus of the government in Puerto Rico, so far as is not inconsistent with the provisions of this chapter, and shall be commander in chief of the militia. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the laws of Puerto Rico, and respite for all offenses against the laws of the United States until the decision of the President can be ascertained, and may veto any legislation enacted as hereinafter provided. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Puerto Rico and of the United States applicable in Puerto Rico, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the island, or summon the posse comitatus, or call out the militia to prevent or suppress lawless violence, invasion, insurrection, or rebellion, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the island, or any part thereof, under martial law until communication can be had with the President and the President's decision therein made known. He shall annually, and at such other times as he may be required, make official report of the transactions of the government of Puerto Rico to the executive department of the Government of the United States to be designated by the President as herein provided, and his said annual report shall be transmitted to Congress, and he shall perform such additional duties and functions as may in pursuance of law be delegated to him by the President. (Apr. 12, 1900, c. 191, § 17, 31 Stat. 81; Mar. 2, 1917, c. 145, § 12, 39 Stat. 955; May 17, 1932, c. 190, 47 Stat. 158.)

§ 772. **Governor ad interim.** The President may from time to time designate the head of an executive department of Puerto Rico to act as governor in the case of a vacancy, the temporary removal, resignation, or disability of the governor, or his temporary absence, and the head of the department thus designated shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence. (Apr. 12, 1900, c. 191, § 20, 31 Stat. 81; Mar. 2, 1917, c. 145, § 24, 39 Stat. 958; May 17, 1932, c. 190, 47 Stat. 158.)

§ 773. **Executive departments.** The following executive departments are created: A Department of Justice, the head of which shall be designated as the Attorney General; a Department of Finance, the head of which shall be designated as the Treasurer; a Department of Interior, the head of which shall be designated as the Commissioner of the Interior; a Department of Education, the head of which shall be designated as the Commissioner of Education; a Department of Agriculture and Commerce, the head of which shall be designated as the Commissioner of Agriculture and Commerce; a Department of Labor, the head of which shall be designated as the Commissioner of Labor; and a Department of Health, the

head of which shall be designated as the Commissioner of Health. (Mar. 2, 1917, c. 145, § 13, 39 Stat. 955; Feb. 18, 1931, c. 218, § 1, 46 Stat. 1168.)

§ 774. **Legislature not to create new departments; consolidation or abolition of departments.** No executive department not provided in this chapter shall be created by the legislature, but the legislature may consolidate departments, or abolish any department, with the consent of the President of the United States. (Mar. 2, 1917, c. 145, § 37, 39 Stat. 964.)

§ 775. **Appointment and tenure of office of heads of departments.** The Attorney General and Commissioner of Education shall be appointed by the President, by and with the advice and consent of the Senate of the United States, to hold office for four years and until their successors are appointed and qualified, unless sooner removed by the President. The heads of the five remaining departments shall be appointed by the governor, by and with the advice and consent of the Senate of Puerto Rico. The heads of departments appointed by the governor shall hold office for the term of four years and until their successors are appointed and qualified, unless sooner removed by the governor. (Mar. 2, 1917, c. 145, § 13, 39 Stat. 955; Feb. 18, 1931, c. 218, § 1, 46 Stat. 1168; May 17, 1932, c. 190, 47 Stat. 158.)

§ 776. **Residence.** Heads of departments shall reside in Puerto Rico during their official incumbency, and those appointed by the governor shall have resided in Puerto Rico for at least one year prior to their appointment. (Mar. 2, 1917, c. 145, § 13, 39 Stat. 956; Feb. 18, 1931, c. 218, § 1, 46 Stat. 1168; May 17, 1932, c. 190, 47 Stat. 158.)

§ 777. **Executive council; duties; compensation.** The heads of departments shall collectively form a council to the governor, known as the executive council. They shall perform, under the general supervision of the governor, the duties prescribed in sections 778 to 785 of this title, or which may hereafter be prescribed by law, and such other duties, not inconsistent with law, as the governor, with the approval of the President, may assign to them; and they shall make annual and such other reports to the governor as he may require, which shall be transmitted to the executive department of the Government of the United States to be designated by the President as herein provided: *Provided*, That the duties herein imposed upon the heads of departments shall not carry with them any additional compensation. (Mar. 2, 1917, c. 145, § 13, 39 Stat. 956; Feb. 18, 1931, c. 218, § 1, 46 Stat. 1168.)

§ 778. **Attorney general.** The attorney general shall have charge of the administration of justice in Puerto Rico; he shall be the legal adviser of the governor and the heads of departments and shall be responsible for the proper representation of the people of Puerto Rico or its duly constituted officers in all actions and proceedings, civil or criminal, in the Supreme Court of Puerto Rico in which the people of Puerto Rico shall be interested or a party, and he may, if directed by the governor or if in his judgment the public interest requires it, represent the people of Puerto Rico or its duly constituted officers in any other court or before any other officer or board in any action or proceeding, civil or criminal, in which the people of Puerto Rico may be a party or be interested. He shall also perform such other duties not inconsistent herewith as may be prescribed by law. (Apr. 12, 1900, c. 191, § 21, 31 Stat. 82; Mar. 2, 1917, c. 145, § 14, 39 Stat. 956; May 17, 1932, c. 190, 47 Stat. 158.)

§ 779. **Executive secretary; powers and duties.** There shall be appointed by the governor, by and with the advice and consent of the senate of Puerto Rico, an executive secretary at an annual salary of \$5,000, who shall record and preserve the minutes and proceedings of the public service commission and the laws enacted by the legislature and all acts and proceedings of the governor, and promulgate all proclamations and orders of the governor and all laws enacted by the legislature, and until otherwise provided by the legislature of Puerto Rico perform all the duties of secre-

tary of Puerto Rico as provided by law prior to March 2, 1917, except as otherwise specified in this section, and perform such other duties as may be assigned to him by the Governor of Puerto Rico. In the event of a vacancy in the office, or the absence, illness or temporary disqualification of such officer, the governor shall designate some officer or employee of the government to discharge the functions of said office during such vacancy, absence, illness or temporary disqualification. (Apr. 12, 1900, c. 191, § 19, 31 Stat. 81; Mar. 2, 1917, c. 145, § 22, 39 Stat. 958; June 7, 1924, c. 322, § 2, 43 Stat. 631; May 17, 1932, c. 190, 47 Stat. 158.)

§ 780. **Treasurer; power to designate depositaries.** The treasurer shall collect and be the custodian of public funds, and shall disburse the same in accordance with law, on warrants signed by the auditor and countersigned by the governor, and perform such other duties as may be provided by law. He may designate banking institutions in Puerto Rico and the United States as depositaries of the government of Puerto Rico, subject to such conditions as may be prescribed by the governor, after they have filed with him satisfactory evidence of their sound financial condition and have deposited bonds of the United States or of the government of Puerto Rico or other security satisfactory to the governor in such amounts as may be indicated by him; and no banking institution shall be designated a depositary of the government of Puerto Rico until the foregoing conditions have been complied with. Interest on deposits shall be required and paid into the treasury. (Apr. 12, 1900, c. 191, § 22, 31 Stat. 82; Mar. 2, 1917, c. 145, § 15, 39 Stat. 956; May 17, 1932, c. 190, 47 Stat. 158.)

§ 781. **Same; bond.** The treasurer shall give bond, approved as to form by the attorney general of Puerto Rico in such sum as the legislature may require not less, however, than the sum of \$125,000 with surety or sureties approved by the governor. (Mar. 2, 1917, c. 145, § 15, 39 Stat. 956; May 17, 1932, c. 190, 47 Stat. 158.)

§ 782. **Commissioner of the interior.** The commissioner of the interior shall superintend all works of a public nature, have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and perform such other duties as may be prescribed by law. (Apr. 12, 1900, c. 191, § 24, 31 Stat. 82; Mar. 2, 1917, c. 145, § 16, 39 Stat. 956.)

§ 783. **Commissioner of education.** The commissioner of education shall superintend public instruction throughout Puerto Rico; all proposed disbursements on account thereof must be approved by him, and all courses of study shall be prepared by him, subject to disapproval by the governor if he desires to act. He shall prepare rules governing the selection of teachers, and appointments of teachers by local school boards shall be subject to his approval, and he shall perform such other duties, not inconsistent with this section, as may be prescribed by law. (Apr. 12, 1900, c. 191, § 25, 31 Stat. 82; Mar. 2, 1917, c. 145, § 17, 39 Stat. 956; May 17, 1932, c. 190, 47 Stat. 158.)

§ 784. **Commissioner of Agriculture and Commerce.** The Commissioner of Agriculture and Commerce shall have general charge of such bureaus and branches of government as have been or shall be legally constituted for the study, advancement, and benefit of agriculture, commerce, and other industries; the chief purpose of this department being to foster, promote, and develop the agricultural interests and the welfare of the farmers of Puerto Rico; to improve their market conditions, and to advance their opportunities for profitable sale of their products, and shall perform such other duties as may be prescribed by law. (Mar. 2, 1917, c. 145, § 18, 39 Stat. 957; Feb. 18, 1931, c. 218, § 2, 46 Stat. 1168; May 17, 1932, c. 190, 47 Stat. 158.)

§ 784a. **Commissioner of Labor.** The Commissioner of Labor shall have charge of such bureaus and branches of government as have been or shall be legally constituted to foster and promote the welfare

of the wage earners of Puerto Rico; to improve their working conditions, and to advance their opportunities for profitable employment, and shall perform such other duties as may be prescribed by law. (Mar. 2, 1917, c. 145, § 18 (a), as added Feb. 18, 1931, c. 218, § 3, 46 Stat. 1169; May 17, 1932, c. 190, 47 Stat. 158.)

§ 785. **Commissioner of health.** The commissioner of health shall have general charge of all matters relating to public health, sanitation, and charities, except such as relate to the conduct of maritime quarantine, and shall perform such other duties as may be prescribed by law. (Mar. 2, 1917, c. 145, § 19, 39 Stat. 957.)

§ 786. **Auditor; assistants and employees; powers and duties.** There shall be appointed by the President an auditor, at an annual salary of \$6,000, for a term of four years and until his successor is appointed and qualified. There shall be an assistant auditor and such other necessary assistants and employees as may be prescribed by law. The auditor shall appoint the assistant auditor.

The auditor shall examine, adjust, decide, audit, and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of Puerto Rico and of the municipal funds derived from bond issues; and he shall examine, audit, and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to or held in trust by the government of Puerto Rico or the municipalities or dependencies thereof. He shall perform a like duty with respect to all government branches.

The auditor shall keep the general accounts of the government, be the custodian of and preserve the vouchers pertaining thereto. It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are extravagant, excessive, unnecessary, or irregular. (Apr. 12, 1900, c. 191, § 23, 31 Stat. 82; Mar. 2, 1917, c. 145, § 20, 39 Stat. 957; June 7, 1924, c. 322, § 1, 43 Stat. 631; Mar. 4, 1927, c. 503, § 3, 44 Stat. 1419; May 17, 1932, c. 190, 47 Stat. 158.)

§ 787. **Same; jurisdiction over accounts.** The jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the governor, he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the government or any of its branches. Any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection. (Apr. 12, 1900, c. 191, § 23, 31 Stat. 82; Mar. 2, 1917, c. 145, § 20, 39 Stat. 957; Mar. 4, 1927, c. 203, § 3, 44 Stat. 1419.)

§ 788. **Same; decisions final.** The decisions of the auditor shall be final, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner prescribed in section 789. The auditor shall, except as provided in this chapter, have like authority as that conferred by the law upon the Comptroller General of the United States, and is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer, or person having official relation with his office. (Apr. 12, 1900, c. 191, § 23, 31 Stat. 82; Mar. 2, 1917, c. 145, § 20, 39 Stat. 957; June 10, 1921, c. 18, § 301, 42 Stat. 23; Mar. 4, 1927, c. 503, § 3, 44 Stat. 1419.)

§ 789. **Same; appeals from decisions.** Any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for revers-

ing such decision. The decision of the governor in such case shall be final, subject to such right of action as may be otherwise provided by law. (Mar. 2, 1917, c. 145, § 21, 39 Stat. 958.)

§ 790. **Same; annual report to governor.** As soon after the close of each fiscal year as the account of said year may be examined and adjusted, the auditor shall submit to the governor an annual report of the fiscal concern of the government, showing the receipts and disbursements of the various departments and bureaus of the government and of the various municipalities, and make such other reports as may be required of him by the governor or the head of the executive department of the Government of the United States to be designated by the President as herein provided. (Apr. 12, 1900, c. 191, § 23, 31 Stat. 82; Mar. 2, 1917, c. 145, § 20, 39 Stat. 957; Mar. 4, 1927, c. 503, § 3, 44 Stat. 1420.)

§ 791. **Same; power to summon witnesses, etc.** In the execution of his duties the auditor is authorized to summon witnesses, administer oaths, and to take evidence, and, in the pursuance of these provisions, may issue subpoenas and enforce the attendance of witnesses, and compel witnesses to produce books, letters, documents, papers, records, and all other articles deemed essential to a full understanding of the matter under investigation. (Apr. 12, 1900, c. 91, § 23, 31 Stat. 82; Mar. 2, 1917, c. 145, § 20, 39 Stat. 957; Mar. 4, 1927, c. 503, § 3, 44 Stat. 1419.)

§ 792. **Same; supervision by the governor.** The office of the auditor shall be under the general supervision of the governor. (Apr. 12, 1900, c. 191, § 23, 31 Stat. 82; Mar. 2, 1917, c. 145, § 20, 39 Stat. 957; Mar. 4, 1927, c. 503, § 3, 44 Stat. 1420.)

§ 793. **Same; assistant to take charge in case of vacancy or absence.** In case of the absence from duty, from any cause, of the auditor, the assistant auditor shall exercise all the powers and perform all the duties of the auditor during such absence; and in case of the absence from duty, from any cause, of both the auditor and the assistant auditor, the governor of Puerto Rico shall designate an assistant who shall have charge of the office. (Mar. 2, 1917, c. 145, § 20, 39 Stat. 957; Mar. 4, 1927, c. 503, § 3, 44 Stat. 1419; May 17, 1932, c. 190, 47 Stat. 158.)

§ 793a. **Model Housing Board; creation; construction and sale of model houses; "model housing fund."** (a) There is hereby established for Puerto Rico a board, to be known as the "Model Housing Board" (hereinafter referred to as the "Board"), to be composed of three members to be appointed by the Governor of Puerto Rico. The persons appointed as members of the Board shall serve without compensation, and the term of membership for each such member shall be five years. One of the members shall be appointed as chairman of the Board.

(b) It shall be the duty of the Board to design and construct in Puerto Rico houses of several types, which houses shall be models of sanitation, health, convenience, and comfort; but not more than eight such houses shall be built in any senatorial district of Puerto Rico in any one year. For the purpose of such construction the Board shall have power to acquire such plots of land in Puerto Rico as may be necessary.

(c) All houses designed and constructed by the Board under this section shall be sold by the Board at such prices, and under such terms and conditions, as it may determine; and all funds derived from the sale of such houses shall be covered into the island treasury to the account of the model housing fund established by this section.

(d) To carry out the provisions of this section, there shall be paid annually out of the revenues of Puerto Rico resulting from taxes on intoxicating liquors the sum of \$30,000, which shall constitute a fund to be known as the "model housing fund." All money covered into such fund shall constitute a revolving fund for the administration of the provisions of this section, and all expenditures out of such fund shall be allowed and paid upon the presen-

tation of itemized vouchers therefor signed by the chairman of the Board. (Mar. 2, 1934, c. 38, § 4, 48 Stat. 361.)

**§ 794. Official reports.** All reports required by law to be made by the governor or heads of departments to any official of the United States shall be made to an executive department of the Government of the United States to be designated by the President, and the President is authorized to place all matters pertaining to the government of Puerto Rico in the jurisdiction of such department. (July 15, 1909, c. 4, § 2, 36 Stat. 11; Mar. 2, 1917, c. 145, § 11, 39 Stat. 955; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 795. Government expenses payable out of insular revenues.** All expenses that may be incurred on account of the government of Puerto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement, or development of the island, not, however, including defenses, barracks, harbors, lighthouses, buoys, and other works undertaken by the United States, shall, except as otherwise specifically provided by the Congress, be paid by the treasurer of Puerto Rico out of the revenue in his custody. (Apr. 12, 1900, c. 191, § 12, 31 Stat. 80; Mar. 2, 1917, c. 145, § 6, 39 Stat. 953; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 796. Transfer of bureaus or offices.** Any bureau or office belonging to any of the regular departments of the government, or hereafter created, or not assigned, may be transferred or assigned to any department by the governor with the approval of the senate of Puerto Rico. (Mar. 2, 1917, c. 145, § 53, 39 Stat. 968; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 797. Salaries of officials.** The annual salaries of the following-named officials appointed by the President and also those appointed by the Governor of Puerto Rico to be paid as provided in section 798 of this title shall be: The governor, \$10,000; in addition thereto he shall be entitled to the occupancy of the buildings used by the chief executive of Puerto Rico prior to April 12, 1900, with the furniture and effects therein, free of rental; heads of executive departments, \$6,000; chief justice of the supreme court, \$10,500; each of the associate justices of the supreme court, \$10,000.

All of said salaries of the chief justice and associate justices shall be paid in equal monthly installments.

Where any officer whose salary is fixed by this chapter is required to give a bond, the premium thereof shall be paid from the insular treasury. (Apr. 12, 1900, c. 191, § 36, 31 Stat. 85; Mar. 2, 1901, c. 812, § 1, 31 Stat. 953; Mar. 2, 1917, c. 145, § 50, 39 Stat. 967; June 7, 1924, c. 322, § 3, 43 Stat. 631; May 29, 1928, c. 904, §§ 1, 2, 45 Stat. 997; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 798. Provision for payment of salaries.** Except as in this chapter otherwise provided the salaries of all the officials of Puerto Rico not appointed by the President, including deputies, assistants, and other help, shall be such and be so paid out of the revenue of Puerto Rico as shall from time to time be determined by the legislature of Puerto Rico and approved by the governor; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of Puerto Rico appointed as herein provided by the President shall also be paid out of the revenues of Puerto Rico on warrant of the auditor countersigned by the governor. (Apr. 12, 1900, c. 191, § 36, 31 Stat. 85; Mar. 2, 1917, c. 145, § 50, 39 Stat. 967; June 7, 1924, c. 322, § 3, 43 Stat. 631; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 799. Municipal expenses payable from municipal revenues.** The provisions of sections 797 and 798 of this title shall not apply to municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of

the municipal revenues, in such manner as the legislature shall provide. (Apr. 12, 1900, c. 191, § 37, 31 Stat. 85; Mar. 2, 1917, c. 145, § 51, 39 Stat. 967.)

#### THE LEGISLATURE

**§ 811. Legislature; designation of.** All local legislative powers in Puerto Rico, except as otherwise provided in this chapter, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated "the Legislature of Puerto Rico." (Mar. 2, 1917, c. 145, § 25, 39 Stat. 958; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 812. Senate; members; election; powers.** The Senate of Puerto Rico shall consist of nineteen members elected for terms of four years by the qualified electors of Puerto Rico. Each of the seven senatorial districts defined under section 814 of this title shall have the right to elect two senators, and in addition thereto there shall be elected five senators at large. No person shall be a member of the Senate of Puerto Rico who is not over thirty years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of Puerto Rico for at least two consecutive years, and, except in the case of senators at large, an actual resident of the senatorial district from which chosen for a period of at least one year prior to his election. Except as herein otherwise provided, the Senate of Puerto Rico shall exercise all of the purely legislative powers and functions exercised prior to March 2, 1917, by the Executive Council, including confirmation of appointments; but appointments made while the senate is not in session shall be effective either until disapproved or until the next adjournment of the senate for the session. In electing the five senators at large each elector shall be permitted to vote for but one candidate, and the five candidates receiving the largest number of votes shall be declared elected. (Mar. 2, 1917, c. 145, § 26, 39 Stat. 958; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 813. House of representatives; members; election.** The House of Representatives of Puerto Rico shall consist of thirty-nine members elected quadrennially by the qualified electors of Puerto Rico, as hereinafter provided. Each of the representative districts provided under section 814 of this title shall have the right to elect one representative, and in addition thereto there shall be elected four representatives at large. No person shall be a member of the house of representatives who is not over twenty-five years of age, and who is not able to read and write either the Spanish or English language, except in the case of representative at large, who has not been a bona fide resident of the district from which elected for at least one year prior to his election. In electing the four representatives at large, each elector shall be permitted to vote for but one candidate and the four candidates receiving the largest number of votes shall be elected. (Mar. 2, 1917, c. 145, § 27, 39 Stat. 959; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 814. Representative and senatorial districts.** For the purpose of elections to the legislature the island of Puerto Rico shall be divided into thirty-five representative districts, composed of contiguous and compact territory and established, so far as practicable, upon the basis of equal population. The division into and the demarcation of such districts shall be made by the Executive Council of Puerto Rico. Division of districts shall be made as nearly as practicable to conform to the topographical nature of the land, with regard to roads and other means of communication and to natural barriers. Said executive council shall also divide the island of Porto Rico into seven senatorial districts, each composed of five contiguous and compact representative districts. (Apr. 12, 1900, c. 191, § 28, 31 Stat. 82; Mar. 2, 1917, c. 145, § 28, 39 Stat. 959; May 17, 1932, c. 190, 47 Stat. 158.)

**§ 815. Elections; time of holding; boundaries, districts, and municipalities.** Elections shall be held on the first Tuesday after the first Monday in November,

beginning with the year 1920, and every four years thereafter. Nothing contained in this section shall be construed to limit the right of the Legislature of Puerto Rico at any time to revise the boundaries of senatorial and representative districts and of any municipality, or to abolish any municipality and the officers provided therefor. (Mar. 2, 1917, c. 145, § 29, 39 Stat. 959; May 17, 1932, c. 190, 47 Stat. 158.)

§ 816. **Powers; determination of election and qualifications of members.** The senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their members, and they shall have and exercise all the powers with respect to the conduct of their proceedings that usually pertain to parliamentary legislative bodies. Both houses shall convene at the capital on the second Monday in February following an election, and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required. (Apr. 12, 1900, c. 191, § 30, 31 Stat. 83; Mar. 2, 1917, c. 145, § 32, 39 Stat. 960.)

§ 817. **Regular sessions.** Regular sessions of the legislature shall be held annually, convening on the second Monday in February of each year and closing not later than April 15 following. (Mar. 2, 1917, c. 145, § 33, 39 Stat. 960; Mar. 4, 1927, c. 503, § 5, 44 Stat. 1420.)

§ 818. **Special sessions of legislature or senate.** The governor may call special sessions of the legislature or of the senate at any time when in his opinion the public interests may require it, but no special session shall continue longer than fourteen calendar days, and no legislation shall be considered at such session other than that specified in the call therefor or in any special message by the governor to the legislature while in such session. (Mar. 2, 1917, c. 145, § 33, 39 Stat. 960; Mar. 4, 1927, c. 503, § 5, 44 Stat. 1420.)

§ 819. **Senators and representatives; term of office.** The term of office of senators and representatives shall be four years from the second of January following their election. In case of vacancy among the members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred, under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred, and no senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under the government of Puerto Rico, nor be appointed to any office created by act of the legislature during the time for which he shall have been elected until two years after his term of office shall have expired. (Mar. 2, 1917, c. 145, § 30, 39 Stat. 959; May 17, 1932, c. 190, 47 Stat. 158.)

§ 820. **Senators and representatives; per diem and mileage.** Members of the senate and house of representatives of Puerto Rico shall receive compensation at the rate of \$7 per day for the number of days of each regular session and of each special session while in session and mileage for each regular session and each special session at the rate of 10 cents per kilometer for each kilometer actually and necessarily traveled in going from their place of residence in their legislative districts to the capital and returning therefrom to their place of residence in their legislative districts by the usual routes of travel: *Provided*, That mileage for only one trip in going to and from each regular session and each special session shall be allowed: *And provided further*, That the members of the senate and house of representatives of Puerto Rico shall not be entitled to nor receive any emoluments, remuneration, compensation, or payment for services or expenses other than the \$7 per day compensation for services and 10 cents per kilometer for travel expense in this section authorized. (Mar. 2, 1917, c. 145, § 31, 39 Stat. 960; Mar. 4, 1927, c. 503, § 4, 44 Stat. 1420; May 17, 1932, c. 190, 47 Stat. 158.)

§ 821. **Legislative power.** The legislative authority shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, or repeal any or all laws and ordinances of every character in force in Puerto Rico or municipality or district thereof on March 2, 1917, insofar as such alteration, amendment, modification, or repeal may be consistent with the provisions of this chapter. (Mar. 2, 1917, c. 145, § 37, 39 Stat. 964; May 17, 1932, c. 190, 47 Stat. 158.)

§ 822. **Bills and resolutions; origin.** Except as provided in sections 822 to 839, inclusive, of this title, bills and joint resolutions may originate in either house. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 960.)

§ 823. **Same; enacting clause of bills and resolutions.** The enacting clause of the law shall be as to acts "Be it enacted by the Legislature of Puerto Rico" and as to joint resolutions "Be it resolved by the Legislature of Puerto Rico." (Mar. 2, 1917, c. 145, § 34, 39 Stat. 960; May 17, 1932, c. 190, 47 Stat. 158.)

§ 824. **Passage of bills; alterations or amendments.** No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 961.)

§ 825. **Same; reference to committees; signature by governor; approval by President.** No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members: *Provided*, That either house may by a majority vote discharge a committee from the consideration of a measure and bring it before the body for consideration.

No bill shall become a law until it be passed in each house by a majority yeas-and-nays vote of all of the members belonging to such house and entered upon the journal and be approved by the governor within ten days thereafter. If when a bill that has been passed is presented to the governor for his signature he approves the same, he shall sign it; or if not, he shall return it, with his objections, to the house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members of that house shall agree to pass the same it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered and if approved by two-thirds of all the members of that house it shall be sent to the governor, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same he shall sign it and it shall become a law. If he shall not approve same he shall return it to the governor so stating, and it shall not become a law except the President of the United States shall approve or disapprove an act submitted to him under the provisions of this section within ninety days from and after its submission for his approval; and if not approved within such time it shall become a law the same as if it had been specifically approved. If any bill presented to the governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items, parts or portions thereof to which he objects, and the appropriation so objected to shall not take effect. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the governor within thirty days after receipt by him; otherwise it

shall not be a law. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 960.)

§ 826. **Laws to be reported to Congress.** All laws enacted by the Legislature of Puerto Rico shall be reported to the Congress of the United States, as provided in section 842 of this title, which reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of the government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 961; May 29, 1928, c. 901, § 1 (128), 45 Stat. 996; Feb. 28, 1929, c. 364, §§ 1, 2, 45 Stat. 1348; May 17, 1932, c. 190, 47 Stat. 153.)

§ 827. **Time of taking effect of laws; introduction of bill.** No act of the legislature except the general appropriation bills for the expenses of the government shall take effect until ninety days after its passage, unless in case of emergency (which shall be expressed in the preamble or body of the act) the legislature shall by a vote of two-thirds of all members elected to each house otherwise direct. No bill, except the general appropriation bill for the expenses of the government only, introduced in either house of the legislature after the first forty days of the session, shall become a law. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 961.)

§ 828. **House journals.** Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time publish the same, and the yeas and nays on any question shall, on the demand of one-fifth of the members present, be entered on the journal. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 961.)

§ 829. **Sessions of each house and committees to be open.** The sessions of each house and of the committees of the whole shall be open. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 961.)

§ 830. **Adjournment.** Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 961.)

§ 831. **Presiding officer to sign bills and resolutions.** The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles shall have been publicly read, immediately before signing; and the fact of signing shall be entered on the journal. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

§ 832. **Bill to contain one subject; appropriation bills.** No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

§ 833. **Revenue bills to originate in house of representatives.** All bills for raising revenue shall originate in the house of representatives, but the senate may propose or concur with amendments, as in case of other bills. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

§ 834. **Appropriation bills for executive, legislative, and judicial departments.** The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

§ 835. **Revival or amendment of laws.** No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred shall be reenacted and published at length. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

§ 836. **Legislature to prescribe number, duties, and compensation of officers and employees.** The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house; and no payment shall be made for services to the legislature from the treasury, or be in any way authorized to any person, except to an acting officer or employee elected or appointed in pursuance of law. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

§ 837. **Bills giving extra compensation for services rendered prohibited.** No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services shall have been rendered or contract made. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

§ 838. **Term, salary, etc., of public officers not to be changed after appointment.** Except as otherwise provided in this chapter, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment, nor permit any officer or employee to draw compensation for more than one office or position. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

§ 839. **Orders, resolutions, etc., to be presented to governor.** Every order, resolution, or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

§ 840. **Financial budget.** The governor shall submit at the opening of each regular session of the legislature a budget of receipts and expenditures, which shall be the basis of the ensuing biennial appropriation bill. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 960.)

§ 841. **Revenue insufficient to meet appropriations; order of payment; limiting appropriations.** In case the available revenues of Puerto Rico for any fiscal year, including available surplus in the insular treasury, are insufficient to meet all the appropriations made by the legislature for such year, such appropriations shall be paid in the following order, unless otherwise directed by the governor:

First class. The ordinary expenses of the legislative, executive, and judicial departments of the State government, and interest on any public debt, shall first be paid in full.

Second class. Appropriations for all institutions, such as the penitentiary, insane asylum, industrial school, and the like, where the inmates are confined involuntarily, shall next be paid in full.

Third class. Appropriations for education and educational and charitable institutions shall next be paid in full.

Fourth class. Appropriations for any other officer or officers, bureaus or boards, shall next be paid in full.

Fifth class. Appropriations for all other purposes shall next be paid.

That in case there are not sufficient revenues for any fiscal year, including available surplus in the insular treasury, to meet in full the appropriations of said year for all of the said classes of appropriations, then said revenues shall be applied to the classes in the order above named, and if, after the payment of the prior classes in full, there are not sufficient revenues for any fiscal year to pay in full the appropriations for that year for the next class, then, in that event, whatever there may be to apply on account of

appropriations for said class shall be distributed among said appropriations pro rata according as the amount of each appropriation of that class shall bear to the total amount of all of said appropriations for that class for such fiscal year.

No appropriation shall be made, nor any expenditure authorized by the legislature, whereby the expenditure of the Government of Puerto Rico during any fiscal year shall exceed the total revenue then provided for by law and applicable for such appropriation or expenditure, including any available surplus in the treasury, unless the legislature making such appropriation shall provide for levying a sufficient tax to pay such appropriation for expenditure within such fiscal year. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962; May 17, 1932, c. 190, 47 Stat. 158.)

§ 842. **Transmission of copies of laws to executive department of United States.** The Governor of Puerto Rico, within sixty days after the end of each session of the legislature, shall transmit to the executive department of the Government of the United States, to be designated as provided in section 794 of this title, which shall in turn transmit the same to the Congress of the United States, copies of all laws enacted during the session. (Mar. 2, 1917, c. 145, § 23, 39 Stat. 958; May 17, 1932, c. 190, 47 Stat. 158.)

§ 843. **Corrupt solicitation; definition; punishment.** The offence of corrupt solicitation of members of the legislature or of public officers of Puerto Rico or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action shall be defined by law and shall be punished by fine and imprisonment. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962; May 17, 1932, c. 190, 47 Stat. 158.)

§ 844. **Influencing officials by bribery; punishment.** Any person who shall directly or indirectly offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the legislature to influence him in the performance of any of his public or official duties shall be deemed guilty of bribery and be punished by a fine not exceeding \$5,000, or imprisonment not exceeding five years, or both. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

§ 845. **Income tax laws; modification or repeal by legislature.** The Puerto Rican Legislature shall have power by due enactment to amend, alter, modify, or repeal the income tax laws in force in Puerto Rico. (June 2, 1924, 4:01 p. m., c. 234, § 261, 43 Stat. 294; Feb. 26, 1926, c. 27, §§ 261, 1200, 44 Stat. 52, 125; May 17, 1932, c. 190, 47 Stat. 158.)

#### THE JUDICIARY

§ 861. **Courts continued; chief justice and associate justices of supreme court.** The judicial power shall be vested in the courts and tribunals of Puerto Rico established and in operation on March 2, 1917, under and by virtue of laws existing on that date. The jurisdiction of said courts and the form of procedure in them, and the various officers and attachés thereof, shall also continue to be as provided at said date until otherwise provided by law. The chief justice and associate justices of the supreme court shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and the Legislature of Puerto Rico shall have authority, from time to time as it may see fit, not inconsistent with this chapter, to organize, modify, or rearrange the courts and their jurisdiction and procedure, except the District Court of the United States for Puerto Rico. (Mar. 2, 1917, c. 145, § 40, 39 Stat. 965; May 17, 1932, c. 190, 47 Stat. 158.)

§ 862. **Jurisdiction of offenses under National Prohibition Act.** There is conferred upon the Territorial magistrates and courts of Puerto Rico jurisdiction concurrent with the commissioners and courts of the United States for the said Territory of all offenses under Title 27 (National Prohibition Act), and all

Acts amendatory thereof and supplemental thereto, the jurisdiction of said Territorial magistrates and courts over said offenses to be the same which they on September 21, 1922, had over other criminal offenses within their jurisdiction. (Sept. 21, 1922, c. 365, 42 Stat. 993; May 17, 1932, c. 190, 47 Stat. 158.)

See notes to section 737 of this title and to chapters 1-3 of Title 27.

§ 863. **District of Puerto Rico; officers; jurisdiction; vacancies.** Puerto Rico shall constitute a judicial district to be called "the district of Puerto Rico." The President, by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of four years and until his successor is appointed and qualified and whose salary shall be \$10,000 per annum. There shall be appointed in like manner a district attorney and a marshal for said district, each for a term of four years unless sooner removed by the President. The district court for said district shall be called "the District Court of the United States for Puerto Rico", and shall have power to appoint all necessary officials and assistants, including the interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. A clerk shall be appointed as provided in section 6 of Title 28. Such district court shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of aliens and Puerto Ricans, and for this purpose residence in Puerto Rico shall be counted in the same manner as residence elsewhere in the United States. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States not domiciled in Puerto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of \$3,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid. The salaries of the judge and officials of the District Court of the United States for Puerto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said District Court of the United States for Puerto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Puerto Rico to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to sign all necessary papers and records as the acting judge of said court without extra compensation. (Apr. 12, 1900, c. 191, § 34, 31 Stat. 84; Jan. 7, 1913, c. 6, 37 Stat. 648; Mar. 2, 1917, c. 145, § 41, 39 Stat. 965; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412; Dec. 13, 1926, c. 6, § 1, 44 Stat. 919; May 17, 1932, c. 190, 47 Stat. 158.)

§ 864. **Appeals; removal of causes; certiorari; terms of district court; use of English language.** The laws of the United States relating to appeals, certiorari, removal of causes, and other matters or proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the district court of the United States and the courts of Puerto Rico. Regular terms of said United States district court shall be held at San Juan, commencing on the first Monday in May and November of each year, and also at Ponce on the second Monday in February of each year, and special terms may be held at Mayaguez at

such stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language. The said district court shall be attached to and included in the first circuit of the United States, with the right of appeal and review by said circuit court of appeals in all cases where the same would lie from any district court to a circuit court of appeals of the United States. (Apr. 12, 1900, c. 191, § 35, 31 Stat. 85; Mar. 2, 1917, c. 145, § 42, 39 Stat. 966; Feb. 13, 1925, c. 229, §§ 1, 13, 43 Stat. 936, 942; Jan. 31, 1928, c. 14, § 1, 45 Stat. 54; May 17, 1932, c. 190, 47 Stat. 158.)

§ 865. **Appeals.** Appeals from the final judgments and decrees of the Supreme Court of Puerto Rico may be taken and prosecuted to the Circuit Court of Appeals for the First Circuit and to the Supreme Court of the United States, as provided by law. (Mar. 2, 1917, c. 145, § 43, 39 Stat. 966; Feb. 13, 1925, c. 229, § 13, 43 Stat. 942; Jan. 31, 1928, c. 14, § 1, 45 Stat. 54; May 17, 1932, c. 190, 47 Stat. 158.)

§ 866. **Proceedings in English language.** All proceedings in the Supreme Court of the United States to review decisions of the Supreme Court of Puerto Rico and the District Court of the United States for Puerto Rico shall be conducted in the English language. (Apr. 12, 1900, c. 191, § 35, 31 Stat. 85; May 17, 1932, c. 190, 47 Stat. 158.)

§ 867. **Juries in district court; qualifications.** The qualifications of jurors as fixed by the local laws of Puerto Rico shall not apply to jurors selected to serve in the District Court of the United States for Puerto Rico; but the qualifications required of jurors in said court shall be that each shall be of the age of not less than twenty-one years and not over sixty-five years, a resident of Puerto Rico for not less than one year, and have a sufficient knowledge of the English language to enable him to serve as a juror; they shall also be citizens of the United States. Juries for the said court shall be selected, drawn, and subject to exemption in accordance with the laws of Congress regulating the same in the United States courts insofar as locally applicable. (June 25, 1906, c. 3542, 34 Stat. 466; Mar. 2, 1917, c. 145, § 44, 39 Stat. 966; May 17, 1932, c. 190, 47 Stat. 158.)

§ 868. **Fees part of United States revenues.** All fees, fines, costs, and forfeitures as would be deposited to the credit of the United States if collected and paid into a district court of the United States shall become revenues of the United States when collected and paid into the District Court of the United States for Puerto Rico. The sum of \$500 a year from such fees, fines, costs, and forfeitures shall be retained by the clerk and expended for law library purposes under the direction of the judge. (Mar. 2, 1901, c. 812, § 2, 31 Stat. 953; Mar. 2, 1917, c. 145, § 45, 39 Stat. 966; May 17, 1932, c. 190, 47 Stat. 158.)

§ 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 District Court of the United States for Puerto Rico. (Mar. 2, 1901, c. 812, § 2, 31 Stat. 953; May 17, 1932, c. 190, 47 Stat. 158.)

§ 870. **Salaries of district court officials.** Except as otherwise provided in sections 558 and 562 of Title 28, JUDICIAL CODE AND JUDICIARY, the Attorney General of the United States shall from time to time determine the salaries of all officials and assistants appointed by the United States district court, including the interpreter, stenographer, and other officials and employees, the same to be paid by the United States as other salaries and expenses of like character in United States courts. (Mar. 2, 1917, c. 145, § 46, 39 Stat. 966; Feb. 26, 1919, c. 49, §§ 2, 4, 40 Stat. 1182.)

§ 871. **Fees and mileage of jurors and witnesses.** [Superseded.]

This section (Act Mar. 2, 1917, c. 145, § 47, 39 Stat. 967) has been superseded by Act Apr. 26, 1926, c. 183, §§ 1-3, 44 Stat. 323, 324. See sections 600a-600c of Title 28.

§ 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 District Court of the United States for Puerto Rico. (Mar. 2, 1917, c. 145, § 48, 39 Stat. 967; Mar. 4, 1927, c. 503, § 7, 44 Stat. 1421; May 17, 1932, c. 190, 47 Stat. 158.)

§ 873. **Appointment of judges, marshals, and secretaries.** All judges, marshals, and secretaries of courts established or that may be established in Puerto Rico, and whose appointment by the President is not provided for by law, shall be appointed by the governor, by and with the advice and consent of the Senate of Puerto Rico. (Mar. 2, 1917, c. 145, § 49, 39 Stat. 967; May 17, 1932, c. 190, 47 Stat. 158.)

§ 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 entering 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. (Apr. 12, 1900, c. 191, § 16, 31 Stat. 81; Mar. 2, 1917, c. 145, § 10, 39 Stat. 954; May 17, 1932, c. 190, 47 Stat. 158.)

§ 875. **Jurisdiction of courts continued.** Nothing in this chapter shall be deemed to impair or interrupt the jurisdiction of courts over matters pending therein March 2, 1917, which jurisdiction is in all respects continued, the purpose of this chapter being to preserve the integrity of all of said courts and their jurisdiction until otherwise provided by law, except as in this chapter otherwise specifically provided. (Mar. 2, 1917, c. 145, § 55, 39 Stat. 963.)

§ 876. **Justice of supreme court as temporary or special judge of United States district court.** [Superseded.]

This section (Act Jan. 7, 1913, c. 6, 37 Stat. 648) has been superseded by Act Mar. 2, 1917, c. 145, § 41, 39 Stat. 965. See last sentence of section 803 of this title.

#### 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, c. 145, § 36, 39 Stat. 963; May 17, 1932, c. 190, 47 Stat. 158; June 5, 1934, c. 390, § 5, 48 Stat. 879.)

§ 892. **Same; qualifications; 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. (Apr. 12, 1900, c. 191, § 39, 31 Stat. 86; Mar. 2, 1917, c. 145, § 36, 39 Stat. 963; Mar. 4, 1925, c. 549, § 4, 43 Stat. 1301.)

§ 893. **Same; salary; 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, c. 145, § 36, 39 Stat. 963.)

§ 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 Sergeant-at-Arms 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, c. 3514, § 1, 34 Stat. 417; May 17, 1932, c. 190, 47 Stat. 158.)

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**Section 1001. The Philippines; meaning of term.** The provisions of this chapter and the name "the Philippines" as used herein shall apply to and include the Philippine Islands ceded to the United States Government by the treaty of peace concluded between the United States and Spain on the 11th day of April 1899, the boundaries of which are set forth in Article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the 7th day of November 1900. (Aug. 29, 1916, c. 416, § 1, 39 Stat. 545.)