

2/13/74

Historical Note

Change of Name. The name of "Porto Rico" was changed to "Puerto Rico" by Act May 17, 1932.

Repeals. Section repealed by Act July 3, 1950, c. 446, § 5(2), 64 Stat. 320, to become effective when the constitution of Puerto Rico becomes effective.

§ 873a. Repealed. June 25, 1948, c. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Historical Note

Section, Act Feb. 12, 1940, c. 23, § 1, 54 Stat. 22, which related to rule governing civil cases, is now covered by section 2072

of Title 23, Judiciary and Judicial Procedure.

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

All judicial process shall run in the name of "United States of America, ss, the President of the United States," and all penal or criminal prosecutions in the local courts shall be conducted in the name and by the authority of "The People of Puerto Rico." All officials shall be citizens of the United States, and, before 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. Mar. 2, 1917, c. 145, § 10, 39 Stat. 954; May 17, 1932, c. 190, 47 Stat. 158.

Historical Note

Change of Name. The name of "Porto Rico" was changed to "Puerto Rico" by Act May 17, 1932.

Prior Law. Similar provisions were contained in Act Apr. 12, 1900, c. 191, § 16, 31 Stat. 81.

Federal Rules of Civil Procedure

Rules of civil procedure for district courts, see section 2072 of Title 23, Judiciary and Judicial Procedure.

Notes of Decisions

1. Criminal prosecutions

Prosecution in insular courts of Porto Rico for violation of national Prohibition Act, Act Oct. 23, 1919, c. 85, 41 Stat.

305, should be in the name of the "People of Porto Rico." People of Porto Rico v. Zayas, C.C.A. Porto Rico 1932, 56 F.2d 338.

§§ 875, 876. Repealed. June 25, 1948, c. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Historical Note

Section 875, Act Mar. 2, 1917, c. 145, § 55, 39 Stat. 968, which related to continuation of court's jurisdiction, is not now covered as it is executed.

Section 876, Act Jan. 7, 1913, c. 6, 37 Stat. 648, which related to temporary judge, is not now covered.

§ 891. Resident Co

The qualified elect missioner to the Un of office shall be fo general election, an ognition as such con ernment of the Uni partment of State, Puerto Rico. Mar. 2, c. 190, 47 Stat. 158;

Codification. Section 1 second sentence of section 2, 1917, cited to text. Th of said section 36, provid of a Resident Commissio ed States at the next for a term commencing v suance of certificate o terminating Mar. 4, 1921, executed. The other sec section 36 are classified Title 2, The Congress, 822 and 893 of this title thrd sentence of said se the salary of the commis per annum, was supersed 4, 1925, c. 549, § 4 (cited section 893 of this title a section 81 of Title 2, The viding, for such commis of \$10,000 per annum.

1934 Amendment. Act changed the commencem

§ 892. Same; quali

No person shall b who is not a bona f more than twenty-fiv the English languag Commissioner by de and with the advice dent Commissioner next general electio Mar. 2, 1917, c. 145,

Codification. Section 1 fifth sentence of section

642, 25 Okl. 162; Nelson v. Lollar, 1908,
94 P. 176, 20 Okl. 291.

Appeals from the probate court involv-
ing questions of fact only were to be tak-
en to the district court in the same man-

ner as appeals were taken from judg-
ments of justices of the peace. Brick-
ner v. Sporleder, 1895, 41 P. 724, 3 Okl.
581.

§ 1465. Oath of office

The governor and secretary for each Territory shall, before they act as such, respectively take an oath before the district judge, or some justice of the peace in the limits of the Territory for which they are appointed, duly authorized to administer oaths by the laws in force therein, or before the Chief Justice or some Associate Justice of the Supreme Court of the United States, to support the Constitution of the United States and faithfully to discharge the duties of their respective offices; and such oaths shall be certified by the person before whom the same are taken; and such certificates shall be received and recorded by the secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers appointed for any Territory, before they act as such, shall take a like oath before the governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, and such oath shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as above directed; but after the first qualification of the officers herein specified in the case of a new Territory, as well as in all organized Territories, the like oath shall be taken, certified, and recorded in such manner and form as may be prescribed by the law of each Territory. R.S. § 1878.

Historical Note

Derivation. N. M., Act Sept. 9, 1850, § 11, 12 Stat. 242. Ariz., Act Feb. 24,
c. 49, § 12, 9 Stat. 450. Utah, Act Sept. 1863, c. 56, § 2, 12 Stat. 665. Idaho, Act
9, 1850, c. 51, § 11, 9 Stat. 456. Wash., Mar. 3, 1863, c. 117, § 11, 12 Stat. 812.
Act Mar. 2, 1853, c. 90, § 11, 10 Stat. 176. Mont., Act May 26, 1864, c. 95, § 11, 13
Colo., Act Feb. 28, 1861, c. 33, § 11, 12 Stat. 90. Wyo., Act July 25, 1868, c. 225,
Stat. 175. Dak., Act Mar. 2, 1861, c. 86, § 11, 15 Stat. 181.

Cross References

Oaths to be administered by notaries public appointed in any Territory, by clerks
and prothonotaries of courts of record of any Territory and their deputies, and by
all magistrates authorized by laws of such Territory, see section 92a of Title 5, Execu-
tive Departments, Government Officers and Employees.

§ 1466. Commencement of salaries of officers

Payment of salaries of all officers of the Territories of the Unit-
ed States appointed by the President shall commence only when the
person appointed to any such office shall take the proper oath, and
shall enter upon the duties of such office in such Territory; and
said oath shall hereafter be administered in the Territory in which
such office is held. May 1, 1876, c. 88, 19 Stat. 43.

Codification. This wa
year 1876.

Commencement of salari
Reduction of salaries 2

1. Commencement of sal
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§ 1467. Fees

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and marshals, to th
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persons as prescri
and no other compe

References in Text. T
chapter sixteen, Title "
means chapter sixteen o
the Revised Statutes. T
composed of sections
statutes. Of these, secti
829, 832-834, 838, 840, 848-
classified to former Title
In the revision of such
were all repealed, except
864. The provisions of

§ 1468. Salary not

When any officer
duties of his office,
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1884; June 10, 1921

Derivation. Act June
1, 10 Stat. 10.

1921 Amendment. Act
amended section by subs
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ing officer of the Treas

§ 1423a. Power of Legislature; limitation on indebtedness of Guam; bond issues

The legislative power of Guam shall extend to all subjects of legislation of local application not inconsistent with the provisions of this chapter and the laws of the United States applicable to Guam. Taxes and assessments on property, internal revenues, sales, license fees, and royalties for franchises, privileges, and concessions may be imposed for purposes of the government of Guam as may be uniformly provided by the Legislature of Guam, and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the government of Guam: *Provided, however,* That no public indebtedness of Guam shall be authorized or allowed in excess of 10 per centum of the aggregate tax valuation of the property in Guam. Bonds or other obligations of the government of Guam payable solely from revenues derived from any public improvement or undertaking shall not be considered public indebtedness of Guam within the meaning of this section. All bonds issued by the government of Guam or by its authority shall be exempt, as to principal and interest, from taxation by the Government of the United States or by the government of Guam, or by any State or Territory or any political subdivision thereof, or by the District of Columbia. Aug. 1, 1950, c. 512, § 11, 64 Stat. 387.

§ 1423b. Determination of selection and qualification of members; officers; rules and procedure

The legislature shall be the judge of the selection and qualification of its own members. It shall choose from its members its own officers, determine its rules and procedure, not inconsistent with this chapter, and keep a journal. Aug. 1, 1950, c. 512, § 12, 64 Stat. 388.

§ 1423c. Privileges of members

(a) The members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the legislature and in going to and returning from the same.

(b) No member of the legislature shall be held to answer before any tribunal other than the legislature itself for any speech or debate in the legislature. Aug. 1, 1950, c. 512, § 13, 64 Stat. 388.

§ 1423d. Oath of office

Every member of the legislature and all officers of the government of Guam shall take the following oath or affirmation:

"I solemnly swear (or affirm) in the presence of Almighty God that I will well and faithfully support the Constitution of the United States, the laws of the United States applicable to Guam and

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the laws of Guam, and that I will conscientiously and impartially discharge my duties as a member of the Guam Legislature (or as an officer of the government of Guam)." Aug. 1, 1950, c. 512, § 14, 64 Stat. 388.

§ 1423e. Prohibition against acceptance of salary increases or newly created offices

No member of the legislature shall, during the term for which he was elected or during the year following the expiration of such term, be appointed to any office which has been created, or the salary or emoluments of which have been increased during such term. Aug. 1, 1950, c. 512, § 15, 64 Stat. 388.

§ 1423f. Qualifications of members

No person shall sit in the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years and who has not been domiciled in Guam for at least five years immediately preceding the sitting of the legislature in which he seeks to qualify as a member, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights. Aug. 1, 1950, c. 512, § 16, 64 Stat. 388.

§ 1423g. Vacancies

Vacancies occurring in the legislature shall be filled as the legislature shall provide, except that no person filling a vacancy shall hold office longer than for the remainder of the term for which his predecessor was elected. Aug. 1, 1950, c. 512, § 17, 64 Stat. 388.

§ 1423h. Regular and special sessions

Regular sessions of the legislature shall be held annually for a period or periods not to exceed in the aggregate sixty calendar days, as the legislature may determine. Such sessions shall convene in Agana on the second Monday in January. The Governor may convene the legislature in special session at such time and place as he may deem it necessary but no special session shall continue longer than fourteen 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. All sessions of the legislature shall be open to the public. Aug. 1, 1950, c. 512, § 18, 64 Stat. 388.

§ 1423i. Approval of bills

Every bill passed by the legislature shall, before it becomes a law, be entered upon the journal and presented to the Governor. If he approves it, he shall sign it, but if not he shall, except as hereinafter provided, return it, with his objections, to the legis-

lature within ten days after it is presented to him. If he does not sign it, it shall be a law if signed by the legislature by adjournment. If he have been presented a bill is returned with objections, the legislature shall within ten days after the adjournment of the legislature by adjournment of the Governor. If he shall within ten days after the adjournment of the States. If the Governor so stating, it nor disapproval by him by he had signed it several items of more of such items of, while approved. In such a case he a statement of he objects, and to shall not take be reported by the cy designated by and by him to the power and not annulled by of the date of it been approved.

§ 1423j. Approval of bills

(a) Appropriate and except such by the Congress ture.

(b) If at the of the necessary its legal obligations appropriate and purposes the ble, shall be deemed.

(c) All appropriate available to the Stat. 389.

Index to Notes

Qualified voters 2
Special elections 1

1. Special elections

Under amendment to the organic act granting authority to Legislature of the Virgin Islands to establish minimum voting age "at an age" approved by majority of qualified voters in the Virgin Islands in a referendum election "held for that purpose." Congress contemplated a special election in which that issue was to be decided. *Euwema v. Todman*, D.C. Virgin Islands 1971, 323 F.Supp. 167.

The Congress having decreed that qualified voters of the Virgin Islands should decide issue of minimum voting age "in a referendum held for that purpose," the referendum held on November 3, 1970 was

a special election, not required by Congress to be, and in no way a part of the general election, but held on same date of the general election merely as a matter of convenience. *Id.*

2. Qualified voters

Where this section as amended provided for lowering of voting age in Virgin Islands if a majority of qualified voters approved, on date of the election the total Virgin Islands electorate was 19,756 and those voting numbered 16,122 of whom 7,469 voted to lower the voting age to 18 while 3,158 electors were opposed to lowering the voting age, the "qualified voters" were those who voted for or against the proposition of lowering the voting age, and hence a clear majority of qualified electors voted to establish the voting age at 18. *Euwema v. Todman*, D.C. Virgin Islands 1971, 323 F.Supp. 167.

§ 1543. United States citizenship requirement of government officials; loyalty statement

All officials of the government of the Virgin Islands shall be citizens of the United States. Every member of the Legislature of the Virgin Islands and all officers and employees of the government of the Virgin Islands shall before entering upon the duties of their respective offices, or, in the case of persons in the employ of the government of the Virgin Islands on the effective date of this Act, then within sixty days of the effective date thereof, make a written statement in the following form:

"I,, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands, and that I will discharge the duties of with fidelity.

"And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the Government of the United States or of the Virgin Islands by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution and laws of the United States applicable to the Virgin Islands or the laws of the Virgin Islands.

"And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employee of the Virgin Islands." July 22, 1954, c. 558, § 29, 68 Stat. 509.

Library references: Territories §19 et seq.; C.J.S. Territories § 22 et seq
References in Text. Words "effective date of this Act", referred to in the text, note under section 1541 of this title. 1954. For effective date of such Act, see refer to effective date of Act July 22,

§ 1544. Reports by Governor; jurisdiction of Secretary of Interior; exceptions

All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said government which on July 22, 1954 are under the supervision of the Director of the Administrative Office of the United States Courts, and the matters relating to the United States Attorney and the United States Marshal which on July 22, 1954 are under the supervision of the Attorney General. July 22, 1954, c. 558, § 30, 68 Stat. 509.

Library references: Territories §22; C.J.S. Territories §§ 28, 29.

§ 1545. Lease, sale, and control of public property

(a) The Secretary of the Interior shall be sell upon such terms as he may deem advanta the United States any property of the United S tive supervision in the Virgin Islands not nee

(b) The government of the Virgin Islands sh over all public property that is under its cont 22, 1954, c. 558, § 31, 68 Stat. 510.

Library references: United States §58; C.J.S. Warehousemen and Safe Depositaries § 60.

Submerged Lands, Conveyance to Terri- the gove tory. Conveyance of submerged lands to see chapt

§ 1546. Appropriations

There are authorized to be appropriated and United States such sums as may be necessary a the provisions and purposes of this chapter, s 21, and section 3350(c) of Title 26. July 22, 510.

Library references: Territories §28 et seq.; C.J.S.

SUBCHAPTER II—BILL OF

§ 1561. Rights and prohibitions

No law shall be enacted in the Virgin Isla person of life, liberty, or property without due person therein equal protection of the laws.

In all criminal prosecutions the accused sha sent by counsel for his defense, to be inform the accusation, to have a copy thereof, to have be confronted with the witnesses against hi process for obtaining witnesses in his favor.

No person shall be held to answer for a c process of law, and no person for the same o jeopardy of punishment, nor shall be compel give evidence against himself; nor shall any t rate in any case in which he has been engag

All persons shall be ballable by sufficient su offenses, except for first-degree murder or a proof is evident or the presumption great.

Excessive bail shall not be required, nor cruel and unusual punishment inflicted.

No law impairing the obligation of contract No person shall be imprisoned or shall suff

All persons shall have the privilege of the v same shall not be suspended except as herein e

No ex post facto law or bill of attainder sha

Private property shall not be taken for pub of just compensation ascertained in the manne

The right to be secure against unreasonable not be violated.

No warrant for arrest or search shall issu supported by oath or affirmation, and particu be searched and the persons or things to be se

Slavery shall not exist in the Virgin Island

Involuntary servitude, except as a punish party shall have been duly convicted by a co the Virgin Islands.

No law shall be passed abridging the freed or the right of the people peaceably to assem ment for the redress of grievances.