

**§ 866. Omitted****Editorial Notes**

## CODIFICATION

Section, act Apr. 12, 1900, ch. 191, § 35, 31 Stat. 85, provided that all proceedings in Supreme Court of United States to review decisions of Supreme Court of Puerto Rico and the District Court of the United States for Puerto Rico, should be conducted in the English language.

**§ 867. Repealed. Pub. L. 90-274, § 103(g), Mar. 27, 1968, 82 Stat. 63**

Section, acts Mar. 2, 1917, ch. 145, § 44, 39 Stat. 966; May 17, 1932, ch. 190, 47 Stat. 158, set out qualifications for jurors in District Court of United States for Puerto Rico as different from those set by local law and directed that juries be selected, drawn, and subject to exemption in accordance with laws of Congress insofar as locally applicable.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF REPEAL

Repeal effective 270 days after Mar. 27, 1968, except as to cases in which an indictment is returned or petit jury is empaneled prior to such effective date, see section 104 of Pub. L. 90-274, set out as an Effective Date of 1968 Amendment note under section 1861 of Title 28, Judiciary and Judicial Procedure.

**§ 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 United States District Court for the District of 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, 1917, ch. 145, § 45, 39 Stat. 966; May 17, 1932, ch. 190, 47 Stat. 158.)

**Editorial Notes**

## CODIFICATION

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

## PRIOR PROVISIONS

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

**Statutory Notes and Related Subsidiaries**

## CHANGE OF NAME

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

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

Such fees and expenses as are payable by the United States if earned or incurred in connec-

tion with a district court of the United States shall be paid from the revenue of Puerto Rico if earned or incurred in connection with the United States District Court for the District of Puerto Rico.

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

**Editorial Notes**

## CODIFICATION

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

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

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

**Statutory Notes and Related Subsidiaries**

## CHANGE OF NAME

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

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

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

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF REPEAL

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

**§ 871. Omitted****Editorial Notes**

## CODIFICATION

Section, acts Mar. 2, 1917, ch. 145, § 47, 39 Stat. 967; May 17, 1932, ch. 190, 47 Stat. 158, which related to fees and mileage of jurors and witnesses, was superseded by sections 1821, 1824, 1825, and 1871 of Title 28, Judiciary and Judicial Procedure.

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

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

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

(Mar. 2, 1917, ch. 145, §48, 39 Stat. 967; Mar. 4, 1927, ch. 503, §7, 44 Stat. 1421; May 17, 1932, ch. 190, 47 Stat. 158.)

#### Editorial Notes

##### CODIFICATION

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

##### AMENDMENTS

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

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

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

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

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

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

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

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

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

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

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

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

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

#### Editorial Notes

##### PRIOR PROVISIONS

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

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

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

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

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

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

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

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

#### SUBCHAPTER V—RESIDENT COMMISSIONER

#### § 891. Resident Commissioner; election

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

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

#### Editorial Notes

##### CODIFICATION

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

##### PRIOR PROVISIONS

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

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