

lations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial council having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies in said islands to which the United States or any citizen thereof may be a party. In all cases arising in the said West Indian Islands and reviewable by the courts of Denmark prior to March 3, 1917, appeals shall be to the Circuit Court of Appeals for the Third Circuit, and, except as provided in sections 346 and 347 of Title 28, JUDICIAL CODE AND JUDICIARY, the judgments, orders, and decrees of such court shall be final in all such cases. (Mar. 3, 1917, c. 171, § 2, 39 Stat. 1132; Jan. 31, 1928, c. 14, § 1, 45 Stat. 54.)

Transfer of the District Court of the Virgin Islands of the United States, see Executive Order June 10, 1933, § 6, No. 6166 set out in note to section 132 of Title 5.

§ 1392a. Salary of judge of District Court. The following salary shall be paid to the judge herein-after mentioned, namely:

To the judge of the District Court of the Virgin Islands of the United States, \$7,500 per year.

Said salary shall be paid in equal monthly installments. (May 29, 1928, c. 904, §§ 1, 2, 45 Stat. 997.)

§ 1392b. Jurisdiction of district court of violations of provisions for protection of navigable waters. Violations of the provisions of section 1399 of this title may be prosecuted in the District Court of the Virgin Islands of the United States, and jurisdiction is hereby vested in said court to try and determine such causes. (July 1, 1932, c. 370, § 2, 47 Stat. 565.)

§ 1393. Colonial councils; eligibility to membership in. No person owing allegiance to any country other than the United States of America shall be eligible to hold office as a member of the colonial councils of the Virgin Islands of the United States nor to hold any public office under the government of said islands. (July 12, 1921, c. 44, § 1, 42 Stat. 123.)

§ 1394. Customs duties and internal-revenue taxes. There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. (Mar. 3, 1917, c. 171, § 3, 39 Stat. 1133.)

§ 1395. Tax laws continued; tax on sugar. Until Congress shall otherwise provide all laws now imposing taxes in the said West Indian Islands, including the customs laws and regulations, shall, insofar as compatible with the changed sovereignty and not otherwise herein provided, continue in force and effect, except that articles the growth, product, or manufacture of the United States shall be admitted there free of duty: *Provided*, That upon exportation of sugar to any foreign country, or the shipment thereof to the United States or any of its possessions, there shall be levied, collected, and paid thereon an export duty of \$6 per ton of two thousand pounds, irrespective of polariscope test, in lieu of any export tax now required by law: *Provided further*, That the internal revenue taxes levied by the Colonial Council of Saint Croix, or by the Colonial Council of Saint Thomas and Saint John, in pursuance of the authority granted by this chapter on articles, goods, wares, or merchandise may be levied and collected as the Colonial Council of Saint Croix, or as the Colonial Council of Saint Thomas and Saint John, may direct, on the articles subject to said tax, as soon as the same are manufactured, sold, used, or brought into the island: *And provided further*, That no discrimination be made between the articles imported from the United States

or foreign countries and similar articles produced or manufactured in the municipality of Saint Croix, or in the municipality of Saint Thomas and Saint John, respectively. The officials of the Customs and Postal Services of the United States are hereby directed to assist the appropriate officials of the municipality of Saint Croix, or of the municipality of Saint Thomas and Saint John, in the collection of these taxes. (Mar. 3, 1917, c. 171, § 4, 39 Stat. 1133; Feb. 25, 1927, c. 192, § 5, 44 Stat. 1235; June 24, 1932, c. 275, 47 Stat. 333.)

§ 1396. Duties and taxes covered into island treasury. The duties and taxes collected in pursuance of sections 1391 to 1395 of this title shall not be covered into the general fund of the Treasury of the United States, but shall be used and expended for the government and benefit of the Virgin Islands, under such rules and regulations as the President may prescribe. (Mar. 3, 1917, c. 171, § 5, 39 Stat. 1133.)

§ 1397. Income-tax laws of United States in force. The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in the Virgin Islands of the United States, except that the proceeds of such taxes shall be paid into the treasuries of said islands. (July 12, 1921, c. 44, § 1, 42 Stat. 123.)

See section 2252(b) of Title 26.

§ 1398. Quarantine and passport fees. Quarantine and passport fees collected in the Virgin Islands shall be paid into the treasuries of said islands. (July 1, 1922, c. 259, 42 Stat. 788.)

§ 1399. Laws of United States affecting navigation; applicability. The provisions of sections 401, 403, 404, 406-409, 411-413, and 502 of Title 33, are hereby made applicable to the Virgin Islands and the navigable waters thereof. (July 3, 1930, c. 847, § 8, 46 Stat. 948; July 1, 1932, c. 370, § 1, 47 Stat. 565.)

§ 1400. Admiralty laws of United States; extension to islands. There is hereby conferred upon the judicial tribunals of the Virgin Islands jurisdiction in admiralty which shall be the same as is exercised by the United States district courts, and the practice and procedure shall be the same as in the United States district courts, and all cases coming within the admiralty jurisdiction of said tribunals shall be determined in accordance with the general admiralty laws of the United States of America. (May 20, 1932, c. 194, 47 Stat. 160.)

Chapter 8.—GUANO ISLANDS

Sec.

- 1411. Guano districts; claim by United States.
- 1412. Same; notice of discovery, and proofs.
- 1413. Completion of proof on death of discoverer.
- 1414. Exclusive privileges of discoverer.
- 1415. Restrictions upon exportation.
- 1416. Regulation of trade.
- 1417. Criminal jurisdiction.
- 1418. Employment of land and naval forces in protection of rights.
- 1419. Right to abandon islands.

Section 1411. Guano districts; claim by United States. Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States. (E. S. § 5570.)

From Act Aug. 18, 1856, c. 164, § 1, 11 Stat. 119.

§ 1412. Same; notice of discovery, and proofs. The discoverer shall, as soon as practicable, give notice verified by affidavit, to the Department of State, of such discovery, occupation, and possession, describing the island, rock, or key, and the latitude and longitude thereof, as near as may be, and showing that such possession was taken in the name of the United States; and shall furnish satisfactory evidence to the State Department that such island, rock, or key was

not, at the time of the discovery thereof, or of the taking possession and occupation thereof by the claimants, in the possession or occupation of any other government or of the citizens of any other government, before the same shall be considered as appertaining to the United States. (R. S. § 5571.)

From Act Aug. 18, 1856, c. 164, § 1, 11 Stat. 119.

§ 1413. Completion of proof on death of discoverer.

If the discoverer dies before perfecting proof of discovery or fully complying with the provisions of section 1412 of this title, his widow, heir, executor, or administrator shall be entitled to the benefits of such discovery, upon complying with the provisions of this chapter. Nothing herein shall be held to impair any rights of discovery or any assignment by a discoverer recognized prior to April 2, 1872, by the United States. (R. S. § 5572.)

From Act Apr. 2, 1872, c. 81, § 1, 17 Stat. 48.

§ 1414. Exclusive privileges of discoverer. The discoverer, or his assigns, being citizens of the United States, may be allowed, at the pleasure of Congress, the exclusive right of occupying such island, rocks, or keys, for the purpose of obtaining guano, and of selling and delivering the same to citizens of the United States, to be used therein, and may be allowed to charge and receive for every ton thereof delivered alongside a vessel, in proper tubs, within reach of ship's tackle, a sum not exceeding \$8 per ton for the best quality, or \$4 for every ton taken while in its native place of deposit. (R. S. § 5573.)

From Act Aug. 18, 1856, c. 164, § 2, 11 Stat. 119.

§ 1415. Restrictions upon exportation. No guano shall be taken from any island, rock, or key mentioned in section 1411 of this title, except for the use of the citizens of the United States or of persons resident therein. The discoverer, or his widow, heir, executor, administrator, or assigns, shall enter into bond, in such penalty and with such sureties as may be required by the President, to deliver the guano to citizens of the United States, for the purpose of being used therein, and to none others, and at the price prescribed, and to provide all necessary facilities for that purpose within a time to be fixed in the bond; and any breach of the provisions thereof shall be deemed a forfeiture of all rights accruing under and by virtue of this chapter. (R. S. § 5574.)

From Act Aug. 18, 1856, c. 164, § 2, 11 Stat. 119; Act July 28, 1866, c. 298, § 3, 14 Stat. 328; Act Apr. 2, 1872, c. 81, § 1, 17 Stat. 48.

§ 1416. Regulation of trade. The introduction of guano from such islands, rocks, or keys shall be regulated as in the coasting trade between different parts of the United States, and the same laws shall govern the vessels concerned therein. (R. S. § 5575.)

From Act Aug. 18, 1856, c. 164, § 3, 11 Stat. 120.

§ 1417. Criminal jurisdiction. All acts done, and offenses or crimes committed, on any island, rock, or key mentioned in section 1411 of this title, by persons who may land thereon, or in the waters adjacent thereto, shall be deemed committed on the high seas, on board a merchant ship or vessel belonging to the United States; and shall be punished according to the laws of the United States relating to such ships or vessels and offenses on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys. (R. S. § 5576.)

From Act Aug. 18, 1856, c. 164, § 6, 11 Stat. 120.

See section 451 of Title 18.

§ 1418. Employment of land and naval forces in protection of rights. The President is authorized, at his discretion, to employ the land and naval forces of the United States to protect the rights of the discoverer or of his widow, heir, executor, administrator, or assigns. (R. S. § 5577.)

From Act Aug. 18, 1856, c. 164, § 5, 11 Stat. 120.

§ 1419. Right to abandon islands. Nothing in this chapter contained shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same. (R. S. § 5578.)

From Act Aug. 18, 1856, c. 164, § 4, 11 Stat. 120.

Chapter 9.—GUAM, SAMOA, AND SWAINS ISLAND; MISCELLANEOUS PROVISIONS

Sec.

1431. Sovereignty of United States extended over Swains Island.

1431a. Islands of Tutuila, Manua, and eastern Samoa; ceded to and accepted by United States; revenue; government.

1432. Acknowledgment of deeds in.

1433. Coastwise shipping laws of United States not applicable.

Section 1431. Sovereignty of United States extended over Swains Island. The sovereignty of the United States over American Samoa is extended over Swains Island, which is made a part of American Samoa and placed under the jurisdiction of the administrative and judicial authorities of the government established therein by the United States. (Mar. 4, 1925, c. 563, 43 Stat. 1357.)

§ 1431a. Islands of Tutuila, Manua, and eastern Samoa; ceded to and accepted by United States; revenue; government. (a) The cessions by certain chiefs of the islands of Tutuila and Manua and certain other islands of the Samoan group lying between the thirteenth and fifteenth degrees of latitude south of the Equator and between the one hundred and sixty-seventh and one hundred and seventy-first degrees of longitude west of Greenwich, herein referred to as the islands of eastern Samoa, are accepted, ratified, and confirmed, as of April 10, 1900, and July 16, 1904, respectively.

(b) The existing laws of the United States relative to public lands shall not apply to such lands in the said islands of eastern Samoa; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the said islands of eastern Samoa for educational and other public purposes.

(c) Until Congress shall provide for the government of such islands, all civil, judicial, and military powers shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

(d) The President shall appoint six commissioners, two of whom shall be members of the Senate, two of whom shall be members of the House of Representatives, and two of whom shall be chiefs of the said islands of eastern Samoa, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the islands of eastern Samoa as they shall deem necessary or proper. (Feb. 20, 1929, c. 281, 45 Stat. 1253.)

§ 1432. Acknowledgment of deeds in. Deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the islands of Guam and Samoa before any notary public or judge, appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public: *Provided*, That the certificate by such notary in Guam or Samoa, as the case may be, shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the 1st day of January 1905 and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified. (June 28, 1906, c. 3585, 34 Stat. 552.)

§ 1433. Coastwise shipping laws of United States not applicable. The provisions of law of the United States restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from any port of the United States to