

62D CONGRESS,
2D SESSION.

H. R. 24961.

IN THE HOUSE OF REPRESENTATIVES.

MAY 29, 1912.

Mr. JONES introduced the following bill: which was referred to the Committee on Insular Affairs and ordered to be printed.

A BILL

To provide a civil government for Porto Rico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the provisions of this Act shall apply to the island of
4 Porto Rico and to the adjacent islands and waters of the
5 islands lying east of the seventy-fourth meridian of longitude
6 west of Greenwich, which were ceded to the United States
7 by the Government of Spain by treaty signed at Paris on the
8 tenth day of December, eighteen hundred and ninety-eight,
9 and proclaimed at Washington on the eleventh day of April,
10 eighteen hundred and ninety-nine; and the name Porto
11 Rico as used in this Act shall be held to include not only the
12 island of that name but all the adjacent islands as aforesaid.

1 SEC. 2. That no law shall be enacted in Porto Rico
2 which shall deprive any person of life, liberty, or property
3 without due process of law, or deny to any person therein
4 the equal protection of the laws.

5 That in all criminal prosecutions the accused shall enjoy
6 the right to be heard by himself and counsel, to demand the
7 nature and cause of the accusation against him, to have a
8 copy thereof, to have a speedy and public trial, to meet the
9 witnesses face to face, and to have compulsory process to
10 compel the attendance of witnesses in his behalf.

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

16 That all persons shall before conviction beailable by
17 sufficient sureties, except for capital offenses when the proof
18 is evident or the presumption great.

19 That no law impairing the obligation of contracts shall
20 be enacted.

21 That no person shall be imprisoned for debt.

22 That the privilege of the writ of habeas corpus shall not
23 be suspended, unless when in case of rebellion, insurrection,
24 or invasion the public safety may require it, in either of
25 which events the same may be suspended by the President,

1 or by the governor, wherever during such period the neces-
2 sity for such suspension shall exist.

3 That no ex post facto law or bill of attainder shall be
4 enacted.

5 That no law granting a title of nobility shall be enacted,
6 and no person holding any office of profit or trust in Porto
7 Rico shall, without the consent of the Congress of the United
8 States, accept any present, emolument, office, or title of any
9 kind whatever from any king, queen, prince, or foreign
10 State.

11 That excessive bail shall not be required, nor excessive
12 fines imposed, nor cruel and unusual punishment inflicted.

13 That the right to be secure against unreasonable
14 searches and seizures shall not be violated.

15 That neither slavery nor involuntary servitude, except
16 as a punishment for crime whereof the party shall have
17 been duly convicted, shall exist in Porto Rico.

18 That no law shall be passed abridging the freedom of
19 speech or of the press, or the right of the people peaceably
20 to assemble and petition the Government for redress of
21 grievances.

22 That no law shall be made respecting an establishment
23 of religion or prohibiting the free exercise thereof, and
24 that the free exercise and enjoyment of religions profession
25 and worship, without discrimination or preference, shall

1 forever be allowed, and that no political or religious test,
2 other than an oath to support the Constitution of the United
3 States, shall be required as a qualification to any office or
4 public trust under Porto Rico.

5 That no money shall be paid out of the treasury except
6 in pursuance of an appropriation by law.

7 That the rule of taxation in Porto Rico shall be uniform
8 upon the same class of subjects.

9 That no warrant shall issue but upon probable cause,
10 supported by oath or affirmation, and particularly describing
11 the place to be searched and the person or things to be seized.

12 That all money collected on any tax levied or assessed
13 for a special purpose shall be treated as a special fund in the
14 treasury and paid out for such purpose only.

15 That eight hours shall constitute a day's work in all
16 cases of employment by and on behalf of the government or
17 any municipality of the island.

18 That the employment of children under the age of
19 fourteen years in any occupation injurious to health or
20 morals or especially hazardous to life or limb is hereby
21 prohibited.

22 That the right of action to recover damages for injuries
23 resulting in death shall never be abrogated, and the amount
24 recoverable shall not be subject to any statutory limitation.

1 SEC. 3. That no export duties shall be levied or col-
2 lected on exports from Porto Rico; but taxes and assessments
3 on property and license fees for franchises, privileges, and
4 concessions may be imposed for the purposes of the insular
5 and municipal governments, respectively, as may be pro-
6 vided and defined by the Legislature of Porto Rico; and
7 when necessary to anticipate taxes and revenues, bonds and
8 other obligations may be issued by Porto Rico or any munici-
9 pal government therein as may be provided by law and to
10 protect the public credit: *Provided, however,* That no public
11 indebtedness of Porto Rico or of any municipality thereof
12 shall be authorized or allowed in excess of seven per centum
13 of the aggregate tax valuation of its property.

14 SEC. 4. That the capital of Porto Rico shall be at the
15 city of San Juan, and the seat of government shall be main-
16 tained there.

17 SEC. 5. That all citizens of Porto Rico, as defined by
18 section seven of the Act of April twelfth, nineteen hundred,
19 “temporarily to provide revenues and a civil government for
20 Porto Rico, and for other purposes,” and all natives of Porto
21 Rico who were temporarily absent from that island on April
22 eleventh, eighteen hundred and ninety-nine, and have since
23 returned and are permanently residing in that island, and are
24 not citizens of any foreign country, are hereby declared, and
25 shall be deemed and held to be, citizens of the United States:

1 *Provided*, That any person hereinbefore described may retain
2 his present political status by making a declaration, under
3 oath, of his decision to do so within six months of the taking
4 effect of this Act before the district court in the district in
5 which he resides, the declaration to be in form as follows:

6 “ I, _____, being duly sworn, hereby declare my inten-
7 tion not to become a citizen of the United States as provided
8 in the Act of Congress conferring United States citizenship
9 upon citizens of Porto Rico and certain natives permanently
10 residing in said island.”

11 In the case of any such person who may be absent from
12 the island during said six months the terms of this proviso
13 may be availed of by transmitting a declaration, under oath,
14 in the form herein provided within six months of the taking
15 effect of this Act to the secretary of Porto Rico.

16 SEC. 6. That the laws and ordinances of Porto Rico
17 now in force shall continue in force and effect, except as
18 altered, amended, or modified herein, and so far as the same
19 are not inconsistent or in conflict with the statutory laws of
20 the United States not locally inapplicable, or the provisions
21 hereof, until altered, amended, or repealed by the legislative
22 authority herein provided for Porto Rico or by Act of Con-
23 gress of the United States.

24 SEC. 7. That the coasting trade between Porto Rico and
25 the United States shall be regulated in accordance with the

1 provisions of law applicable to such trade between any two
2 great coasting districts of the United States.

3 SEC. 8. That all expenses that may be incurred on
4 account of the government of Porto Rico for salaries of offi-
5 cials and the conduct of their offices and departments, and
6 all expenses and obligations contracted for the internal im-
7 provement or development of the island, not, however,
8 including defenses, barracks, harbors, lighthouses, buoys,
9 and other works undertaken by the United States, shall,
10 except as otherwise specifically provided by the Congress,
11 be paid by the treasurer of Porto Rico out of the revenues in
12 his custody.

13 SEC. 9. That all property which may have been ac-
14 quired in Porto Rico by the United States under the cession
15 of Spain in the treaty of peace entered into on the tenth
16 day of December, eighteen hundred and ninety-eight, in
17 any public bridges, road houses, water powers, highways,
18 unnavigable streams and the beds thereof, subterranean
19 waters, mines or minerals under the surface of private lands,
20 and all property which at the time of the cession belonged,
21 under the laws of Spain then in force, to the various harbor-
22 works boards of Porto Rico, and all the harbor shores, docks,
23 slips, and reclaimed lands, but not including harbor areas or
24 navigable waters, is hereby placed under the control of the
25 Government of Porto Rico to be administered for the benefit

1 of the people of Porto Rico; and the Legislature of Porto
2 Rico shall have authority, subject to the limitations imposed
3 upon all its acts, to legislate with respect to all such matters
4 as it may deem advisable. There is hereby conferred upon
5 the people of Porto Rico jurisdiction over harbor areas and
6 navigable waters for the enforcement of the police laws of
7 Porto Rico.

8 SEC. 10. That the statutory laws of the United States
9 not locally inapplicable, except as hereinbefore or hereinafter
10 otherwise provided, shall have the same force and effect in
11 Porto Rico as in the United States, except internal-revenue
12 laws.

13 SEC. 11. That all judicial process shall run in the name
14 of "United States of America, ss. the President of the
15 United States," and all penal or criminal prosecutions in the
16 local courts shall be conducted in the name and by the
17 authority of "The People of Porto Rico"; and all officials
18 authorized by this Act shall, before entering upon the duties
19 of their respective offices, take an oath to support the Con-
20 stitution of the United States and the laws of Porto Rico.

21 SEC. 12. That all reports required by law to be made
22 by the governor or heads of departments to any official in
23 the United States shall hereafter be made to the Department
24 of the Interior; and the President is authorized to place all

1 matters pertaining to the Government of Porto Rico in the
2 jurisdiction of that department.

3 SEC. 13. That the supreme executive power shall be
4 vested in an executive officer, whose official title shall be
5 “The Governor of Porto Rico.” He shall be appointed by
6 the President, by and with the advice and consent of the Sen-
7 ate, and hold his office at the pleasure of the President and
8 until his successor is chosen and qualified. The governor
9 shall reside in Porto Rico during his official incumbency, and
10 maintain his office at the seat of government. He shall have
11 general supervision and control of all of the departments and
12 bureaus of the Government in Porto Rico so far as is not in-
13 consistent with the provisions of this Act, and shall be com-
14 mander in chief of the militia. He may grant pardons and
15 reprieves, and remit fines and forfeitures for offenses against
16 the laws of Porto Rico, and respites for offenses against the
17 laws of the United States, until the decision of the President
18 can be ascertained, and may veto any legislation enacted as
19 hereinafter provided. He shall commission all officers that
20 he may be authorized to appoint, and shall at all times faith-
21 fully execute the laws, and in that behalf shall have all the
22 powers of governors of the Territories of the United States
23 that are not locally inapplicable. He shall annually and at
24 such other times as he may be required make such official re-

1 port of the transactions of the Government of Porto Rico to
2 the head of the executive department designated by the
3 President, and his said annual report shall be transmitted
4 to Congress, and he shall perform such additional duties and
5 functions as may in pursuance of law be delegated or as-
6 signed to him by the President.

7 SEC. 14. That the following executive departments are
8 hereby created: A department of justice, the head of which
9 shall be designated as the attorney general; a department
10 of finance, the head of which shall be designated as the
11 treasurer; a department of audits, the head of which
12 shall be designated as the auditor; a department of inte-
13 rior, the head of which shall be designated as the com-
14 missioner of the interior; a department of education, the
15 head of which shall be designated as the commissioner of
16 education; and a department of agriculture and labor, the
17 head of which shall be designated as the commissioner of
18 agriculture and labor. The heads of departments shall be
19 appointed by the President, by and with the advice and
20 consent of the Senate of the United States, to hold office for
21 four years unless sooner removed by the President, and no
22 person shall be the head of either of the departments hereby
23 created who has not been an actual resident of Porto Rico
24 for at least two years previous to his appointment. Heads
25 of departments shall reside in Porto Rico during their

1 official incumbency, but leaves of absence may be
2 granted to them by the governor. They shall perform
3 the duties hereinafter prescribed and such other duties, not
4 inconsistent with law, as the governor, with the approval
5 of the President, may assign to them; and they shall make
6 annual and such other reports to the governor as he may
7 require, which shall be transmitted to the executive depart-
8 ment designated by the President.

9 SEC. 15. The attorney general shall have general
10 charge of the administration of justice in Porto Rico. He
11 shall be the legal adviser of the governor and the heads
12 of departments, and shall appear for the people of Porto
13 Rico and prosecute and defend all actions and proceedings,
14 civil or criminal, in the Supreme Court of Porto Rico in
15 which the people of Porto Rico shall be interested or a party,
16 and may, if in his judgment the public interest requires, ap-
17 pear for the people of Porto Rico and prosecute or defend
18 in any other court, or before any officer, in any cause, civil
19 or criminal, in which the people of Porto Rico may be a
20 party or interested.

21 SEC. 16. That the treasurer shall give bond, approved
22 as to form by the attorney general of Porto Rico, in such
23 sum as the legislature may require, not less, however, than
24 the sum of one hundred and twenty-five thousand dollars,
25 with surety approved by the governor, and he shall collect

1 and be the custodian of public funds, and shall disburse
2 the same when appropriated by law, on warrants signed
3 by the auditor and countersigned by the governor, and per-
4 form such other duties as may be provided by law. He may
5 designate banking institutions in Porto Rico as depositaries
6 of the Government of Porto Rico, subject to such conditions
7 as may be prescribed by the governor, after they have filed
8 with him satisfactory evidence of their sound financial con-
9 dition and have deposited bonds of the United States or of
10 the Government of Porto Rico or other security satisfactory
11 to the head of such executive department in such amounts
12 as may be indicated by him; and no banking institution
13 shall be designated a depositary of the Government of Porto
14 Rico until the foregoing conditions have been complied with
15 nor used as a depositary except in the discretion of the
16 treasurer of Porto Rico.

17 SEC. 17. That the auditor shall keep full and accu-
18 rate accounts showing all receipts and disbursements and
19 perform such other duties as may be prescribed by law.
20 Where an appeal is permitted by law to the governor from
21 the decision of the auditor as to the legality of any expendi-
22 ture or payment, the governor's decision shall be final. The
23 decision of the auditor shall be final in any question as to
24 the account to which any expenditure shall be charged.

1 SEC. 18. That the commissioner of the interior shall
2 superintend all works of a public nature, have charge of all
3 public buildings, grounds, and lands, except those belonging
4 to the United States, and shall execute such requirements
5 as may be imposed by law with respect thereto, and perform
6 such other duties as may be prescribed by law.

7 SEC. 19. That the commissioner of education shall
8 superintend public instruction throughout Porto Rico, and
9 all disbursements on account thereof must be approved by
10 him, and he shall perform such other duties as may be pre-
11 scribed by law.

12 SEC. 20. That the commissioner of agriculture and
13 labor shall have general charge of such bureaus and branches
14 of government as shall be legally constituted for the study,
15 advancement, and benefit of agricultural and other industries
16 and of labor, and shall perform such other duties as may
17 be prescribed by law.

18 SEC. 21. There shall be appointed by the President a
19 director of civil service, who shall be paid an annual salary
20 of four thousand dollars and who shall reside in Porto Rico
21 during his official incumbency. Such director shall ex officio
22 exercise the functions and perform the duties now assigned
23 by law to the chairman of the Porto Rican civil-service
24 board as now established by the laws of Porto Rico and who
25 shall be the chief officer of any civil-service board or com-

1 mission which may be hereafter created by the Legislature
2 of Porto Rico.

3 No law shall be effective in Porto Rico which shall pre-
4 vent in the case of positions requiring expert scientific knowl-
5 edge the free transfer of persons in the classified service be-
6 tween Porto Rico and the United States, or which shall
7 prevent any citizen of the United States or of Porto Rico
8 from taking civil-service examinations for such position
9 at any time upon application therefor or the appoint-
10 ment of eligibles as a result thereof without preference
11 to residence at the time of such examination or appointment.

12 SEC. 22. That there shall be appointed by the Presi-
13 dent, by and with the advice and consent of the Senate,
14 an executive secretary for Porto Rico, at an annual
15 salary of four thousand dollars, who shall record and pre-
16 serve the minutes and proceedings of the public service
17 commission hereinafter provided for and the laws enacted by
18 the legislature and all acts and proceedings of the gov-
19 ernor, and promulgate all proclamations and orders of the
20 governor, and all laws enacted by the legislature, and per-
21 form such other duties as may be assigned to him by the
22 governor of Porto Rico. Any duties heretofore assigned to
23 the secretary of Porto Rico by existing law may be assigned
24 to the executive secretary herein provided for, or to any

1 other department or bureau of the government as may be
2 determined by the governor.

3 SEC. 23. That the governor of Porto Rico, within sixty
4 days after the end of each session of the legislature, shall
5 transmit to the Secretary of the Interior, who shall in turn
6 transmit the same to the Congress of the United States,
7 copies of all laws enacted during the session.

8 SEC. 24. That the President may from time to time
9 designate the head of an executive department of Porto Rico
10 to act as governor in the case of the temporary removal,
11 resignation, or disability of the governor, or his temporary
12 absence, and the head of the department thus designated
13 shall exercise all the powers and perform all the duties of
14 the governor during such vacancy, disability, or absence.

15 SEC. 25. That all local legislative powers in Porto Rico,
16 except as herein otherwise provided, shall be vested in a leg-
17 islature which shall consist of two houses, one the senate and
18 the other the house of representatives, and the two houses
19 shall be designated "the Legislature of Porto Rico."

20 SEC. 26. That the Senate of Porto Rico shall consist of
21 fourteen members, elected for terms of four years by the
22 qualified electors of Porto Rico except as hereinafter pro-
23 vided. Each of the legislative districts as now constituted
24 shall have the right to elect two senators. The said districts
25 shall be numbered consecutively and the senators chosen at

1 the first election in odd-numbered districts shall go out of
2 office at the end of the second year, and those elected in the
3 even-numbered districts shall go out of office at the end of
4 the fourth year. No person shall be a member of the Senate
5 of Porto Rico who is not over thirty years of age, and who
6 is not able to read and write either the Spanish or English
7 language, and who has not been a resident of Porto Rico for
8 at least two consecutive years, and an actual resident of the
9 senatorial district from which chosen for a period of at least
10 one year prior to his election, and who does not own in his
11 individual right taxable property in the said district to the
12 value of not less than one thousand dollars. Except as herein
13 otherwise provided, the Senate of Porto Rico shall exer-
14 cise all of the purely legislative powers and functions here-
15 tofore exercised by the Executive Council, including con-
16 firmation of appointments; but appointments made while the
17 senate is not in session shall be effective either until dis-
18 approved or until the next adjournment of the senate.

19 SEC. 27. That the House of Representatives of Porto
20 Rico shall consist of thirty-five members elected biennially
21 by the qualified electors of Porto Rico, five of whom shall be
22 elected from each of the legislative districts as at present con-
23 stituted. No person shall be a member of the house of rep-
24 resentatives who is not over twenty-five years of age, and
25 who is not able to read and write either the Spanish or

1 English language, and who does not own in his individual
2 right taxable property, real or personal, situated in Porto
3 Rico, and who has not been a bona fide resident of the dis-
4 trict from which elected for at least one year prior to his
5 election.

6 SEC. 28. That the next election in Porto Rico shall be
7 held at the time and in the manner now provided by law, and
8 there shall be chosen then senators and representatives as
9 herein provided. Thereafter elections shall be held only on
10 such days and under such regulations as to ballots and voting
11 as may be prescribed by the Legislature of Porto Rico. In
12 case of a vacancy among the members of the senate or house
13 of representatives, special elections may be held in the dis-
14 tricts wherein such vacancy occurred, under such regula-
15 tions as may be prescribed by law, but senators or repre-
16 sentatives elected in such cases shall hold office only for
17 the unexpired portion of the term wherein the vacancy
18 occurred.

19 SEC. 29. That members of the Senate and House of Rep-
20 resentatives of Porto Rico shall receive compensation at the
21 rate of seven dollars per day while in session, and mileage
22 at the rate of eight cents per kilometer for each kilometer
23 actually and necessarily traveled in going from their legis-
24 lative districts to the capital and therefrom to their places of
25 residence in their districts by the usual routes of travel.

1 SEC. 30. That the senate and house of representatives,
2 respectively, shall be the sole judges of the elections, re-
3 turns, and qualifications of their members, and they shall
4 have and exercise all the powers with respect to the conduct
5 of their proceedings that usually pertain to parliamentary
6 legislative bodies. Both houses shall convene at the capi-
7 tal on the second Monday in January following the next
8 election, and organize by the election of a speaker or a pre-
9 siding officer, a clerk, and a sergeant-at-arms for each
10 house, and such other officers and assistants as may be
11 required.

12 SEC. 31. That the regular sessions of the Legislature of
13 Porto Rico shall be biennial and shall not continue longer
14 than ninety days: *Provided*, That the legislature may, by a
15 majority vote of each house, continue the session for a period
16 not exceeding thirty days, but without compensation to
17 its members. The governor may call special sessions of
18 the legislature or of the senate at any time when in his
19 opinion the public service requires it, but no special session
20 shall continue longer than ten days and no legislation shall
21 be considered at such session other than that specified in
22 the call.

23 SEC. 32. That the enacting clause of the laws shall be
24 as to acts, "Be it enacted by the Legislature of Porto Rico,"
25 and as to joint resolutions, "Be it resolved by the Legislature

1 of Porto Rico." All bills and joint resolutions may originate
2 in either house. The general appropriation bill may be pre-
3 pared by the governor and shall be introduced as prepared or
4 approved by him within the first ten days of the session
5 of the legislature, but shall be subject to amendment as
6 in the case of any other bill; no bill shall become a law
7 unless it be passed in each house by a majority vote of
8 all of the members belonging to such house and be approved
9 by the governor within ten days thereafter. If when a
10 bill that has been passed is presented to the governor for
11 his signature, he approves the same, he shall sign it, or if
12 not, he shall return it, with his objections, to that house in
13 which it originated, which house shall enter his objections
14 at large on its journal. If any bill shall not be returned
15 by the governor within ten days (Sundays excepted) after
16 it shall have been presented to him, it shall be a law in
17 like manner as if he had signed it, unless the legislature
18 by adjournment prevents its return, in which case it shall
19 be a law if signed by the governor within ten days after
20 receipt by him, otherwise it shall not be a law; but all laws
21 enacted by the Legislature of Porto Rico shall be reported to
22 the Congress of the United States, which hereby reserves the
23 power and authority to annul the same. If at the termination
24 of any fiscal year the appropriations necessary for the
25 support of government for the ensuing fiscal year shall not

1 have been made, an amount equal to the sums appropriated
2 in the last appropriation bills for such purpose shall be
3 deemed to be appropriated; and until the legislature shall act
4 in such behalf the treasurer may, with the advice of the
5 governor, make the payments necessary for the purposes
6 aforesaid.

7 SEC. 33. That hereafter no person shall be eligible for
8 election or appointment to any office in Porto Rico under
9 the Government of the United States or the Government of
10 Porto Rico who is not a citizen of the United States.

11 SEC. 34. That the qualified electors of Porto Rico after
12 the general election of nineteen hundred and twelve and for
13 any election whatsoever shall consist of those citizens already
14 registered as voters under the laws of Porto Rico, and of
15 those that will be thereafter registered in accordance with
16 the terms of this Act and of the laws of Porto Rico. That
17 after the approval of this Act no person shall be allowed
18 to register as a voter in Porto Rico who is not a citizen of
19 the United States, over twenty-one years of age, and who
20 is not able to read and write, or on the date of registration
21 shall not own taxable real estate in his own right or name,
22 either personally or as a bona fide member of a firm or
23 copartnership.

24 SEC. 35. That the qualified electors of Porto Rico shall,
25 at the general election in nineteen hundred and twelve, and

1 every four years thereafter, choose Resident Commissioners
2 to the United States, whose terms of office shall be four
3 years, from the fourth of March following, and who shall be
4 entitled to receive official recognition as such Commissioners
5 by all of the departments of the Government of the United
6 States, upon presentation, through the Department of State,
7 of a certificate of election of the Governor of Porto Rico.
8 The Resident Commissioners shall receive a salary, payable
9 monthly by the United States, of seven thousand five hun-
10 dred dollars each per annum. Such Commissioners shall be
11 allowed the same sum for stationery and for the pay of
12 necessary clerk hire as is now allowed to Members of the
13 House of Representatives of the United States; the sum of
14 five hundred dollars as mileage for each session of the House
15 of Representatives; and the franking privilege now enjoyed
16 by Members of the House of Representatives. No person
17 shall be eligible to election as Resident Commissioner who
18 is not a bona fide citizen of Porto Rico and who is not more
19 than thirty years of age, and who does not read and write
20 the English language.

21 SEC. 36. That the legislative authority herein provided
22 shall extend to all matters of a legislative character not
23 locally inapplicable, including power to create, consolidate,
24 and reorganize the municipalities so far as may be neces-
25 sary, and to provide and repeal laws and ordinances there-

1 for, also the power to alter, amend, modify, and repeal any.
2 and all laws and ordinances of every character now in
3 force in Porto Rico or any municipality or district thereof,
4 not inconsistent with the provisions of this Act.

5 No executive department not provided for in this
6 Act shall be created, but the legislature may from time
7 to time create additional bureaus in any of the de-
8 partments created or authorized hereby, and each addi-
9 tional bureau so created shall be subject to the super-
10 vision and control of the head of the executive department
11 in which it is established.

12 SEC. 37. That all grants of franchises, rights, and
13 privileges or concessions of a public or quasi public nature
14 shall be made by the legislature until otherwise provided by
15 the legislature.

16 SEC. 38. That all railroad, street railway, telegraph,
17 and telephone franchises, privileges, or concessions granted
18 under the section last preceding shall be approved by the
19 President of the United States, and no such franchise, priv-
20 ilege, or concession shall be operative until it shall have been
21 so approved; and all grants of franchises, privileges, and con-
22 cessions under said section shall provide that the same shall
23 be subject to amendment, alteration, or repeal; and shall
24 forbid the issue of stocks or bonds, except in exchange for
25 actual cash or property at a fair valuation equal in amount

1 to the par value of the stocks or bonds issued; and shall for-
2 bid the declaring of stock or bond dividends, and in the case
3 of public-service corporations, shall provide for the effective
4 regulation of charges thereof, and for the purchase or taking
5 of their property by the authorities at a fair and reasonable
6 valuation.

7 SEC. 39. That no corporation shall be authorized to
8 conduct the business of buying and selling real estate, or be
9 permitted to hold or own real estate, except such as may be
10 reasonably necessary to enable it to carry out the purposes
11 for which it was created, but the ownership, lease, or culti-
12 vation of lands for the growth of sugar cane by a corporation
13 organized for the manufacture or refining of sugar only shall
14 not be construed as one of the purposes for which it was
15 created.

16 That every corporation engaged in agriculture shall be
17 restricted to the ownership or control by lease or otherwise
18 of not to exceed one thousand acres of land, and it shall
19 be unlawful for any corporation engaged in agriculture to
20 be in any wise interested in any other corporation engaged
21 in agriculture, or for any member or stockholder of a corpo-
22 ration engaged in agriculture, to hereafter acquire and hold
23 any interest of any kind in any other corporation engaged
24 in agriculture.

1 All persons or corporations hereafter holding stock in
2 two or more corporations engaged in agriculture shall, within
3 three months from the acquisition of stock in more than one
4 of said corporations, dispose in good faith of their stock in
5 all but one of said corporations, and upon the failure so to do
6 all of the stock held by them in said corporations shall escheat
7 to the people of Porto Rico, which escheat shall be deter-
8 mined by legal proceedings in the name of the people of
9 Porto Rico, conducted by the attorney general in the United
10 States District Court for Porto Rico or in the circuit court of
11 the United States having jurisdictions of the persons of the
12 defendants: *Provided*, That persons or corporations holding
13 stock at the passage of this Act in two or more corporations
14 engaged in agriculture may retain the same, but upon
15 acquisition by them of stock in any other corporation en-
16 gaged in agriculture they shall dispose of such after acquired
17 stock within three months or the same shall escheat to the
18 people of Porto Rico upon proceedings in the courts and by
19 the authority as above provided.

20 That no corporation shall be permitted to engage in
21 agriculture except those created and organized under the
22 laws of Porto Rico and those created and organized under
23 the laws of other States or countries engaged in agriculture
24 in Porto Rico at the passage of this Act. Every corporation
25 engaged in agriculture, except those foreign corporations en-

1 gaged in agriculture at the passage of this Act, shall main-
2 tain its general offices in Porto Rico and shall keep therein
3 all the books and records of said corporation, and all stock of
4 said corporation shall be transferable only upon the books
5 of said corporation and no transfer thereof shall be of any
6 validity until so transferred; that all records of the issuance
7 of stock or certificates thereof and of all assignments and
8 transfers shall be open at all times to the inspection of the
9 attorney general; that every corporation engaged in agri-
10 culture, not created under the laws of Porto Rico, shall main-
11 tain an office in Porto Rico in charge of some official of said
12 corporation; that there shall be kept in said office a correct
13 list of the names of all stockholders of said corporation with
14 the number of shares of stock owned by each and the date of
15 the issuance or transfer of said shares to each stockholder,
16 which list shall at all times be open to the inspection of the
17 attorney general; that failure to maintain such office and
18 failure to keep such list of stockholders as provided in this
19 section shall be cause for forfeiture of charter or ouster of a
20 corporation from Porto Rico.

21 All contracts, agreements, and combinations between
22 two or more corporations engaged in agriculture for the joint
23 ownership, control, or cultivation by said corporations of
24 more than three thousand acres of land, and all agreements,

1 contracts, combinations, transactions, or devices by or be-
2 tween officers, agents, trustees, or stockholders of two or more
3 of such corporations, the object of which is to secure the joint
4 ownership or control by two or more of such corporations of
5 more than three thousand acres of land, are hereby declared
6 to be unlawful, and all corporations and persons making,
7 forming, or participating in the making or formation of such
8 an unlawful agreement, contract, or combination, or engaging
9 in any such unlawful transaction or device, are hereby de-
10 clared to be guilty of a misdemeanor and upon conviction
11 shall be fined not less than five hundred dollars nor more
12 than ten thousand dollars, and the corporation making or
13 participating in or directly accepting the benefits of such an
14 unlawful contract, agreement, combination, transaction, or
15 device, if a domestic corporation, forfeits its charter, and if
16 a foreign corporation, shall be ousted from Porto Rico upon
17 suit by the attorney general in any court of competent juris-
18 diction. Concurrent jurisdiction for the trial of the mis-
19 demeanor herein created and defined is hereby conferred
20 upon the district courts of Porto Rico and the United States
21 district court of Porto Rico.

22 Any transaction, device, or contrivance, the legal effect
23 of which would be to vest in any corporation ownership in or
24 control of, by lease or otherwise, of more than three thousand
25 acres of land, shall not be effective as to the excess over the

1 amount vesting such ownership or control of said three thou-
2 sand acres, and the excess acreage in question shall, by virtue
3 of such attempted purchase, contract, device, or contrivance,
4 escheat to the people of Porto Rico, which escheat shall be
5 determined by a legal proceeding in the name of the people
6 of Porto Rico, conducted in the United States court for Porto
7 Rico by the Attorney General, and any stock issued by a
8 corporation for the purpose of obtaining, directly or indirectly,
9 control of land in excess of three thousand acres, as aforesaid,
10 and any land hereafter purchased by any corporation in
11 excess of the amount required to enable it to carry out the
12 purposes for which it was created, shall also escheat to the
13 people of Porto Rico upon proceedings in the court and by
14 the authority as above provided. Any corporation engaged
15 in agriculture or holding lands in excess of the three-thou-
16 sand-acre limit, and any corporation holding lands in excess
17 of the amount required to enable it to carry out the purposes
18 for which it was created at the time this law goes into effect,
19 shall be required to dispose of the excess over and above the
20 amount it may lawfully hold within a period of five years,
21 and until they do dispose of the said excess the same shall be
22 subject to a graduated increase in taxation, said excess being
23 taxable at the end of one year at the rate of fifty per centum
24 more than ordinary taxes, as provided by law for similar prop-
25 erty, and at the end of two years at twice said rates, and

1 thereafter said rate of taxation on said excess shall annually
2 increase at the rate of fifty per centum until the same is so
3 disposed of. Corporations, however, may loan funds upon
4 real-estate security and purchase real estate when necessary
5 for the collection of said loans, but shall dispose of the real
6 estate so obtained, where the same would constitute an excess
7 over three thousand acres, within five years after such pur-
8 chase, under like taxation penalties, as aforesaid. Corpora-
9 tions not organized or residing in Porto Rico and doing busi-
10 ness therein shall be bound by the provisions of this section.
11 Whenever the excess over the amount which a corporation
12 may lawfully hold shall be a part of a tract or tracts of
13 lands the acquisition of which constitutes the excess in ques-
14 tion, the acreage which shall be treated as such excess shall
15 be segregated and set off by selection of the corporation
16 interested. And in the event of its refusal or failure so to
17 select, then the same shall be determined by the court which
18 takes jurisdiction of the matter: *Provided*, That nothing
19 herein shall invalidate the title to any lands acquired prior
20 to April twelfth, nineteen hundred, or the title by will or
21 inheritance to any lands the title to which was lawfully
22 acquired prior to said date: *Provided further*, That corpora-
23 tions engaged in agriculture may take leases on land in excess
24 of the three-thousand-acre limit prescribed herein if the said
25 leases do not exceed a term of five years.

1 SEC. 40. That the judicial power shall be vested in the
2 courts and tribunals of Porto Rico as already established and
3 in operation under and by virtue of existing laws. The
4 jurisdiction of said courts and the form of procedure in
5 them, and the various officers and attachés thereof, shall
6 also continue to be as now provided until otherwise provided
7 by law: *Provided, however,* That the chief justice and as-
8 sociate justices of the supreme court, and the marshal thereof
9 shall be appointed by the President, by and with the advice
10 and consent of the Senate, and the Legislature of Porto
11 Rico shall have authority, from time to time at it may see
12 fit, not inconsistent with this Act, to organize, modify, or
13 rearrange the courts and their jurisdiction and procedure,
14 except the district court of the United States for Porto
15 Rico.

16 SEC. 41. That Porto Rico shall constitute a judicial
17 district to be called "The district of Porto Rico." The
18 President, by and with the advice and consent of the Senate,
19 shall appoint one district judge and a district attorney and
20 a marshal for said district, each for a term of four years unless
21 sooner removed by the President. The district court for
22 said district shall be called "the District Court of the United
23 States for Porto Rico," and shall have power to appoint all
24 necessary officials and assistants, including the clerk, inter-
25 preter, and such commissioners as may be necessary, who

1 shall be entitled to the same fees and have like powers and
2 duties as are exercised and performed by United States com-
3 missioners. Such court shall have jurisdiction of all cases cog-
4 nizable in the district and circuit courts of the United States,
5 and shall proceed in the same manner, and in addition shall
6 have jurisdiction for the naturalization of aliens, and shall
7 have jurisdiction of all controversies where all of the parties
8 on either side of the controversy are citizens or subjects of a
9 foreign State or States, or citizens of the United States or a
10 State, Territory, or district thereof, or territory under the
11 jurisdiction thereof whose domicile is not in Porto Rico,
12 wherein the matter in dispute exceeds, exclusive of interest
13 or cost, the sum or value of two thousand dollars, and of
14 all controversies in which there is a separable controversy
15 involving such jurisdictional amount, and in which all of
16 the parties on either side of such separable controversy
17 are citizens or subjects of the character aforesaid: *Pro-*
18 *vided*, That nothing in this Act shall be deemed to impair
19 the jurisdiction of the "District Court of the United States
20 for Porto Rico" to hear and determine all controversies
21 pending in said court at the date of the approval of this
22 Act: *Provided further*, That hereafter the salaries of the
23 judge and officials of the district court of the United States
24 for Porto Rico, together with the court expenses, shall be
25 paid from the United States revenues in the same man-

1 ner as in other United States district courts. In case of the
2 death, absence, or other legal disability on the part of the
3 judge of the said "the District Court of the United States for
4 Porto Rico," the President is authorized to designate one of
5 the judges of the supreme court of Porto Rico to discharge
6 the duties of judge of said court until such absence or dis-
7 ability shall be removed, and thereupon such judge so
8 designated for said service shall be fully authorized and em-
9 powered to perform the duties of said office during such
10 absence or disability of such regular judge, and to sign all
11 necessary papers and records as the acting judge of said
12 court, without extra compensation.

13 SEC. 42. That the laws of the United States relating
14 to appeals, writs of error and certiorari, removal of causes,
15 and other matters and proceedings as between the courts of
16 the United States and the courts of the several States, shall
17 govern in such matters and proceedings as between the dis-
18 trict court of the United States and the courts of Porto Rico.
19 Regular terms of said court shall be held at San Juan, com-
20 mencing on the second Monday in April and October of each
21 year, and also at Ponce on the second Monday in January
22 of each year, and special terms may be held at Mayaguez at
23 such other stated times as said judge may deem expedient.
24 All pleadings and proceedings in said court shall be con-
25 ducted in the English language. The said district court shall

1 be attached to and included in the third circuit of the United
2 States, with the right of appeal and review by said circuit
3 court of appeals in all cases where the same would lie from
4 any district or circuit court to a circuit court of appeals of
5 the United States.

6 SEC. 43. That writs of error and appeals from the final
7 decisions of the Supreme Court of Porto Rico and the District
8 Court of the United States for Porto Rico shall be allowed,
9 and may be taken to the Supreme Court of the United States
10 in the same manner and under the same regulations and in
11 the same cases as from the supreme courts of Territories of
12 the United States and from the circuit and district courts of
13 the United States, respectively, and such writs of error and
14 appeal shall be allowed in all cases where the Constitution
15 of the United States, or a treaty thereof, or an Act of Con-
16 gress is brought in question and the right claimed thereunder
17 is denied. All such proceedings in the Supreme Court of the
18 United States shall be conducted in the English language.

19 SEC. 44. That the qualifications of jurors as fixed by
20 the local laws of Porto Rico shall not apply to jurors selected
21 to serve in the district court of the United States for Porto
22 Rico; but the qualifications required of jurors in said court
23 shall be that each shall be of the age of twenty-one years,
24 and not over sixty-five years, a resident of Porto Rico for not
25 less than one year, and have a sufficient knowledge of the

1 English language to enable him to serve as a juror, they
2 shall also be citizens of the United States. Juries for the
3 said court shall be selected and drawn in accordance with
4 the laws of Congress regulating the same in United States
5 courts, but exemption from jury duty allowed by the local
6 laws shall be respected by the court when insisted upon by
7 veniremen.

8 SEC. 45. That all such fees, fines, costs, and forfeitures
9 as would be deposited to the credit of the United States if
10 collected and paid into a district court of the United States
11 shall become revenues of the United States if collected and
12 paid into the district court of the United States for Porto
13 Rico.

14 SEC. 46. That the Attorney General of the United
15 States shall from time to time determine the salaries of all
16 officials and assistants appointed by the United States district
17 court, including the clerk, his deputies, interpreter, ste-
18 nographer, and other officials and employees, the same to be
19 paid by the United States as other salaries and expenses of
20 like character in United States courts.

21 SEC. 47. That jurors and witnesses in the District Court
22 of the United States for Porto Rico shall be entitled to and
23 receive fifteen cents for each mile necessarily traveled over
24 any stage line or by private conveyance and ten cents for

1 each mile over any railway in going to and returning from
2 said courts. But no constructive or double mileage fees
3 shall be allowed by reason of any person being summoned
4 both as witness and juror, or as witness in two or more cases
5 pending in the same court and triable at the same term
6 thereof. Such jurors shall be paid two dollars per day, and
7 such witnesses one dollar per day, while in attendance upon
8 the court.

9 SEC. 48. That the supreme and district courts of Porto
10 Rico and the respective judges thereof may grant writs of
11 habeas corpus in all cases in which the same are grantable
12 by the judges of the district courts of the United States, and
13 the district courts may grant writs of mandamus in all proper
14 cases.

15 SEC. 49. That hereafter all judges, marshals, and secre-
16 taries of courts now established or that may hereafter be es-
17 tablished in Porto Rico, and whose appointment by the
18 President is not provided for by law, shall be appointed by
19 the governor by and with the advice and consent of the
20 Senate of Porto Rico.

21 SEC. 50. That except as in this Act otherwise provided,
22 the salaries of all the officials of Porto Rico not appointed by
23 the President, including deputies, assistants, and other help,
24 shall be such, and be so paid out of the revenues of Porto
25 Rico, as shall from time to time be determined by the Legis-

1 lature of Porto Rico and approved by the governor, and if
2 the legislature shall fail to make an appropriation for such
3 salaries, the salaries so fixed shall be paid without the neces-
4 sity of further appropriations therefor. The salaries of all
5 officers and all expenses of the offices of the various officials of
6 Porto Rico appointed as herein provided by the President shall
7 also be paid out of the revenues of Porto Rico, on warrant
8 of the auditor, countersigned by the governor. The annual
9 salaries of the officials appointed by the President and so to
10 be paid shall be as follows: The governor, ten thousand dol-
11 lars; in addition thereto he shall be entitled to the occu-
12 pancy of the buildings heretofore used by the chief executive
13 of Porto Rico, with the furniture and effects therein, free of
14 rental; attorney general, five thousand dollars; treasurer,
15 five thousand dollars; auditor, five thousand dollars; com-
16 missioner of the interior, five thousand dollars; commis-
17 sioner of education, five thousand dollars; commissioner of
18 agriculture and labor, five thousand dollars; chief justice
19 of the supreme court, six thousand dollars; associate justices
20 of the supreme court, five thousand five hundred dollars
21 each; marshal of the supreme court, three thousand dollars;
22 United States district judge, six thousand dollars; United
23 States attorney, three thousand five hundred dollars; United
24 States marshal, three thousand five hundred dollars.

1 Where any officer whose salary is fixed by this Act is
2 required to give a bond, the premium thereof shall be paid
3 from the insular treasury, except upon bonds of officers of the
4 United States courts.

5 SEC. 51. That the provisions of the foregoing section
6 shall not apply to municipal officials; their salaries and the
7 compensation of their deputies, assistants, and other help, as
8 well as all other expenses incurred by the municipalities,
9 shall be paid out of the municipal revenues, in such manner
10 as the legislature shall provide.

11 SEC. 52. That wherever in this Act officers of the gov-
12 ernment are provided for under the same names as in the
13 heretofore existing Acts of Congress affecting Porto Rico, the
14 present incumbents of those offices shall continue in office in
15 accordance with the terms and at the salaries prescribed by
16 this Act. The office of secretary of Porto Rico is hereby
17 abolished. Authority is given to the respective appointing
18 authorities to appoint and commission persons to fill the
19 new offices created by this Act. All powers and duties now
20 imposed by law on the president of the executive council
21 shall, after the organization of the senate of Porto Rico as
22 herein provided, be performed by the presiding officer of the
23 senate.

24 SEC. 53. That the police department shall continue to
25 be under the direct authority of the governor of Porto Rico,

1 the general plan of organization thereof being as at present
2 provided by law and so to continue until otherwise provided.

3 SEC. 54. That any bureau or office belonging to any
4 of the regular departments of the government, or hereafter
5 created, or not assigned, may be transferred or assigned to
6 any department by the governor upon the approval of the
7 President of the United States.

8 SEC. 55. That there is hereby transferred to the com-
9 missioner of the interior all of the administrative and execu-
10 tive powers and duties conferred upon the executive council
11 by the public irrigation law of Porto Rico approved Sep-
12 tember eighteenth, nineteen hundred and eight, and the
13 act approved on the same date authorizing the issuance of
14 bonds for the construction of an irrigation system, together
15 with any and all amendments to either of said acts.

16 SEC. 56. That deeds and other instruments affecting
17 land situate in the District of Columbia, or any other Terri-
18 tory of the United States, may be acknowledged in Porto
19 Rico before any notary public appointed therein by proper
20 authority, or any officer therein who has ex officio the
21 powers of a notary public: *Provided*, That the certificate
22 by such notary shall be accompanied by the certificate of
23 the attorney general of Porto Rico to the effect that the
24 notary taking such acknowledgment is in fact such notarial
25 officer.

1 SEC. 57. That nothing in this Act shall be deemed to
2 impair or interrupt the jurisdiction of existing courts over
3 matters pending therein upon the approval of this Act, which
4 jurisdiction is in all respects hereby continued, the purpose
5 of this Act being to preserve the integrity of all of said
6 courts and their jurisdiction until otherwise provided by law,
7 except as in this Act otherwise specifically provided.

8 SEC. 58. That this Act shall take effect upon approval,
9 but until its provisions shall severally become operative, as
10 hereinbefore provided, the corresponding legislative and
11 executive functions of the government in Porto Rico shall
12 continue to be exercised and in full force and operation as
13 now provided by law; and for the purpose of fulfilling its
14 functions as the upper house of the legislative assembly and
15 for action upon appointments by the governor and for all
16 other necessary purposes the executive council shall, until
17 the assembly and organization of the Legislature of Porto
18 Rico as herein provided, consist of the attorney general, the
19 treasurer, the auditor, the commissioner of the interior, the
20 commissioner of education, and the commissioner of health,
21 and the five additional members as now provided by law.
22 And any functions herein assigned to the Senate of Porto
23 Rico may, until the said senate has assembled and organized,
24 as herein provided, be exercised by the executive council as
25 thus constituted.

1 SEC. 89. That all laws or parts of laws applicable to
2 Porto Rico not in conflict with any of the provisions of this
3 Act, and including the laws relating to tariffs, customs, and
4 duties on importations into Porto Rico prescribed by the Act
5 of Congress entitled "An Act temporarily to provide reve-
6 nues and a civil government for Porto Rico, and for other
7 purposes," approved April twelfth, nineteen hundred, are
8 hereby continued in force and effect.

A BILL

To provide a civil government for Porto Rico,
and for other purposes.

By Mr. JONES.

MAY 29, 1912.—Referred to the Committee on Insular
Affairs and ordered to be printed.