

69TH CONGRESS  
1ST SESSION

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# H. R. 12269

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1926

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

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# A BILL

To amend and reenact sections 3, 20, 31, 33, and 38 of the Act of March 2, 1917, entitled "An Act to provide a civil government for Porto Rico, and for other purposes," as amended by an Act approved June 7, 1924, and for the insertion of three new sections in said Act between sections 5 and 6, sections 20 and 21, and sections 41 and 42 of said Act, to be designated as "5a" and "20a" and "41a" of said Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled.*

3 That section 3 of an Act entitled "An Act to provide  
4 a civil government for Porto Rico, and for other purposes,  
5 approved March 2, 1917, as amended by an Act approved  
6 February 3, 1921, be, and the same is hereby, amended to  
7 read as follows:

1        SEC. 3. That no export duties shall be levied or col-  
2 lected on exports from Porto Rico, but taxes and assess-  
3 ments on property, income taxes, internal revenue, and  
4 license fees, and royalties for franchises, privileges, and  
5 concessions may be imposed for the purposes of the insular  
6 and municipal governments, respectively, as may be pro-  
7 vided and defined by the Legislature of Porto Rico; and  
8 when necessary to anticipate taxes and revenues, bonds  
9 and other obligations may be issued by Porto Rico or any  
10 municipal government therein as may be provided by law,  
11 and to protect the public credit: *Provided, however,* That  
12 no public indebtedness of Porto Rico or of any subdivision  
13 or municipality thereof shall be authorized or allowed in  
14 excess of 10 per centum of the aggregate tax valuation of  
15 its property, and all bonds issued by the government of  
16 Porto Rico, or by its authority, shall be exempt from taxa-  
17 tion by the Government of the United States, or by the  
18 government of Porto Rico or of any political or municipal  
19 subdivision thereof, or by any State, or by any county,  
20 municipality, or other municipal subdivision of any State  
21 or Territory of the United States, or by the District of  
22 Columbia. In computing the indebtedness of the people of  
23 Porto Rico municipal bonds for the payment of interest  
24 and principal of which the good faith of the people of Porto  
25 Rico is pledged and bonds issued by the people of Porto

1 Rico secured by an equivalent amount of bonds of munic-  
2 ipal corporations or school boards of Porto Rico shall not  
3 be counted.

4       *“And it is further provided, That the internal-revenue*  
5 *taxes levied by the Legislature of Porto Rico in pursuance of*  
6 *the authority granted by this Act on articles, goods, wares,*  
7 *or merchandise may be levied and collected as such legis-*  
8 *lature may direct, on the articles subject to said tax, as soon*  
9 *as the same are manufactured, sold, used, or brought into*  
10 *the island: Provided, That no discrimination in rates be*  
11 *made between the articles imported from the United States*  
12 *or foreign countries and similar articles produced or manu-*  
13 *factured in Porto Rico. The officials of the Customs and*  
14 *Postal Services of the United States are hereby directed to*  
15 *assist the appropriate officials of the Porto Rican govern-*  
16 *ment in the collection of these taxes.”*

17       That a new section is hereby inserted between sections 5  
18 and 6 of the Act entitled “An Act to provide a civil govern-  
19 ment for Porto Rico, and for other purposes,” approved  
20 March 2, 1917, as amended, as follows:

21       “SEC. 5a. That citizens of the United States who shall  
22 reside in the island for one year shall be citizens of Porto Rico:  
23 *Provided, That persons born in Porto Rico of alien parents,*  
24 *referred to in the last paragraph of said section, who did*  
25 *not avail themselves of the privilege granted to them of*

1 becoming citizens of the United States, shall have a period  
2 of one year from the approval of this Act to make the decla-  
3 ration provided for in section 5: *And provided further,*  
4 That persons who elected to retain the political status of citi-  
5 zens of Porto Rico may become citizens of the United States  
6 upon the same terms and in the same manner as is pro-  
7 vided for the naturalization of native Porto Ricans born of  
8 foreign parents.”

9 SEC. 2. That section 20 of the said Act be, and the  
10 same is hereby, amended to read as follows:

11 “SEC. 20. That there shall be appointed by the Presi-  
12 dent an auditor, at an annual salary of \$7,200, for a term of  
13 four years and until his successor is appointed and qualifies.  
14 There shall be an assistant auditor to be appointed by the  
15 auditor and such other employees as may be prescribed by  
16 law. The assistant auditor shall sign such official papers and  
17 perform such other duties as the auditor may prescribe.  
18 In the event of the death, resignation, or permanent dis-  
19 ability from whatever cause of the auditor, the assistant  
20 auditor shall act as auditor and shall have charge of such  
21 office until a successor to such auditor is appointed and  
22 qualifies.

23 “The office of the auditor shall be under the general  
24 supervision of the governor.

1           “The auditor shall examine, audit, adjust, decide, and  
2 settle all accounts and claims for or against the government  
3 of Porto Rico, pertaining to, or growing out of, the revenues  
4 and receipts from whatever source of such government and  
5 for or against its municipal governments or dependencies,  
6 including public trust funds and funds derived from bond  
7 issues; and shall examine, audit, adjust, decide, and settle,  
8 in accordance with law and administrative regulations, all  
9 accounts and claims for or against the government of Porto  
10 Rico growing out of the expenditure of funds or property  
11 pertaining to or held in trust by the government or muni-  
12 cipalities thereof; and shall perform like duties in respect of  
13 all accounts and claims for or against all government  
14 branches.

15           “All such adjustments, decisions, and settlements of  
16 the auditor shall be final and conclusive, except as specifi-  
17 cally provided in this Act. The auditor shall, except as  
18 provided in this Act, have like authority as is now or may  
19 hereafter be conferred by law upon the Comptroller General  
20 of the United States, and is authorized to communicate  
21 directly with any person having claims before him for  
22 settlement, or with any department, officer, or person  
23 having official relations with his office. He shall keep  
24 the general accounts of the government and preserve the  
25 vouchers and other papers pertaining thereto.

1       “ It shall be the duty of the auditor to bring to the  
2 attention of the proper administrative officers expenditures  
3 of funds or property which, in his opinion, are irregular,  
4 unnecessary, excessive, or extravagant.

5       “ The administrative jurisdiction of the auditor over  
6 accounts, whether of funds or property, and over all vouchers  
7 and records pertaining thereto, shall be exclusive. With  
8 the approval of the governor he shall from time to time  
9 make and promulgate general or special rules and regula-  
10 tions not inconsistent with law prescribing the method of  
11 accounting for public funds and property, and funds and  
12 property held in trust by the government or any of its  
13 branches.

14       “ Any officer accountable for public funds or property  
15 may require such reports or returns from his subordinates  
16 or others as he may deem necessary for his own information  
17 and protection.

18       “ As soon after the close of each fiscal year as the  
19 accounts of said year may be examined and adjusted the  
20 auditor shall submit to the governor and the Secretary of  
21 War an annual report of the fiscal concerns of the govern-  
22 ment showing the receipts and disbursements of the various  
23 departments and bureaus of the government and of the  
24 various municipalities, and make such other reports as

1 may be required of him by the governor or the Secretary  
2 of War.

3 “ In the execution of his duties the auditor is authorized  
4 to summon witnesses, administer oaths, and to take evidence  
5 and, in the pursuance of these provisions, may issue sub-  
6 pœnas and enforce the attendance of witnesses, and compel  
7 witnesses to produce books, letters, documents, papers,  
8 records, and all other articles deemed essential to a full under-  
9 standing of the matter under investigation.”

10 SEC. 3. That a new section is hereby inserted between  
11 sections 20 and 21 of the Act entitled “ An Act to provide  
12 a civil government for Porto Rico, and for other purposes,”  
13 approved March 2, 1917, as amended, as follows:

14 “ SEC. 20a. There is hereby conferred upon the insu-  
15 lar district courts in Porto Rico with right of appeal as  
16 in other cases the same jurisdiction to hear and determine  
17 claims against the government of Porto Rico as that now  
18 or which may hereafter be conferred on the Court of Claims  
19 to hear and determine claims against the United States:  
20 *Provided*, That no suit shall be brought against the gov-  
21 ernment of Porto Rico on any claim which shall not have  
22 been presented to the insular auditor at least three months  
23 prior to the date of institution of such suit: *Provided*  
24 *further*, That no judgment against the government of  
25 Porto Rico shall be paid until it shall have been reported

1 by the Porto Rican treasurer to the Porto Rican Legisla-  
2 ture and a specific appropriation to pay same shall have  
3 been made.”

4 SEC. 4. That section 31 of the said Act be, and the  
5 same is hereby, amended to read as follows:

6 “SEC. 31. That members of the Senate and House of  
7 Representatives of Porto Rico shall receive compensation at  
8 the rate of \$7 per day for the first sixty days of each regular  
9 session and for fourteen days of each special session while in  
10 session and mileage for each regular session and each special  
11 session at the rate of 10 cents per kilometer for each kilometer  
12 actually and necessarily traveled in going from their place  
13 of residence in their legislative districts to the capital and  
14 returning therefrom to their place of residence in their  
15 legislative districts by the usual routes of travel: *Provided*,  
16 That mileage for only one trip in going to and from each  
17 regular session and each special session shall be allowed:  
18 *And provided further*, That the members of the Senate and  
19 House of Representatives of Porto Rico shall not be entitled  
20 to nor receive any emoluments, remuneration, compenastion,  
21 or payment for services or expenses other than the said \$7  
22 per day compensation for services and 10 cents per kilo-  
23 meter for travel expense in this section authorized.”

24 SEC. 5. That section 33 of the said Act be, and the  
25 same is hereby, amended to read as follows:



1           “SEC. 33. That regular sessions of the legislature shall  
2 be held annually hereafter, convening on the second Monday  
3 in February of each year. The governor may call special  
4 sessions of the legislature, or of the senate, at any time when  
5 in his opinion the public interest may require it, but no  
6 special session shall continue longer than fourteen days, not  
7 including Sundays and holidays, and no legislation shall be  
8 considered at such session other than that specified in the  
9 call therefor or in any special message by the governor to  
10 the legislature while in such session.”

11           SEC. 6. That section 38 of the said Act be, and the  
12 same is hereby, amended to read as follows:

13           “SEC. 38. That all grants of franchises, rights, privileges,  
14 and concessions of a public or quasi public nature shall be made  
15 by a public service commission consisting of a public service  
16 commissioner, who shall be the president of the said commis-  
17 sion, and two associated commissioners to be appointed by  
18 the governor, with the advice and consent of the senate, for  
19 a term of four years and until their successors shall be  
20 appointed and shall have qualified: *Provided*, That the  
21 present elective members of the said commission shall con-  
22 tinue to be members of said commission until their term of  
23 office expires as now provided by law and shall form the  
24 commission together with the three members appointed by  
25 the governor as aforesaid, until the expiration of such period

1 of their services and not thereafter. The salary of the  
2 commissioner shall be \$6,000 a year, and the said commis-  
3 sioner shall devote his entire time to his duties as such  
4 commissioner. The compensation of the associated mem-  
5 bers, both those elected and appointed, shall be \$10 for  
6 each day's attendance at the sessions of the commission;  
7 but in no case shall they receive more than \$1,000 during  
8 any one year. The said commission is empowered and  
9 directed to discharge all the executive functions relating to  
10 public service corporations heretofore conferred by law upon  
11 the executive council and such additional duties and func-  
12 tions as may be conferred upon said commission by the  
13 legislature. Franchises, rights, and privileges granted by  
14 the said commission shall not be effective until approved by  
15 the governor and shall be reported to Congress, which  
16 hereby reserves the power to annul or modify the same.

17 "The Interstate Commerce Act and the several amend-  
18 ments made or to be made thereto, the Safety Appliance  
19 Acts and the several amendments made or to be made  
20 thereto, and the Act of Congress entitled 'An Act to amend  
21 an Act entitled "An Act to regulate commerce," approved  
22 February 4, 1887, and all Acts amendatory thereof, by  
23 providing for a valuation of the several classes of property  
24 of carriers subject thereto and securing information concern-  
25 ing their stocks, bonds, and other securities,' approved  
26 March 1, 1913, shall not apply to Porto Rico.

1           “ The legislative assembly of Porto Rico is hereby  
2 authorized to enact laws relating to the regulation of the  
3 rates, tariffs, and service of all public carriers in Porto Rico,  
4 and the public service commission hereby created shall have  
5 power to enforce such laws under appropriate regulation.”

6           SEC. 7. That a new section is hereby inserted between  
7 sections 41 and 42 of the Act entitled “An Act to provide  
8 a civil government for Porto Rico, and for other purposes,”  
9 approved March 2, 1917, as amended, as follows:

10           “ SEC. 41a. That no interlocutory or preliminary  
11 injunction suspending or restraining the enforcement or exe-  
12 cution of any law or statute of Porto Rico by restraining  
13 the action of any officer of said island in the enforcement or  
14 execution of such statute, or in putting it into effect or in  
15 executing any order made by any administrative depart-  
16 ment, board, or commission acting under and pursuant to  
17 any statute of said island, shall be issued or granted by the  
18 judge of the United States District Court of Porto Rico  
19 upon the ground of the unconstitutionality of such law or  
20 statute, unless the application for such injunction shall be  
21 presented to said United States district judge, and said appli-  
22 cation shall be heard by said Federal judge and by two  
23 judges of the Supreme Court of Porto Rico, to be designated  
24 by the chief justice of said court, and shall not be granted  
25 unless a majority of said three judges shall concur in granting  
26 such application.

1           “Whenever such an application as aforesaid, is pre-  
2   sented to said Federal judge, he shall immediately call to  
3   his assistance to hear and determine such application two  
4   judges of the Supreme Court of Porto Rico. Said applica-  
5   tion shall not be heard before at least five days’ notice of  
6   the hearing has been given to the governor and to the  
7   attorney general of Porto Rico and to such persons or  
8   parties as may be defendants in the suit. The hearing  
9   shall be given precedence on the calendar of said Federal  
10  court, and the cause shall be assigned for hearing at the  
11  earliest practicable day after the expiration of the five days’  
12  notice hereinbefore provided for. An appeal may be taken  
13  directly to the Supreme Court of the United States from  
14  any order granting or denying an interlocutory injunction  
15  in such cases.”



# **A BILL**

To amend and reenact sections 3, 20, 31, 33, and 38 of the Act of March 2, 1917, entitled "An Act to provide a civil government for Porto Rico, and for other purposes," as amended by an Act approved June 7, 1924, and for the insertion of three new sections in said Act between sections 5 and 6, sections 20 and 21, and sections 41 and 42 of said Act, to be designated as "5a" and "20a" and "41a" of said Act.

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**By Mr. DAVILA**

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MAY 18, 1926

Referred to the Committee on Insular Affairs and  
ordered to be printed

# Union Calendar No. 483

69<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 12269

[Report No. 1370]

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1926

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

JUNE 3, 1926

Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

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## A BILL

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1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       That section 3 of an Act entitled "An Act to provide  
4       a civil government for Porto Rico, and for other purposes,  
5       approved March 2, 1917, as amended by an Act approved  
6       February 3, 1921, be, and the same is hereby, amended to  
7       read as follows:

1        SEC. 3. That no export duties shall be levied or col-  
2 lected on exports from Porto Rico, but taxes and assess-  
3 ments on property, income taxes, internal revenue, and  
4 license fees, and royalties for franchises, privileges, and  
5 concessions may be imposed for the purposes of the insular  
6 and municipal governments, respectively, as may be pro-  
7 vided and defined by the Legislature of Porto Rico; and  
8 when necessary to anticipate taxes and revenues, bonds  
9 and other obligations may be issued by Porto Rico or any  
10 municipal government therein as may be provided by law,  
11 and to protect the public credit: *Provided, however,* That  
12 no public indebtedness of Porto Rico or of any subdivision  
13 or municipality thereof shall be authorized or allowed in  
14 excess of 10 per centum of the aggregate tax valuation of  
15 its property, and all bonds issued by the government of  
16 Porto Rico, or by its authority, shall be exempt from taxa-  
17 tion by the Government of the United States, or by the  
18 government of Porto Rico or of any political or municipal  
19 subdivision thereof, or by any State, or by any county,  
20 municipality, or other municipal subdivision of any State  
21 or Territory of the United States, or by the District of  
22 Columbia. In computing the indebtedness of the people of  
23 Porto Rico municipal bonds for the payment of interest  
24 and principal of which the good faith of the people of Porto  
25 Rico is pledged and bonds issued by the people of Porto



1 Rico secured by an equivalent amount of bonds of munic-  
2 ipal corporations or school boards of Porto Rico shall not  
3 be counted.

4       *“And it is further provided, That the internal-revenue*  
5 *taxes levied by the Legislature of Porto Rico in pursuance of*  
6 *the authority granted by this Act on articles, goods, wares,*  
7 *or merchandise may be levied and collected as such legis-*  
8 *lature may direct, on the articles subject to said tax, as soon*  
9 *as the same are manufactured, sold, used, or brought into*  
10 *the island: Provided, That no discrimination in rates be*  
11 *made between the articles imported from the United States*  
12 *or foreign countries and similar articles produced or manu-*  
13 *factured in Porto Rico. The officials of the Customs and*  
14 *Postal Services of the United States are hereby directed to*  
15 *assist the appropriate officials of the Porto Rican govern-*  
16 *ment in the collection of these taxes.”*

17       That a new section is hereby inserted between sections 5  
18 and 6 of the Act entitled “An Act to provide a civil govern-  
19 ment for Porto Rico, and for other purposes,” approved  
20 March 2, 1917, as amended, as follows:

21       “SEC. 5a. That citizens of the United States who shall  
22 reside in the island for one year shall be citizens of Porto Rico:  
23 *Provided, That persons born in Porto Rico of alien parents,*  
24 *referred to in the last paragraph of said section 5, who did*  
25 *not avail themselves of the privilege granted to them of*

1 becoming citizens of the United States, shall have a period  
2 of one year from the approval of this Act to make the decla-  
3 ration provided for in section 5: *And provided further,*  
4 That persons who elected to retain the political status of citi-  
5 zens of Porto Rico may become citizens of the United States  
6 upon the same terms and in the same manner as is pro-  
7 vided for the naturalization of native Porto Ricans born of  
8 foreign parents.”

9 SEC. 2. That section 20 of the said Act be, and the  
10 same is hereby, amended to read as follows:

11 “SEC. 20. That there shall be appointed by the Presi-  
12 dent an auditor, at an annual salary of \$7,200, for a term of  
13 four years and until his successor is appointed and qualifies.  
14 There shall be an assistant auditor to be appointed by the  
15 auditor and such other employees as may be prescribed by  
16 law. The assistant auditor shall sign such official papers and  
17 perform such other duties as the auditor may prescribe.  
18 In the event of the death, resignation, or permanent dis-  
19 ability from whatever cause of the auditor, the assistant  
20 auditor shall act as auditor and shall have charge of such  
21 office until a successor to such auditor is appointed and  
22 qualifies.

23 “The office of the auditor shall be under the general  
24 supervision of the governor,

1       “The auditor shall examine, audit, adjust, decide, and  
2 settle all accounts and claims for or against the government  
3 of Porto Rico, pertaining to, or growing out of, the revenues  
4 and receipts from whatever source of such government and  
5 for or against its municipal governments or dependencies,  
6 including public trust funds and funds derived from bond  
7 issues; and shall examine, audit, adjust, decide, and settle,  
8 in accordance with law and administrative regulations, all  
9 accounts and claims for or against the government of Porto  
10 Rico growing out of the expenditure of funds or property  
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12 cipalities thereof; and shall perform like duties in respect of  
13 all accounts and claims for or against all government  
14 branches.

15       “All such adjustments, decisions, and settlements of  
16 the auditor shall be final and conclusive, except as specifi-  
17 cally provided in this Act. The auditor shall, except as  
18 provided in this Act, have like authority as is now or may  
19 hereafter be conferred by law upon the Comptroller General  
20 of the United States, and is authorized to communicate  
21 directly with any person having claims before him for  
22 settlement, or with any department, officer, or person  
23 having official relations with his office. He shall keep  
24 the general accounts of the government and preserve the  
25 vouchers and other papers pertaining thereto.

1       “ It shall be the duty of the auditor to bring to the  
2 attention of the proper administrative officers expenditures  
3 of funds or property which, in his opinion, are irregular,  
4 unnecessary, excessive, or extravagant.

5       “ The administrative jurisdiction of the auditor over  
6 accounts, whether of funds or property, and over all vouchers  
7 and records pertaining thereto, shall be exclusive. With  
8 the approval of the governor he shall from time to time  
9 make and promulgate general or special rules and regula-  
10 tions not inconsistent with law prescribing the method of  
11 accounting for public funds and property, and funds and  
12 property held in trust by the government or any of its  
13 branches.

14       “ Any officer accountable for public funds or property  
15 may require such reports or returns from his subordinates  
16 or others as he may deem necessary for his own information  
17 and protection.

18       “ As soon after the close of each fiscal year as the  
19 accounts of said year may be examined and adjusted the  
20 auditor shall submit to the governor and the Secretary of  
21 War an annual report of the fiscal concerns of the govern-  
22 ment showing the receipts and disbursements of the various  
23 departments and bureaus of the government and of the  
24 various municipalities, and make such other reports as

11 may be required of him by the governor or the Secretary  
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13       “ In the execution of his duties the auditor is authorized  
14 to summon witnesses, administer oaths, and to take evidence  
15 and, in the pursuance of these provisions, may issue sub-  
16 pœnas and enforce the attendance of witnesses, and compel  
17 witnesses to produce books, letters, documents, papers,  
18 records, and all other articles deemed essential to a full under-  
19 standing of the matter under investigation.”

20       SEC. 3. That a new section is hereby inserted between  
21 sections 20 and 21 of the Act entitled “ An Act to provide  
22 a civil government for Porto Rico, and for other purposes,”  
23 approved March 2, 1917, as amended, as follows:

24       “ SEC. 20a. There is hereby conferred upon the insu-  
25 lar district courts ~~in~~ of Porto Rico with right of appeal as  
in other cases the same jurisdiction to hear and determine  
claims against the government of Porto Rico as that now  
or which may hereafter be conferred on the Court of Claims  
to hear and determine claims against the United States:  
*Provided*, That no suit shall be brought against the gov-  
ernment of Porto Rico on any claim which shall not have  
been presented to the insular auditor at least three months  
prior to the date of institution of such suit: *Provided*  
*further*; That no judgment against the government of  
Porto Rico shall be paid until it shall have been reported

1 by the Porto Rican treasurer to the Porto Rican Legisla-  
2 ture and a specific appropriation to pay same shall have  
3 been made.”

4 SEC. 4. That section 31 of the said Act be, and the  
5 same is hereby, amended to read as follows:

6 “SEC. 31. That members of the Senate and House of  
7 Representatives of Porto Rico shall receive compensation at  
8 the rate of \$7 per day for the first sixty days of each regular  
9 session and for fourteen days of each special session while in  
10 session and mileage for each regular session and each special  
11 session at the rate of 10 cents per kilometer for each kilometer  
12 actually and necessarily traveled in going from their place  
13 of residence in their legislative districts to the capital and  
14 returning therefrom to their place of residence in their  
15 legislative districts by the usual routes of travel: *Provided*,  
16 That mileage for only one trip in going to and from each  
17 regular session and each special session shall be allowed:  
18 *And provided further*, That the members of the Senate and  
19 House of Representatives of Porto Rico shall not be entitled  
20 to nor receive any emoluments, remuneration, compensation,  
21 or payment for services or expenses other than the said \$7  
22 per day compensation for services and 10 cents per kilo-  
23 meter for travel expense in this section authorized.”

24 SEC. 5. That section 33 of the said Act be, and the  
25 same is hereby, amended to read as follows:

1       “SEC. 33. That regular sessions of the legislature shall  
2 be held annually hereafter, convening on the second Monday  
3 in February of each year. The governor may call special  
4 sessions of the legislature, or of the senate, at any time when  
5 in his opinion the public interest may require it, but no  
6 special session shall continue longer than fourteen days, not  
7 including Sundays and holidays, and no legislation shall be  
8 considered at such session other than that specified in the  
9 call therefor or in any special message by the governor to  
10 the legislature while in such session.”

11       SEC. 6. That section 38 of the said Act be, and the  
12 same is hereby, amended to read as follows:

13       “SEC. 38. That all grants of franchises, rights, privileges,  
14 and concessions of a public or quasi public nature shall be made  
15 by a public service commission consisting of a public service  
16 commissioner, who shall be the president of the said commis-  
17 sion, and two associated commissioners to be appointed by  
18 the governor, with the advice and consent of the senate, for  
19 a term of four years and until their successors shall be  
20 appointed and shall have qualified: *Provided*, That the  
21 present elective members of the said commission shall con-  
22 tinue to be members of said commission until their term of  
23 office expires as now provided by law and shall form the  
24 commission together with the three members appointed by  
25 the governor as aforesaid, until the expiration of such period

1 of their services and not thereafter. The salary of the  
2 commissioner shall be \$6,000 a year, and the said commis-  
3 sioner shall devote his entire time to his duties as such  
4 commissioner. The compensation of the associated mem-  
5 bers, both those elected and appointed, shall be \$10 for  
6 each day's attendance at the sessions of the commission;  
7 but in no case shall they receive more than \$1,000 during  
8 any one year. The said commission is empowered and  
9 directed to discharge all the executive functions relating to  
10 public service corporations heretofore conferred by law upon  
11 the executive council and such additional duties and func-  
12 tions as may be conferred upon said commission by the  
13 legislature. Franchises, rights, and privileges granted by  
14 the said commission shall not be effective until approved by  
15 the governor and shall be reported to Congress, which  
16 hereby reserves the power to annul or modify the same.

17 "The Interstate Commerce Act and the several amend-  
18 ments made or to be made thereto, the Safety Appliance  
19 Acts and the several amendments made or to be made  
20 thereto, and the Act of Congress entitled 'An Act to amend  
21 an Act entitled "An Act to regulate commerce," approved  
22 February 4, 1887, and all Acts amendatory thereof, by  
23 providing for a valuation of the several classes of property  
24 of carriers subject thereto and securing information concern-  
25 ing their stocks, bonds, and other securities,' approved  
26 March 1, 1913, shall not apply to Porto Rico.



1       “ The legislative assembly of Porto Rico is hereby  
2 authorized to enact laws relating to the regulation of the  
3 rates, tariffs, and service of all public carriers in Porto Rico,  
4 and the public service commission hereby created shall have  
5 power to enforce such laws under appropriate regulation.”

6       SEC. 7. That a new section is hereby inserted between  
7 sections 41 and 42 of the Act entitled “An Act to provide  
8 a civil government for Porto Rico, and for other purposes,”  
9 approved March 2, 1917, as amended, as follows:

10       “ SEC. 41a. That no interlocutory or preliminary  
11 injunction suspending or restraining the enforcement or exe-  
12 cution of any law or statute of Porto Rico by restraining  
13 the action of any officer of said island in the enforcement or  
14 execution of such statute, or in putting it into effect or in  
15 executing any order made by any administrative depart-  
16 ment, board, or commission acting under and pursuant to  
17 any statute of said island, shall be issued or granted by the  
18 judge of the United States District Court of Porto Rico  
19 upon the ground of the unconstitutionality of such law or  
20 statute, unless the application for such injunction shall be  
21 presented to said United States district judge, and said appli-  
22 cation shall be heard by said Federal judge and by two  
23 judges of the Supreme Court of Porto Rico, to be designated  
24 by the chief justice of said court, and shall not be granted  
25 unless a majority of said three judges shall concur in granting  
26 such application solely upon the ground that such law or

1 *statute is unconstitutional or in contravention of any Act of*  
2 *the Congress of the United States: Provided, however, That*  
3 *the foregoing shall not be construed to abridge the power of*  
4 *said court to issue interlocutory or preliminary injunctions*  
5 *in any case where it appears that irreparable injury is*  
6 *being done."*

7       ~~“Whenever such an application as aforesaid, is pre-~~  
8 ~~sented to said Federal judge, he shall immediately call to~~  
9 ~~his assistance to hear and determine such application two~~  
10 ~~judges of the Supreme Court of Porto Rico. Said applica-~~  
11 ~~tion shall not be heard before at least five days' notice of~~  
12 ~~the hearing has been given to the governor and to the~~  
13 ~~attorney general of Porto Rico and to such persons or~~  
14 ~~parties as may be defendants in the suit. The hearing~~  
15 ~~shall be given precedence on the calendar of said Federal~~  
16 ~~court, and the cause shall be assigned for hearing at the~~  
17 ~~earliest practicable day after the expiration of the five days'~~  
18 ~~notice hereinbefore provided for. An appeal may be taken~~  
19 ~~directly to the Supreme Court of the United States from~~  
20 ~~any order granting or denying an interlocutory injunction~~  
21 ~~in such cases.”~~



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# A BILL

To amend and reenact sections 3, 20, 31, 33, and 38 of the Act of March 2, 1917, entitled "An Act to provide a civil government for Porto Rico, and for other purposes," as amended by an Act approved June 7, 1924, and for the insertion of three new sections in said Act between sections 5 and 6, sections 20 and 21, and sections 41 and 42 of said Act, to be designated as "5a" and "20a" and "41a" of said Act.

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By Mr. DAVILA

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MAY 18, 1926

Referred to the Committee on Insular Affairs and ordered to be printed

JUNE 3, 1926

Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed