

63D CONGRESS,  
2D SESSION.

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# H. R. 13979.

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IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 27, 1914.

Mr. RIVERA 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 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 longi-  
6       tude west of Greenwich, which were ceded to the United  
7       States by the Government of Spain by treaty signed at  
8       Paris on the tenth day of December, eighteen hundred and  
9       ninety-eight, and proclaimed at Washington on the eleventh  
10      day of April, eighteen hundred and ninety-nine; and the  
11      name Porto Rico as used in this Act shall be held to include

1 not only the island of that name but all the adjacent islands  
2 aforesaid.

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

7       That in all criminal prosecutions the accused shall  
8 enjoy the right to be heard by himself and counsel, to de-  
9 mand the nature and cause of the accusation against him,  
10 to have a copy thereof, to have a speedy and public trial,  
11 to meet the witnesses face to face, and to have compul-  
12 sory process to compel the attendance of witnesses in his  
13 behalf.

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

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

22       That no law impairing the obligation of contracts shall  
23 be enacted.

24       That no person shall be imprisoned for debt.

1       That the privilege of the writ of habeas corpus shall  
2 not be suspended, unless when in case of rebellion or inva-  
3 sion the public safety may require it, in either of which  
4 event the same may be suspended by the President or by  
5 the governor, wherever during such period the necessity for  
6 such suspension shall exist.

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

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

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

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

19       That no law shall be passed abridging the freedom of  
20 speech of the press or the right of the people peaceably to  
21 assemble and petition the government for redress of griev-  
22 ances.

23       That no law shall be made respecting an establish-  
24 ment of religion or prohibiting the free exercise thereof,  
25 and that the free exercise and enjoyment of religions, pro-

1 fession, and worship, without discrimination or preference,  
2 shall forever be allowed, and that no political or religious  
3 test, other than an oath to support the Constitution of the  
4 United States, shall be required as a qualification to any  
5 office of public trust under Porto Rico.

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

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

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

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

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

19 That the employment of children under the age of four-  
20 teen years in any occupation injurious to health or morals or  
21 especially hazardous to life or limb is hereby 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 other obligations may be issued by Porto Rico or any  
8 municipal government therein as may be provided by law  
9 and to protect the public credit: *Provided, however,* That no  
10 public indebtedness of Porto Rico or of any municipality  
11 thereof shall be authorized or allowed in excess of seven  
12 per centum of the aggregate tax valuation of its property.

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

16       SEC. 5. That all citizens of Porto Rico, as defined by  
17 existing law, and all natives of Porto Rico who were tem-  
18 porarily absent from the island on April eleventh, eighteen  
19 hundred and ninety-nine, and have since returned and are  
20 permanently residing in the island, and are not citizens of  
21 any foreign country, are hereby declared, and shall be  
22 deemed and held to be, citizens of Porto Rico and as such  
23 entitled to the protection of the United States; and they,  
24 together with such citizens of the United States as may  
25 reside in Porto Rico, shall constitute a body politic under

1 the name of the People of Porto Rico, with governmental  
2 powers as hereinafter conferred, and with power to sue and  
3 be sued as such.

4 SEC. 6. That the laws and ordinances of Porto Rico  
5 now in force shall continue in force and effect, except as  
6 altered, amended, or modified herein, or the provisions  
7 hereof until altered, amended, or repealed by the legislative  
8 authority herein provided for Porto Rico or by the Act of  
9 Congress of the United States.

10 SEC. 7. That the coasting trade between Porto Rico  
11 and the United States shall be regulated in accordance with  
12 the provisions of law applicable to such trade between any  
13 two great coasting districts of the United States.

14 SEC. 8. That all expenses that may be incurred on  
15 account of the government of Porto Rico for salaries of  
16 officials and the conduct of their offices and departments,  
17 and all expenses and obligations contracted for the internal  
18 improvement or development of the island, not, however,  
19 including defenses, barracks, harbors, lighthouses, buoys,  
20 and other works undertaken by the United States, shall,  
21 except as otherwise specifically provided by the Congress,  
22 be paid by the treasurer of Porto Rico out of the revenues  
23 in his custody.

24 SEC. 9. That all the property which may have been  
25 acquired in Porto Rico by the United States under the

1 cession of Spain in the treaty of peace entered into on the  
2 tenth day of December, eighteen hundred and ninety-eight,  
3 in any public bridges, road houses, water powers, high-  
4 ways, unnavigable streams and the beds thereof, subter-  
5 ranean waters, mines, or minerals under the surface of  
6 private lands, and all property which at the time of the  
7 cession belonged, under the laws of Spain then in force,  
8 to the various harbor-works boards of Porto Rico, and  
9 all the harbor shores, docks, slips, and reclaimed lands,  
10 but not including harbor areas of navigable waters, is hereby  
11 placed under the control of the government of Porto Rico,  
12 to be administered for the benefit of the people of Porto  
13 Rico; and the Legislature of Porto Rico shall have authority,  
14 subject to the limitations placed on all its acts, to legislate  
15 with respect to all such matters as it may deem advisable.  
16 There is hereby conferred upon the people of Porto Rico  
17 jurisdiction over harbor areas and navigable waters for  
18 the enforcement of the police laws of Porto Rico.

19       SEC. 10. That the statutory laws of the United States  
20 not locally inapplicable, except as hereinbefore or herein-  
21 after otherwise provided, shall have the same force and  
22 effect in Porto Rico as in the United States, except internal-  
23 revenue laws.

24       . SEC. 11. That all judicial process shall run in the name  
25 of "The United States of America, ss, the President of the

1 United States,” and all penal or criminal prosecutions in  
2 the local courts shall be conducted in the name and by the  
3 authority of “The People of Porto Rico”; and all officials  
4 authorized by this Act shall, before entering upon the duties  
5 of their respective offices, take an oath to support the Con-  
6 stitution of the United States and the laws of Porto Rico.

7       SEC. 12. That all reports required by law to be made  
8 by the governor or heads of departments to any official in  
9 the United States shall hereafter be made to the Depart-  
10 ment of State, and the President is authorized to place all  
11 matters pertaining to the government of Porto Rico in the  
12 jurisdiction of that department.

13       SEC. 13. That the supreme executive power shall be  
14 vested in an executive officer, whose official title shall be  
15 “The Governor of Porto Rico.” He shall be appointed by  
16 the President, by and with the advice and consent of the  
17 Senate, and hold his office at the pleasure of the President  
18 and until his successor is chosen and qualified. The gov-  
19 ernor shall reside in Porto Rico during his official incum-  
20 bency, and maintain his office at the seat of government.  
21 He shall have general supervision and control of all the  
22 departments and bureaus of the government in Porto Rico, so  
23 far as is not inconsistent with the provisions of this Act, and  
24 shall be commander in chief of the militia. He shall have  
25 the power to convene the legislature, or the senate only, on

1 extraordinary occasions. At extraordinary sessions no sub-  
2 ject shall be acted upon except such as the governor may  
3 recommend for consideration. He shall commission all  
4 officers that he may be authorized to appoint, and shall at all  
5 times faithfully execute the laws, and in that behalf shall have  
6 all the powers of governors of Territories of the United  
7 States that are not locally inapplicable. The governor shall  
8 annually and at such other times as he may be required make  
9 such official report of the transactions of the government of  
10 Porto Rico to the head of the Department of State, and his  
11 said annual report shall be transmitted to Congress, and he  
12 shall perform such additional duties and functions as may in  
13 pursuance of law be delegated to him by the President. The  
14 governor or person administering the government shall have  
15 power to suspend the collection of fines and forfeitures, and to  
16 grant reprieves to extend until the expiration of a time not  
17 exceeding ninety days after conviction; but this power shall  
18 not extend to cases of impeachment. The governor or  
19 person administering the government, the presiding judge of  
20 the supreme court, the president of the Senate of Porto Rico,  
21 the speaker of the House of Representatives of Porto Rico,  
22 and the insular attorney general, or a majority of them, shall  
23 constitute a court of pardons, which may remit fines and for-  
24 feitures, and grant pardons after conviction, in all cases  
25 except impeachment.

1        SEC. 14. That the following executive departments are  
2 hereby created: A department of justice, the head of which  
3 shall be designated as the attorney general; a department of  
4 finance, the head of which shall be designated as the treas-  
5 urer; a department of audits, the head of which shall be  
6 designated as the auditor; a department of interior, the head  
7 of which shall be designated as the commissioner of the in-  
8 terior; a department of education, the head of which shall be  
9 designated as the commissioner of education; and a depart-  
10 ment of agriculture and labor, the head of which shall be  
11 designated as the commissioner of agriculture and labor.  
12 The heads of departments shall be appointed by the gover-  
13 nor, by and with the advice and consent of the Senate of  
14 Porto Rico, to hold office for four years unless sooner re-  
15 moved by the governor, and no person shall be the head  
16 of any of the departments hereby created who has not been  
17 an actual resident of Porto Rico for at least two years pre-  
18 vious to his appointment. Heads of departments shall reside  
19 in Porto Rico during their official incumbency, but leaves of  
20 absence may be granted to them by the governor. They  
21 shall perform the duties hereinafter prescribed and such  
22 other duties not inconsistent with law as the governor, with  
23 the approval of the Senate of Porto Rico, may assign to  
24 them; and they shall make annual and such other reports to

1 the governor as he may require, which shall be transmitted  
2 to the Department of State.

3       SEC. 15. That the attorney general shall have general  
4 charge of the administration of justice in Porto Rico. He  
5 shall be the legal adviser of the governor and the heads of  
6 departments and shall appear for the people of Porto Rico  
7 and prosecute and defend all actions and proceedings, civil  
8 or criminal, in the Supreme Court of Porto Rico in which the  
9 people of Porto Rico shall be interested or a party, and may,  
10 if in his judgment the public interest requires, appear for the  
11 people of Porto Rico and prosecute or defend in any other  
12 court, or before any officer, in any cause, civil or criminal,  
13 in which the people of Porto Rico may be a party or  
14 interested.

15       SEC. 16. That the treasurer shall give bond, approved  
16 as to the form by the attorney general of Porto Rico, in  
17 such sum as the legislature may require, not less, however,  
18 than the sum of \$125,000, with surety approved by the  
19 governor, and he shall collect and be the custodian of public  
20 funds, and shall disburse the same, when appropriated by  
21 law, on warrants signed by the auditor and countersigned  
22 by the governor, and perform such other duties as may be  
23 provided by law. He may designate banking institutions  
24 in Porto Rico as depositaries of the government of Porto  
25 Rico, subject to such conditions as may be prescribed by

1 the governor, after they have filed with him satisfactory  
2 evidence of their sound financial condition and have deposited  
3 bonds of the United States or of the government of Porto  
4 Rico, or other security satisfactory to the head of such  
5 executive department, in such amounts as may be indicated  
6 by him; and no banking institution shall be designated a  
7 depository of the government of Porto Rico until the fore-  
8 going conditions have been complied with nor used as a  
9 depository except in the discretion of the treasurer of Porto  
10 Rico.

11 SEC. 17. That the auditor shall keep full and accurate  
12 accounts showing all receipts and disbursements and perform  
13 such other duties as may be prescribed by law. Where an  
14 appeal is permitted by law to the governor from the decision  
15 of the auditor as to the legality of any expenditure or pay-  
16 ment, the governor's decision shall be final. The decision  
17 of the auditor shall be final in any question as to the account  
18 to which any expenditure shall be charged.

19 SEC. 18. That the commissioner of the interior shall  
20 superintend all works of a public nature, have charge of all  
21 public buildings, grounds, and lands, except those belonging  
22 to the United States, and shall execute such requirements  
23 as may be imposed by law with respect thereto, and perform  
24 such other duties as may be prescribed by law, and the same  
25 commissioner of the interior shall be assisted by and pro-

1 ceed in accordance with a board of public works, composed  
2 of five members appointed by the governor, with the advice  
3 and consent of the Senate of Porto Rico, the commissioner  
4 of the interior being de facto a member of the board and  
5 the presiding officer at its sessions and deliberations. Each  
6 member of the board except the commissioner shall receive  
7 a per diem compensation of \$5 when in attendance upon  
8 meetings.

9       SEC. 19. That the commissioner of education shall super-  
10 intend public instruction throughout Porto Rico, and all dis-  
11 bursements on account thereof must be approved by him, and  
12 he shall perform such other duties as may be prescribed by  
13 law, and the same commissioner of education shall be assisted  
14 by and proceed in accord with a board of public education,  
15 composed of five members appointed by the governor, with  
16 the advice and consent of the Senate of Porto Rico, the com-  
17 missioner of education being de facto a member of the board  
18 and its presiding officer at its sessions and deliberations.  
19 Each member except the commissioner shall receive a per  
20 diem compensation of \$5 when in attendance upon its  
21 meetings.

22       SEC. 20. That the commissioner of agriculture and labor  
23 shall have general charge of such bureaus and branches of  
24 government as shall be legally constituted for the study,  
25 advancement, and benefit of agriculture and other industries

1 and of labor, and shall perform such other duties as may be  
2 prescribed by law.

3       SEC. 21. That there shall be appointed by the gov-  
4 ernor, by and with the advice and consent of the Senate of  
5 Porto Rico, an executive secretary for Porto Rico, at an  
6 annual salary of \$4,000, who shall record and preserve the  
7 minutes and proceedings of the public-service commission  
8 hereinafter provided for and the laws enacted by the legis-  
9 lature and all acts and proceedings of the governor, and  
10 promulgate all proclamations and orders of the governor and  
11 all laws enacted by the legislature, and perform such other  
12 duties as may be assigned to him by the Governor of Porto  
13 Rico. Any duties heretofore assigned to the secretary of  
14 Porto Rico by existing law may be assigned to the executive  
15 secretary herein provided for, or to any other department or  
16 bureau of the government, as may be determined by the  
17 governor, by and with the advice and consent of the insular  
18 senate.

19       SEC. 22. That the Governor of Porto Rico, within sixty  
20 days after the end of each session of the legislature, shall  
21 transmit to the Secretary of State, who shall in turn transmit  
22 to the Congress of the United States, copies of all laws  
23 enacted during the session.

24       SEC. 23. That the President may, from time to time,  
25 designate the head of an executive department of Porto

1 Rico to act as governor in the case of the temporary removal,  
2 resignation, or disability of the governor, or his temporary  
3 absence, and the head of the department thus designated  
4 shall exercise all the powers and perform all the duties of  
5 the governor during such vacancy, disability, or absence.

6       SEC. 24. That all local legislative powers in Porto  
7 Rico, except as herein otherwise provided for, shall be  
8 vested in a legislature, which shall consist of two houses,  
9 one the senate and the other the house of representatives,  
10 and the two houses shall be designated "The Legislature  
11 of Porto Rico."

12       SEC. 25. That the Senate of Porto Rico shall consist  
13 of nineteen members, elected for a term of four years by the  
14 qualified electors of Porto Rico, except as hereinafter pro-  
15 vided. Each of the legislative districts as now provided  
16 shall have the right to elect two senators, and five senators  
17 shall be elected at large by all the electors of Porto Rico.  
18 Each elector shall have the right to vote for only one candi-  
19 date for senator at large besides the two voted for from his  
20 district, and the candidates receiving the highest number  
21 of votes shall be declared elected and shall take their seats  
22 in the senate for a term of four years. No person shall be  
23 a member of the Senate of Porto Rico who is not over thirty  
24 years of age, and who is not able to read and write either  
25 the Spanish or English language, and who has not been a

1 resident of Porto Rico for at least two consecutive years, and  
2 an actual resident of the senatorial district from which chosen  
3 for a period of at least one year prior to his election, and who  
4 does not own in his individual right taxable property in the  
5 said district to the value of not less than \$1,000. Except  
6 as herein otherwise provided, the Senate of Porto Rico shall  
7 exercise all of the purely legislative powers and functions  
8 heretofore exercised by the Executive Council, including con-  
9 firmation of appointments, but appointments made while the  
10 senate is not in session shall be effective either until disap-  
11 proved or until the next adjournment of the senate.

12       SEC. 26. That the house of representatives in Porto  
13 Rico shall consist of thirty-nine members, elected quadren-  
14 nially by the qualified electors of Porto Rico, as herein-  
15 after provided. No person shall be a member of the house  
16 of representatives who is not over twenty-five years of  
17 age, and who is not able to read and write either the  
18 Spanish or English language, and who does not own in his  
19 individual right taxable property, real or personal, situated  
20 in Porto Rico, and who has not been a bona fide resident  
21 of the district from which elected for at least one year  
22 prior to his election.

23       SEC. 27. That for the purpose of election hereafter  
24 to the house of representatives, the island of Porto Rico  
25 shall be divided into thirty-five representative districts, com-

1 posed of contiguous territory and established, so far as  
2 is practicable, upon the basis of equal population. The divi-  
3 sion into and the demarcation of electoral districts shall  
4 be made by a commission of three persons, composed of  
5 the chief justice of the supreme court and two persons  
6 each of whom shall have been appointed by the central  
7 committee of each of the two parties having the highest  
8 number of votes at the last preceding election. Division  
9 of districts shall be made as nearly as practicable to con-  
10 form of the topographical nature of the land, with re-  
11 gard to roads and other means of communication, and to  
12 natural barriers. Each of the representative districts shall  
13 be entitled to one member in the house of representatives,  
14 and four members shall be elected at large by all the  
15 electors of Porto Rico, each elector shall have the right to  
16 vote for only one candidate at large for the house of rep-  
17 resentatives besides the one voted for from his district, and  
18 the candidates receiving the highest number of votes shall  
19 be declared elected and shall take their seats in the house of  
20 representatives for a term of four years.

21       SEC. 29. That members of the Senate and House of Rep-  
22 resentatives of Porto Rico shall receive compensation at the  
23 rate of \$7 per day while in session and mileage at the rate  
24 of 8 cents per kilometer for each kilometer actually and nec-

1 necessarily traveled in going from their legislative districts to  
2 the capital and therefrom to their places of residence in their  
3 districts by the usual routes of travel.

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

14       SEC. 31. That the regular session of the Legislature of  
15 Porto Rico shall be annual and shall not continue longer than  
16 forty-five days: *Provided*, That the legislature may, by a  
17 majority vote of each house, continue the session for a period  
18 not exceeding fifteen days, but without compensation to its  
19 members. The governor may call a special session of the  
20 legislature or of the senate at any time when in his opinion  
21 the public services require it, but no special session shall con-  
22 tinue longer than ten days, and no legislation shall be con-  
23 sidered at such session other than that specified in the call or  
24 recommended in a special message by the governor.

1        SEC. 32. That the enacting clause shall be as to acts  
2        “Be it enacted by the Legislature of Porto Rico,” and as  
3        to joint resolutions “Be it resolved by the Legislature of  
4        Porto Rico.” All bills and joint resolutions may originate  
5        in either house. The general appropriation bill may be  
6        prepared by the governor and may be introduced as pre-  
7        pared or approved by him within the first ten days of the  
8        session of the legislature, but shall be subject to amendment  
9        as in the case of any other bill; but no bill shall become a  
10       law unless it be passed in each house by a majority vote  
11       of all of the members belonging to such house and be approved  
12       by the governor within ten days thereafter. If he approve  
13       it, he shall sign it; but if not, he shall return it, with his  
14       objections, to the house in which it originated, which shall  
15       enter such objection upon the journal and proceed to recon-  
16       sider it. If after such reconsideration it again passes both  
17       houses, by yeas and nays, two-thirds of the members elected  
18       to each house voting therefor, it shall become a law not-  
19       withstanding the governor’s objections. If any bill shall  
20       not be returned within ten days after it shall have been pre-  
21       sented to him (Sundays excepted) the same shall become a  
22       law in like manner as if he had signed it, unless the legislature  
23       by adjournment prevents such return, in which case it shall  
24       not become a law, unless the governor within ten days after  
25       such adjournment (Sundays excepted) shall sign and remit

1 to the presiding officer of both houses, in which case it shall  
2 become a law in like manner as if it had been signed by him  
3 before adjournment. If any bill presented to the governor  
4 contains several items of appropriation of money, he may  
5 object to one or more items while approving other portions  
6 of the bill. In such case he shall append to the bill, at the  
7 time of signing it, a statement of the items to which he  
8 objects and the reasons therefor, and the appropriations so  
9 objected to shall not take effect unless passed over the gov-  
10 ernor's veto, as hereinbefore provided. If the legislature  
11 be in session, the governor shall transmit to the house in  
12 which the bill originated a copy of such statement, and the  
13 items so objected to shall be separately reconsidered in the  
14 same manner as bills which have been disapproved by the  
15 governor. All laws enacted by the Legislature of Porto  
16 Rico shall be reported to the Congress of the United States,  
17 which hereby reserves the power and authority to annul the  
18 same. If at the termination of any fiscal year the appropria-  
19 tion for any item or items for the support of the government  
20 for the ensuing fiscal year shall not have been made, an  
21 amount appropriated in the last appropriation bills for such  
22 purposes shall be deemed to be appropriated item by item;  
23 and until the legislature shall act in such behalf the treas-  
24 urer may, with the advice of the governor, make the pay-  
25 ments necessary for the purposes aforesaid.

1        SEC. 33. That the qualified electors of Porto Rico,  
2 after the general election of nineteen hundred and fourteen  
3 and for any election whatsoever, shall consist of those citi-  
4 zens already registered as voters under the laws of Porto  
5 Rico and of those that will be thereafter registered in ac-  
6 cordance with the terms of this Act and of the laws of  
7 Porto Rico. That after the approval of this Act no per-  
8 son shall be allowed to register as a voter in Porto Rico  
9 who is not a citizen of the United States or of Porto Rico,  
10 over twenty-one years of age, and who is not able to read  
11 and write or on the date of registration shall not own tax-  
12 able real estate in his own right or name, either personally  
13 or as a bona fide member of a firm or copartnership.

14        SEC. 34. That the qualified electors of Porto Rico  
15 shall, at the general election in nineteen hundred and four-  
16 teen and every four years thereafter, choose two Resident  
17 Commissioners to the United States, whose term of office  
18 shall be four years from the fourth of March following, and  
19 who shall be entitled to receive official recognition as such  
20 Commissioners by all of the departments of the Govern-  
21 ment of the United States upon presentation, through  
22 the Department of State, of a certificate of election from  
23 the governor of Porto Rico. The Resident Commissioners  
24 shall receive a salary, payable monthly, by the United  
25 States, of \$7,500 per annum. Such Commissioners shall

1 be allowed the same sum for stationery and for the pay of  
2 necessary clerk hire as is now allowed to Members of the  
3 House of Representatives of the United States, the sum  
4 of \$500 as mileage for each session of the House of Rep-  
5 resentatives, and the franking privilege now enjoyed by  
6 Members of the House of Representatives of the United  
7 States. Vacancies occurring by death, resignation, inability,  
8 or other causes in the office of Commissioner shall be  
9 filled, within the next forty days after such vacancy occurs,  
10 by the governor, by and with the advice and consent  
11 of the Senate of Porto Rico, and any Commissioner  
12 so appointed shall hold office during the unexpired term  
13 of the former incumbent. No person shall be eligible to  
14 election as Resident Commissioner who is not a bona fide  
15 citizen of Porto Rico and who is not more than thirty years  
16 of age, and who does not read and write the English  
17 language.

18       SEC. 35. That the legislative authority herein provided  
19 shall extend to all matters of a legislative character, including  
20 power to create, consolidate, and reorganize the municipali-  
21 ties so far as may be necessary, and to provide and repeal  
22 laws and ordinances therefor; also the power to alter, amend,  
23 and repeal any and all laws and ordinances of every character  
24 now in force in Porto Rico, or any municipality or district  
25 thereof, not inconsistent with the provisions of this Act. No

1 executive department not provided for in this Act shall be  
2 created, but the legislature may, from time to time, create  
3 additional bureaus in any of the departments created or  
4 authorized hereby, and each additional bureau so created  
5 shall be subject to the supervision and control of the head  
6 of the executive department in which it is established.

7       SEC. 36. That all grants and franchises, rights, and  
8 privileges of a public or quasi public nature shall be made  
9 by the legislature until otherwise provided by the Senate of  
10 Porto Rico.

11       SEC. 37. That all railroad, street railway, telegraph,  
12 and telephone franchises, privileges, or concessions granted  
13 under the section last preceeding shall be approved by the  
14 President of the United States, and no such franchises,  
15 privileges, or concessions shall be operative until it shall have  
16 been so approved; and all grants of franchises, privileges,  
17 and concessions under said section shall provide that the  
18 same shall be subject to amendment, alteration, or repeal;  
19 and shall forbid the issue of stocks or bonds, except in ex-  
20 change for actual cash or property valuation equal in amount  
21 to the par value of the stocks or bonds issued; and shall for-  
22 bid the declaring of stock or bond dividends, and in the case  
23 of public-service corporations shall provide for the effective  
24 regulation of charges thereof and for the purchase or taking

1 of their property by the authorities at a fair and reasonable  
2 valuation.

3       SEC. 37. That the house of representatives shall have  
4 the power of impeachment of all high civil officers, except  
5 the governor, for malfeasance in office, corruption, neglect  
6 of duty, and other high crimes or misdemeanors. Such im-  
7 peachment shall be by vote of the majority of all the mem-  
8 bers elected. The court for the trial of impeachment shall  
9 be composed of the president of the senate, the senators,  
10 or a major part of them, and the judges of the supreme  
11 court. The chief justice shall preside. No officer shall  
12 exercise his office after articles of impeachment shall have  
13 been preferred to the senate until he shall have been ac-  
14 quitted. Before the trial of an impeachment, the members  
15 of the court shall take an oath or affirmation truly and im-  
16 partially to try the impeachment according to evidence;  
17 and no person shall be convicted without the concurrence  
18 of two-thirds of the members present. Judgment in cases  
19 of impeachment shall not extend further than to removal  
20 from office and disqualification to hold any office of honor,  
21 trust, or profit in Porto Rico; but the party impeached  
22 shall be liable to indictment and punishment according to  
23 law. The court of impeachment may sit during the recess  
24 of the legislature for the trial of impeachments, and at any  
25 time shall have authority to prescribe such necessary rules

1 and regulations for the conduct of impeachment trials as it  
2 may deem wise.

3       SEC. 39. That the judicial power shall be vested in  
4 the courts and tribunals of Porto Rico as already established  
5 and in operation under and by virtue of existing laws. The  
6 jurisdiction of said courts and the form of procedure in them  
7 and the various officers and attachés thereof shall also con-  
8 tinue to be as now provided until otherwise provided by law:  
9 *Provided, however,* That the chief justice and associate justices  
10 of the supreme court and the marshal thereof shall be ap-  
11 pointed by the governor, by and with the advice and consent  
12 of the Senate of Porto Rico; and the Legislature of Porto  
13 Rico shall have the authority, from time to time as it may  
14 see fit, not inconsistent with this Act, to organize, modify,  
15 and rearrange the courts and their jurisdiction and procedure.

16       SEC. 40. That the Supreme Court of Porto Rico shall  
17 take possession of all records of the district court of the  
18 United States for Porto Rico and take jurisdiction of all cases  
19 and proceedings pending therein, and said district court of  
20 the United States for Porto Rico is hereby discontinued;  
21 and the jurisdiction of the district court of the United States  
22 for Porto Rico is hereby conferred on the Supreme Court of  
23 Porto Rico until the Legislature of Porto Rico may provide  
24 for its distribution between that court and the district and  
25 other courts of Porto Rico.

1           SEC. 41. That the Supreme Court of the United States  
2 shall have jurisdiction to review, revise, reverse, modify, or  
3 affirm the final judgment and decrees of the Supreme Court  
4 of Porto Rico in all actions, cases, causes, and proceedings  
5 now pending therein or hereafter determined thereby in  
6 which the constitution or any statute, treaty, title, right, or  
7 value in controversy exceeds \$25,000, or in which the title  
8 or possession of real estate exceeding in value the sum of  
9 \$25,000, to be ascertained by the oath of either party or of  
10 any other competent witnesses, is involved or brought in  
11 question, and such final judgment or decree may and can be  
12 reviewed, revised, reversed, modified, or affirmed by said  
13 Supreme Court of the United States on appeal or writ of  
14 error by the party aggrieved in the same manner, under  
15 the same regulations, and by the same procedure, as far as  
16 is applicable, as the final judgment and decrees of the circuit  
17 courts of the United States.

18           SEC. 42. That the supreme and district courts of Porto  
19 Rico and the respective judges thereof may grant writs of  
20 habeas corpus in all cases in which the same are grantable  
21 by the judges of the district courts of the United States, and  
22 the district courts may grant writs of mandamus in all proper  
23 cases.

24           SEC. 43. That hereafter all judges, marshals, and sec-  
25 retaries of courts now established or may hereafter be estab-

1 lished in Porto Rico, and whose appointment by the Presi-  
2 dent is not provided for by law, shall be appointed by the  
3 governor, by and with the advice and consent of the Senate  
4 of Porto Rico.

5       SEC. 44. That except as in this Act otherwise pro-  
6 vided, the salaries of all the officials of Porto Rico not  
7 appointed by the President, including deputies, assistants,  
8 and other help, shall be such, and be so paid out of the  
9 revenues of Porto Rico, as shall from time to time be de-  
10 termined by the Legislature of Porto Rico and approved  
11 by the governor, and if the legislature shall fail to make  
12 an appropriation for such salaries the salaries so fixed shall  
13 be paid without the necessity of further appropriation there-  
14 for. The salaries of all officers of the various officials of  
15 Porto Rico as herein provided by the President shall also  
16 be paid out of the revenues of Porto Rico, on warrants of  
17 the auditor, countersigned by the governor. The annual  
18 salary of the governor shall be \$10,000; in addition thereto  
19 he shall be entitled to the occupancy of the buildings hereto-  
20 fore used by the chief executive of Porto Rico, with the  
21 furniture and effects therein, free of rental. Heads of de-  
22 partments, appointed by the President, shall receive an an-  
23 nual salary of \$5,000, the chief justice of the Supreme Court  
24 \$7,500, and associate justices \$6,500.

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.

4       SEC. 45. That the provisions of the foregoing section  
5 shall not apply to municipal officials; their salaries and the  
6 compensation of their deputies, assistants, and other help, as  
7 well as other expenses incurred by the municipalities, shall  
8 be paid out of the municipal revenues in such manner as the  
9 legislature may provide.

10       SEC. 46. That wherever in this Act officers of the  
11 government are provided for under the same names as in  
12 the heretofore existing Acts of Congress affecting Porto  
13 Rico, the present incumbents of those offices shall continue in  
14 office in accordance with the terms and at the salaries pre-  
15 scribed by this Act. The office of secretary of Porto Rico  
16 is hereby abolished. Authority is given to the respective  
17 appointing authorities to appoint and commission persons to  
18 fill the new offices created by this Act. All powers and  
19 duties now imposed by law on the president of the Executive  
20 Council shall, after the organization of the Senate of Porto  
21 Rico, as herein provided, be performed by the presiding  
22 officer of the senate.

23       SEC. 47. That the police department shall continue to  
24 be under the direct authority of the Governor of Porto Rico,  
25 the general plan of organization thereof being as at present

1 provided and so to continue until otherwise provided by the  
2 legislature.

3       SEC. 48. That any bureau or office belonging to any of  
4 the regular departments of the government, or hereafter cre-  
5 ated, or not assigned, may be transferred or assigned to any  
6 department by the governor upon the approval of the Senate  
7 of Porto Rico.

8       SEC. 49. 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 laws of Porto Rico approved Sep-  
12 tember eighteenth, nineteen hundred and eight, and the Act  
13 approved on the same date authorizing the issuance of bonds  
14 for the construction of an irrigation system, together with  
15 any and all amendments to either of said Acts.

16       SEC. 50. That deeds and other instruments affecting  
17 land situated in the District of Columbia, or any other  
18 Territory of the United States, may be acknowledged in  
19 Porto Rico, before any notary public appointed therein by  
20 proper authority, or any officer therein who has ex officio  
21 the powers of a notary public: *Provided*, That the cer-  
22 tificate by such notary shall be accompanied by the cer-  
23 tificate of the attorney general of Porto Rico to the effect  
24 that the notary taking such acknowledgment is in fact  
25 such notarial officer.

1        SEC. 51. That nothing in this Act shall be deemed  
2 to impair or interrupt the jurisdiction of existing courts over  
3 matters pending upon the approval of this Act, which juris-  
4 diction is in all respects hereby continued, the purpose of  
5 this Act being to preserve the integrity of all of said courts  
6 and their jurisdiction until otherwise provided by law,  
7 except as in this Act otherwise specifically provided.

8        SEC. 52. 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 secretary of Porto  
19 Rico, the attorney general, the treasurer, the auditor, the  
20 commissioner of the interior, the commissioner of education,  
21 and five additional members as now provided by law, and  
22 any function herein assigned to the Senate of Porto Rico  
23 may, until the said senate has assembled and organized as  
24 herein provided, be exercised by the Executive Council as  
25 thus constituted.

1        SEC. 53. 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  
5 Act of Congress entitled "An Act temporarily to provide  
6 revenues and a civil government for Porto Rico, and for  
7 other purposes," approved April twelfth, nineteen hundred,  
8 are hereby continued in force and effect.

43<sup>d</sup> CONGRESS, }  
2<sup>d</sup> Session. } **H. R. 13979.**

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# **A BILL**

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

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By **Mr. RIVERA.**

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FEBRUARY 27, 1914.—Referred to the Committee on  
Insular Affairs and ordered to be printed.