

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 25, 1914.

Mr. SHAFROTH introduced the following bill; which was read twice and referred to the Committee on Pacific Islands and Porto Rico.

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 belonging to the
5 United States and waters of those islands; and the name
6 Porto Rico as used in this Act shall be held to include not
7 only the island of that name but all the adjacent islands as
8 aforesaid.

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

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

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

12 That all persons shall before conviction be bailable by
13 sufficient sureties, except for capital offenses when the proof
14 is evident or the presumption great.

15 That no law impairing the obligation of contracts shall
16 be enacted.

17 That no person shall be imprisoned for debt.

18 That the privilege of the writ of habeas corpus shall not
19 be suspended, unless when in case of rebellion, insurrection,
20 or invasion, the public safety may require it, in either of
21 which events the same may be suspended by the President
22 or by the governor wherever during such period the neces-
23 sity for such suspension shall exist.

24 That no ex post facto law or bill of attainder shall be
25 enacted.

1 That no law granting a title of nobility shall be en-
2 acted, and no person holding any office of profit or trust in
3 Porto Rico shall, without the consent of the Congress of
4 the United States, accept any present, emolument, office,
5 or title of any kind whatever from any king, queen, prince,
6 or foreign State.

7 That excessive bail shall not be required, nor excessive
8 fines imposed, nor cruel and unusual punishments inflicted.

9 That the right to be secure against unreasonable
10 searches and seizures shall not be violated.

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

14 That no law shall be passed abridging the freedom
15 of speech or of the press, or the right of the people peaceably
16 to assemble and petition the government for redress of
17 grievances.

18 That no law shall be made respecting an establishment
19 of religion or prohibiting the free exercise thereof, and that
20 the free exercise and enjoyment of religious profession and
21 worship, without discrimination or preference, shall forever
22 be allowed, and that no political or religious test, other than
23 an oath to support the Constitution of the United States,
24 and the laws of Porto Rico shall be required as a qualifica-
25 tion to any office or public trust under Porto Rico.

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

3 That no warrant shall issue but upon probable cause,
4 supported by oath or affirmation, and particularly describ-
5 ing the place to be searched and the persons or things to be
6 seized.

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

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

13 That the employment of children under the age of
14 fourteen years in any occupation injurious to health or
15 morals, or especially hazardous to life or limb is hereby
16 prohibited.

17 That the right of action to recover damages for in-
18 juries resulting in death shall never be abrogated, and the
19 amount recoverable shall not be subject to any statutory
20 limitation.

21 SEC. 3. That no export duties shall be levied or col-
22 lected on exports from Porto Rico, but taxes and assessments
23 on property and license fees for franchises, privileges, and
24 concessions may be imposed for the purposes of the insular
25 and municipal governments, respectively, as may be provided

1 and defined by the Legislature of Porto Rico; and when
2 necessary to anticipate taxes and revenues, bonds and other
3 obligations may be issued by Porto Rico or any municipal
4 government therein as may be provided by law, and to
5 protect the public credit: *Provided, however,* That no pub-
6 lic indebtedness of Porto Rico or of any municipality thereof
7 shall be authorized or allowed in excess of seven per centum
8 of the aggregate tax valuation of its property, and all bonds
9 issued by the government of Porto Rico, or by its authority,
10 shall be exempt from taxation by the Government of the
11 United States, or by the government of Porto Rico or of
12 any political or municipal subdivision thereof, or by any
13 State, or by any county, municipality, or other municipal sub-
14 division of any State or Territory of the United States, or by
15 the District of Columbia.

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

19 SEC. 5. That all citizens of Porto Rico, as defined by
20 existing law, and all natives of Porto Rico who were tem-
21 porarily absent from that island on April eleventh, eighteen
22 hundred and ninety-nine, and have since returned and are
23 permanently residing in that island, and are not citizens of
24 any foreign country, are hereby declared, and shall be
25 deemed and held to be, citizens of Porto Rico and as such

1 entitled to the protection of the United States; and they,
2 together with such citizens of the United States as may re-
3 side in Porto Rico, shall constitute a body politic under the
4 name of the people of Porto Rico, with governmental powers
5 as hereinafter conferred and with power to sue and be sued
6 as such.

7 SEC. 6. That any citizen of Porto Rico as defined by
8 the preceding section who is over twenty-one years of age
9 may hereafter be admitted to become a citizen of the United
10 States by declaring, on oath, before any court now authorized
11 or that may hereafter be authorized by law to naturalize
12 aliens, or before the District Court of the United States for
13 Porto Rico, or before any district or municipal court of
14 Porto Rico, that he is a citizen of Porto Rico as defined in
15 the preceding section, and by taking at the time of declara-
16 tion an oath in such form and under such further regulations
17 as may be prescribed by the President of the United States
18 to support and defend the Constitution and laws of the
19 United States against all enemies, foreign and domestic, and
20 bear true faith and allegiance to the same. And such per-
21 sons shall be exempt from the payment of any costs or
22 charges for the making, filing, or issue of any documents,
23 affidavits, or certificates relating to such citizenship, not-
24 withstanding any provision of law to the contrary.

1 SEC. 7. That a certificate of citizenship shall be issued
2 to the naturalized person by the clerk or secretary of the
3 court wherein the proceedings are had, and two copies
4 thereof shall be forwarded to the executive secretary of
5 Porto Rico, one copy of which shall be kept and preserved
6 in the archives of the government of Porto Rico and the
7 other copy of which shall be sent to the Bureau of Naturali-
8 zation at Washington; and for the purposes herein described
9 the Bureau of Naturalization of the Department of Labor
10 of the United States is hereby authorized and directed to
11 prepare and send to the proper officers of the government
12 of Porto Rico all necessary blanks for affidavits, certificates,
13 or other documents required by law or by the regulations of
14 the President hereinbefore mentioned, and there is hereby
15 appropriated such sum as may be necessary for this purpose
16 out of any funds in the Treasury of the United States not
17 otherwise appropriated.

18 SEC. 8. That the wife and minor children of the persons
19 so naturalized shall, by virtue of such naturalization, become
20 citizens of the United States.

21 SEC. 9. That the laws and ordinances of Porto Rico
22 now in force shall continue in force and effect, except as
23 altered, amended, or modified herein, until altered, amended,
24 or repealed by the legislative authority herein provided
25 for Porto Rico or by Act of Congress of the United States.

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

11 SEC. 11. That all property which may have been
12 acquired in Porto Rico by the United States under the ces-
13 sion of Spain in the treaty of peace entered into on the tenth
14 day of December, eighteen hundred and ninety-eight, in any
15 public bridges, road houses, water powers, highways, un-
16 navigable streams and the beds thereof, subterranean waters,
17 mines or minerals under the surface of private lands, all
18 property which at the time of the cession belonged, under
19 the laws of Spain then in force, to the various harbor works
20 boards of Porto Rico, all the harbor shores, docks, slips, re-
21 claimed lands, and all public lands and buildings not hereto-
22 fore reserved by the United States for public purposes, are
23 hereby placed under the control of the government of Porto
24 Rico, to be administered for the benefit of the people of
25 Porto Rico; and the Legislature of Porto Rico shall have

1 authority, subject to the limitations imposed upon all its acts,
2 to legislate with respect to all such matters as it may deem
3 advisable: *Provided*, That the President may from time to
4 time, in his discretion, convey to the people of Porto Rico
5 such lands and buildings or interests therein reserved for
6 public purposes under the authority conferred by the Act
7 approved July first, nineteen hundred and two, as in his
8 opinion are no longer needed for purposes of the United
9 States. And he may from time to time accept from the
10 people of Porto Rico any lands, buildings, or interests
11 therein which may be needed for public purposes by the
12 United States, and which the Legislature of Porto Rico may
13 grant to the United States.

14 SEC. 12. That the harbor areas and navigable streams
15 and bodies of water and submerged lands underlying the
16 same in and around the island of Porto Rico and the adjacent
17 islands and waters, now owned by the United States and
18 not reserved by the United States for public purposes, be,
19 and the same are hereby, placed under the control of the
20 government of Porto Rico, to be administered in the same
21 manner and subject to the same limitations as the property
22 enumerated in the preceding section: *Provided*, That all laws
23 of the United States for the protection and improvement of
24 the navigable waters of the United States and the preserva-

1 tion of the interests of navigation and commerce, except so
2 far as the same may be locally inapplicable, shall apply to
3 said island and waters and to its adjacent islands and waters:
4 *Provided further*, That nothing in this Act contained shall
5 be construed so as to affect or impair in any manner the
6 terms or conditions of any authorizations, permits, or other
7 powers heretofore lawfully granted or exercised in, or in
8 respect of, said waters and submerged lands in and sur-
9 rounding said island and its adjacent islands by the Secretary
10 of War or other authorized officer or agent of the United
11 States: *And provided further*, That the Act of Congress
12 approved June eleventh, nineteen hundred and six, entitled
13 "An Act to empower the Secretary of War, under certain
14 restrictions, to authorize the construction, extension, and
15 maintenance of wharves, piers, and other structures on lands
16 underlying harbor areas in navigable streams and bodies
17 of water in or surrounding Porto Rico and the islands ad-
18 jacent thereto," and all other laws and parts of laws in
19 conflict with this Act, be, and the same are hereby, repealed.

20 SEC. 13. That the statutory laws of the United States
21 hereafter enacted shall not apply to Porto Rico except when
22 they specifically so provide or it is so provided in this Act.

23 SEC. 14. That the legislative authority herein provided
24 shall have power, when not inconsistent with this Act, by
25 due enactment to amend, alter, modify, or repeal any law or

1 ordinance, civil or criminal, continued in force by this Act as
2 it may from time to time see fit.

3 SEC. 15. That all judicial process shall run in the name
4 of "United States of America, ss, the President of the
5 United States," and all penal or criminal prosecutions in
6 the local courts shall be conducted in the name and by the
7 authority of "The People of Porto Rico"; and all officials
8 authorized by this Act shall, before entering upon the duties
9 of their respective offices, take an oath to support the Consti-
10 tution of the United States and the laws of Porto Rico.

11 SEC. 16. That all reports required by law to be made
12 by the governor or heads of departments to any official in the
13 United States shall hereafter be made to the Secretary of
14 War, under whom is placed all matters pertaining to the
15 government of Porto Rico.

16 SEC. 17. That the supreme executive power shall be
17 vested in an executive officer, whose official title shall be
18 "The Governor of Porto Rico." He shall be appointed by
19 the President, by and with the advice and consent of the
20 Senate, and hold his office at the pleasure of the President
21 and until his successor is chosen and qualified. The gover-
22 nor shall reside in Porto Rico during his official incumbency
23 and maintain his office at the seat of government. He shall
24 have general supervision and control of all the departments
25 and bureaus of the government in Porto Rico, so far as is

1 not inconsistent with the provisions of this Act, and shall
2 be commander in chief of the militia. He may grant par-
3 dons and reprieves and remit fines and forfeitures for offenses
4 against the laws of Porto Rico, and respites for offenses
5 against the laws of the United States until the decision of
6 the President can be ascertained, and may veto any legis-
7 lation enacted as hereinafter provided. He shall commission
8 all officers that he may be authorized to appoint. He shall
9 be responsible for the faithful execution of the laws of Porto
10 Rico and of the United States applicable in Porto Rico, and
11 whenever it becomes necessary he may call upon the
12 commanders of the military and naval forces of the United
13 States in the island, or summon the posse comitatus, or
14 call out the militia to prevent or suppress lawless violence,
15 invasion, insurrection, or rebellion, and he may, in case of
16 rebellion or invasion, or imminent danger thereof, when the
17 public safety requires it, suspend the privilege of the writ of
18 habeas corpus, or place the island, or any part thereof, under
19 martial law until communication can be had with the
20 President and his decision therein made known. He shall
21 annually, and at such other times as he may be required,
22 make official report of the transactions of the government
23 of Porto Rico to the Secretary of War, and his said annual
24 report shall be transmitted to Congress, and he shall perform

1 such additional duties and functions as may in pursuance of
2 law be delegated to him by the President.

3 SEC. 18. That the following executive departments are
4 hereby created: A department of justice, the head of which
5 shall be designated as the attorney general; a department of
6 finance, the head of which shall be designated as the treas-
7 urer; a department of interior, the head of which shall be
8 designated as the commisisoner of the interior; a department
9 of education, the head of which shall be designated as the
10 commissioner of education; a department of agriculture and
11 labor, the head of which shall be designated as the commis-
12 sioner of agriculture and labor; and a department of health,
13 the head of which shall be designated as the commissioner
14 of health. The heads of two of these departments shall be
15 appointed by the President, by and with the advice and
16 consent of the Senate of the United States, to hold office
17 for four years and until their successors are appointed and
18 qualified, unless sooner removed by the President. The
19 heads of the four remaining departments shall be appointed
20 by the governor, by and with the advice and consent of the
21 Senate of Porto Rico. The heads of departments appointed
22 by the governor may be selected from the elected members
23 of the senate and house of representatives, and in such case
24 shall hold office for the term of their election to the legisla-
25 ture, unless sooner removed by the governor or vacating

1 their seats in the legislature. If such heads of departments
2 are not selected from members of the legislature they shall
3 hold office during the life of the existing legislature, unless
4 sooner removed by the governor.

5 Heads of departments shall reside in Porto Rico dur-
6 ing their official incumbency.

7 The heads of departments shall collectively form a
8 council to the governor, known as the executive council.
9 They shall perform under the general supervision of the
10 governor the duties hereinafter prescribed, or which may
11 hereafter be prescribed by law and such other duties, not
12 inconsistent with law, as the governor, with the approval
13 of the President, may assign to them; and they shall make
14 annual and such other reports to the governor as he may
15 require, which shall be transmitted to the Secretary of War.

16 SEC. 19. That the attorney general shall have general
17 charge of the administration of justice in Porto Rico. He
18 shall be the legal adviser of the governor and the heads of
19 departments, and shall appear for the people of Porto Rico
20 and prosecute and defend all actions and proceedings, civil
21 or criminal, in the Supreme Court of Porto Rico in which
22 the people of Porto Rico shall be interested or a party, and
23 may, if in his judgment the public interest requires, appear
24 for the people of Porto Rico and prosecute or defend in any
25 other court, or before any officer, in any cause, civil or

1 criminal, in which the people of Porto Rico may be a party
2 or interested.

3 SEC. 20. That the treasurer shall give bond, approved
4 as to form by the attorney general of Porto Rico, in such
5 sum as the legislature may require, not less, however, than
6 the sum of \$125,000, with surety approved by the governor,
7 and he shall collect and be the custodian of public funds,
8 and shall disburse the same when appropriated by law, on
9 warrants signed by the auditor and countersigned by the
10 governor, and perform such other duties as may be provided
11 by law. He may designate banking institutions in Porto
12 Rico and the United States as depositaries of the govern-
13 ment of Porto Rico, subject to such conditions as may be
14 prescribed by the governor, after they have filed with him
15 satisfactory evidence of their sound financial condition and
16 have deposited bonds of the United States or of the govern-
17 ment of Porto Rico or other security satisfactory to the
18 governor in such amounts as may be indicated by him;
19 and no banking institution shall be designated a depository
20 of the government of Porto Rico until the foregoing condi-
21 tions have been complied with nor used as a depository
22 except in the discretion of the treasurer of Porto Rico.

23 SEC. 21. That the commissioner of the interior shall
24 superintend all works of a public nature, have charge of all
25 public buildings, grounds, and lands, except those belonging

1 to the United States, and shall execute such requirements
2 as may be imposed by law with respect thereto, and per-
3 form such other duties as may be prescribed by law.

4 SEC. 22. That the commissioner of education shall
5 superintend public instruction throughout Porto Rico, and
6 all disbursements on account thereof must be approved by
7 him, and he shall perform such other duties as may be pre-
8 scribed by law.

9 SEC. 23. That the commissioner of agriculture and
10 labor shall have general charge of such bureaus and branches
11 of government as shall be legally constituted for the study,
12 advancement, and benefit of agricultural and other indus-
13 tries and of labor, and shall perform such other duties as
14 may be prescribed by law.

15 SEC. 24. That the commissioner of health shall have
16 general charge of all matters relating to public health, sani-
17 tation, and charities, and shall perform such other duties as
18 may be prescribed by law.

19 SEC. 25. That there shall be appointed by the President
20 an auditor, at an annual salary of \$7,500, who shall examine,
21 audit, and settle all accounts pertaining to the revenues and
22 receipts, from whatever source, of the government of Porto
23 Rico and of the municipal governments of Porto Rico, includ-
24 ing trust funds and funds derived from bond issues; and audit,
25 in accordance with law and administrative regulations, all

1 expenditures of funds or property pertaining to or held in
2 trust by the government of Porto Rico or the municipalities
3 thereof. He shall perform a like duty with respect to all
4 government branches.

5 He shall keep the general accounts of the government
6 and preserve the vouchers pertaining thereto.

7 It shall be the duty of the auditor to bring to the atten-
8 tion of the proper administrative officer expenditures of funds
9 or property which, in his opinion, are irregular, unnecessary,
10 excessive, or extravagant.

11 There shall be a deputy auditor appointed in the same
12 manner as the auditor, at an annual salary of \$4,000. The
13 deputy auditor shall sign such official papers as the auditor
14 may designate and perform such other duties as the auditor
15 may prescribe, and in case of the death, resignation, sickness,
16 or other absence of the auditor from his office, from any
17 cause, the deputy auditor shall have charge of such office.
18 In case of the absence from duty from any cause of both the
19 auditor and deputy auditor, the Governor of Porto Rico may
20 designate an assistant, who shall have charge of the office.

21 The jurisdiction of the auditor over accounts, whether of
22 funds or property, and all vouchers and records pertaining
23 thereto, shall be exclusive. With the approval of the gov-
24 ernor he shall from time to time make and promulgate

1 general or special rules and regulations not inconsistent with
2 law covering the methods of accounting for public funds
3 and property, and funds and property held in trust by the
4 government or any of its branches: *Provided*, That any
5 officer accountable for public funds or property may require
6 such additional reports or returns from his subordinates or
7 others as he may deem necessary for his own information
8 and protection.

9 The decisions of the auditor shall be final and conclusive
10 upon the executive branches of the government, except that
11 appeal therefrom may be taken by the party aggrieved or
12 the head of the department concerned within one year in
13 the manner hereinafter prescribed. The auditor shall, except
14 as hereinafter provided, have like authority as that conferred
15 by the law upon the several auditors of the United States
16 and the Comptroller of the United States Treasury, and is
17 authorized to communicate directly with any person having
18 claims before him for settlement, or with any department,
19 officer, or person having official relations with his office.

20 As soon after the close of each fiscal year, as the ac-
21 counts of said year may be examined and adjusted, the
22 auditor shall submit to the governor an annual report of the
23 fiscal concerns of the government, showing the receipts and
24 disbursements of the various departments and bureaus of
25 the government and of the various municipalities, and make

1 such other reports as may be required of him by the governor
2 or the Secretary of War.

3 In the execution of their duties the auditor and the
4 deputy auditor are authorized to summon witnesses, admin-
5 ister oaths, and to take evidence, and, in the pursuance of
6 these provisions, may issue subpoenas and enforce the attend-
7 ance of witnesses.

8 The office of the auditor shall be under the general
9 supervision of the governor and shall consist of the auditor
10 and deputy auditor and such necessary assistants as may be
11 prescribed by law.

12 SEC. 26. That any person aggrieved by the action or
13 decision of the auditor in the settlement of his account or
14 claim may, within one year, take an appeal in writing to the
15 governor, which appeal shall specifically set forth the par-
16 ticular action of the auditor to which exception is taken, with
17 the reason and authorities relied on for reversing such de-
18 cision. The decision of the governor in such case shall be
19 final and conclusive.

20 SEC. 27. That there shall be appointed by the gover-
21 nor, by, and with the advice and consent of the Senate of
22 Porto Rico, an executive secretary at an annual salary of
23 \$4,000, who shall record and preserve the minutes and pro-
24 ceedings of the public service commission hereinafter pro-
25 vided for and the laws enacted by the legislature and all acts

1 and proceedings of the governor, and promulgate all procla-
2 mations and orders of the governor and all laws enacted by
3 the legislature, and perform such other duties as may be
4 assigned to him by the Governor of Porto Rico. Any duties
5 heretofore assigned to the secretary of Porto Rico by exist-
6 ing law may be assigned to the executive secretary herein
7 provided for, or to any other department or bureau of the
8 government as may be determined by the governor.

9 SEC. 28. That the Governor of Porto Rico, within
10 sixty days after the end of each session of the legislature,
11 shall transmit to the Secretary of War, who shall in turn
12 transmit the same to the Congress of the United States,
13 copies of all laws enacted during the session.

14 SEC. 29. That the President may from time to time
15 designate the head of an executive department of Porto Rico
16 to act as governor in the case of a vacancy, the temporary
17 removal, resignation, or disability of the governor, or his
18 temporary absence, and the head of the department thus
19 designated shall exercise all the powers and perform all the
20 duties of the governor during such vacancy, disability, or
21 absence.

22 SEC. 30. That all local legislative powers in Porto
23 Rico, except as herein otherwise provided, shall be vested
24 in a legislature which shall consist of two houses, one the
25 senate and the other the house of representatives, and the

1 two houses shall be designated “ the Legislature of Porto
2 Rico.”

3 SEC. 31. That the Senate of Porto Rico shall consist
4 of such heads of executive departments as are not members
5 of the house of representatives and nineteen members elected
6 for terms of four years by the qualified electors of Porto
7 Rico. Each of the seven senatorial districts defined as here-
8 inafter provided shall have the right to elect two senators,
9 and in addition thereto there shall be elected five senators
10 at large. No person shall be an elective member of the
11 Senate of Porto Rico who is not over thirty years of age,
12 and who is not able to read and write either the Spanish or
13 English language, and who has not been a resident of Porto
14 Rico for at least two consecutive years, and, except in the
15 case of senators at large, an actual resident of the senatorial
16 district from which chosen for a period of at least one year
17 prior to his election, and who does not own in his individual
18 right taxable property in Porto Rico to the value of not less
19 than \$5,000. Except as herein otherwise provided, the
20 Senate of Porto Rico shall exercise all of the purely legis-
21 lative powers and functions heretofore exercised by the
22 Executive Council, including confirmation of appointments;
23 but appointments made while the senate is not in session
24 shall be effective either until disapproved or until the next
25 adjournment of the senate. In electing the five senators at

1 large each elector shall be permitted to vote for but one can-
2 didate, and the five candidates receiving the largest num-
3 ber of votes shall be elected.

4 SEC. 32. That the House of Representatives of Porto Rico
5 shall consist of thirty-nine members elected quadrennially by
6 the qualified electors of Porto Rico as hereinafter provided.
7 Each of the representative districts hereinafter provided for
8 shall have the right to elect one representative, and in addi-
9 tion thereto there shall be elected four representatives at
10 large. No person shall be a member of the house of repre-
11 sentatives who is not over twenty-five years of age, and who
12 is not able to read and write either the Spanish or English
13 language, and who does not own in his individual right tax-
14 able property, real or personal, situated in Porto Rico, and,
15 except in the case of representatives at large, who has not
16 been a bona fide resident of the district from which elected
17 for at least one year prior to his election. In electing the
18 four representatives at large, each elector shall be permitted
19 to vote for but one candidate and the four candidates receiv-
20 ing the largest number of votes shall be elected.

21 SEC. 33. That for the purpose of elections hereafter to
22 the legislature the island of Porto Rico shall be divided into
23 thirty-five representative districts, composed of contiguous
24 and compact territory and established, so far as practicable,
25 upon the basis of equal population. The division into and

1 the demarcation of electoral districts shall be made by a
2 commission of three persons to be appointed by the governor,
3 one member of which shall be chosen by him from each of
4 the two political parties casting the highest number of votes
5 at the last general election, and the third member of which
6 shall be chosen at his discretion. Division of districts shall
7 be made as nearly as practicable to conform to the topograph-
8 ical nature of the land, with regard to roads and other means
9 of communication, and to natural barriers. Said commission
10 shall also divide the island of Porto Rico into seven sena-
11 torial districts, each composed of five contiguous and compact
12 representative districts. They shall make their report within
13 thirty days after the approval of this Act, which report,
14 when approved by the governor, shall be final.

15 SEC. 34. That the next election in Porto Rico shall be
16 held at the time and in the manner now provided by law,
17 and that there shall be then chosen senators and repre-
18 sentatives as herein provided. Thereafter elections shall
19 be held only on such days and under such regulations as to
20 ballots and voting as may be prescribed by the Legislature
21 of Porto Rico.

22 SEC. 35. That the term of office of elective senators
23 and representatives shall be four years from the first of
24 January following their election. In case of vacancy among
25 the elective members of the senate or in the house of rep-

1 representatives, special elections may be held in the districts
2 wherein such vacancy occurred under such regulations as
3 may be prescribed by law, but senators or representatives
4 elected in such cases shall hold office only for the unex-
5 pired portion of the term wherein the vacancy occurred.

6 SEC. 36. That members of the senate and house of rep-
7 resentatives of Porto Rico shall receive compensation at
8 the rate of \$7 per day while in session, and mileage at the
9 rate of 20 cents per kilometer for each kilometer actually and
10 necessarily traveled in going from their legislative districts
11 to the capital and therefrom to their places of residence in
12 their districts by the usual routes of travel: *Provided*, That
13 members appointed heads of executive departments shall
14 receive only the salaries provided for such executive offices.

15 SEC. 37. That the senate and house of representatives,
16 respectively, shall be the sole judges of the elections, returns,
17 and qualifications of their members, and they shall have and
18 exercise all the powers with respect to the conduct of their
19 proceedings that usually pertain to parliamentary legislative
20 bodies. Both houses shall convene at the capital on the
21 second Monday in January following the next election, and
22 organize by the election of a speaker or a presiding officer, a
23 clerk, and a sergent-at-arms for each house, and such other
24 officers and assistants as may be required.

1 SEC. 38. That the first regular session of the Legislature
2 of Porto Rico provided for by this Act shall convene on the
3 second Monday in January, nineteen hundred and fifteen,
4 and biennially thereafter; but no regular session shall con-
5 tinue longer than ninety days, not including Sundays, holi-
6 days, or days during which both houses may by concurrent
7 resolution have agreed to a recess. The governor may call
8 special sessions of the legislature or of the senate for specific
9 purposes at any time when in his opinion the public interest
10 may require it, and shall call the senate in session at least
11 once each year, but no special session shall continue longer
12 than ten days and no legislation shall be considered at such
13 session other than that specified in the call.

14 SEC. 39. That the enacting clause of the laws shall
15 be as to acts, "Be it enacted by the Legislature of Porto
16 Rico," and as to joint resolutions, "Be it resolved by the
17 Legislature of Porto Rico." All bills and joint resolutions
18 may originate in either house. The general appropriation bill
19 may be prepared by the governor and shall be introduced
20 as prepared or approved by him within the first ten days of
21 the session of the legislature, but shall be subject to amend-
22 ment as in the case of any other bill; no bill shall become a
23 law until it be passed in each house by a majority vote of
24 all of the members belonging to such house and be approved

1 by the governor within ten days thereafter. If when a bill
2 that has been passed is presented to the governor for his
3 signature he approves the same he shall sign it; or if not, he
4 shall return it, with his objections, to that house in which it
5 originated, which house shall enter his objections at large
6 on its journal. If any bill presented to the governor contains
7 several items of appropriation of money, he may object to
8 one or more of such items or any part or portion of the
9 amount appropriated while approving of the other portion
10 of the bill. In such case he shall append to the bill, at the
11 time of signing it, a statement of the items to which he
12 objects, and the appropriation so objected to shall not take
13 effect. If any bill shall not be returned by the governor
14 within ten days (Sundays excepted) after it shall have been
15 presented to him, it shall become a law in like manner as if
16 he had signed it, unless the legislature by adjournment pre-
17 vents its return, in which case it shall be a law as if signed
18 by the governor within thirty days after receipt by him;
19 otherwise it shall not be a law. If the governor, within the
20 period in which he may disapprove, advises that he has
21 withheld action pending advice from the President, he may
22 approve or disapprove an act at any time within thirty
23 days after it has been presented to him. All laws enacted
24 by the Legislature of Porto Rico shall be reported to the
25 Congress of the United States, which hereby reserves the

1 power and authority to annul the same. If at the termina-
2 tion of any fiscal year the appropriations necessary for the
3 support of government for the ensuing fiscal year shall not
4 have been made, an amount equal to the sums appropriated
5 in the last appropriation bills for such purpose shall be
6 deemed to be appropriated; and until the legislature shall
7 act in such behalf the treasurer may, with the advice of the
8 governor, make the payments necessary for the purposes
9 aforesaid.

10 SEC. 40. That the qualified electors of Porto Rico after
11 the general election of nineteen hundred and fourteen, and
12 for any election whatsoever, shall consist of those citizens
13 already registered as voters under the laws of Porto Rico,
14 and of those that will be thereafter registered in accordance
15 with the terms of this Act and of the laws of Porto Rico.
16 That after the approval of this Act no person shall be allowed
17 to register as a voter in Porto Rico who is not a citizen of
18 the United States or of Porto Rico, over twenty-one years
19 of age and who is not able to read and write, or on the date
20 of registration shall not own taxable real estate in his own
21 right or name, either personally or as a bona fide member
22 of a firm or copartnership.

23 SEC. 41. That the qualified electors of Porto Rico shall,
24 at the general election in nineteen hundred and fourteen,
25 and every four years thereafter, choose a Resident Com-

1 commissioner to the United States, whose term of office shall
2 be four years from the fourth of March following, and who
3 shall be entitled to receive official recognition as such Com-
4 missioner by all of the departments of the Government of the
5 United States, upon presentation, through the Department of
6 State, of a certificate of election of the Governor of Porto
7 Rico. The Resident Commissioner shall receive a salary,
8 payable monthly by the United States, of \$7,500 per annum.
9 Such Commissioner shall be allowed the same sum for sta-
10 tionery and for the pay of necessary clerk hire as is now
11 allowed to Members of the House of Representatives of the
12 United States; the sum of \$500 as mileage for each session
13 of the House of Representatives; and the franking privilege
14 now enjoyed by Members of the House of Representatives.
15 No person shall be eligible to election as Resident Commis-
16 sioner who is not a bona fide citizen of Porto Rico, and who
17 is not more than thirty years of age, and who does not read
18 and write the English language.

19 SEC. 42. That the legislative authority herein provided
20 shall extend to all matters of a legislative character not
21 locally inapplicable, including power to create, consolidate,
22 and reorganize the municipalities so far as may be necessary,
23 and to provide and repeal laws and ordinances therefor; also
24 the power to alter, amend, modify, and repeal any and all
25 laws and ordinances of every character now in force in Porto

1 Rico or any municipality or district thereof not inconsistent
2 with the provisions of this Act.

3 No executive department not provided for in this Act
4 shall be created, but the legislature may from time to time
5 create additional bureaus in any of the departments created
6 or authorized hereby, and each additional bureau so created
7 shall be subject to the supervision and control of the head of
8 the executive department in which it is established.

9 SEC. 43. That all grants of franchises, rights, and priv-
10 ileges or concessions of a public or quasi public nature shall
11 be made by a public service commission, consisting of the
12 executive council and the auditor. The said commission is
13 also empowered and directed to discharge all the executive
14 functions heretofore conferred by law upon the executive
15 council, provided by the Act of April twelfth, nineteen hun-
16 dred, not inconsistent with the provisions of this Act, includ-
17 ing the powers and duties prescribed by an act of the legis-
18 lative assembly of Porto Rico entitled "An act concerning
19 the regulation of public-service corporations in ~~Porto~~ Rico,"
20 approved March twelfth, nineteen hundred and eight, and
21 all amendments which may be or have been made thereto by
22 the Legislature of Porto Rico, and including all the powers
23 and duties heretofore exercised by the executive council with
24 regard to all municipal loans and bonds, and advancements
25 of insular funds to municipalities and school boards; and all

1 franchises, rights, and privileges or concessions granted by
2 the said commission shall not be effective until approved by
3 the governor, and shall be reported to Congress, which
4 hereby reserves the power to annul or modify the same.
5 Whenever the legislature shall have authorized the borrowing
6 of money or the creation of any indebtedness by the insular
7 government, the commission may, within the authorization of
8 the legislature, prescribe the terms of all notes, bonds, or other
9 instruments to be issued as evidences of said indebtedness, and
10 the price or prices for which they shall be sold or disposed of.
11 When the action of the commission in that regard shall have
12 been approved by the governor, the treasurer shall dispose of
13 such securities in pursuance thereof, and turn the proceeds
14 into the public treasury.

15 SEC. 44. That all grants of franchises, privileges, and
16 concessions under the section last preceding shall provide
17 that the same shall be subject to amendment, alteration, or
18 repeal, and shall forbid the issue of stocks or bonds except
19 in exchange for actual cash or property at a fair valuation
20 equal in amount to the par value of the stocks or bonds
21 issued, and shall forbid the declaring of stock or bond
22 dividends, and, in the case of public-service corporations,
23 shall provide for the effective regulation of charges thereof
24 and for the purchase or taking of their property by the
25 authorities at a fair and reasonable valuation.

1 SEC. 45. That the laws of the United States relating
2 to immigration, to tariffs, customs, and duties on importa-
3 tions into the United States and the regulations made pur-
4 suant thereto shall apply in Porto Rico, but the execution of
5 such laws and regulations shall be effected through officials
6 of Porto Rico appointed by the Governor of Porto Rico, and
7 appeal from the decision of such officials shall be to the courts
8 of Porto Rico as shall be provided by the legislature.

9 SEC. 46. That the judicial power shall be vested in the
10 courts and tribunals of Porto Rico now established and in
11 operation under and by virtue of existing laws. The juris-
12 diction of said courts and the form of procedure in them, and
13 the various officers and attachés thereof, shall also continue
14 to be as now provided until otherwise provided by law:
15 *Provided, however,* That the chief justice and associate jus-
16 tices of the supreme court shall be appointed by the Presi-
17 dent, by and with the advice and consent of the Senate, and
18 the Legislature of Porto Rico shall have authority, from time
19 to time as it may see fit, not inconsistent with this Act, to
20 . organize, modify, or rearrange the courts and their jurisdic-
21 tion and procedure, except the District Court of the United
22 States for Porto Rico.

23 SEC. 47. That Porto Rico shall constitute a judicial
24 district to be called "the district of Porto Rico." The
25 President, by and with the advice and consent of the Senate,

1 shall appoint one district judge who shall as to pay, tenure,
2 retirement, and allowances be on the same footing as other
3 United States district judges. There shall be appointed in
4 like manner a district attorney and a marshal for said district,
5 each for a term of four years unless sooner removed by the
6 President. The district court for said district shall be called
7 “the District Court of the United States for Porto Rico,”
8 and shall have power to appoint all necessary officials and
9 assistants, including the clerk, interpreter, and such com-
10 missioners as may be necessary, who shall be entitled to the
11 same fees and have like powers and duties as are exercised
12 and performed by United States commissioners. Such
13 court shall have jurisdiction of all cases cognizable in the
14 district and circuit courts of the United States, and shall
15 proceed in the same manner; and in addition shall have
16 jurisdiction for the naturalization of aliens, and shall have
17 jurisdiction of all controversies where all of the parties on
18 either side of the controversy are citizens or subjects of a for-
19 eign state or states, or citizens of the United States, or a State,
20 Territory, or District thereof, or territory under the jurisdic-
21 tion thereof whose domicile is not in Porto Rico, wherein
22 the matter in dispute exceeds, exclusive of interest or cost,
23 the sum or value of \$2,000, and of all controversies in which
24 there is a separable controversy involving such jurisdictional
25 amount, and in which all of the parties on either side of such

1 separable controversy are citizens or subjects of the character
2 aforesaid: *Provided*, That nothing in this Act shall be
3 deemed to impair the jurisdiction of the “district court of
4 the United States for Porto Rico,” to hear and determine
5 all controversies pending in said court at the date of the
6 approval of this Act: *Provided further*, That hereafter the
7 salaries of the judge and officials of the district court of the
8 United States for Porto Rico, together with the court ex-
9 penses, shall be paid from the United States revenues in the
10 same manner as in other United States district courts. In
11 case of vacancy or of the death, absence, or other legal
12 disability on the part of the judge of the said “the district
13 court of the United States for Porto Rico,” the Governor of
14 Porto Rico is authorized to designate one of the judges of
15 the Supreme Court of Porto Rico to discharge the duties of
16 judge of said court until such absence or disability shall be
17 removed, and thereupon such judge so designated for said
18 service shall be fully authorized and empowered to perform
19 the duties of said office during such absence or disability
20 of such regular judge, and to sign all necessary papers and
21 records as the acting judge of said court, without extra
22 compensation.

23 SEC. 48. That the laws of the United States relating
24 to appeals, writs of error and certiorari, removal of causes,

1 and other matters of proceedings as between the courts of
2 the United States and the courts of the several States,
3 shall govern in such matters and proceedings as between
4 the district court of the United States and the courts of
5 Porto Rico. Regular terms of said court shall be held at
6 San Juan, commencing on the second Monday in April and
7 October of each year, and also at Ponce on the second Mon-
8 day in January of each year, and special terms may be
9 held at Mayaguez at such other stated times as said judge
10 may deem expedient. All pleadings and proceedings in
11 said court shall be conducted in the English language. The
12 said district court shall be attached to and included in the
13 third circuit of the United States, with the right of appeal
14 and review by said circuit court of appeals in all cases where
15 the same would lie from any district or circuit court to a
16 circuit court of appeals of the United States.

17 SEC. 49. That writs of error and appeals from the final
18 decisions of the Supreme Court of Porto Rico and the Dis-
19 trict Court of the United States for Porto Rico shall be
20 allowed, and may be taken to the Supreme Court of the
21 United States in the same manner and under the same
22 regulations and in the same cases as from the supreme
23 courts of Territories of the United States, and from the
24 circuit and district courts of the United States, respec-
25 tively, and such writs of error and appeal shall be allowed

1 in all cases where the Constitution of the United States,
2 or a treaty thereof, or an Act of Congress is brought
3 in question and the right claimed thereunder is denied. All
4 such proceedings in the Supreme Court of the United States
5 shall be conducted in the English language.

6 SEC. 50. That the qualifications of jurors as fixed by
7 the local laws of Porto Rico shall not apply to jurors selected
8 to serve in the district court of the United States for Porto
9 Rico; but the qualifications required of jurors in said court
10 shall be that each shall be of the age of twenty-one years,
11 and not over sixty-five years, a resident of Porto Rico for
12 not less than one year, and have a sufficient knowledge of
13 the English language to enable him to serve as a juror; they
14 shall also be citizens of the United States. Juries for the
15 said court shall be selected and drawn in accordance
16 with the laws of Congress regulating the same in United
17 States courts, but exemption from jury duty allowed by
18 the local laws shall be respected by the court when insisted
19 upon by veniremen.

20 SEC. 51. That all such fees, fines, costs, and forfeitures
21 as would be deposited to the credit of the United States if
22 collected and paid into a district court of the United States
23 shall become revenues of the United States if collected and
24 paid into the district court of the United States for Porto
25 Rico.

1 SEC. 52. That the Attorney General of the United
2 States shall from time to time determine the salaries of all
3 officials and assistants appointed by the United States district
4 court, including the clerk, his deputies, interpreter, stenogra-
5 pher, and other officials and employees, the same to be paid
6 by the United States as other salaries and expenses of like
7 character in United States courts.

8 SEC. 53. That jurors and witnesses in the District Court
9 of the United States for Porto Rico shall be entitled to and
10 receive 15 cents for each mile necessarily traveled over any
11 stage line or by private conveyance and 10 cents for each
12 mile over any railway in going to and returning from said
13 courts. But no constructive or double mileage fees shall be
14 allowed by reason of any person being summoned both as
15 witness and juror or as witness in two or more cases pending
16 in the same court and triable at the same term thereof.
17 Such jurors shall be paid \$2 per day and such witnesses \$1
18 per day while in attendance upon the court.

19 SEC. 54. That the Supreme and District Courts of Porto
20 Rico and the respective judges thereof may grant writs of
21 habeas corpus in all cases in which the same are grantable
22 by the judges of the district courts of the United States, and
23 the district courts may grant writs of mandamus in all proper
24 cases.

1 SEC. 55. That hereafter all judges, marshals, and secre-
2 taries of courts now established or that may hereafter be
3 established in Porto Rico, and whose appointment by the
4 President is not provided for by law, shall be appointed by
5 the governor, by and with the advice and consent of the
6 Senate of Porto Rico.

7 SEC. 56. That except as in this Act otherwise pro-
8 vided the salaries of all the officials of Porto Rico not ap-
9 pointed by the President, including deputies, assistants, and
10 other help, shall be such, and be so paid out of the revenues
11 of Porto Rico, as shall from time to time be determined
12 by the Legislature of Porto Rico and approved by the gov-
13 ernor; and if the legislature shall fail to make an appropria-
14 tion for such salaries, the salaries so fixed shall be paid with-
15 out the necessity of further appropriations therefor. The
16 salaries of all officers and all expenses of the offices of the
17 various officials of Porto Rico appointed as herein pro-
18 vided by the President shall also be paid out of the reve-
19 nues of Porto Rico on warrant of the auditor, countersigned
20 by the governor. The annual salaries of the following-
21 named officials appointed by the President and so to be paid
22 shall be: The governor, \$12,000, and in addition thereto he
23 shall be entitled to the occupancy of the buildings heretofore
24 used by the chief executive of Porto Rico, with the furniture
25 and effects therein, free of rental; heads of executive depart-

1 ments, \$7,500; chief justice of the supreme court, \$7,500;
2 associate justices of the supreme court, \$6,500 each.

3 Where any officer whose salary is fixed by this Act is
4 required to give a bond, the premium thereof shall be paid
5 from the insular treasury.

6 SEC. 57. That the provisions of the foregoing section
7 shall not apply to municipal officials; their salaries and the
8 compensation of their deputies, assistants, and other help,
9 as well as all other expenses incurred by the municipalities,
10 shall be paid out of the municipal revenues, in such manner
11 as the legislature shall provide.

12 SEC. 58. That wherever in this Act officers of the
13 government are provided for under the same names as in
14 the heretofore existing Acts of Congress affecting Porto
15 Rico, the present incumbents of those offices shall continue
16 in office in accordance with the terms and at the salaries
17 prescribed by this Act. The office of secretary of Porto
18 Rico is hereby abolished. Authority is given to the respec-
19 tive appointing authorities to appoint and commission per-
20 sons to fill the new offices created by this Act.

21 SEC. 59. That any bureau or office belonging to any
22 of the regular departments of the government, or hereafter
23 created, or not assigned, may be transferred or assigned
24 to any department by the governor upon the approval of the
25 President of the United States.

1 SEC. 60. That deeds and other instruments affecting
2 land situate in the District of Columbia, or any other Ter-
3 ritory of the United States, may be acknowledged in Porto
4 Rico before any notary public appointed therein by proper
5 authority, or any officer therein who has ex officio the
6 powers of a notary public: *Provided*, That the certificate
7 by such notary shall be accompanied by the certificate of
8 the executive secretary of Porto Rico to the effect that the
9 notary taking such acknowledgment is in fact such notarial
10 officer.

11 SEC. 61. That nothing in this Act shall be deemed to
12 impair or interrupt the jurisdiction of existing courts over
13 matters pending therein upon the approval of this Act, which
14 jurisdiction is in all respects hereby continued, the pur-
15 pose of this Act being to preserve the integrity of all of said
16 courts and their jurisdiction until otherwise provided by
17 law, except as in this Act otherwise specifically provided.

18 SEC. 62. That this Act shall take effect upon approval,
19 but until its provisions shall severally become operative, as
20 hereinbefore provided, the corresponding legislative and
21 executive functions of the government in Porto Rico shall
22 continue to be exercised and in full force and operation as
23 now provided by law; and for the purpose of fulfilling its
24 functions as the upper house of the legislative assembly
25 and for action upon appointments by the governor and for

1 all other necessary purposes the Executive Council shall,
2 until the assembly and organization of the Legislature of
3 Porto Rico as herein provided, consist of the attorney gen-
4 eral, the treasurer, the commissioner of the interior, the
5 commissioner of education, the commissioner of health, and
6 the commissioner of agriculture and labor, and the five addi-
7 tional members as now provided by law. And any functions
8 herein assigned to the Senate of Porto Rico may, until
9 this said senate has assembled and organized, as herein
10 provided, be exercised by the Executive Council as thus
11 constituted.

12 SEC. 63. That all laws or parts of laws applicable to
13 Porto Rico not in conflict with any of the provisions of this
14 Act are hereby continued in force and effect.

63D CONGRESS, }
2D SESSION. } **S. 4604.**

A BILL

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

By Mr. SHAFROTH.

FEBRUARY 25, 1914.—Read twice and referred to the
Committee on Pacific Islands and Porto Rico.