

64TH CONGRESS,
1ST SESSION.

S. 1217.

IN THE SENATE OF THE UNITED STATES.

DECEMBER 10, 1915.

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

1 without due process of law, or deny to any person therein
2 the equal protection of the laws.

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

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

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

17 That no law impairing the obligation of contracts shall
18 be enacted.

19 That no person shall be imprisoned for debt.

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

1 That no ex post facto law or bill of attainder shall be
2 enacted.

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

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

11 That the right to be secure against unreasonable
12 searches and seizures shall not be violated.

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

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

20 That no law shall be made respecting an establishment
21 of religion or prohibiting the free exercise thereof, and that
22 the free exercise and enjoyment of religious profession and
23 worship without discrimination or preference, shall forever
24 be allowed, and that no political or religious test, other than
25 an oath to support the Constitution of the United States

1 and the laws of Porto Rico shall be required as a qualifica-
2 tion to any office or public trust under Porto Rico.

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

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

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

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

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

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

23 SEC. 3. That no export duties shall be levied or col-
24 lected on exports from Porto Rico, but taxes and assessments
25 on property and license fees for franchises, privileges, and

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

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

21 SEC. 5. That all citizens of Porto Rico, as defined
22 by section seven of the Act of April twelfth, nineteen
23 hundred, "temporarily to provide revenues and a civil
24 government for Porto Rico, and for other purposes," and
25 all natives of Porto Rico who were temporarily absent from

1 that island on April eleventh, eighteen hundred and ninety-
2 nine, and have since returned and are permanently resid-
3 ing in that island, and are not citizens of any foreign
4 country, are hereby declared, and shall be deemed and held
5 to be, citizens of the United States: *Provided*, That any
6 person hereinbefore described may retain his present politi-
7 cal status by making a declaration, under oath, of his decision
8 to do so within six months of the taking effect of this Act
9 before the district court in the district in which he resides,
10 the declaration to be in form as follows:

11 “I, . being duly sworn, hereby declare my
12 intention not to become a citizen of the United States as
13 provided in the Act of Congress conferring United States
14 citizenship upon citizens of Porto Rico and certain natives
15 permanently residing in said island.”

16 In the case of any such person who may be absent
17 from the island during said six months the term of this
18 proviso may be availed of by transmitting a declaration,
19 under oath, in the form herein provided within six months
20 of the taking effect of this Act to the executive secretary of
21 Porto Rico: *Provided further*, That any person who is
22 born in Porto Rico of an alien parent and is permanently
23 residing in that island may, if of full age, within six months
24 of the taking effect of this Act, or if a minor upon reaching
25 his majority or within one year thereafter, make a sworn

1 declaration of allegiance to the United States before the
2 United States District Court for Porto Rico, setting forth
3 therein all the facts connected with his or her birth and
4 residence in Porto Rico and accompanying due proof
5 thereof, and from and after the making of such declaration
6 shall be considered to be a citizen of the United States.

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

12 SEC. 7. That all expenses that may be incurred on
13 account of the government of Porto Rico for salaries of
14 officials and the conduct of their offices and departments,
15 and all expenses and obligations contracted for the internal
16 improvement or development of the island, not, however,
17 including defenses, barracks, harbors, lighthouses, buoys,
18 and other works undertaken by the United States, shall,
19 except as otherwise specifically provided by the Congress,
20 be paid by the treasurer of Porto Rico out of the revenue
21 in his custody.

22 SEC. 8. That all property which may have been
23 acquired in Porto Rico by the United States under the ces-
24 sion of Spain in the treaty of peace entered into on the tenth
25 day of December, eighteen hundred and ninety-eight, in any

1 public bridges, road houses, water powers, highways, un-
2 navigable streams and the beds thereof, subterranean waters,
3 mines or minerals under the surface of private lands, all
4 property which at the time of the cession belonged, under
5 the laws of Spain then in force, to the various harbor works
6 boards of Porto Rico, all the harbor shores, docks, slips, re-
7 claimed lands, and all public lands and buildings not hereto-
8 fore reserved by the United States for public purposes, are
9 hereby placed under the control of the government of Porto
10 Rico, to be administered for the benefit of the people of
11 Porto Rico; and the Legislature of Porto Rico shall have
12 authority, subject to the limitations imposed upon all its acts,
13 to legislate with respect to all such matters as it may deem
14 advisable: *Provided*, That the President may from time to
15 time, in his discretion, convey to the people of Porto Rico
16 such lands and buildings or interests therein reserved for
17 public purposes under the authority conferred by the Act
18 approved July first, nineteen hundred and two, as in his
19 opinion are no longer needed for purposes of the United
20 States. And he may from time to time accept from the
21 people of Porto Rico any lands, buildings, or interests
22 therein which may be needed for public purposes by the
23 United States, and which the Legislature of Porto Rico may
24 grant to the United States.

1 SEC. 9. That the harbor areas and navigable streams
2 and bodies of water and submerged lands underlying the
3 same in and around the island of Porto Rico and the adjacent
4 islands and waters, now owned by the United States and
5 not reserved by the United States for public purposes, be,
6 and the same are hereby, placed under the control of the
7 government of Porto Rico, to be administered in the same
8 manner and subject to the same limitations as the property
9 enumerated in the preceding section: *Provided*, That all laws
10 of the United States for the protection and improvement of
11 the navigable waters of the United States and the preserva-
12 tion of the interests of navigation and commerce, except so
13 far as the same may be locally inapplicable, shall apply to
14 said island and waters and to its adjacent islands and waters:
15 *Provided further*, That nothing in this Act contained shall
16 be construed so as to affect or impair in any manner the
17 terms or conditions of any authorizations, permits, or other
18 powers heretofore lawfully granted or exercised in, or in
19 respect of said waters and submerged lands in and sur-
20 rounding said island and its adjacent islands by the Secretary
21 of War or other authorized officer or agent of the United
22 States: *And provided further*, That the Act of Congress
23 approved June eleventh, nineteen hundred and six, entitled
24 “An Act to empower the Secretary of War, under certain

1 restrictions. to authorize the construction, extension, and
2 maintenance of wharves, piers, and other structures on lands
3 underlying harbor areas in navigable streams and bodies
4 of water in or surrounding Porto Rico and the islands ad-
5 jacent thereto,” and all other laws and parts of laws in
6 conflict with this Act, be. and the same are hereby, repealed.

7 SEC. 10. That the statutory laws of the United States
8 hereafter enacted shall not apply to Porto Rico except when
9 they specifically so provide or it is so provided in this Act.

10 SEC. 11. That the legislative authority herein provided
11 shall have power, when not inconsistent with this Act, by
12 due enactment to amend, alter, modify, or repeal any law or
13 ordinance, civil or criminal, continued in force by this Act as
14 it may from time to time see fit.

15 SEC. 12. That all judicial process shall run in the name
16 of “United States of America, ss. the President of the
17 United States,” and all penal or criminal prosecutions in
18 the local courts shall be conducted in the name and by the
19 authority of “The People of Porto Rico”; and all officials
20 authorized by this Act shall, before entering upon the duties
21 of their respective offices, take an oath to support the Consti-
22 tution of the United States and the laws of Porto Rico.

23 SEC. 13. That all reports required by law to be made
24 by the governor or heads of departments to any official in the
25 United States shall hereafter be made to the Secretary of

1 War, under whom is placed all matters pertaining to the
2 government of Porto Rico.

3 SEC. 14. That the supreme executive power shall be
4 vested in an executive officer, whose official title shall be
5 “The Governor of Porto Rico.” He shall be appointed by
6 the President, by and with the advice and consent of the
7 Senate, and hold his office at the pleasure of the President
8 and until his successor is chosen and qualified. The gover-
9 nor shall reside in Porto Rico during his official incumbency
10 and maintain his office at the seat of government. He shall
11 have general supervision and control of all the departments
12 and bureaus of the government in Porto Rico, so far as is
13 not inconsistent with the provisions of this Act, and shall
14 be commander in chief of the militia. He may grant par-
15 dons and reprieves and remit fines and forfeitures for offenses
16 against the laws of Porto Rico, and respites for offenses
17 against the laws of the United States until the decision of
18 the President can be ascertained, and may veto any legis-
19 lation enacted as hereinafter provided. He shall commission
20 all officers that he may be authorized to appoint. He shall
21 be responsible for the faithful execution of the laws of Porto
22 Rico and of the United States applicable in Porto Rico, and
23 whenever it becomes necessary he may call upon the com-
24 manders of the military and naval forces of the United
25 States in the island, or summon the posse comitatus, or

1 call out the militia to prevent or suppress lawless violence,
2 invasion, insurrection, or rebellion, and he may, in case of
3 rebellion or invasion, or imminent danger thereof, when the
4 public safety requires it, suspend the privilege of the writ of
5 habeas corpus, or place the island, or any part thereof, under
6 martial law until communication can be had with the
7 President and his decision therein made known. He shall
8 annually, and at such other times as he may be required,
9 make official report of the transactions of the government
10 of Porto Rico to the Secretary of War, and his said annual
11 report shall be transmitted to Congress, and he shall perform
12 such additional duties and functions as may in pursuance of
13 law be delegated to him by the President.

14 SEC. 15. That the following executive departments are
15 hereby created: A department of justice, the head of which
16 shall be designated as the attorney general; a department of
17 finance, the head of which shall be designated as the treas-
18 urer; a department of interior, the head of which shall be
19 designated as the commissioner of the interior; a department
20 of education, the head of which shall be designated as the
21 commissioner of education; a department of agriculture and
22 labor, the head of which shall be designated as the com-
23 missioner of agriculture and labor; and a department of
24 health, the head of which shall be designated as the com-
25 missioner of health. The heads of two of these departments

1 shall be appointed by the President, by and with the advice
2 and consent of the Senate of the United States, to hold office
3 for four years and until their successors are appointed and
4 qualified, unless sooner removed by the President. The
5 heads of the four remaining departments shall be appointed
6 by the governor, by and with the advice and consent of the
7 Senate of Porto Rico. The heads of departments appointed
8 by the governor may be selected from the elected members
9 of the senate and house of representatives, and in such case
10 shall hold office for the term of their election to the legis-
11 lature, unless sooner removed by the governor or vacating
12 their seats in the legislature. If such heads of departments
13 are not selected from members of the legislature they shall
14 hold office during the life of the existing legislature and until
15 their successors are appointed and qualify, unless sooner
16 removed by the governor.

17 Heads of departments shall reside in Porto Rico dur-
18 ing their official incumbency.

19 The heads of departments shall collectively form a
20 council to the governor, known as the executive council.
21 They shall perform under the general supervision of the
22 governor the duties hereinafter prescribed, or which may
23 hereafter be prescribed by law and such other duties, not
24 inconsistent with law, as the governor, with the approval
25 of the President, may assign to them; and they shall make

1 annual and such other reports to the governor as he may
2 require, which shall be transmitted to the Secretary of War.

3 SEC. 16. 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 be responsible for the proper rep-
7 resentation of the people of Porto Rico or its duly con-
8 stituted officers in all actions and proceedings, civil or
9 criminal, in the Supreme Court of Porto Rico in which the
10 people of Porto Rico shall be interested or a party, and he
11 may, if in his judgment the public interest requires it, rep-
12 resent the people of Porto Rico or its duly constituted
13 officers in any other court or before any other officer or
14 board in any action or proceeding, civil or criminal, in
15 which the people of Porto Rico may be a party or be
16 interested. He shall also perform such other duties not
17 inconsistent herewith as may be prescribed by law.

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

1 by law. He may designate banking institutions in Porto
2 Rico and the United States as depositaries of the govern-
3 ment of Porto Rico, subject to such conditions as may be
4 prescribed by the governor, after they have filed with him
5 satisfactory evidence of their sound financial condition and
6 have deposited bonds of the United States or of the govern-
7 ment of Porto Rico or other security satisfactory to the
8 governor in such amounts as may be indicated by him;
9 and no banking institution shall be designated a depository
10 of the government of Porto Rico until the foregoing condi-
11 tions have been complied with.

12 SEC. 18. That the commissioner of the interior shall
13 superintend all works of a public nature, have charge of all
14 public buildings, grounds, and lands, except those belonging
15 to the United States, and shall execute such requirements
16 as may be imposed by law with respect thereto, and per-
17 form such other duties as may be prescribed by law.

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

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

1 advancement, and benefit of agricultural and other indus-
2 tries, the chief purpose of this department being to foster,
3 promote, and develop the welfare of the wage earners of
4 Porto Rico, to improve their working conditions, and to
5 advance their opportunities for profitable employment.

6 SEC. 21. That the commissioner of health shall have
7 general charge of all matters relating to public health, sani-
8 tation, and charities, and shall perform such other duties as
9 may be prescribed by law.

10 SEC. 22. That there shall be appointed by the President
11 an auditor, at an annual salary of \$5,000, who shall examine,
12 audit, and settle all accounts pertaining to the revenues and
13 receipts, from whatever source, of the government of Porto
14 Rico and of the municipal governments of Porto Rico, includ-
15 ing trust funds and funds derived from bond issues: and audit,
16 in accordance with law and administrative regulations, all
17 expenditures of funds or property pertaining to or held in
18 trust by the government of Porto Rico or the municipalities
19 thereof. He shall perform a like duty with respect to all
20 government branches.

21 He shall keep the general accounts of the government
22 and preserve the vouchers pertaining thereto.

23 It shall be the duty of the auditor to bring to the atten-
24 tion of the proper administrative officer expenditures of funds

1 or property which, in his opinion, are irregular, unnecessary,
2 excessive, or extravagant.

3 There shall be a deputy auditor appointed in the same
4 manner as the auditor, at an annual salary of \$3,000. The
5 deputy auditor shall sign such official papers as the auditor
6 may designate and perform such other duties as the auditor
7 may prescribe, and in case of the death, resignation, sickness,
8 or other absence of the auditor from his office, from any
9 cause, the deputy auditor shall have charge of such office.
10 In case of the absence from duty from any cause of both the
11 auditor and deputy auditor, the Governor of Porto Rico may
12 designate an assistant, who shall have charge of the office.

13 The jurisdiction of the auditor over accounts, whether
14 of funds or property, and all vouchers and records pertaining
15 thereto, shall be exclusive. With the approval of the gov-
16 ernor he shall from time to time make and promulgate
17 general or special rules and regulations not inconsistent with
18 law covering the methods of accounting for public funds
19 and property, and funds and property held in trust by the
20 government or any of its branches: *Provided*, That any
21 officer accountable for public funds or property may require
22 such additional reports or returns from his subordinates or
23 others as he may deem necessary for his own information
24 and protection.

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

12 As soon after the close of each fiscal year, as the ac-
13 counts of said year may be examined and adjusted, the
14 auditor shall submit to the governor an annual report of the
15 fiscal concerns of the government, showing the receipts and
16 disbursements of the various departments and bureaus of
17 the government and of the various municipalities, and make
18 such other reports as may be required of him by the governor
19 or the Secretary of War.

20 In the execution of their duties the auditor and the
21 deputy auditor are authorized to summon witnesses, admin-
22 ister oaths, and to take evidence, and, in the pursuance of
23 these provisions, may issue subpoenas and enforce the attend-
24 ance of witnesses.

1 The office of the auditor shall be under the general
2 supervision of the governor and shall consist of the auditor
3 and deputy auditor and such necessary assistants as may be
4 prescribed by law.

5 SEC. 23. That any person aggrieved by the action or
6 decision of the auditor in the settlement of his account or
7 claim may, within one year, take an appeal in writing to the
8 governor, which appeal shall specifically set forth the par-
9 ticular action of the auditor to which exception is taken, with
10 the reason and authorities relied on for reversing such de-
11 cision. The decision of the governor in such case shall be
12 final and conclusive.

13 SEC. 24. That there shall be appointed by the gover-
14 nor, by and with the advice and consent of the Senate of
15 Porto Rico, an executive secretary at an annual salary of
16 \$4,000, who shall record and preserve the minutes and pro-
17 ceedings of the public service commission hereinafter pro-
18 vided for and the laws enacted by the legislature and all acts
19 and proceedings of the governor, and promulgate all procla-
20 mations and orders of the governor and all laws enacted by
21 the legislature, and perform such other duties as may be
22 assigned to him by the Governor of Porto Rico. In the event
23 of a vacancy in the office, or the absence, illness, or tempo-
24 rary disqualification of such officer, the governor shall desig-
25 nate some officer or employee of the government to discharge

1 the duties of said office during such vacancy, absence, illness,
2 or temporary disqualification. Any duties heretofore assigned
3 to the secretary of Porto Rico by existing law may be as-
4 signed to the executive secretary herein provided for, or to
5 any other department or bureau of the government as may
6 be determined by the governor.

7 SEC. 25. That the Governor of Porto Rico, within
8 sixty days after the end of each session of the legislature,
9 shall transmit to the Secretary of War, who shall in turn
10 transmit the same to the Congress of the United States,
11 copies of all laws enacted during the session.

12 SEC. 26. That the President may from time to time
13 designate the head of an executive department of Porto Rico
14 to act as governor in the case of a vacancy, the temporary
15 removal, resignation, or disability of the governor, or his
16 temporary absence, and the head of the department thus
17 designated shall exercise all the powers and perform all the
18 duties of the governor during such vacancy, disability, or
19 absence.

20 SEC. 27. That all local legislative powers in Porto
21 Rico, except as herein otherwise provided, shall be vested
22 in a legislature which shall consist of two houses, one the
23 senate and the other the house of representatives, and the
24 two houses shall be designated "the Legislature of Porto
25 Rico."

1 SEC. 28. That the Senate of Porto Rico shall consist
2 of such heads of executive departments as are not members
3 of the house of representatives and nineteen members elected
4 for terms of four years by the qualified electors of Porto
5 Rico. Each of the seven senatorial districts defined as here-
6 inafter provided shall have the right to elect two senators,
7 and in addition thereto there shall be elected five senators
8 at large. No person shall be an elective member of the
9 Senate of Porto Rico who is not over thirty years of age,
10 and who is not able to read and write either the Spanish or
11 English language, and who has not been a resident of Porto
12 Rico for at least two consecutive years, and, except in the
13 case of senators at large, an actual resident of the senatorial
14 district from which chosen for a period of at least one year
15 prior to his election, and who does not own in his individual
16 right taxable property in Porto Rico to the value of not less
17 than \$1,000. Except as herein otherwise provided, the
18 Senate of Porto Rico shall exercise all of the purely legis-
19 lative powers and functions heretofore exercised by the
20 Executive Council, including confirmation of appointments;
21 but appointments made while the senate is not in session
22 shall be effective either until disapproved or until the next
23 adjournment of the senate. In electing the five senators at
24 large each elector shall be permitted to vote for but one can-

1 didate, and the five candidates receiving the largest number
2 of votes shall be elected.

3 SEC. 29. That the House of Representatives of Porto
4 Rico shall consist of thirty-nine members elected quadrenni-
5 ally by the qualified electors of Porto Rico as hereinafter
6 provided. Each of the representative districts hereinafter
7 provided for shall have the right to elect one representative,
8 and in addition thereto there shall be elected four representa-
9 tives at large. No person shall be a member of the house of
10 representatives who is not over twenty-five years of age, and
11 who is not able to read and write either the Spanish or
12 English language, and who does not own in his individual
13 right taxable property, real or personal, situated in Porto
14 Rico, and, except in the case of representatives at large, who
15 has not been a bona fide resident of the district from which
16 elected for at least one year prior to his election. In electing
17 the four representatives at large, each elector shall be per-
18 mitted to vote for but one candidate and the four candidates
19 receiving the largest number of votes shall be elected.

20 SEC. 30. That for the purpose of elections hereafter to
21 the legislature the island of Porto Rico shall be divided into
22 thirty-five representative districts, composed of contiguous
23 and compact territory and established, so far as practicable,
24 upon the basis of equal population. The division into and
25 the demarcation of electoral districts shall be made by a

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

19 SEC. 31. That the next election in Porto Rico shall be
20 held at the time and in the manner now provided by law,
21 and that there shall be then chosen senators and repre-
22 sentatives as herein provided. Thereafter such elections
23 shall be held every four years. That all other elective offi-
24 cials shall be elected upon the same date, beginning with
25 the year nineteen hundred and twenty, and that the term

1 of office of all municipal officials expiring at the close of
2 the year nineteen hundred and eighteen is hereby extended
3 until the officials who may be elected to fill such municipal
4 offices in nineteen hundred and twenty shall have duly quali-
5 fied: *Provided, however,* That nothing herein contained shall
6 be construed to limit the right of the Legislature of Porto
7 Rico at any time to revise the boundaries of any munic-
8 ipality or to abolish any municipality and the officers pro-
9 vided therefor.

10 SEC. 32. That the term of office of elective senators
11 and representatives shall be four years from the first of
12 January following their election. In case of vacancy among
13 the elective members of the senate or in the house of rep-
14 resentatives special elections may be held in the districts
15 wherein such vacancy occurred, under such regulations as
16 may be prescribed by law, but senators or representatives
17 elected in such cases shall hold office only for the unex-
18 pired portion of the term wherein the vacancy occurred.

19 SEC. 33. That members of the Senate and House of
20 Representatives of Porto Rico shall receive compensation at
21 the rate of \$7 per day while in session, and mileage at the
22 rate of 10 cents per kilometer for each kilometer actually and
23 necessarily traveled in going from their legislative districts
24 to the capital and therefrom to their places of residence in
25 their districts by the usual routes of travel: *Provided, That*

1 members appointed heads of executive departments shall
2 receive only the salaries provided for such executive offices.

3 SEC. 34. That the senate and house of representatives,
4 respectively, shall be the sole judges of the elections, returns,
5 and qualifications of their members, and they shall have and
6 exercise all the powers with respect to the conduct of their
7 proceedings that usually pertain to parliamentary legislative
8 bodies. Both houses shall convene at the capital on the
9 second Monday in January following the next election, and
10 organize by the election of a speaker or a presiding officer, a
11 clerk, and a sergeant at arms for each house, and such other
12 officers and assistants as may be required.

13 SEC. 35. That the first regular session of the Legislature
14 of Porto Rico provided for by this Act shall convene on the
15 first Monday in March following the first election, and bi-
16 ennially thereafter; but no regular session shall continue
17 longer than ninety days, not including Sundays, holidays,
18 or days during which both houses may by concurrent reso-
19 lution, with the approval of the governor, have agreed to
20 a recess. The governor may call special sessions of the
21 legislature or of the senate for specific purposes at any time
22 when in his opinion the public interest may require it, and
23 shall call the senate in session at least once each year, but
24 no special session shall continue longer than ten days, ex-

1 cluding Sundays, and no legislation shall be considered at
2 such session other than that specified in the call.

3 SEC. 36. That the enacting clause of the laws shall
4 be as to acts, "Be it enacted by the Legislature of Porto
5 Rico," and as to joint resolutions, "Be it resolved by the
6 Legislature of Porto Rico." All bills and joint resolutions
7 may originate in either house. The general appropriation
8 bill may be prepared by the governor and shall be introduced
9 as prepared or approved by him within the first ten days of
10 the session of the legislature, but shall be subject to amend-
11 ment as in the case of any other bill; no bill shall become a
12 law until it be passed in each house by a majority vote of
13 all of the members belonging to such house and be approved
14 by the governor within ten days thereafter. If when a bill
15 that has been passed is presented to the governor for his
16 signature he approves the same he shall sign it; or if not, he
17 shall return it, with his objections, to that house in which it
18 originated, which house shall enter his objections at large
19 on its journal. If any bill presented to the governor contains
20 several items of appropriation of money, he may object to
21 one or more of such items or any part or portion of the
22 amount appropriated while approving of the other portion
23 of the bill. In such case he shall append to the bill, at the
24 time of signing it, a statement of the items to which he
25 objects, and the appropriation so objected to shall not take
26 effect. If any bill shall not be returned by the governor

1 within ten days (Sundays excepted) after it shall have been
2 presented to him, it shall become a law in like manner as if
3 he had signed it, unless the legislature by adjournment pre-
4 vents its return, in which case it shall be a law if signed
5 by the governor within thirty days after receipt by him;
6 otherwise it shall not be a law. If the governor, within the
7 period in which he may disapprove, advises that he has
8 withheld action pending advice from the President, he may
9 approve or disapprove an act at any time within thirty
10 days after it has been presented to him. All laws enacted
11 by the Legislature of Porto Rico shall be reported to the
12 Congress of the United States, which hereby reserves the
13 power and authority to annul the same. If at the termina-
14 tion of any fiscal year the appropriations necessary for the
15 support of the government for the ensuing fiscal year shall
16 not have been made, an amount equal to the sums appropri-
17 ated in the last appropriation bills for such purpose shall be
18 deemed to be appropriated; and until the legislature shall
19 act in such behalf the treasurer may, with the advice of the
20 governor, make the payments necessary for the purposes
21 aforesaid.

22 SEC. 37. That the qualified electors of Porto Rico,
23 for any election whatsoever, shall consist of those citizens
24 that will be hereafter registered in accordance with the
25 terms of this Act and of the laws of Porto Rico hereafter

1 enacted. That after the approval of this Act no person shall
2 be allowed to register as a voter in Porto Rico who is not a
3 citizen of the United States or of Porto Rico, over twenty-one,
4 years of age and who is not able to read and write, or on the
5 date of registration shall not own taxable real estate in his
6 own right or name, either personally or as a bona fide
7 member of a firm or copartnership.

8 SEC. 38. That the qualified electors of Porto Rico shall,
9 at the general election, and every four years thereafter,
10 choose a Resident Commissioner to the United States, whose
11 term of office shall be four years from the fourth of March
12 following, and who shall be entitled to receive official recog-
13 nition as such Commissioner by all of the departments of
14 the Government of the United States, upon presentation,
15 through the Department of State, of a certificate of election
16 of the Governor of Porto Rico. The Resident Commis-
17 sioner shall receive a salary, payable monthly by the United
18 States, of \$7,500 per annum. Such Commissioner shall be
19 allowed the same sum for stationery and for the pay of neces-
20 sary clerk hire as is now allowed to Members of the House of
21 Representatives of the United States; the sum of \$500 as
22 mileage for each session of the House of Representatives;
23 and the franking privilege now enjoyed by Members of the
24 House of Representatives. No person shall be eligible to
25 election as Resident Commissioner who is not a bona fide

1 citizen of Porto Rico, and who is not more than thirty years
2 of age, and who does not read and write the English language.

3 SEC. 39. That the legislative authority herein provided
4 shall extend to all matters of a legislative character not
5 locally inapplicable, including power to create, consolidate,
6 and reorganize the municipalities so far as may be necessary,
7 and to provide and repeal laws and ordinances therefor; also
8 the power to alter, amend, modify, and repeal any and all
9 laws and ordinances of every character now in force in Porto
10 Rico or any municipality or district thereof not inconsistent
11 with the provisions of this Act.

12 No executive department not provided for in this Act
13 shall be created, but the legislature may from time to time
14 create additional bureaus in any of the departments created
15 or authorized hereby, and each additional bureau so created
16 shall be subject to the supervision and control of the head of
17 the executive department in which it is established.

18 SEC. 40. That all grants of franchises, rights, and priv-
19 ileges or concessions of a public or quasi public nature shall
20 be made by a public-service commission, consisting of the
21 executive council and the auditor. The said commission is
22 also empowered and directed to discharge all the executive
23 functions heretofore conferred by law upon the executive
24 council, provided by the Act of April twelfth, nineteen hun-
25 dred, not inconsistent with the provisions of this Act, includ-
26 ing the powers and duties prescribed by an act of the legis-

1 lative assembly of Porto Rico entitled "An act concerning
2 the regulation of public-service corporations in Porto Rico,"
3 approved March twelfth, nineteen hundred and eight, and
4 all amendments which may be or have been made thereto by
5 the Legislature of Porto Rico, and including all the powers
6 and duties heretofore exercised by the executive council with
7 regard to all municipal loans and bonds, and advancements
8 of insular funds to municipalities and school boards; and all
9 franchises, rights, and privileges or concessions granted by
10 the said commission shall not be effective until approved by
11 the governor, and shall be reported to Congress, which
12 hereby reserves the power to annul or modify the same.

13 Whenever the legislature shall have authorized the borrowing
14 of money or the creation of any indebtedness by the insular
15 government, the commission may, within the authorization of
16 the legislature, prescribe the terms of all notes, bonds, or other
17 instruments to be issued as evidences of said indebtedness, and
18 the price or prices for which they shall be sold or disposed of.

19 When the action of the commission in that regard shall have
20 been approved by the governor, the treasurer shall dispose of
21 such securities in pursuance thereof, and turn the proceeds
22 into the public treasury.

23 SEC. 41. That all grants of franchises, privileges, and
24 concessions under the section last preceding shall provide
25 that the same shall be subject to amendment, alteration, or
26 repeal, and shall forbid the issue of stocks or bonds except

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

8 SEC. 42. That the laws of the United States relating
9 to immigration, to tariffs, customs, and duties on importa-
10 tions into the United States and the regulations made pur-
11 suant thereto shall apply in Porto Rico, but the execution of
12 such laws and regulations shall be effected through officials
13 of Porto Rico appointed by the Governor of Porto Rico, and
14 appeal from the decision of such officials shall be to the courts
15 of Porto Rico as shall be provided by the legislature: *Pro-*
16 *vided*, That the exemption of aliens arriving in Porto Rico
17 from the payment of the head tax provided by section one
18 of the Act of Congress approved February twentieth, nine-
19 teen hundred and seven, is hereby repealed.

20 SEC. 43. That the judicial power shall be vested in the
21 courts and tribunals of Porto Rico now established and in
22 operation under and by virtue of existing laws. The juris-
23 diction of said courts and the form of procedure in them, and
24 the various officers and attachés thereof, shall also continue
25 to be as now provided until otherwise provided by law:
26 *Provided, however*, That the chief justice and associate jus-

1 tices of the supreme court shall be appointed by the Presi-
2 dent, by and with the advice and consent of the Senate, and
3 the Legislature of Porto Rico shall have authority, from time
4 to time as it may see fit, not inconsistent with this Act, to
5 organize, modify, or rearrange the courts and their jurisdic-
6 tion and procedure, except the District Court of the United
7 States for Porto Rico.

8 SEC. 44. That Porto Rico shall constitute a judicial
9 district to be called "the district of Porto Rico." The
10 President, by and with the advice and consent of the Senate,
11 shall appoint one district judge who shall as to pay, tenure,
12 retirement, and allowances be on the same footing as other
13 United States district judges. There shall be appointed in
14 like manner a district attorney, whose salary shall be \$4,000
15 per annum, and a marshal for said district, whose salary
16 shall be \$3,000 per annum, each for a term of four years
17 unless sooner removed by the President. The district court
18 for said district shall be called "the District Court of the
19 United States for Porto Rico," and shall have power to
20 appoint all necessary officials and assistants, including the
21 clerk, interpreter, and such commissioners as may be neces-
22 sary, who shall be entitled to the same fees and have like
23 powers and duties as are exercised and performed by United
24 States commissioners. Such court shall have jurisdiction
25 of all cases cognizable in the district courts of the United

1 States, and shall proceed in the same manner; and in addi-
2 tion shall have jurisdiction for the naturalization of aliens.
3 and shall have jurisdiction of all controversies where all of
4 the parties on either side of the controversy are citizens
5 or subjects of a foreign State or States, or citizens of
6 the United States, or a State, Territory, or District
7 thereof, or territory under the jurisdiction thereof whose
8 domicile is not in Porto Rico, wherein the matter in dis-
9 pute exceeds, exclusive of interest or cost, the sum or
10 value of \$2,000, and of all controversies in which there is
11 a separable controversy involving such jurisdictional amount,
12 and in which all of the parties on either side of such
13 separable controversy are citizens or subjects of the character
14 aforesaid: *Provided*. That nothing in this Act shall be
15 deemed to impair the jurisdiction of the "district court of
16 the United States for Porto Rico," to hear and determine
17 all controversies pending in said court at the date of the
18 approval of this Act: *Provided further*, That hereafter the
19 salaries of the judge and officials of the district court of the
20 United States for Porto Rico, together with the court ex-
21 penses, shall be paid from the United States revenues in the
22 same manner as in other United States district courts. In
23 case of vacancy or of the death, absence, or other legal
24 disability on the part of the judge of the said "the district

1 court of the United States for Porto Rico," the Governor of
2 Porto Rico is authorized to designate one of the judges of
3 the Supreme Court of Porto Rico to discharge the duties of
4 judge of said court until such absence or disability shall be
5 removed, and thereupon such judge so designated for said
6 service shall be fully authorized and empowered to perform
7 the duties of said office during such absence or disability
8 of such regular judge, and to sign all necessary papers and
9 records as the acting judge of said court, without extra
10 compensation.

11 SEC. 45. That the laws of the United States relating
12 to appeals, writs of error and certiorari, removal of causes,
13 and other matters or proceedings as between the courts of
14 the United States and the courts of the several States,
15 shall govern in such matters and proceedings as between
16 the district court of the United States and the courts of
17 Porto Rico. Regular terms of said court shall be held at
18 San Juan, commencing on the first Monday in May and
19 November of each year, and also at Ponce on the first Mon-
20 day in February of each year, and special terms may be
21 held at Mayaguez at such other stated times as said judge
22 may deem expedient. All pleadings and proceedings in
23 said court shall be conducted in the English language. The
24 said district court shall be attached to and included in the
25 third circuit of the United States, with the right of appeal

1 and review by said circuit court of appeals in all cases where
2 the same would lie from any district court to a circuit court
3 of appeals of the United States. and with the right of
4 appeal and review directly by the Supreme Court of the
5 United States in all cases where a direct appeal would be
6 from said district courts.

7 SEC. 46. That writs of error and appeals from the final
8 judgments and decrees of the Supreme Court of, and the
9 United States district court for, Porto Rico may be taken
10 and prosecuted to the Supreme Court of the United States
11 in any case wherein is involved the validity of any copy-
12 right or in which is drawn in question the validity of a
13 treaty or statute of, or authority exercised under, the United
14 States, or wherein the Constitution of the United States, or a
15 treaty thereof, or an Act of Congress is brought in question
16 and the right claimed thereunder is denied. without regard
17 to the sum or value of the matter in dispute, and in all other
18 cases in which the sum or value of the matter in dispute,
19 exclusive of cost, to be ascertained by the oath of either
20 party or of other competent witnesses, exceeds the sum or
21 value of \$5,000. Such writs of error and appeals shall be
22 taken within the same time, in the same manner, and under
23 the same regulations as writs of error and appeals are taken
24 to the Supreme Court of the United States from the district
25 courts.

1 SEC. 47. That the qualifications of jurors as fixed by
2 the local laws of Porto Rico shall not apply to jurors selected
3 to serve in the district court of the United States for Porto
4 Rico; but the qualifications required of jurors in said court
5 shall be that each shall be of the age of twenty-one years
6 and not over sixty-five years, a resident of Porto Rico for
7 not less than one year, and have a sufficient knowledge of
8 the English language to enable him to serve as a juror; they
9 shall also be citizens of the United States. Juries for the
10 said court shall be selected and drawn in accordance with
11 the laws of Congress regulating the same in the United States
12 courts, but exemption from jury duty allowed by the local
13 laws shall be respected by the court when insisted upon by
14 veniremen.

15 SEC. 48. That all such fees, fines, costs, and forfeitures
16 as would be deposited to the credit of the United States if
17 collected and paid into a district court of the United States
18 shall become revenues of the United States if collected and
19 paid into the district court of the United States for Porto
20 Rico.

21 SEC. 49. That the Attorney General of the United
22 States shall from time to time determine the salaries of all
23 officials and assistants appointed by the United States district
24 court, including the clerk, his deputies, interpreter, stenogra-
25 pher, and other officials and employees, the same to be paid

1 by the United States; as other salaries and expenses of like
2 character in United States courts.

3 SEC. 50. That jurors and witnesses in the District Court
4 of the United States for Porto Rico shall be entitled to and
5 receive 15 cents for each mile necessarily traveled over any
6 stage line or by private conveyance and 10 cents for each
7 mile over any railway in going to and returning from said
8 courts: But no constructive or double mileage fees shall be
9 allowed by reason of any person being summoned both as
10 witness and juror or as witness in two or more cases pending
11 in the same court and triable at the same term thereof.
12 Such jurors shall be paid \$2 per day and such witnesses \$1
13 per day while in attendance upon the court.

14 SEC. 51. That the supreme and district courts of Porto
15 Rico and the respective judges thereof may grant writs of
16 habeas corpus in all cases in which the same are grantable
17 by the judges of the district courts of the United States; and
18 the district courts may grant writs of mandamus in all proper
19 cases.

20 SEC. 52. That hereafter all judges, marshals, and secre-
21 taries of courts now established or that may hereafter be
22 established in Porto Rico, and whose appointment by the
23 President is not provided for by law, shall be appointed by
24 the governor, by and with the advice and consent of the
25 Senate of Porto Rico.

1 SEC. 53. That, except as in this Act otherwise pro-
2 vided, the salaries of all the officials of Porto Rico not ap-
3 pointed by the President, including deputies, assistants, and
4 other help, shall be such and be so paid out of the revenues
5 of Porto Rico as shall from time to time be determined by
6 the Legislature of Porto Rico and approved by the gov-
7 ernor; and if the legislature shall fail to make an appropria-
8 tion for such salaries, the salaries theretofore fixed shall be
9 paid without the necessity of further appropriations therefor.
10 The salaries of all officers and all expenses of the offices of
11 the various officials of Porto Rico appointed as herein pro-
12 vided by the President shall also be paid out of the reve-
13 nues of Porto Rico on warrant of the auditor, countersigned
14 by the governor. The annual salaries of the following-
15 named officials appointed by the President and so to be paid
16 shall be: The governor, \$10,000, and in addition thereto he
17 shall be entitled to the occupancy of the buildings heretofore
18 used by the chief executive of Porto Rico, with the furniture
19 and effects therein, free of rental; heads of executive depart-
20 ments, \$7,500; chief justice of the supreme court, \$7,500;
21 associate justices of the supreme court, \$6,500 each.

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

1 SEC. 54. That the provisions of the foregoing section
2 shall not apply to municipal officials: their salaries and the
3 compensation of their deputies, assistants, and other help,
4 as well as all other expenses incurred by the municipalities,
5 shall be paid out of the municipal revenues, in such manner
6 as the legislature shall provide.

7 SEC. 55. That wherever in this Act offices of the gov-
8 ernment are provided for under the same names as in the
9 heretofore existing Acts of Congress affecting Porto Rico,
10 the present incumbents of those offices shall continue in office
11 in accordance with the terms and at the salaries prescribed
12 by this Act. The office of secretary of Porto Rico is hereby
13 abolished. Authority is given to the respective appointing
14 authorities to appoint and commission persons to fill the new
15 offices created by this Act.

16 SEC. 56. That any bureau or office belonging to any of
17 the regular departments of the government, or hereafter
18 created, or not assigned, may be transferred or assigned to
19 any department by the governor upon the approval of the
20 President of the United States.

21 SEC. 57. That deeds and other instruments affecting
22 land situate in the District of Columbia, or any other territory
23 or possession of the United States, may be acknowledged in
24 Porto Rico before any notary public appointed therein by
25 proper authority, or any officer therein who has ex officio

1 the powers of a notary public: *Provided*, That the certificate
2 by such notary shall be accompanied by the certificate of the
3 executive secretary of Porto Rico to the effect that the notary
4 taking such acknowledgment is in fact such notarial officer.

5 ·SEC. 58. That nothing in this Act shall be deemed to
6 impair or interrupt the jurisdiction of existing courts over
7 matters pending therein upon the approval of this Act, which
8 jurisdiction is in all respects hereby continued, the purpose
9 of this Act being to preserve the integrity of all of said courts
10 and their jurisdiction until otherwise provided by law, except
11 as in this Act otherwise specifically provided.

12 ·SEC. 59. That this Act shall take effect upon approval;
13 but until its provisions shall severally become operative,
14 as hereinbefore provided, the corresponding legislative and
15 executive functions of the government in Porto Rico shall
16 continue to be exercised and in full force and operation as
17 now provided by law; and for the purpose of fulfilling its
18 functions as the upper house of the legislative assembly and
19 for action upon appointments by the governor and for all
20 other necessary purposes the Executive Council shall, until
21 the assembly and organization of the Legislature of Porto
22 Rico as herein provided, consist of the attorney general, the
23 treasurer, the commissioner of the interior, the commissioner
24 of education, the commissioner of health, and the commis-
25 sioner of agriculture and labor, and the five additional mem-

1 bers as now provided by law. And any functions herein
2 assigned to the Senate of Porto Rico may, until this said
3 senate has assembled and organized, as herein provided, be
4 exercised by the Executive Council as thus constituted.

5 SEC. 60. That all laws or parts of laws applicable to
6 Porto Rico not in conflict with any of the provisions of this
7 Act, including the laws relating to tariffs, customs, and duties
8 on importations into Porto Rico prescribed by the Act of
9 Congress entitled "An Act temporarily to provide revenues
10 and a civil government for Porto Rico, and for other pur-
11 poses," approved April twelfth, nineteen hundred, are hereby
12 continued in effect, and all laws and parts of laws inconsis-
13 tent with the provision of this Act are hereby repealed.

64TH CONGRESS, }
1ST SESSION. } **S. 1217.**

A BILL

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

By Mr. SHARROTH.

DECEMBER 10, 1915.—Read twice and referred to the
Committee on Pacific Islands and Porto Rico.