

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 11, 1910.

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

A BILL

To amend an Act entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April twelfth, nineteen hundred, and for other purposes.

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

12 SEC. 2. That the same tariffs, customs, and duties shall
13 be levied, collected, and paid upon all articles imported into

1 Porto Rico from ports other than those of the United States
2 which are required by law to be collected upon articles im-
3 ported into the United States from foreign countries, except
4 that on all coffee in bean or ground imported into Porto Rico
5 there shall be levied and collected a duty of five cents per
6 pound, any law or part of law to the contrary notwithstanding.

7 SEC. 3. That all merchandise and articles coming into
8 the United States from Porto Rico, and all merchandise and
9 articles coming into Porto Rico from the United States,
10 except coffee, shall be entered at the several ports of entry
11 free of all tariff duties: *Provided*, That on all articles of
12 merchandise of United States manufacture coming into Porto
13 Rico there shall be paid a sum equal in rate and amount to
14 the internal-revenue tax imposed in Porto Rico upon like
15 articles of Porto Rican manufacture.

16 SEC. 4. That the Secretary of the Treasury of the
17 United States shall designate the several ports and subports
18 of entry in Porto Rico, and shall make such rules and regula-
19 tions and appoint such agents as may be necessary to collect
20 the customs duties and taxes authorized to be levied, col-
21 lected, and paid in Porto Rico by the provisions of this Act,
22 and he shall fix the compensation and provide for the pay-
23 ment thereof of all such officers, agents, and assistants as he
24 may find it necessary to employ to carry out the provisions
25 hereof.

1 SEC. 5. That the duties and taxes collected in Porto
2 Rico in pursuance of the provisions of this Act shall, less the
3 cost of collecting the same, be paid into the treasury of Porto
4 Rico, to be expended as required by law for the government
5 of Porto Rico and the benefit thereof.

6 SEC. 6. That no export duties shall be levied or col-
7 lected on exports from Porto Rico; but taxes and assessments
8 on property, and license fees for franchises, privileges, and
9 concessions may be imposed for the purposes of the insular
10 and municipal governments, respectively, as may be pro-
11 vided and defined by the legislature of Porto Rico; and
12 bonds and other obligations may be issued by Porto Rico
13 or any municipal government therein as may be provided
14 by law and to protect the public credit: *Provided, how-*
15 *ever,* That no public indebtedness of Porto Rico or of any
16 municipality thereof shall be authorized or allowed in excess
17 of seven per centum of the aggregate tax valuation of its
18 property.

19 SEC. 7. That the capital of Porto Rico shall be at the
20 city of San Juan, and the seat of government shall be main-
21 tained there.

22 SEC. 8. That all inhabitants continuing to reside therein
23. who were Spanish subjects on the eleventh day of April,
24 eighteen hundred and ninety-nine, and then resided in Porto
25 Rico, and their children born subsequent thereto, shall be

1 deemed and held to be citizens of Porto Rico; and as such
2 entitled to the protection of the United States, except such
3 as shall have elected to preserve their allegiance to the Crown
4 of Spain on or before the eleventh day of April, nineteen hun-
5 dred, in accordance with the provisions of the treaty of peace
6 between the United States and Spain entered into on the
7 eleventh day of April, eighteen hundred and ninety-nine;
8 and they, together with such citizens of the United States as
9 may reside in Porto, Rico shall constitute a body politic under
10 the name of the people of Porto Rico, with governmental
11 powers as hereinafter conferred, and with power to sue and be
12 sued as such.

13 SEC. 9. That any citizen of Porto Rico, as defined by
14 the preceding section, who is over twenty-one years of age,
15 may hereafter be admitted to become a citizen of the United
16 States by declaring on oath before any court now authorized
17 or that may hereafter be authorized by law to naturalize
18 aliens, or before the district court of the United States for
19 Porto Rico or before any district or municipal court of Porto
20 Rico, that he was on April twelfth, nineteen hundred, and
21 has been continuously since that date, or has been continu-
22 ously since birth, a citizen of Porto Rico as defined in the
23 preceding section: *Provided*, That at the time of declaration
24 he shall take oath in such form and under such further regula-
25 tions as may be prescribed by the President of the United

1 States to support and defend the Constitution and laws of
2 the United States against all enemies, foreign and domestic,
3 and bear true faith and allegiance to the same. And such
4 persons shall be exempt from the payment of any costs or
5 charges for the making, filing, or issue of any documents,
6 affidavits, or certificates relating to such citizenship, not-
7 withstanding any provision of law to the contrary.

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

1 SEC. 11. That the wife and minor children of the per-
2 sons so naturalized shall, by virtue of such naturalization,
3 become citizens of the United States.

4 SEC. 12. That from and after two years from the date
5 of the approval of this Act, no citizen of Porto Rico shall
6 hold or be eligible for election or appointment to any office
7 under the Government of the United States or the govern-
8 ment of Porto Rico who is not a citizen of the United States.

9 SEC. 13. That the laws and ordinances of Porto Rico
10 now in force shall continue in force and effect, except as
11 altered, amended, or modified herein, and so far as the same
12 are not inconsistent or in conflict with the statutory laws of
13 the United States not locally inapplicable, or the provisions
14 hereof, until altered, amended, or repealed by the legislative
15 authority herein provided for Porto Rico, or by Act of Con-
16 gress of the United States.

17 SEC. 14. That the coasting trade between Porto Rico and
18 the United States shall be regulated in accordance with the
19 provisions of law applicable to such trade between any two
20 great coasting districts of the United States.

21 SEC. 15. That all expenses that may be incurred on
22 account of the government of Porto Rico for salaries of offi-
23 cials and the conduct of their offices and departments, and
24 all expenses and obligations contracted for the internal im-
25 provement or development of the island, not, however, in-

1 cluding defenses, barracks, harbors, light-houses, buoys, and
2 other works undertaken by the United States, shall, except
3 as otherwise specifically provided, be paid by the commis-
4 sioner of finance of Porto Rico out of the revenues in his
5 custody.

6 SEC. 16. That all property which may have been ac-
7 quired in Porto Rico by the United States under the cession
8 of Spain in the treaty of peace entered into on the tenth day
9 of December, eighteen hundred and ninety-eight, in any
10 public bridges, road houses, water powers, highways, un-
11 navigable streams, and the beds thereof, subterranean wa-
12 ters, mines or minerals under the surface of private lands,
13 and all property which at the time of the cession belonged,
14 under the laws of Spain then in force, to the various harbor-
15 works boards of Porto Rico, and all the harbor shores, docks,
16 slips, and reclaimed lands, but not including harbor areas or
17 navigable waters, is hereby placed under the control of the
18 government of Porto Rico to be administered for the benefit
19 of the people of Porto Rico; and the legislature of Porto Rico
20 shall have authority, subject to the limitations imposed upon
21 all its acts, to legislate with respect to all such matters as it
22 may deem advisable. There is hereby conferred upon the
23 people of Porto Rico jurisdiction over harbor areas and nav-
24 igable waters for the enforcement of the laws of Porto Rico.

1 SEC. 17. That the President is hereby authorized, in
2 his discretion, to convey to the government of the island of
3 Porto Rico such lands and buildings or interests therein re-
4 served for public uses, under the authority conferred by the
5 Act approved July first, nineteen hundred and two (Thirty-
6 second Statutes at Large, page seven hundred and thirty-one),
7 as in his opinion are no longer needed for the executive pur-
8 poses of the United States, the lands or interests in lands
9 conveyed to the said government of Porto Rico in the opera-
10 tion of this Act to be held or disposed of for the use and
11 benefit of the people of said island in conformity to the re-
12 quirements of section thirteen of the Act approved April
13 twelfth, nineteen hundred (Thirtieth Statutes at Large, page
14 eighty).

15 SEC. 18. That the statutory laws of the United States
16 not locally inapplicable, except as hereinbefore or hereinafter
17 otherwise provided, shall have the same force and effect in
18 Porto Rico as in the United States, except internal-revenue
19 laws.

20 SEC. 19. That the legislative authority herein pro-
21 vided shall have power by due enactment to amend, alter,
22 modify, or repeal any law or ordinance, civil or criminal, con-
23 tinued in force by this Act as it may from time to time see fit,
24 not inconsistently with this Act.

1 SEC. 20. That all judicial process shall run in the name
2 of “United States of America, ss. the President of the United
3 States,” and all penal or criminal prosecutions in the local
4 courts shall be conducted in the name and by the authority
5 of “The People of Porto Rico;” and all officials authorized
6 by this Act shall, before entering upon the duties of their
7 respective offices, take an oath to support the Constitution
8 of the United States and the laws of Porto Rico.

9 SEC. 21. That the President is authorized to place all
10 matters pertaining to the government of Porto Rico in the
11 jurisdiction of such executive department of the United
12 States as he may designate. The Secretary of such depart-
13 ment shall have general supervision and control over all of
14 the governmental affairs of Porto Rico so far as the same can
15 be exercised not inconsistently with the provisions of this
16 Act.

17 SEC. 22. That the official title of the chief executive
18 officer shall be “The Governor of Porto Rico.” He shall
19 be appointed by the President by and with the advice and
20 consent of the Senate, and he shall hold his office at the
21 pleasure of the President and until his successor is chosen
22 and qualified. The governor shall reside in Porto Rico
23 during his official incumbency, and maintain his office at
24 the seat of government. He shall have general supervision

1 and control of all of the departments and bureaus of the
2 government in Porto Rico so far as is not inconsistent with
3 the provisions of this Act, and shall be commander in chief
4 of the militia. He may grant pardons and reprieves, and
5 remit fines and forfeitures for offenses against the laws of
6 Porto Rico, and respites for offenses against the laws of the
7 United States, until the decision of the President can be
8 ascertained, and may veto any legislation enacted as here-
9 inafter provided. He shall commission all officers that he
10 may be authorized to appoint, and shall at all times faithfully
11 execute the laws, and in that behalf shall have all the powers
12 of governors of the Territories of the United States that are
13 not locally inapplicable. He shall make such reports as
14 may be required to the Secretary of the executive department
15 designated by the President, which shall annually be trans-
16 mitted to Congress, and perform such additional executive
17 duties and functions as may in pursuance of law be delegated
18 or assigned to him by the President.

19 SEC. 23. That the following executive departments are
20 hereby created: A department of justice, the head of which
21 shall be designated as the attorney-general; a department
22 of finance, the head of which shall be designated as the
23 commissioner of finance; a department of audits, the head
24 of which shall be designated as the auditor; a department
25 of interior, the head of which shall be designated as the com-

1 missioner of the interior; a department of education, the
2 head of which shall be designated as the commissioner of
3 education; a department of agriculture, commerce, and labor,
4 the head of which shall be designated as the commissioner of
5 agriculture, commerce, and labor; and a department of health,
6 the head of which shall be designated as the commissioner
7 of health. All the executive functions and activities of the
8 government are committed to and shall be exercised respec-
9 tively by the governor, the departments herein enumerated,
10 or the bureaus and commissions hereinafter mentioned,
11 until otherwise provided by Congress. The heads of these
12 departments shall be appointed by the President, by and with
13 the advice and consent of the Senate of the United States, to
14 hold office during the pleasure of the President; and one or
15 more of the offices created by this Act may be filled by officers
16 of the United States Army, but the official salary of any
17 officer on the active list of the Army shall be deducted while
18 so serving from the salary or compensation provided for by
19 this Act. Heads of departments shall reside in Porto Rico
20 during their official incumbency, but leaves of absence may
21 be granted to them by the governor upon the approval of the
22 executive department designated by the President in accord-
23 ance with this Act. They shall perform the duties herein-
24 after prescribed and such other duties, not inconsistent with
25 law, as the governor, with the approval of the President, may

1 assign to them; and they shall make such reports to the gov-
2 ernor as he may require, which shall be transmitted to the
3 executive department designated by the President.

4 SEC. 24. That the attorney-general shall have all the
5 powers and discharge all the duties provided by law for an
6 attorney of a Territory of the United States in so far as the
7 same are not locally inapplicable. He shall have charge of the
8 administration of prisons, penitentiaries, and jails, notwith-
9 standing any other provision of law to the contrary.

10 SEC. 25. That the commissioner of finance shall give
11 bond, approved as to form by the attorney-general of Porto
12 Rico, in such sum as the public service commission may re-
13 quire, not less, however, than the sum of one hundred thou-
14 sand dollars, with surety approved by the governor, and he
15 shall collect and be the custodian of public funds, and shall
16 disburse the same when appropriated by law, on warrants
17 signed by the auditor and countersigned by the governor, and
18 perform such other duties as may be provided by law. He
19 may designate banking institutions in Porto Rico as deposi-
20 taries of the government of Porto Rico, subject to such condi-
21 tions as may be prescribed by the head of the executive de-
22 partment of the Government of the United States having
23 jurisdiction under the law of matters pertaining to the gov-
24 ernment of Porto Rico; and the head of such executive depart-
25 ment may designate banking institutions in the United

1 States as depositaries of the government of Porto Rico, after
2 they have filed with such official as he may designate suffi-
3 cient evidence of their sound financial condition and have
4 deposited bonds of the United States or of the government
5 of Porto Rico or other security satisfactory to the head of such
6 executive department in such amounts as may be indicated by
7 him; and no banking institution shall be designated a depos-
8 itary of the government of Porto Rico until the foregoing con-
9 ditions have been complied with.

10 SEC. 26. That the auditor shall keep full and accurate
11 accounts showing all receipts and disbursements and perform
12 such other duties as may be prescribed by law. Where an
13 appeal is permitted by law to the governor from the decision
14 of the auditor as to the legality of any expenditure or payment,
15 the governor's decision shall be final only in such cases as
16 his conclusion is the same as that of the auditor. Where a
17 different conclusion is reached by the governor, the matter
18 shall be certified and submitted by the governor to the execu-
19 tive department designated under this act by the President.
20 The decision of the auditor shall be final in any question as to
21 the account to which any expenditure shall be charged; but
22 any head of department or office affected by any such or other
23 decision of the auditor, who may be dissatisfied therewith,
24 may, with the consent of the governor, or the governor may,
25 submit the question at issue, with the facts certified, through

1 the governor to the executive department of the United
2 States designated by the President. In all cases the decision
3 of the head of the executive department having jurisdiction
4 shall be final.

5 SEC. 27. That the commissioner of the interior shall
6 superintend all works of a public nature, have charge of all
7 public buildings, grounds, and lands, except those belonging
8 to the United States, and shall execute such requirements
9 as may be imposed by law with respect thereto, and perform
10 such other duties as may be prescribed by law.

11 SEC. 28. That the commissioner of education shall
12 superintend public instruction throughout Porto Rico, and
13 perform such other duties as may be prescribed by law.

14 SEC. 29. That the commissioner of agriculture, com-
15 merce, and labor shall have general charge of such bureaus
16 and branches of government as shall be legally constituted for
17 the study, advancement, and benefit of agricultural and other
18 industries and of commerce and labor, and shall perform such
19 other duties as may be prescribed by law.

20 SEC. 30. That the commissioner of health shall have
21 general charge of all matters relating to public health, sanita-
22 tion, and charities, and shall perform the duties hereinafter
23 indicated, and such other duties as may be prescribed by law.

24 SEC. 31. That the department of health shall consist of a
25 commissioner of health, a bureau of sanitation, a bureau of

1 charities, and a board of sanitation and charities, and shall
2 include all branches of the public service and public institu-
3 tions relating to sanitation and charities, including institu-
4 tions for insane and minors, now existing or that may here-
5 after be created.

6 SEC. 32. That the commissioner of health shall, subject
7 to the approval of the governor, appoint, remove, and pre-
8 scribe the duties of all officials of the department of health
9 not herein otherwise provided for.

10 SEC. 33. That the commissioner of health may cause to
11 be removed to proper places designated by the board of sanita-
12 tion and charities any person sick with a quarantinable
13 disease, or any other rapidly spreading affection, subject to the
14 sanitary ordinances that may be in force and through the
15 director of sanitation. He shall have the control of public
16 hospitals for the treatment of such cases, and shall administer
17 the funds appropriated for the use and maintenance of such
18 hospitals. He may occupy for the purpose of provisional hos-
19 pitals such buildings as may be necessary, without prejudice
20 to the subsequent payment to the owner of a reasonable
21 indemnity, the amount of which shall be determined in
22 accordance with the procedure established by law in like
23 actions; and he may order proper care and attention to be
24 given to the sick persons removed to the hospital, as herein
25 provided for, when it comes to his knowledge that such per-

1 sons are too poor to defray the expenses of their attendance
2 or when it is necessary to take care of them in the interest of
3 public health. No person suffering from a quarantinable or
4 rapidly transmissible disease shall be removed from a vessel
5 or from any other place set aside by competent authority for
6 his isolation and treatment without a written permit from the
7 commissioner, the director of sanitation, or the sanitary
8 official placed in charge of such vessel or place by the commis-
9 sioner. For the purpose of carrying out the duties prescribed,
10 the commissioner, or any duly authorized officer or employee
11 of his department, may enter at any time into private proper-
12 ties and dwellings for the inspection or examination of such
13 premises.

14 SEC. 34. That in addition to the regular municipal sani-
15 tary services provided for by law, the commissioner of health
16 may, with the approval of the governor, establish such special
17 and temporary sanitary detachments and services, with the
18 necessary personnel therefor, as may be required for disin-
19 fecting, for the extinction of the mosquito, or for other pre-
20 ventive measures against epidemic diseases, and may expend
21 for this purpose the necessary sums for personal services, sup-
22 plies, and equipment from the funds available therefor or from
23 the epidemic fund, or both.

24 SEC. 35. That whenever the proper authority of any
25 municipality fails to perform the works or services required by

1 the commissioner of health in accordance with the law and
2 regulations, after a reasonable period, which may be deter-
3 mined upon by the commissioner, the commissioner may order
4 the works or services in question to be performed and paid for
5 from the appropriation available for that purpose or from the
6 epidemic fund, or both, but the municipality wherein the
7 failure has occurred shall be obligated to make reimbursement
8 for the amount expended. The commissioner of health, on
9 behalf of the government of Porto Rico, may institute suit in
10 the competent court to recover said moneys, and when recov-
11 ered the amount shall be paid into the insular treasury for the
12 purposes of the proper reimbursements.

13 SEC. 36. That quarantine stations shall be established
14 at such places in Porto Rico as the Supervising Surgeon-
15 General of the Marine-Hospital Service of the United States
16 shall direct, and the quarantine regulations relating to the
17 importation of diseases from other countries shall be under
18 the control of the Government of the United States; but no
19 quarantine shall be imposed upon or removed from Porto
20 Rico without the concurrent approval of the Secretary of
21 the Treasury and the Secretary of War.

22 The commissioner of health may at any time inspect
23 the quarantine stations in Porto Rico and the records of the
24 same and shall make reports of all such inspections to the
25 Secretary of War, which reports shall be transmitted to the

1 Surgeon-General of the Public Health and Marine-Hospital
2 Service.

3 SEC. 37. That the commissioner of health personally or
4 through an inspector or a committee, or one or more mem-
5 bers of the board of sanitation and charities, may investigate
6 the conditions of any establishment or institution subject
7 to inspection in accordance with the provisions of law; and
8 the authority or committee appointed to make such investi-
9 gation may subpoena witnesses, require the production of
10 documents and books, and if such witnesses should fail to
11 appear or refuse to testify or produce the books or documents
12 called for, they shall be subject to the penalties prescribed
13 by law for recalcitrant witnesses.

14 SEC. 38. That no official, employee, or agent of the
15 bureau of sanitation shall be held liable for the acts done or
16 omitted by him in good faith, and with ordinary discretion,
17 in the service of the department or in the observance and
18 enforcement of its ordinances, regulations, or laws.

19 Every person whose property may have been unjustly
20 or illegally destroyed or injured by the enforcement of any
21 order, regulation, ordinance, or by any action taken by the
22 bureau of sanitation, or by its employees or agents exempt
23 from personal liability, as aforesaid, may maintain the appro-
24 priate action against the government of Porto Rico for the
25 recovery of proper damages. But in such cases the claim

1 must be presented to the commissioner of health, in writing,
2 within thirty days after the occurrence of the acts which
3 gave rise thereto, and the date, place, nature, and degree of
4 the damage or injury suffered, and the estimated value thereof
5 shall be set forth in the complaint under oath or affirmation.
6 The commissioner shall render his decision within twenty
7 days after the receipt of the claim, and after hearing the
8 official or employee responsible for the loss or damage. No
9 judicial action can be brought against the insular govern-
10 ment for such damage or injury unless it be established that
11 the claim was presented to the commissioner of health in
12 due time and that the commissioner has failed to decide or
13 has decided adversely or in a form not satisfactory to the
14 claimant within the period of twenty days allowed him for
15 decision.

16 SEC. 39. That the bureau of sanitation shall be in charge
17 of a director of sanitation appointed by the governor, by and
18 with the advice and consent of the senate of Porto Rico, and
19 the said director, under the authority of the commissioner,
20 shall have the direction of all branches of the service of sani-
21 tation except as otherwise herein provided, and shall have
22 control over the chemical and bacteriological laboratory of the
23 department, the anemia commission with its dispensaries,
24 the training school for nurses, and all other institutions and
25 establishments of a sanitary character subject to the jurisdic-

1 tion of the bureau, and of all sanitary inspectors and local
2 sanitary officers. He shall be ex officio a member of the board
3 of sanitation and charities, and the president thereof.

4 SEC. 40. That the sanitary affairs of each municipality
5 shall be administered by a local sanitary officer, who shall be
6 the representative of the bureau of sanitation and under the
7 immediate orders of the director of sanitation. The local
8 sanitary officer shall appoint the personnel of his office, sub-
9 ject, except in the case of common laborers, to the approval of
10 the director of sanitation, and shall establish and carry out the
11 following services, to wit: Street cleaning and sprinkling,
12 removal of garbage and other waste, and disinfection of public
13 and private buildings and places. He shall enforce all sani-
14 tary laws, ordinances, and regulations, both insular and mu-
15 nicipal, and shall have general supervision of all matters relat-
16 ing to the public health throughout the district embraced in the
17 limits of his municipality. He shall transmit with his recom-
18 mendation through the bureau to the board of sanitation and
19 charities all resolutions of the ayuntamiento relating to sani-
20 tation and all modifications of the sanitary regulations which
21 they may propose to meet local conditions.

22 SEC. 41. That the local sanitary officers shall be quali-
23 fied doctors of medicine and shall be appointed by the
24 governor, by and with the advice and consent of the senate
25 of Porto Rico, to serve for periods of four years. They may

1 be removed for inefficiency or other causes by the governor,
2 upon the recommendation of the commissioner of health.
3 They shall receive such salary and allowances as authorized
4 by law, but shall not receive expense allowances for any duty
5 within the limits of their municipalities, except upon special
6 authority of the commissioner of health, nor shall they travel
7 on official business outside of their municipalities without
8 his orders.

9 SEC. 42. That the cost of the sanitary services of
10 municipalities established by this Act shall be borne by the
11 insular treasury, except that each municipality shall con-
12 tribute fifteen per centum of its income for each fiscal year
13 to the support of its sanitary services. Any amounts of such
14 contribution not so expended shall revert to the treasuries
15 of the municipalities whence they came.

16 SEC. 43. That the local sanitary officer of a municipality
17 may impose the fines provided by law or sanitary regulations
18 for infringement of the law or regulations, subject to appeal
19 in each instance to the proper municipal court. Such fines
20 shall be imposed and collected in accordance with the regu-
21 lations prescribed by the senate of Porto Rico and approved
22 by the governor, and when so collected shall be deposited in
23 the insular treasury, where they shall constitute a permanent
24 fund to be known as the "Epidemic fund." This fund shall
25 be reserved for emergency use in case of the appearance of

1 an epidemic disease to meet the necessary expenses for which
2 no appropriation exists. All requisitions for funds there-
3 from shall be made in accordance with resolutions of the
4 senate of Porto Rico, and they shall be disbursed under the
5 direction of the commissioner of health and reported in
6 detail in the annual reports of the department and accounted
7 for by proper vouchers like other public funds.

8 SEC. 44. That the bureau of sanitation shall have such
9 organization and personnel as may from time to time be
10 authorized by the commissioner of health with the approval
11 of the governor.

12 SEC. 45. That the bureau of charities shall be in charge
13 of a director of charities, appointed by the governor, by and
14 with the advice and consent of the senate of Porto Rico, who
15 under the authority of the commissioner of health shall
16 exercise control over all branches of the service of charities and
17 of the hospitals and institutions and establishments of a chari-
18 table character under the jurisdiction of the bureau, including
19 public insane asylums and reform schools for children. He
20 shall be ex officio a member of the board of sanitation and
21 charities over which he shall preside in the absence of the
22 director of sanitation. It shall be the duty of the director of
23 charities to carry into effect the obligations of the insular
24 government to care for destitute or delinquent children, and
25 to place them in the custody of the competent authorities or

1 in charge of families that agree to take care of them or in pre-
2 paratory or reform schools, as may be deemed advisable by
3 him in view of the circumstances of each case. The bureau
4 of charities shall have such organization and personnel as may
5 from time to time be authorized under the law.

6 SEC. 46. That the board of sanitation and charities shall
7 be composed of the director of sanitation and the director of
8 charities and seven additional members to be appointed by
9 the governor, by and with the advice and consent of the senate
10 of Porto Rico, and to be removable by the governor. The
11 additional members of the board shall serve without salary,
12 except a fee of five dollars for attendance at each meeting,
13 but shall be reimbursed for all actual and necessary expenses
14 incurred by reason of their absence from their homes on
15 business pertaining to the duties of their office. The board
16 shall meet at such times as the commissioner of health may
17 prescribe. The commissioner of health shall appoint a
18 secretary to the board of sanitation and charities, whose duty
19 it shall be to keep an accurate record of the proceedings of the
20 board and to conduct all its correspondence. He shall receive
21 such compensation as shall be fixed by the commissioner of
22 health with the approval of the governor. It shall be the
23 duty of the board of sanitation and charities to act as a general
24 advisory body in respect to all matters pertaining to the
25 public health and charities of Porto Rico, and as a body to

1 frame rules and regulations for carrying out the provisions
2 of this Act with regard to conditions to be observed by all
3 persons in Porto Rico in matters pertaining to the public
4 health of the island and to the administration of the institu-
5 tions under the bureaus of sanitation and charities. It shall
6 define specifically the duties of all insular and local health
7 officers. It shall prepare rules for the regulation of the
8 manufacture and sale of food products, drugs, and liquors,
9 tobacco, cigars, and cigarettes, and for the prevention of the
10 sale of adulterated articles, or of the sale of articles under
11 other than genuine labels setting forth exactly the nature and
12 character of the articles sold. It shall prepare rules for the
13 regulation of conditions surrounding employees in factories
14 and places of business, in so far as such regulation is necessary
15 in the interest of the public health, and of the conditions to
16 be maintained in dairies and bakeries and in connection
17 with the slaughter of animals for food, and governing the
18 transportation and sale of milk and other dairy products,
19 bread and other bakery products, and meat and meat prod-
20 ucts. It shall prepare regulations for the disposal of garbage
21 and refuse of all kinds, define the character of sanitary ap-
22 pliances to be installed and maintained in public and private
23 buildings, and prepare rules for the burial, exhumation, and
24 transportation of cadavers, and the regulations to be observed
25 in respect to reporting, isolating, and treating infectious or

1 contagious diseases, and in guarding from contamination all
2 streams from which water for drinking or domestic purposes
3 is taken, and it shall prepare all necessary rules for the en-
4 forcement of the laws governing the admittance of persons to
5 the practice of medicine, veterinary medicine, pharmacy,
6 dentistry, midwifery, embalming, undertaking, and for the
7 regulation of prostitution and for the control of offensive and
8 dangerous industries or occupations.

9 The members of the board of sanitation and charities may
10 at any time examine the reports of inspections of institutions
11 on file in the bureaus of the department and the reports made
12 by the officers of such institutions in accordance with the pro-
13 visions of this law, as well as any other documents relating to
14 such institutions.

15 The board of sanitation and charities shall report to the
16 commissioner of health upon all matters which he may refer
17 to it for that purpose.

18 Complaints and petitions of a general character may
19 be referred to the board by the commissioner of health, the
20 director of sanitation, or the director of charities, for report.

21 The board shall give hearings to the committees which,
22 as representatives of business or other interests, claim to have
23 been injured by the sanitary measures adopted, and its reso-
24 lutions on such complaints and petitions shall be laid before
25 the commissioner of health for his decision.

1 The foregoing enumeration shall not be deemed to be
2 inclusive of all subjects concerning which the board of sani-
3 tation and charities shall formulate rules and regulations, but
4 the board shall have power to formulate rules and regulations
5 relative to any matter touching or affecting public health,
6 cleanliness, or the sanitary condition of the island.

7 SEC. 47. That all rules and regulations of every char-
8 acter formulated by the board of sanitation and charities shall
9 be submitted to the commissioner of health, who shall indorse
10 upon them his views, and may, if he so desires, return them
11 to the board for revision, but when again forwarded by the
12 board to the commissioner of health he shall transmit them,
13 whether approved by him or not, with his views indorsed
14 thereon, to the senate of Porto Rico for action. The senate
15 shall then have power to amend or alter such rules and regu-
16 lations as it sees fit, and all such rules and regulations ap-
17 proved by the senate of Porto Rico and the governor shall
18 have the force and effect of law, and it shall be the duty of
19 all health officers and other public officials, within the scope
20 of their duties, to take all necessary steps for their enforce-
21 ment.

22 SEC. 48. That as soon as practicable after its organiza-
23 tion under this Act the board of sanitation and charities shall
24 submit a codification of all the rules and regulations that it
25 desires to have approved as above prescribed to the senate

1 of Porto Rico for approval. These shall be in complete sub-
2 stitution of all existing laws, rules, and regulations and gen-
3 eral orders relative to the public health of the island. Such
4 and all subsequent rules and regulations as are approved by
5 the senate shall be printed in English and Spanish, together
6 with all pertinent subject-matter; and said compilation shall
7 be distributed for the information of the public as the com-
8 missioner of health shall prescribe.

9 SEC. 49. That within sixty days after the passage of this
10 Act the alcalde of each municipality shall forward to the sec-
11 retary of the board of sanitation and charities copies of all
12 ordinances in force in his municipality which relate to sanita-
13 tion or public health, which ordinances shall be considered by
14 the board in making its recommendations to the senate of
15 Porto Rico. All ordinances or parts of ordinances which are
16 not approved by the senate shall be null and void, but munic-
17 ipal ordinances in force at the date of approval of this Act
18 shall remain in force until the alcaldes of the municipalities
19 concerned shall be informed of the action taken by the senate
20 with reference thereto.

21 SEC. 50. That on July first, nineteen hundred and ten,
22 or as soon thereafter as an official shall be designated by the
23 commissioner of health to receive them, all carts, draft animals,
24 harness, tools, and other articles of equipment and material used
25 for sanitary purposes or intended for such use in each munici-

1 pality, whether property of the municipality or of the insular
2 government and in use by such municipality, shall be turned
3 over to the local sanitary officer or other official of the depart-
4 ment designated to receive them, who shall give a receipt and
5 become responsible therefor, and shall use them for sanitary
6 purposes in the municipality; likewise all municipal buildings
7 in use for sanitary purposes at the date of the approval of this
8 Act shall continue in such use without payment of rent to the
9 municipality until the department of health shall acquire by
10 purchase or otherwise other buildings for this purpose.

11 SEC. 51. That there is hereby appropriated and set
12 apart annually from the funds in the insular treasury of Porto
13 Rico one hundred and thirty thousand dollars, to be expended
14 for sanitary work in accordance with the provisions of this
15 Act; and the sum thus appropriated shall be in addition to
16 the regular appropriations of the legislature of Porto Rico
17 for the support of charitable institutions and for sanitary
18 purposes.

19 SEC. 52. That there shall be appointed by the Presi-
20 dent a director of civil service, who shall be paid an annual
21 salary of four thousand dollars; he shall reside in Porto
22 Rico during his official incumbency, and shall maintain an
23 office to be known as the bureau of civil service; he shall
24 prescribe rules governing the selection of all officers and
25 employees of the several departments and bureaus of the

1 government of Porto Rico, except those appointed by the
2 President and by the governor of Porto Rico by and with the
3 advice and consent of the senate; he shall prescribe rules
4 governing promotions, transfers, reinstatements, reductions,
5 removals, leaves of absence, political activity of employees, and
6 for such other purposes as may be in the interest of the civil
7 service. All rules prescribed by him shall be submitted
8 through the governor to the executive department of the
9 United States designated by the President, and when ap-
10 proved by the head of such department shall be binding upon
11 all officers and employees in Porto Rico. He shall conduct
12 such examinations as may be necessary, and perform such work
13 as is required to carry into effect the rules which may be
14 prescribed and approved; he shall aid the governor of Porto
15 Rico as he may request in all matters affecting civil service;
16 and he shall have power to employ such assistants and
17 examiners and at such compensation as may be authorized
18 by law.

19 SEC. 53. That there shall be appointed by the secretary
20 of the executive department designated by the President
21 under this Act, an executive secretary for Porto Rico, at an
22 annual salary of four thousand five hundred dollars, who shall
23 record and preserve the minutes and proceedings of the
24 public service commission hereinafter provided for and the
25 laws enacted by the legislature and all acts and proceedings

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

9 SEC. 54. That the governor of Porto Rico, within sixty
10 days after the end of each session of the legislature, shall
11 transmit to the Secretary of War copies of every law enacted
12 during the session, for transmission to the Congress of the
13 United States.

14 SEC. 55. That the President may from time to time
15 designate a head of an executive department to act as
16 governor in the case of the temporary removal, resignation,
17 or disability of the governor, or his temporary absence, and
18 the head of the department thus designated shall exercise
19 all the powers and perform all the duties of the governor
20 during such vacancy, disability, or absence.

21 SEC. 56. That all local legislative powers in Porto Rico,
22 except as herein otherwise provided, shall be vested in a leg-
23 islature which shall consist of two houses, one the senate and
24 the other the house of representatives, and the two houses
25 shall be designated "the legislature of Porto Rico."

1 SEC. 57. That the senate of Porto Rico shall consist of
2 thirteen members, of whom eight shall be appointed quadren-
3 nially by the President of the United States, and five shall be
4 elected quadrennially by the qualified electors of Porto Rico
5 as hereinafter provided. No person shall be a member of the
6 senate of Porto Rico who is not over thirty years of age, and
7 who is not able to read and write either the Spanish or English
8 language, and who is not a resident of Porto Rico, and who
9 does not own in his individual right taxable property in Porto
10 Rico to the value of not less than one thousand dollars; and
11 no person shall be an elective member of the senate of Porto
12 Rico who has not been a bona fide resident of the senatorial
13 district from which chosen for a period of at least two years
14 prior to his election. Except as herein otherwise provided,
15 the senate of Porto Rico shall exercise all of the purely legis-
16 lative powers and functions heretofore exercised by the execu-
17 tive council, including confirmation of appointments; but
18 appointments made while the senate is not in session shall be
19 effective either until disapproved or until the next adjourn-
20 ment of the senate.

21 SEC. 58. That the house of representatives of Porto Rico
22 shall consist of thirty-five members elected quadrennially by
23 the qualified electors of Porto Rico as hereinafter provided.
24 No person shall be a member of the house of representatives who
25 is not over twenty-five years of age, and who is not able to read

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

6 SEC. 59. That for the purpose of elections hereafter to
7 the house of representatives, the island of Porto Rico shall be
8 divided into thirty-five representative districts, composed of
9 contiguous territory and established, so far as practicable, upon
10 the basis of equal population. The division into and the
11 demarcation of electoral districts shall be made by a commis-
12 sion of three persons to be appointed by the governor, one
13 member of which shall be chosen by him from each of the two
14 political parties casting the highest number of votes at the
15 last general election, and the third member of which shall
16 be chosen at his discretion. Division of districts shall be
17 made as nearly as practicable to conform to the topographical
18 nature of the land, with regard to roads and other means of
19 communication, and to natural barriers. Each of the repre-
20 sentative districts shall be entitled to one member in the
21 house of representatives.

22 SEC. 60. That for the purpose of elections hereafter to
23 the senate the island of Porto Rico shall be divided into five
24 senatorial districts, each of which districts shall consist of
25 seven of the representative districts hereinbefore provided for,

1 and the division into and demarcation of senatorial districts
2 shall be made by the commission appointed by the governor
3 under the preceding section of this Act. Senatorial districts
4 shall in every case be composed of seven representative dis-
5 tricts, which shall be selected so that each senatorial district
6 shall be composed of contiguous territory, and, so far as practi-
7 cable, the division shall be made with reference to the topo-
8 graphical nature of the land with regard to roads and other
9 means of communication and to natural barriers. Each of the
10 senatorial districts shall be entitled to one elective member in
11 the senate.

12 SEC. 61. That the next election in Porto Rico shall be
13 held at the time and in the manner now provided by law, and
14 there shall be chosen then senators and representatives as
15 herein provided. Thereafter elections shall be held only on
16 such days and under such regulations as to ballots and voting
17 as may be prescribed by a board of elections to be composed of
18 three persons appointed by the governor by and with the
19 advice and consent of the senate of Porto Rico, and this board
20 shall have and exercise all the powers and duties regarding
21 ballots and elections heretofore conferred by law on the execu-
22 tive council. Thirty days' notice shall be given of such elec-
23 tions by publication in the official gazette, or by printed notices
24 published and distributed through the district, or by both, as
25 the board of elections shall prescribe.

1 SEC. 62. That the terms of office of senators and repre-
2 sentatives shall be four years from the first of the January
3 following their election or appointment. In case of vacancy
4 occurring through death or resignation or removal from any
5 other cause of an appointive senator, the President may fill the
6 vacancy, but such appointment shall hold only for the unex-
7 pired portion of the term wherein the vacancy occurred.
8 In case of vacancy among the elective members of the senate
9 or house of representatives, special elections may be held
10 in the districts wherein such vacancy occurred under such
11 regulations as may be prescribed by the board of elections,
12 but senators or representatives elected in such cases shall hold
13 office only for the unexpired portion of the term wherein the
14 vacancy occurred.

15 SEC. 63. That members of the senate and house of repre-
16 sentatives of Porto Rico shall receive compensation at the rate
17 of seven dollars per day while in session, and mileage at the
18 rate of fifteen cents per kilometer for each kilometer actually
19 and necessarily traveled over any stage line or by private
20 conveyance and five cents per kilometer for each kilometer
21 over any railway in going from their legislative districts
22 to the capital and therefrom to their places of residence in
23 their districts by the usual routes of travel.

24 SEC. 64. That the senate and house of representatives,
25 respectively, shall be the sole judges of the elections, re-
26 turns, and qualifications of their elective members, and they

1 shall have and exercise all the powers with respect to the
2 conduct of their proceedings that usually pertain to parlia-
3 mentary legislative bodies. Both houses shall convene at
4 the capital on the second Monday in January following the
5 next election, and organize by the election of a speaker or a
6 presiding officer, a clerk, and a sergeant-at-arms for each
7 house, and such other officers and assistants as may be
8 required.

9 SEC. 65. That the regular sessions of the legislature of
10 Porto Rico shall be biennial and shall not continue longer
11 than sixty days. The governor may call special sessions of
12 the legislature or of the senate at any time when in his
13 opinion the public service requires it, but no special session
14 shall continue longer than ten days and no legislation shall
15 be considered at such session other than that specified in
16 the call.

17 SEC. 66. That the enacting clause of the legislature of
18 Porto Rico shall be, "Be it enacted by the legislature of Porto
19 Rico," and "Be it resolved by the legislature of Porto Rico,"
20 as to acts and resolutions, respectively. All bills may originate
21 in either house, but the general appropriation bill shall be
22 presented in the form approved by the governor, and no bill
23 shall become a law unless it be passed in each house by a
24 majority vote of all of the members belonging to such house
25 and be approved by the governor within ten days there-
26 after. If when a bill that has been passed is presented to the

1 governor for his signature, he approves the same, he shall sign
2 it, or if not, he shall return it, with his objections, to that
3 house in which it originated, which house shall enter his
4 objections at large on its journal and proceed to reconsider the
5 bill. If after such reconsideration two-thirds of that house
6 shall agree to pass the bill, it shall be sent, together with the
7 objections, to the other house, by which it shall likewise be
8 considered, and if approved by two-thirds of that house, it
9 shall become a law. But in all such cases the vote of each
10 house shall be determined by yeas and nays, and the names
11 of the persons voting for and against the bill shall be entered
12 upon the journal of each house respectively. If any bill shall
13 not be returned by the governor within ten days (Sundays
14 and legal holidays excepted) after it shall have been presented
15 to him, it shall be a law in like manner as if he had signed it,
16 unless the legislature by adjournment prevents its return, in
17 which case it shall not be a law; but all laws enacted by the
18 legislature of Porto Rico shall be reported to the Congress of
19 the United States, which hereby reserves the power and au-
20 thority to annul the same; and the President of the United
21 States may annul or suspend any law enacted by the legisla-
22 ture of Porto Rico until the next adjournment of Congress sub-
23 sequent to the date upon which the law shall have been re-
24 ported to Congress as herein provided. If at the termination
25 of any fiscal year ending June thirtieth the appropriations
26 necessary for the support of the government for the ensuing

1 fiscal period shall not have been made, one total amount shall
2 be deemed to be appropriated for the necessary purposes of
3 the government, which amount shall be equal to the sums ap-
4 propriated in the appropriation bill for the last preceding
5 fiscal period for which general appropriations were made by
6 the legislature, and until the legislature shall act in such be-
7 half, the commissioner of finance shall make the payments
8 necessary for the purposes aforesaid, after the same shall have
9 been allotted by the governor and the expenditures approved
10 by him.

11 SEC. 67. That after the general election of nineteen
12 hundred and ten the qualified electors of Porto Rico for any
13 elections whatsoever shall consist only of those citizens of
14 the United States who, with such other qualifications as
15 required by the laws of Porto Rico,

16 (a) Are able to read and write; or

17 (b) On the date of registration shall own taxable real
18 estate in their own right or name, or who are on said date
19 bona fide members of a firm or copartnership which owns
20 taxable real estate in the name of such firm or copartnership;
21 or

22 (c) On the date of registration shall possess and produce
23 to the board of registration tax receipts showing the pay-
24 ment of any kind of taxes for the last six months preceding
25 registration.

1 SEC. 68. That the qualified electors of Porto Rico shall,
2 on the first Monday of November, nineteen hundred and ten,
3 and every four years thereafter, choose a resident commis-
4 sioner to the United States, whose term of office shall be four
5 years, from the first of January following, and who shall be
6 entitled to receive official recognition as such commissioner
7 by all of the departments of the Government of the United
8 States, upon presentation, through the Department of State,
9 of a certificate of election of the governor of Porto Rico.
10 The resident commissioner shall receive a salary, payable
11 monthly by the United States, of seven thousand five hun-
12 dred dollars per annum. No person shall be eligible to
13 election as resident commissioner who is not a bona fide
14 citizen of Porto Rico and who is not more than thirty years
15 of age, and who does not read and write the English lan-
16 guage.

17 SEC. 69. That the legislative authority herein provided
18 shall extend to all matters of a legislative character not
19 locally inapplicable, including power to create, consolidate,
20 and reorganize the municipalities so far as may be necessary,
21 and to provide and repeal laws and ordinances therefor, also
22 the power to alter, amend, modify, and repeal any and all
23 laws and ordinances of every character now in force in Porto
24 Rico or any municipality or district thereof, not inconsistent
25 with the provisions of this Act.

1 SEC. 70. That all grants of franchises, rights, and
2 privileges or concessions of a public or quasi-public nature
3 shall be made by a public-service commission, consisting of
4 the attorney-general of Porto Rico, the commissioner of
5 finance, the auditor, the commissioner of the interior, and
6 the commissioner of agriculture, commerce, and labor, which
7 commission is also empowered and directed to discharge all
8 the executive functions conferred by law upon the executive
9 council not inconsistent with the provisions of this Act,
10 including the powers and duties prescribed by an act of the
11 legislative assembly of Porto Rico entitled "An Act con-
12 cerning the regulation of public-service corporations in
13 Porto Rico," approved March twelfth, nineteen hundred
14 and eight, and all amendments which may be or have been
15 made thereto by the legislature of Porto Rico and including
16 all the powers and duties heretofore exercised by the execu-
17 tive council with regard to all municipal loans and bonds, and
18 advancements of insular funds to municipalities and school
19 boards; and all franchises granted by the said commission shall
20 be subject to the approval of the governor, and shall be re-
21 ported to Congress, which hereby reserves the power to annul
22 or modify the same. The commission may also authorize the
23 sale and prescribe the terms thereof of any or all notes,
24 bonds, or other evidences of indebtedness for loans made by
25 the insular government, and upon approval by the governor

1 the commissioner of finance shall dispose of such securities
2 and turn the proceeds thereof into the public treasury, for
3 such expenditures as may be authorized by law, or to meet
4 possible needs resulting from any catastrophe or emergency
5 that may occur, upon the consent of the governor approved
6 by the public-service commission.

7 SEC. 71. That all railroad, street railway, telegraph, and
8 telephone franchises, privileges, or concessions granted under
9 the section last preceding shall be approved by the President
10 of the United States, and no such franchise, privilege, or con-
11 cession shall be operative until it shall have been so approved ;
12 and all grants of franchises, privileges, and concessions under
13 said section shall provide that the same shall be subject to
14 amendment, alteration, or repeal ; and shall forbid the issue
15 of stocks or bonds, except in exchange for actual cash or prop-
16 erty at a fair valuation equal in amount to the par value of the
17 stocks or bonds issued ; and shall forbid the declaring of stock
18 or bond dividends, and in the case of public service corpora-
19 tions, shall provide for the effective regulation of charges
20 thereof, and for the purchase or taking of their property by
21 the authorities at a fair and reasonable valuation.

22 SEC. 72. That no corporation shall be authorized to con-
23 duct the business of buying and selling real estate, or be
24 permitted to hold or own real estate, except such as may be
25 reasonably necessary to enable it to carry out the purposes for

1 which it was created, and every corporation, firm, or person
2 engaged in agriculture shall be restricted to the ownership
3 and control of not to exceed five thousand acres of land; and
4 this provision shall be held to prevent any stockholder of a
5 corporation engaged in agriculture from being in anywise
6 interested in any other corporation engaged in agriculture.
7 Any transaction, device, or contrivance the legal effect of
8 which would be to vest in any person or corporation the owner-
9 ship in or control of more than five thousand acres of land
10 shall not be effective as to the excess over the amount vesting
11 such ownership or control of said five thousand acres, and the
12 excess acreage in question shall by virtue of such attempted
13 purchase, contract, device, or contrivance escheat to the
14 people of Porto Rico, which escheat shall be determined by a
15 legal proceeding in the name of the people of Porto Rico, con-
16 ducted in the United States district court for Porto Rico by
17 the attorney-general, and any stock issued by a corporation
18 for the purpose of obtaining, directly or indirectly, control of
19 land in excess of five thousand acres, as aforesaid, shall also
20 escheat to the people of Porto Rico upon proceedings in court
21 and by the authority as above provided. Any corporations,
22 firms, or persons holding lands in excess of the five-thousand-
23 acre limit at the time this law goes into effect shall be re-
24 quired to dispose of the excess over and above five thousand
25 acres within a period of five years, and until they do so dispose

1 of said excess the same shall be subject to a graduated increase
2 in taxation, said excess being taxable, at the end of one year,
3 at the rate of fifty per centum more than ordinary taxes as
4 provided by law for similar property, and at the end of two
5 years at twice said rate, and thereafter each year said rate of
6 taxation on said excess shall annually increase at the rate of
7 fifty per centum additional each year until the same is so
8 disposed of. Corporations, firms, or persons, however, may
9 loan funds upon real estate security, and purchase real estate
10 when necessary for the collection of said loans, but shall dis-
11 pose of the real estate so obtained, where the same would con-
12 stitute an excess over five thousand acres, within five years
13 after so receiving the title, under like taxation penalties as
14 aforesaid. Corporations, firms, or persons not organized or
15 residing in Porto Rico and doing business therein shall be
16 bound by the provisions of this section. Whenever the excess
17 over five thousand acres herein referred to shall be a part of a
18 tract or tracts of land the acquisition of which constitutes the
19 excess in question, the acreage which shall be treated as such
20 excess shall be segregated and set off by selection of the per-
21 son, firm, or corporation interested. And in the event of his
22 or their refusal or failure so to select, then the same shall be
23 determined by the court which takes jurisdiction of the mat-
24 ter: *Provided*, That nothing herein shall invalidate the title
25 to any lands lawfully acquired prior to April twelfth, nine-

1 teen hundred, or the title by will or inheritance to any lands
2 the title to which was lawfully acquired prior to said date.

3 SEC. 73. That the judicial power shall be vested in the
4 courts and tribunals of Porto Rico as already established and in
5 operation under and by virtue of existing laws. The juris-
6 diction of said courts and the form of procedure in them, and
7 the various officers and attachés thereof shall also continue
8 to be as now provided until otherwise provided by law: *Pro-*
9 *vided, however,* That the chief justice and associate justices
10 of the supreme court, and the marshal thereof, shall be ap-
11 pointed by the President by and with the advice and consent
12 of the Senate, and the legislature of Porto Rico shall have
13 authority, so far as not inconsistent with the provisions of
14 this Act, from time to time as it may see fit, to organize, mod-
15 ify, or rearrange the courts and their jurisdiction and pro-
16 cedure, except the district court of the United States for
17 Porto Rico.

18 SEC. 74. That Porto Rico shall constitute a judicial
19 district to be called "The district of Porto Rico." The
20 President, by and with the advice and consent of the Senate,
21 shall appoint one district judge and a district attorney and a
22 marshal for said district, each for a term of four years unless
23 sooner removed by the President. The district court for said
24 district shall be called "The district court of the United
25 States for Porto Rico," and shall have power to appoint all

1 necessary officials and assistants, including the clerk, inter-
2 preter, and such commissioners as may be necessary, who
3 shall be entitled to the same fees and have like powers and
4 duties as are exercised and performed by United States
5 commissioners. Such court shall have jurisdiction of all
6 cases cognizable in the district and circuit courts of the United
7 States, and shall proceed in the same manner; and in addi-
8 tion shall have jurisdiction for the naturalization of aliens,
9 and for the naturalization of citizens of Porto Rico as herein
10 prescribed, and shall have jurisdiction of all controversies
11 where the parties or either of them are citizens or subjects of
12 a foreign state or states wherein the matter in dispute exceeds,
13 exclusive of interest or costs, the sum or value of one thousand
14 dollars: *Provided*, That hereafter the judge and officials of
15 the district court of the United States for Porto Rico, together
16 with the court expenses, shall be paid from the United States
17 revenues in the same manner as in other United States dis-
18 trict courts.

19 SEC. 75. That the laws of the United States relating
20 to appeals, writs of error and certiorari, removal of causes,
21 and other matters and proceedings as between the courts of
22 the United States and the courts of the several States shall
23 govern in such matters and proceedings as between the dis-
24 trict court of the United States and the courts of Porto Rico.
25 Regular terms of said court shall be held at San Juan, com-

1 mencing on the second Monday in April and October of each
2 year, and also at Ponce on the second Monday in January
3 of each year, and special terms may be held at Mayaguez at
4 such other stated times as said judge may deem expedient.
5 All pleadings and proceedings in said court shall be conducted
6 in the English language. The said district court shall be
7 attached to and included in the third circuit of the United
8 States, with the right of appeal and review by said circuit
9 court of appeals in all cases where the same would lie from
10 any district or circuit court to a circuit court of appeals of the
11 United States.

12 SEC. 76. That the qualifications of jurors as fixed by
13 the local laws of Porto Rico shall not apply to jurors selected
14 to serve in the district court of the 'United States' for Porto
15 Rico; but the qualifications required of jurors in said court
16 shall be that each shall be of the age of twenty-one years,
17 and not over sixty-five years, a resident of Porto Rico for not
18 less than one year, and have a sufficient knowledge of the
19 English language to enable him to serve as a juror, and after
20 one year from and after the approval of this Act they shall
21 also be citizens of the United States. Juries for the said
22 court shall be selected and drawn in accordance with the
23 laws of Congress regulating the same in United States courts,
24 but exemption from jury duty allowed by the local laws shall
25 be respected by the court when insisted upon by veniremen.

1 SEC. 77. That all such fees, fines, costs, and forfeitures
2 as would be deposited to the credit of the United States if
3 collected and paid into a district court of the United States
4 shall become revenues of the United States if collected and
5 paid into the district court of the United States for Porto
6 Rico.

7 SEC. 78. That the Attorney-General of the United
8 States shall from time to time determine the salaries of all
9 officials and assistants appointed by the United States district
10 court, including the clerk and interpreter, the same to be
11 paid by the United States as other salaries and expenses of
12 like character in United States courts.

13 SEC. 79. That jurors and witnesses in the district court
14 of the United States for Porto Rico shall be entitled to and
15 receive fifteen cents per kilometer for each kilometer actually
16 necessarily traveled over any stage line or by private con-
17 veyance and five cents per kilometer for each kilometer
18 over any railway in going to and returning from said courts.
19 But no constructive or double mileage fees shall be allowed
20 by reason of any person being summoned both as witness
21 and juror, or as witness in two or more cases pending in
22 the same court and triable at the same term thereof.

23 SEC. 80. That the supreme and district courts of Porto
24 Rico and the respective judges thereof may grant writs of
25 habeas corpus in all cases in which the same are grantable
26 by the judges of the district courts of the United States.

1 SEC. 81. That hereafter all judges, marshals, and sec-
2 retaries 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. 82. That except as in this Act otherwise provided,
8 the salaries of all the officials of Porto Rico not appointed by
9 the President, including deputies, assistants, and other help,
10 shall be such, and be so paid out of the revenues of Porto Rico,
11 as shall from time to time be determined by the senate of
12 Porto Rico and approved by the governor, and if the legisla-
13 ture shall fail to make an appropriation for such salaries,
14 the salaries so fixed shall be paid without the necessity of
15 further appropriations therefor. But the salary of no officer
16 shall be either increased or diminished during his term of
17 office. The salaries of all officers and all expenses of the
18 offices of the various officials of Porto Rico appointed as
19 herein provided by the President shall also be paid out
20 of the revenues of Porto Rico, on warrant of the auditor,
21 countersigned by the governor. The annual salaries of
22 the officials appointed by the President and so to be
23 paid shall be as follows: The governor, ten thousand dol-
24 lars; in addition thereto he shall be entitled to the occu-
25 pancy of the buildings heretofore used by the chief executive
26 of Porto Rico, with the furniture and effects therein, free of

1 rental; attorney-general, five thousand dollars; commissioner
2 of finance, five thousand dollars; auditor, five thousand dol-
3 lars; commissioner of the interior, five thousand dollars;
4 commissioner of education, five thousand dollars; commis-
5 sioner of agriculture, commerce, and labor, five thousand
6 dollars; commissioner of health, five thousand dollars; chief
7 justice of the supreme court, six thousand dollars; associate
8 justices of the supreme court, five thousand five hundred
9 dollars each; marshal of the supreme court, three thousand
10 dollars; United States district judge, six thousand dollars;
11 United States attorney, four thousand dollars; United States
12 marshal, three thousand dollars.

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

16 SEC. 83. That the provisions of the foregoing section
17 shall not apply to municipal officials; their salaries and the
18 compensation of their deputies, assistants, and other help, as
19 well as all other expenses incurred by the municipalities, shall
20 be paid out of the municipal revenues, in such manner as the
21 legislature shall provide.

22 SEC. 84. That wherever in this Act officers of the gov-
23 ernment are provided for under the same names as in the here-
24 tofore existing Acts of Congress affecting Porto Rico, the
25 present incumbents of those offices shall continue in office in
26 accordance with the terms and at the salaries prescribed by

1 this Act. The office of the secretary of Porto Rico is hereby
2 abolished. The incumbent of the office of treasurer of Porto
3 Rico shall continue under the designation of commissioner of
4 finance at the salary and upon the terms herein prescribed.
5 Authority is given to the respective appointing authorities
6 to appoint and commission persons to fill the new offices
7 created by this Act. All powers and duties now imposed
8 by law on the president of the executive council shall, after
9 the organization of the senate of Porto Rico as herein provided,
10 be performed by the presiding officer of the senate.

11 SEC. 85. That the police department shall continue to
12 be under the direct authority of the governor of Porto Rico,
13 the general plan of organization thereof being as at present
14 provided by law and so to continue until otherwise provided.

15 SEC. 86. That any bureau or office belonging to any
16 of the regular departments of the government, or hereafter
17 created, or not assigned, may be transferred or assigned to
18 any department by the governor upon the approval of the
19 President of the United States.

20 SEC. 87. That there is hereby transferred to the com-
21 missioner of the interior all of the administrative and execu-
22 tive powers and duties conferred upon the executive council
23 by the public irrigation law of Porto Rico approved Sep-
24 tember eighteenth, nineteen hundred and eight, and the
25 act approved on the same date, authorizing the issuance of

1 bonds for the construction of an irrigation system, together
2 with any and all amendments to either of said acts.

3 SEC. 88. That deeds and other instruments affecting
4 land situate in the District of Columbia, or any other Terri-
5 tory of the United States, may be acknowledged in Porto
6 Rico before any notary public appointed therein by proper
7 authority, or any officer therein who has ex officio the
8 powers of a notary public: *Provided*, That the certificate
9 by such notary shall be accompanied by the certificate of
10 the attorney-general of Porto Rico to the effect that the
11 notary taking such acknowledgment is in fact such notarial
12 officer.

13 SEC. 89. That nothing in this Act shall be deemed to im-
14 pair or interrupt the jurisdiction of existing courts over mat-
15 ters pending therein upon the approval of this Act, which
16 jurisdiction is in all respects hereby continued, the purpose
17 of this Act being to preserve the integrity of all of said
18 courts and their jurisdiction until otherwise provided by law,
19 except as in this Act otherwise specifically provided.

20 SEC. 90. That this Act shall take effect upon approval,
21 but until its provisions shall severally become operative, as
22 hereinbefore provided, the corresponding legislative and
23 executive functions of the government in Porto Rico shall con-
24 tinue to be exercised and in full force and operation as now
25 provided by law ; and for the purpose of fulfilling its functions

1 as the upper house of the legislative assembly and for action
2 upon appointments by the governor and for all other necessary
3 purposes the executive council shall, until the assembly and
4 organization of the legislature of Porto Rico as herein pro-
5 vided, consist of the attorney-general, the commissioner of
6 finance, the auditor, the commissioner of the interior, the
7 commissioner of education, the commissioner of agriculture,
8 commerce, and labor, and the commissioner of health, and the
9 five additional members as now provided by law. And any
10 functions herein assigned to the senate of Porto Rico may,
11 until the said senate has assembled and organized, as herein
12 provided, be exercised by the executive council as thus con-
13 stituted.

14 SEC. 91. That all laws or parts of laws applicable to
15 Porto Rico not in conflict with any of the provisions of this
16 Act, and now in force therein, are hereby continued in force
17 and effect.

61ST CONGRESS, }
2^D SESSION. } **S. 6306.**

A BILL

To amend an Act entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April twelfth, nineteen hundred, and for other purposes.

By Mr. DEWEY.

FEBRUARY 11, 1910.—Read twice and referred to the Committee on Pacific Islands and Porto Rico.