H. R. 7020.

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 22, 1900.

Mr. Henry, of Texas, introduced the following bill; which was referred to the Committee on Insular Affairs and ordered to be printed.

A BILL

To provide a government for the Territory of Puerto Rico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the island of Puerto Rico, Vieques, and such adjacent islands as were acquired by the United States of America by the treaty of Paris, concluded on the eleventh day of April, eighteen hundred and ninety-nine, shall be known as the Territory of Puerto Rico, and the same are hereby erected into a temporary government by the name of the Territory of Puerto Rico.

Sec. 2. That a Territorial government is hereby established over the said Territory, with its capital at San Juan.

Sec. 3. That the executive power and authority in and over said Territory of Puerto Rico shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner re-
moved by the President of the United States. The governor shall reside within said Territory, shall be commander in chief of the militia thereof, shall perform the duties imposed upon him by law, and shall approve all laws passed by the legislative assembly before they shall take effect; he may grant pardons for offenses against the laws of the Territory and reprieves for offenses against the laws of the United States until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed; he shall not be less than thirty years of age, and shall receive an annual salary of four thousand dollars per annum and no more, to be paid monthly in equal installments; he shall have the power to approve or disapprove all bills passed by the legislative assembly of said Territory, and in case of his disapproval of any bill he shall return the same to the house in which the same originated, with the reasons of his disapproval, and said bill shall not become a law of said Territory unless it shall be again passed by the legislative assembly by a two-thirds vote of each house; but if he shall not return said bill within ten days after it shall have been presented to him the same shall be a law in like manner as if he had signed it.

Sec. 4. That there shall be a secretary of said Territory,
who shall reside therein and hold his office for four years, unless sooner removed by the President of the United States. He shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first day of December in each year, to the President of the United States, and at the same time two copies of the laws to the Speaker of the House of Representatives and the President of the Senate, for the use of Congress. And in case of the death, removal, resignation, or other necessary absence of the governor of the Territory the secretary shall have, and he is hereby authorized and required to execute and perform, all the powers and duties of the governor during such vacancy or necessary absence, or until another governor shall be duly appointed to fill such vacancy.

SEC. 5. That the Constitution and all the laws of the United States locally applicable, except as herein otherwise provided, shall have the same force and effect within the said Territory as elsewhere in the United States.

SEC. 6. That the laws of Puerto Rico not inconsistent with the Constitution or laws of the United States or the provisions of this Act shall continue in force, subject to repeal or
amendment by the legislative assembly of Puerto Rico or the
Congress of the United States.

Sec. 7. That all obligations, contracts, rights of action,
suits at law and in equity, prosecutions, and judgments exist-
ing prior to the taking effect of this Act shall continue to be
as effectual as if this Act had not been passed; and those in
favor of or against the government of Puerto Rico, and not
assumed by or transferred to the United States, shall be
equally valid in favor of or against the government of the
Territory of Puerto Rico. All offenses which by statute then
in force were punishable as offenses against the government
of Puerto Rico shall be punishable as offenses against the
government of the Territory of Puerto Rico, unless such stat-
ute is inconsistent with this Act or shall be repealed or
changed by law. All criminal and penal proceedings then
in the courts of the government of Puerto Rico shall be pros-
ecuted to final judgment and execution in the name of the
Territory of Puerto Rico; all such proceedings, all actions at
law, suits in equity, and other proceedings then pending in
the courts of the government of Puerto Rico shall be carried
on to final judgment and execution in the corresponding
courts of the Territory of Puerto Rico, and all process issued
and sentences imposed before this Act takes effect shall be as
valid as if issued or imposed in the name of the Territory of
Puerto Rico.
Sec. 8. That the legislative power and authority of said Territory shall be vested in a legislative assembly; the legislative assembly shall consist of a council and house of representatives. The council shall consist of thirteen members, having the qualifications of voters as hereinafter prescribed, and whose term of service shall continue four years; the house of representatives shall consist of twenty-six members, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue two years. An apportionment shall be made, as nearly equal as practicable, by the governor, among the several counties or districts, for the election of the council and house of representatives, giving to each section of the Territory representation in the ratio of its population as nearly as may be. The governor shall designate the time for the first election for members of the legislative assembly, and shall divide the Territory into districts and subdivisions to be represented in the legislative assembly, and shall name the time and place for holding said election. Provision for subsequent elections shall be made by law by said legislative assembly, and for the division of the said Territory into proper districts to be represented in the legislative assembly; and the members of the council and of the house of representatives shall reside in and be inhabitants of the district for which they may be elected, respectively. The number of persons
authorized to be elected having the highest number of votes in each of said council districts for members of the council shall be declared by the governor to be duly elected to the council, and the person or persons authorized to be elected having the greatest number of votes for the house of representatives, equal to the number to which each county or district shall be entitled, shall be declared by the governor to be duly elected members of the house of representatives: Provided, That in case of a tie between two or more persons voted for the governor shall order a new election, to supply the vacancy made by such tie. And the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor shall appoint; but thereafter the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several districts to the council and house of representatives according to population, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly.

Sec. 9. That the members of the legislative assembly shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of five dollars per day during each legislative session.

Sec. 10. That a general election shall be held on the
Tuesday next after the first Monday in November, nineteen hundred, and every second year thereafter.

Sec. 11. That no member of the legislative assembly shall, during the term for which he is elected, be appointed or elected to any office of the Territory of Puerto Rico.

Sec. 12. That every male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this Act, and who shall be able to read and write in the English or Spanish language, shall be entitled to vote at the first election and all subsequent elections, and shall be eligible to any office within the said Territory unless otherwise herein provided; and the qualifications of voters and of holding office after that election shall be such as shall be prescribed by the legislative assembly not inconsistent with this Act. No idiot or insane person, and no person who shall be expelled from the legislature for giving or receiving bribes, or being accessory thereto, and no person who, in due course of law, shall have been convicted of larceny, bribery, or of any criminal offense punishable by imprisonment, whether with or without labor, for a term exceeding two years, whether with or without fine, shall vote or hold any office in, or under, or by authority of the government, unless the person so convicted shall have been pardoned and restored to his civil rights.

Sec. 13. That the legislative power of the Territory
shall extend to all rightful subjects of legislation consistent
with the Constitution of the United States and the provisions
of this Act; but no law shall be passed interfering with the
primary disposal of the soil; no tax shall be imposed upon
the property of the United States, nor shall the lands or other
property of nonresidents be taxed higher than the lands or
other property of residents. All the laws passed by the leg-
islative assembly and governor shall be submitted to the Con-
gress of the United States, and if disapproved shall be null
and of no effect. The legislature shall not grant to any cor-
poration, association, or individual any special or exclusive
privilege, immunity, or franchise without the approval of
Congress, nor shall it grant private charters, but it may,
by general act, permit persons to associate themselves to-
gether as bodies corporate for manufacturing, agricultural,
and other industrial pursuits, and for conducting the
business of insurance, savings banks, banks of discount and
deposit (but not of issue), loan, trust, and guaranty associations,
for the establishment and conduct of cemeteries, and for the
construction and operation of railroads, wagon roads, vessels,
and irrigating ditches, and the colonization and improvement
of lands in connection therewith, or for colleges, seminaries,
churches, libraries, or any other benevolent, charitable, or
scientific association. No divorce shall be granted by the
legislature, nor shall any divorce be granted by the courts of
the Territory unless the applicant therefor shall have resided in the Territory for one year next preceding the application, but this provision shall not affect any action pending when this Act takes effect; nor shall any lottery or sale of lottery tickets be allowed; nor shall any public money be appropriated for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall the government of the Territory of Puerto Rico, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to meet a casual deficit in the revenues, to pay the interest upon the existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purpose the legislature may authorize loans by the Territory, or any subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, and harbor and other public improvements, but the total of such indebtedness incurred in any one year by the Territory, or any subdivision, shall not exceed one per centum.

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upon the assessed value of taxable property of the Territory, or subdivision thereof, as the case may be, as shown by the last general assessment for taxation, and the total indebtedness for the Territory shall not at any time be extended beyond seven per centum of such assessed value, and the total indebtedness of any subdivision shall not at any time be extended beyond three per centum of such assessed value, but nothing in this provision shall prevent the refunding of any existing indebtedness at any time; nor shall any such loan be made upon the credit of the public domain, or any part thereof, nor shall any bond or other instrument of any such indebtedness be issued unless made redeemable in not more than five years and payable in not more than fifteen years from the date of the issue thereof. The legislative assembly shall at its first session pass stringent laws against monopolies, trusts, and conspiracies against trade.

Sec. 14. That the legislative assembly may create counties, towns, and cities within the Territory of Puerto Rico and provide for the government thereof.

Sec. 15. That all township, district, and county officers not herein otherwise provided for shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislative assembly of the Territory of Puerto Rico. The governor shall nominate and, by and with the advice and consent of the legislative council, appoint all
officers not herein otherwise provided for; and in the first
instance the governor alone may appoint all said officers,
who shall hold their offices until the end of the first session of
the legislative assembly, and shall lay off the necessary dis-
tricts for the members of the council and house of repre-
sentatives and all other officers.

SEC. 16. That the judicial power of said Territory shall
be vested in a supreme court, district courts, probate courts,
and in justices of the peace. The supreme court shall con-
sist of a chief justice and two associate justices, any two of
whom shall constitute a quorum, and who shall hold a term
at the seat of government of said Territory annually, and they
shall hold their office during the period of four years. The
said Territory shall be divided into three or more judicial dis-
tricts, and a district court shall be held in each of said dis-
tricts by one of the justices of the supreme court at such times
and places as may be prescribed by law; and the said judges
shall reside in the said Territory. The jurisdiction of the
several courts herein provided for, both appellate and
original, and that of the probate courts and of
justices of the peace, shall be as prescribed by law:
Provided, That justices of the peace shall not have jurisdic-
tion of any matter in controversy when the title or boundaries
of land may be in dispute, or where the debt or sum claimed
shall exceed one hundred dollars; and the said supreme and
district courts, respectively, shall possess chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint his clerk, and he shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law, but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations as are now provided by the laws of the United States of America, and under the terms and regulations prescribed therein. Each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States, and the said supreme and district courts of said Territory, and the respective judges thereof, shall and may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States courts. The
clerks of all said courts shall receive a stipulated annual salary
to be fixed by the legislative assembly. That the chief justice
and associate justices of the supreme court and the judges of
the district court of the Territory shall be liable to removal
from office on impeachment by the house of representatives
upon any of the following grounds, namely: Any Act or
negligence involving moral turpitude punishable by law
as an offense and committed while in office; incapacity
for the due performance of official duty; or maladministra-
tion in office. The council shall be a court with
full and sole authority to hear and determine impeachments
made by the house of representatives. Previous to the trial
of any impeachment the councilmen shall, respectively, be
sworn truly and impartially to try and determine the charge
in question according to law and the evidence. The judg-
ment of the council, in case of the conviction of the person
impeached, shall not extend further than to removal from
office and disqualification to hold any place of honor, trust, or
profit under the government, but the person so convicted
shall be, nevertheless, liable to indictment, trial, judgment,
and punishment according to law. The judges of the supreme
court shall receive an annual salary of four thousand dollars,
to be paid monthly.

Sec. 17. That there shall be appointed an attorney for
said Territory, who shall continue in office for four years, un-
less sooner removed by the President, and he shall receive an annual salary of three thousand dollars, and no more, to be paid monthly. There shall also be a marshal for the Territory of Puerto Rico, who shall hold his office for four years, unless sooner removed by the President, who shall execute all processes issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States. He shall perform the duties, be subject to the same regulations and penalties as marshals of the district courts of the United States, and receive an annual salary of three thousand dollars per annum, and no more, to be paid monthly.

Sec. 18. That the governor, secretary, chief justice and associate justices, attorney, and marshal, shall be nominated and, by and with the advice and consent of the Senate, appointed by the President of the United States. The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation before the district judge or some justice of the peace in the limits of said Territory duly authorized to administer oaths and affirmations by the laws now in force therein, or before the Chief Justice or some Associate Justice of the Supreme Court of the United States, to support the Constitution of the United States and faithfully to discharge the duties of the irrespective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the
executive proceedings. And the chief justice and associate jus-
tices and all other civil officers in said Territory, before they act
as such, shall take a like oath or affirmation before the said gov-
ernor or secretary, or some judge or justice of the peace of the
Territory, who may be duly commissioned and qualified;
which said oath or affirmation shall be certified and trans-
mitted by the person taking the same to the secretary, to
be by him recorded as aforesaid, and afterwards the like oath
or affirmation shall be taken, certified, and recorded in such
manner and form as may be prescribed by law. There shall
be appropriated annually the sum of one thousand dollars, to
be expended by the governor to defray the contingent ex-
penses of the Territory. There shall also be appropriated
annually a sufficient sum, to be expended by the secretary of
the Territory, and upon an estimate to be made by the Sec-
retary of the Treasury of the United States, to defray the
expenses of the legislative assembly, the printing of the laws,
and other incidental expenses; and the secretary of the
Territory shall annually account to the Secretary of the Treas-
ury of the United States for the manner in which the afore-
said sum shall have been expended. The salary of the
secretary of the Territory shall be two thousand five hundred
dollars per annum, and no more, to be paid monthly.

Sec. 19. That every member of the legislative assembly
shall take the following oath or affirmation: "I solemnly swear
(or affirm), in the presence of Almighty God, that I will faithfully support the Constitution and laws of the United States, and conscientiously and impartially discharge my duties as an officer of the Territory of Puerto Rico."

Sec. 20. That the council and house of representatives shall each choose its own officers, determine the rules of its own proceedings, not inconsistent with this Act, and keep a journal.

Sec. 21. That the ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered on the journal. That a majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote will suffice; but the final passage of a law in each house shall require the vote of a majority of all the members to which such house is entitled. That a smaller number than a quorum may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may provide.

Sec. 22. That no member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions in either house. That the members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest
during their attendance at the sessions of their respective houses, and in going to and returning from the same: Provided, That such privilege as to going and returning shall not cover a period of over ten days each way.

Sec. 23. That vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term at general or special elections.

Sec. 24. That in order to be eligible to election as a member of the council a person shall be a male citizen of the United States and a bona fide resident of the Territory of Puerto Rico, and shall have resided there one year previous to the election, have attained the age of twenty-one years, and be a qualified voter for councilman. That in order to be eligible to be a member of the house of representatives a person shall be a male citizen of the United States and a bona fide resident of the Territory of Puerto Rico, and shall have resided there one year previous to the election, have attained the age of twenty-one years, and be a qualified voter for representative.

Sec. 25. That the legislative assembly of the Territory of Puerto Rico shall hold its first and succeeding sessions at San Juan until otherwise provided by law.

Sec. 26. That each regular session of the legislative assembly shall continue not longer than sixty days, excluding H. R. 7020—3
Sundays and holidays. The governor may convene the legis-

tative assembly in special session, but no special session shall

exceed sixty days.

SEC. 27. That the enacting clause of all laws shall be,

"Be it enacted by the legislature of the Territory of Puerto

Rico." All legislative proceedings shall be conducted in the

English language.

SEC. 28. That a Delegate to the House of Representatives

of the United States, to serve during each Congress of the United

States, may be elected by the voters qualified to elect mem-

bers of the legislative assembly, who shall be entitled to the

same rights and privileges as are exercised and enjoyed by the

Delegates from the several other Territories of the United States

to the said House of Representatives. The first election shall

be held at such time and places and be conducted in such

manner as the governor shall appoint and direct, and at all

subsequent elections the times, places, and manner of holding

the elections shall be prescribed by law. The person having

the greatest number of votes shall be declared by the gover-

nor to be duly elected, and a certificate thereof shall be given

accordingly.

SEC. 29. That temporarily, and until otherwise provided

by law, the governor of said Territory may define the judicial

districts of said Territory, and assign the judges who may be

appointed for said Territory to the several districts, and also
appoint the times and places for holding courts in the several
districts, counties, or subdivisions of said judicial districts by
proclamation to be issued by him; but the legislative assem-
ibly, at their first or any subsequent session, may organize,
alter, or modify such judicial districts, and assign the judges,
and alter the times and places of holding the courts, as to
them shall seem proper and convenient.
A BILL

To provide a government for the Territory of Puerto Rico.

By Mr. Henry of Texas.

January 24, 1900.—Referred to the Committee on Insular Affairs and ordered to be printed.