
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.

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

10 SEC. 2. That a Territorial government is hereby estab-
11 lished over the said Territory, with its capital at San Juan.

12 SEC. 3. That the executive power and authority in and
13 over said Territory of Puerto Rico shall be vested in a gov-
14 ernor, who shall hold his office for four years, and until his
15 successor shall be appointed and qualified, unless sooner re-

1 moved by the President of the United States. The governor
2 shall reside within said Territory, shall be commander in chief
3 of the militia thereof, shall perform the duties imposed upon
4 him by law, and shall approve all laws passed by the legisla-
5 tive assembly before they shall take effect; he may grant
6 pardons for offenses against the laws of the Territory and re-
7 prievees for offenses against the laws of the United States until
8 the decision of the President can be made known thereon;
9 he shall commission all officers who shall be appointed to of-
10 fice under the laws of the said Territory, and shall take care
11 that the laws be faithfully executed; he shall not be less
12 than thirty years of age, and shall receive an annual salary of
13 four thousand dollars per annum and no more, to be
14 paid monthly in equal installments; he shall have
15 the power to approve or disapprove all bills passed by
16 the legislative assembly of said Territory, and in case of his
17 disapproval of any bill he shall return the same to the house
18 in which the same originated, with the reasons of his disap-
19 proval, and said bill shall not become a law of said Territory
20 unless it shall be again passed by the legislative assembly by
21 a two-thirds vote of each house; but if he shall not return
22 said bill within ten days after it shall have been presented to
23 him the same shall be a law in like manner as if he had
24 signed it.

25 SEC. 4. That there shall be a secretary of said Territory,

1 who shall reside therein and hold his office for four years,
2 unless sooner removed by the President of the United States.
3 He shall record and preserve all the laws and proceedings of
4 the legislative assembly hereinafter constituted, and all the
5 acts and proceedings of the governor in his executive
6 department; he shall transmit one copy of the laws
7 and one copy of the executive proceedings, on
8 or before the first day of December in each year, to
9 the President of the United States, and at the same time two
10 copies of the laws to the Speaker of the House of Represent-
11 atives and the President of the Senate, for the use of Con-
12 gress. And in case of the death, removal, resignation, or
13 other necessary absence of the governor of the Territory the
14 secretary shall have, and he is hereby authorized and required
15 to execute and perform, all the powers and duties of the gov-
16 ernor during such vacancy or necessary absence, or until
17 another governor shall be duly appointed to fill such vacancy.

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

22 SEC. 6. That the laws of Puerto Rico not inconsistent
23 with the Constitution or laws of the United States or the pro-
24 visions of this Act shall continue in force, subject to repeal or

1 amendment by the legislative assembly of Puerto Rico or the
2 Congress of the United States.

3 SEC. 7. That all obligations, contracts, rights of action,
4 suits at law and in equity, prosecutions, and judgments exist-
5 ing prior to the taking effect of this Act shall continue to be
6 as effectual as if this Act had not been passed; and those in
7 favor of or against the government of Puerto Rico, and not
8 assumed by or transferred to the United States, shall be
9 equally valid in favor of or against the government of the
10 Territory of Puerto Rico. All offenses which by statute then
11 in force were punishable as offenses against the government
12 of Puerto Rico shall be punishable as offenses against the
13 government of the Territory of Puerto Rico, unless such stat-
14 ute is inconsistent with this Act or shall be repealed or
15 changed by law. All criminal and penal proceedings then
16 in the courts of the government of Puerto Rico shall be pros-
17 ecuted to final judgment and execution in the name of the
18 Territory of Puerto Rico; all such proceedings, all actions at
19 law, suits in equity, and other proceedings then pending in
20 the courts of the government of Puerto Rico shall be carried
21 on to final judgment and execution in the corresponding
22 courts of the Territory of Puerto Rico, and all process issued
23 and sentences imposed before this Act takes effect shall be as
24 valid as if issued or imposed in the name of the Territory of
25 Puerto Rico.

1 SEC. 8. That the legislative power and authority of said
2 Territory shall be vested in a legislative assembly; the
3 legislative assembly shall consist of a council and house of
4 representatives. The council shall consist of thirteen mem-
5 bers, having the qualifications of voters as hereinafter pre-
6 scribed, and whose term of service shall continue four years;
7 the house of representatives shall consist of twenty-six mem-
8 bers, possessing the same qualifications as prescribed for
9 members of the council, and whose term of service shall con-
10 tinue two years. An apportionment shall be made, as nearly
11 equal as practicable, by the governor, among the several coun-
12 ties or districts, for the election of the council and house of
13 representatives, giving to each section of the Territory
14 representation in the ratio of its population as nearly
15 as may be. The governor shall designate the time for
16 the first election for members of the legislative assembly,
17 and shall divide the Territory into districts and subdivisions
18 to be represented in the legislative assembly, and shall name
19 the time and place for holding said election. Provision for
20 subsequent elections shall be made by law by said legislative
21 assembly, and for the division of the said Territory into
22 proper districts to be represented in the legislative assembly;
23 and the members of the council and of the house of represent-
24 atives shall reside in and be inhabitants of the district for which
25 they may be elected, respectively. The number of persons

1 authorized to be elected having the highest number of votes
2 in each of said council districts for members of the council
3 shall be declared by the governor to be duly elected to the
4 council, and the person or persons authorized to be elected
5 having the greatest number of votes for the house of repre-
6 sentatives, equal to the number to which each county or dis-
7 trict shall be entitled, shall be declared by the governor to be
8 duly elected members of the house of representatives: *Pro-*
9 *vided*, That in case of a tie between two or more persons voted
10 for the governor shall order a new election, to supply the
11 vacancy made by such tie. And the persons thus elected to the
12 legislative assembly shall meet at such place and on such day
13 as the governor shall appoint; but thereafter the time, place,
14 and manner of holding and conducting all elections by the
15 people, and the apportioning the representation in the several
16 districts to the council and house of representatives according
17 to population, shall be prescribed by law, as well as the day of
18 the commencement of the regular sessions of the legislative
19 assembly.

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

24 SEC. 10. That a general election shall be held on the

1 Tuesday next after the first Monday in November, nineteen
2 hundred, and every second year thereafter.

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

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

25 SEC. 13. That the legislative power of the Territory

1 shall extend to all rightful subjects of legislation consistent
2 with the Constitution of the United States and the provisions
3 of this Act; but no law shall be passed interfering with the
4 primary disposal of the soil; no tax shall be imposed upon
5 the property of the United States, nor shall the lands or other
6 property of nonresidents be taxed higher than the lands or
7 other property of residents. All the laws passed by the leg-
8 islative assembly and governor shall be submitted to the Con-
9 gress of the United States, and if disapproved shall be null
10 and of no effect. The legislature shall not grant to any cor-
11 poration, association, or individual any special or exclusive
12 privilege, immunity, or franchise without the approval of
13 Congress, nor shall it grant private charters, but it may,
14 by general act, permit persons to associate themselves to-
15 gether as bodies corporate for manufacturing, agricultural,
16 and other industrial pursuits, and for conducting the
17 business of insurance, savings banks, banks of discount and
18 deposit (but not of issue), loan, trust, and guaranty associations,
19 for the establishment and conduct of cemeteries, and for the
20 construction and operation of railroads, wagon roads, vessels,
21 and irrigating ditches, and the colonization and improvement
22 of lands in connection therewith, or for colleges, seminaries,
23 churches, libraries, or any other benevolent, charitable, or
24 scientific association. No divorce shall be granted by the
25 legislature, nor shall any divorce be granted by the courts of

1 the Territory unless the applicant therefor shall have resided
2 in the Territory for one year next preceding the application,
3 but this provision shall not affect any action pending when
4 this Act takes effect; nor shall any lottery or sale of lottery
5 tickets be allowed; nor shall any public money be appro-
6 priated for the support or benefit of any sectarian, denomina-
7 tional, or private school, or any school not under the exclusive
8 control of the government; nor shall the government of the
9 Territory of Puerto Rico, or any political or municipal cor-
10 poration or subdivision of the Territory, make any subscription
11 to the capital stock of any incorporated company, or in any
12 manner lend its credit for the use thereof; nor shall any debt
13 be authorized to be contracted by or on behalf of the Terri-
14 tory, or any political or municipal corporation or subdivision
15 thereof, except to meet a casual deficit in the revenues, to pay
16 the interest upon the existing indebtedness, to suppress insur-
17 rection, or to provide for the common defense, except that in
18 addition to any indebtedness created for such purpose the leg-
19 islature may authorize loans by the Territory, or any subdi-
20 vision thereof, for the erection of penal, charitable, and
21 educational institutions, and for public buildings, wharves,
22 roads, and harbor and other public improvements, but the
23 total of such indebtedness incurred in any one year by the Ter-
24 ritory, or any subdivision, shall not exceed one per centum

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

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

20 SEC. 15. That all township, district, and county officers
21 not herein otherwise provided for shall be appointed or elected,
22 as the case may be, in such manner as shall be provided by
23 the governor and legislative assembly of the Territory of
24 Puerto Rico. The governor shall nominate and, by and with
25 the advice and consent of the legislative council, appoint all

1 officers not herein otherwise provided for; and in the first
2 instance the governor alone may appoint all said officers,
3 who shall hold their offices until the end of the first session of
4 the legislative assembly, and shall lay off the necessary dis-
5 tricts for the members of the council and house of repre-
6 sentatives and all other officers.

7 SEC. 16. That the judicial power of said Territory shall
8 be vested in a supreme court, district courts, probate courts,
9 and in justices of the peace. The supreme court shall con-
10 sist of a chief justice and two associate justices, any two of
11 whom shall constitute a quorum, and who shall hold a term
12 at the seat of government of said Territory annually, and they
13 shall hold their office during the period of four years. The
14 said Territory shall be divided into three or more judicial dis-
15 tricts, and a district court shall be held in each of said dis-
16 tricts by one of the justices of the supreme court at such times
17 and places as may be prescribed by law; and the said judges
18 shall reside in the said Territory. The jurisdiction of the
19 several courts herein provided for, both appellate and
20 original, and that of the probate courts and of
21 justices of the peace, shall be as prescribed by law:
22 *Provided*, That justices of the peace shall not have jurisdic-
23 tion of any matter in controversy when the title or boundaries
24 of land may be in dispute, or where the debt or sum claimed
25 shall exceed one hundred dollars; and the said supreme and

1 district courts, respectively, shall possess chancery as well as
2 common law jurisdiction. Each district court, or the judge
3 thereof, shall appoint his clerk, and he shall also be the reg-
4 ister in chancery, and shall keep his office at the place where
5 the court may be held. Writs of error, bills of exception,
6 and appeals shall be allowed in all cases from the final deci-
7 sions of said district courts to the supreme court, under such
8 regulations as may be prescribed by law, but in no case removed
9 to the supreme court shall trial by jury be allowed in said
10 court. The supreme court, or the justices thereof, shall appoint
11 its own clerk, and every clerk shall hold his office at the
12 pleasure of the court for which he shall have been appointed.
13 Writs of error and appeals from the final decisions of
14 said supreme court shall be allowed and may be taken to
15 the Supreme Court of the United States in the same manner
16 and under the same regulations as are now provided
17 by the laws of the United States of America, and under the
18 terms and regulations prescribed therein. Each of the said
19 district courts shall have and exercise the same jurisdiction in
20 all cases arising under the Constitution and laws of the United
21 States as is vested in the circuit and district courts of the
22 United States, and the said supreme and district courts of said
23 Territory, and the respective judges thereof, shall and may
24 grant writs of habeas corpus in all cases in which the same
25 are grantable by the judges of the United States courts. The

1 clerks of all said courts shall receive a stipulated annual salary
2 to be fixed by the legislative assembly. That the chief justice
3 and associate justices of the supreme court and the judges of
4 the district court of the Territory shall be liable to removal
5 from office on impeachment by the house of representatives
6 upon any of the following grounds, namely: Any Act or
7 negligence involving moral turpitude punishable by law
8 as an offense and committed while in office; incapacity
9 for the due performance of official duty; or malad-
10 ministration in office. The council shall be a court with
11 full and sole authority to hear and determine impeachments
12 made by the house of representatives. Previous to the trial
13 of any impeachment the councilmen shall, respectively, be
14 sworn truly and impartially to try and determine the charge
15 in question according to law and the evidence. The judg-
16 ment of the council, in case of the conviction of the person
17 impeached, shall not extend further than to removal from
18 office and disqualification to hold any place of honor, trust, or
19 profit under the government, but the person so convicted
20 shall be, nevertheless, liable to indictment, trial, judgment,
21 and punishment according to law. The judges of the supreme
22 court shall receive an annual salary of four thousand dollars,
23 to be paid monthly.

24 SEC. 17. That there shall be appointed an attorney for
25 said Territory, who shall continue in office for four years, un-

1 less sooner removed by the President, and he shall receive an
2 annual salary of three thousand dollars, and no more, to be
3 paid monthly. There shall also be a marshal for the Territory
4 of Puerto Rico, who shall hold his office for four years, unless
5 sooner removed by the President, who shall execute all proc-
6 esses issuing from the said courts when exercising their juris-
7 diction as circuit and district courts of the United States.
8 He shall perform the duties, be subject to the same regula-
9 tions and penalties as marshals of the district courts of the
10 United States, and receive an annual salary of three thousand
11 dollars per annum, and no more, to be paid monthly.

12 SEC. 18. That the governor, secretary, chief justice and
13 associate justices, attorney, and marshal, shall be nominated
14 and, by and with the advice and consent of the Senate, ap-
15 pointed by the President of the United States. The governor
16 and secretary to be appointed as aforesaid shall, before they
17 act as such, respectively take an oath or affirmation before the
18 district judge or some justice of the peace in the limits of said
19 Territory duly authorized to administer oaths and affirmations
20 by the laws now in force therein, or before the Chief Justice
21 or some Associate Justice of the Supreme Court of the United
22 States, to support the Constitution of the United States and
23 faithfully to discharge the duties of the irrelative offices;
24 which said oaths, when so taken, shall be certified by the person
25 by whom the same shall have been taken, and such certificates
26 shall be received and recorded by the said secretary among the

1 executive proceedings. And the chief justice and associate jus-
2 tices and all other civil officers in said Territory, before they act
3 as such, shall take a like oath or affirmation before the said gov-
4 ernor or secretary, or some judge or justice of the peace of the
5 Territory, who may be duly commissioned and qualified;
6 which said oath or affirmation shall be certified and trans-
7 mitted by the person taking the same to the secretary, to
8 be by him recorded as aforesaid, and afterwards the like oath
9 or affirmation shall be taken, certified, and recorded in such
10 manner and form as may be prescribed by law. There shall
11 be appropriated annually the sum of one thousand dollars, to
12 be expended by the governor to defray the contingent ex-
13 penses of the Territory. There shall also be appropriated
14 annually a sufficient sum, to be expended by the secretary of
15 the Territory, and upon an estimate to be made by the Sec-
16 retary of the Treasury of the United States, to defray the
17 expenses of the legislative assembly, the printing of the laws,
18 and other incidental expenses; and the secretary of the
19 Territory shall annually account to the Secretary of the Treas-
20 ury of the United States for the manner in which the afore-
21 said sum shall have been expended. The salary of the
22 secretary of the Territory shall be two thousand five hundred
23 dollars per annum, and no more, to be paid monthly.

24 SEC. 19. That every member of the legislative assembly
25 shall take the following oath or affirmation: "I solemnly swear

1 (or affirm), in the presence of Almighty God, that I will faith-
2 fully support the Constitution and laws of the United States,
3 and conscientiously and impartially discharge my duties as an
4 officer of the Territory of Puerto Rico.”

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

9 SEC. 21. That the ayes and noes of the members on
10 any question shall, at the desire of one-fifth of the members
11 present, be entered on the journal. That a majority of the
12 number of members to which each house is entitled shall con-
13 stitute a quorum of such house for the conduct of ordinary
14 business, of which quorum a majority vote will suffice; but
15 the final passage of a law in each house shall require the vote
16 of a majority of all the members to which such house is en-
17 titled. That a smaller number than a quorum may adjourn
18 from day to day, and compel the attendance of absent mem-
19 bers in such manner and under such penalties as each house
20 may provide.

21 SEC. 22. That no member of the legislature shall be held
22 to answer before any other tribunal for any words uttered in
23 the exercise of his legislative functions in either house. That
24 the members of the legislature shall, in all cases except trea-
25 son, felony, or breach of the peace, be privileged from arrest

1 during their attendance at the sessions of their respective
2 houses, and in going to and returning from the same: *Pro-*
3 *vided*, That such privilege as to going and returning shall not
4 cover a period of over ten days each way.

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

8 SEC. 24. That in order to be eligible to election as a
9 member of the council a person shall be a male citizen of the
10 United States and a bona fide resident of the Territory of
11 Puerto Rico, and shall have resided there one year previous
12 to the election, have attained the age of twenty-one years, and
13 be a qualified voter for councilman. That in order to be
14 eligible to be a member of the house of representatives a
15 person shall be a male citizen of the United States and a bona
16 fide resident of the Territory of Puerto Rico, and shall have
17 resided there one year previous to the election, have attained
18 the age of twenty-one years, and be a qualified voter for
19 representative.

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

23 SEC. 26. That each regular session of the legislative
24 assembly shall continue not longer than sixty days, excluding

1 Sundays and holidays. The governor may convene the legis-
2 lative assembly in special session, but no special session shall
3 exceed sixty days.

4 SEC. 27. That the enacting clause of all laws shall be,
5 “Be it enacted by the legislature of the Territory of Puerto
6 Rico.” All legislative proceedings shall be conducted in the
7 English language.

8 SEC. 28. That a Delegate to the House of Representatives
9 of the United States, to serve during each Congress of the United
10 States, may be elected by the voters qualified to elect mem-
11 bers of the legislative assembly, who shall be entitled to the
12 same rights and privileges as are exercised and enjoyed by the
13 Delegates from the several other Territories of the United States
14 to the said House of Representatives. The first election shall
15 be held at such time and places and be conducted in such
16 manner as the governor shall appoint and direct, and at all
17 subsequent elections the times, places, and manner of holding
18 the elections shall be prescribed by law. The person having
19 the greatest number of votes shall be declared by the gover-
20 nor to be duly elected, and a certificate thereof shall be given
21 accordingly.

22 SEC. 29. That temporarily, and until otherwise provided
23 by law, the governor of said Territory may define the judicial
24 districts of said Territory, and assign the judges who may be
25 appointed for said Territory to the several districts, and also

1 appoint the times and places for holding courts in the several
2 districts, counties, or subdivisions of said judicial districts by
3 proclamation to be issued by him; but the legislative assem-
4 bly, at their first or any subsequent session, may organize,
5 alter, or modify such judicial districts, and assign the judges,
6 and alter the times and places of holding the courts, as to
7 them shall seem proper and convenient.

56TH CONGRESS, }
1ST SESSION. } **H. R. 7020.**

A BILL

To provide a government for the Territory of
Puerto Rico.

By **Mr. HENRY**, of Texas.

JANUARY 22^d 1900.—Referred to the Committee on Insular
Affairs and ordered to be printed.