IN THE SENATE OF THE UNITED STATES.

JANUARY 3, 1900.

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

A BILL

To provide a government for the island of Puerto Rico, and for other purposes.

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

GENERAL PROVISIONS.

That the provisions hereof shall apply to and include not only the island of Puerto Rico, but also all the adjacent islands and the waters thereof that were ceded to the United States by the treaty of peace concluded between the United States and Spain on the eleventh day of April, eighteen hundred and ninety-nine.

Sec. 2. That the capital shall be at the city of San Juan and the seat of government for the island shall be maintained there.

Sec. 3. That all inhabitants of the island continuing to reside therein who were subjects of the Kingdom of Spain on
the eleventh day of April, eighteen hundred and ninety-nine, and then resided in Puerto Rico, shall be deemed and held to be citizens of the United States, except such as shall have elected to remain subjects of the Kingdom of Spain on or before the eleventh day of April, nineteen hundred, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the eleventh day of April, eighteen hundred and ninety-nine.

SEC. 4. That the laws and ordinances now in force in the island of Puerto Rico shall continue in full force and effect, except as altered, amended, or modified hereinafter, or by military orders and decrees now in force, and so far as the same are not inconsistent or in conflict with the Constitution and laws of the United States locally applicable, or the provisions hereof, until altered, amended, or repealed by the legislative authority hereinafter provided for the island or by Act of Congress of the United States.

SEC. 5. That the laws of the United States relating to commerce, navigation, and merchant seamen are hereby extended to and over the island of Puerto Rico and all said adjacent islands and waters, and the Commissioner of Navigation may make such regulations as he may deem expedient for the nationalization of all vessels owned by the inhabitants of the island on the eleventh day of April, eighteen hundred and ninety-nine, and which continued to be so owned up to
the date of such nationalization, and the coasting trade between the island and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

SEC. 6. That on and after the date of the passage of this Act there shall be levied, collected, and paid upon all articles imported, except from the United States into the island of Puerto Rico, the rates of duty mentioned and prescribed in the schedules and paragraphs of the Act "To provide revenue for the Government, and to encourage industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven, in the same manner and to the same extent as if said schedules and paragraphs were expressly reenacted in this Act, and all the other provisions and paragraphs of such Act comprised in the sections thereof from two to thirty-four, inclusive, not locally inapplicable shall be and remain in force in said island of Puerto Rico until otherwise provided by Congress: Provided, however, That all collections made hereunder shall be paid into the treasury of the island, to be expended as required by law for the government and benefit of the island instead of being paid into the Treasury of the United States.

SEC. 7. That on and after the passage of this Act there shall be collected within the island of Puerto Rico all the internal-
revenue taxes imposed under the provisions of the Revised
Statutes upon citizens of the United States living elsewhere
in the United States in so far as the same are locally appli-
cable, and all the provisions of the laws of the United States
providing for internal-revenue taxation and the collection
thereof not locally inapplicable shall be and remain in force
within the island of Puerto Rico until otherwise provided by
Congress.

Sec. 8. That on and after the passage of this Act all-
merchandise coming into the United States from the island of
Puerto Rico, and all merchandise going from the United
States into the island of Puerto Rico, shall be admitted into the
respective ports of entry free of all tariffs, customs, and duties,
all laws and parts of laws to the contrary notwithstanding.

Sec. 9. That all expenses that may be incurred on ac-
count of the government of Puerto Rico for salaries of offi-
cials and the conduct of their offices and departments, and all-
expenses and obligations contracted for the improvement or
development of the island, and for defenses or public works
of any character in the island, shall be paid by the treasurer
of the island out of the revenues in his hands, and not to be
a liability in any case of the United States.

Sec. 10. That the Constitution and all the laws of the
United States locally applicable, except as hereinbefore or
hereinafter otherwise provided, shall have the same force and
effect in the island of Puerto Rico as elsewhere in the United States.

Sec. 11. That the legislative authority hereinafter provided shall have power by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this Act as it may from time to time see fit, subject in all cases, however, to the limitations and restrictions herein imposed upon the exercise of that power.

Sec. 12. That all vested property rights, and all obligations, contracts, rights of action, suits at law and in equity, prosecutions for crimes and misdemeanors, and all sentences and civil judgments and decrees now existing shall remain unaffected by this Act and continue enforceable.

Sec. 13. That all judicial and legal process shall run in the name of "The United States of America, island of Puerto Rico," and all criminal or penal prosecutions shall be conducted in the name and by the authority of "the United States of America, island of Puerto Rico."

THE GOVERNOR.

Sec. 14. That the official title of the chief executive officer of the island shall be "the governor of Puerto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for a term of four years and until his successor is chosen and qualified, unless sooner removed by the President; he shall
reside in the island during his official incumbency, and shall
maintain his office at the seat of government; he shall not
at the same time hold any other office of honor or emolument
under the United States or any other governmental authority;
he may grant pardons and reprieves, and remit fines and for-
feitures for offenses against the laws of the island, and respites
for offenses against the laws of the United States until the
decision of the President can be ascertained; he shall com-
mission all officers of the island that he may be authorized to
appoint, and shall participate in and may veto any legislation
enacted by the legislative authority of the island, as herein-
after provided; he shall be the commander in chief of the
militia of the island, and shall at all times faithfully execute
the laws of the island, and he shall be vested with all other
executive power and authority hereinafter conferred.

THE EXECUTIVE COUNCIL.

SEC. 15. That there shall be appointed by the President,
by and with the advice and consent of the Senate, for the
period of four years, unless sooner removed by the President,
a secretary, an attorney-general, a treasurer, an auditor, a
commissioner of the interior, a commissioner of posts and
telegraphs, and a commissioner of education, each of whom
shall reside in the island during his official incumbency and
have the powers and duties hereinafter provided for them,
respectively, and who, together with the governor and five
other persons of good repute, to be appointed by the governor from the native inhabitants of the island, shall constitute an executive council, and in addition to the legislative duties hereinafter imposed upon them as a body exercise such powers and perform such duties as are hereinafter provided for them, respectively.

SEC. 16. That the secretary shall record and preserve minutes of the proceedings of the executive council and the laws enacted by the legislative assembly of the island, and all acts and proceedings of the governor, and shall promulgate all proclamations and orders of the governor, and all laws enacted by the legislative assembly. He shall, within sixty days after the end of each session of the legislative assembly, transmit to the President, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State of the United States one copy each of the laws and journals of such session.

SEC. 17. That in case of the death, removal, resignation, or disability of the governor, or his temporary absence from the island, the secretary shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

SEC. 18. That the attorney-general shall have all the powers and discharge all the duties provided by law for United States attorneys of the Territories of the United States in so
far as the same are locally applicable, and he shall perform
such other duties and make such reports to the Attorney-
General of the United States as that officer may require.

SEC. 19. That the treasurer shall be the custodian of the
public funds, and shall disburse the same as required by law,
and shall perform such other duties and make such reports to
the Secretary of the Treasury of the United States as that
officer may require.

SEC. 20. That the auditor shall keep full and accurate
accounts, showing all receipts and disbursements, and perform
such other duties and make such reports to the Secretary of
the Treasury of the United States as that officer may require.

SEC. 21. That the commissioner of the interior shall
superintend all works of a public nature, and shall have charge
of all public buildings, grounds, and lands, and shall execute
such requirements as may be imposed by law with respect
thereto, and shall perform such other duties and make such
reports and recommendations to the Secretary of the Interior
of the United States as that official may require.

SEC. 22. That the commissioner of posts and telegraphs
shall have charge of the postal service in the island, and shall
establish such routes and provide such service thereon as may
be approved by the Postmaster-General of the United States,
and he shall perform all other duties and make all other re-
ports that may be required by that official.
SEC. 23. That the commissioner of education shall superintend public instruction throughout the island, and all disbursements on account thereof must be approved by him; and he shall perform such other duties and make such reports as may be required by the Commissioner of Education of the United States.

SEC. 24. That the other five members of the executive council, to be appointed from natives of the island of good repute, as hereinbefore provided, shall attend all meetings of the executive council and participate in all business of every character that may be transacted by it; and they shall receive as compensation for their services such annual salaries as may be provided by the legislative assembly.

HOUSE OF DELEGATES.

SEC. 25. That the local legislative authority for the island shall consist of two houses; one the executive council, as hereinbefore constituted, and the other a house of delegates, to consist of thirty-five members elected biennially by the qualified voters of the island, as hereinafter provided; and the two houses thus constituted shall be designated "the legislative assembly of the island of Puerto Rico, United States of America."

SEC. 26. That for the purposes of such elections, and for judicial and other governmental purposes, the island shall be
divided by the executive council into five districts, composed
of contiguous territory and as nearly equal as may be in popu-
lation, and each district shall be entitled to seven members of
the house of delegates.

ELECTION OF DELEGATES.

Sec. 27. That the first election for delegates shall be
held on such date and under such regulations as to ballots and
voting as the executive council may prescribe, and at such
elections the voters of each legislative district shall choose
seven delegates to represent them in the house of delegates
from the date of their election and qualification until two years
from and after the first day of January next ensuing; of all
which due notice shall be given by publication in at least
one newspaper circulating in the district, or, in default of
such newspaper, by printed notices distributed and posted
throughout the district as the executive council may pre-
scribe. At such elections all citizens of the island shall
be allowed to vote who possess the qualifications of voters
under the laws now in force in the island, subject to such
regulations and restrictions as to registration and otherwise
as may be now provided by law or as may be prescribed by
the executive council. The house of delegates so chosen shall
convene at the capital and organize by the election of a
speaker, a clerk, a sergeant at arms, and such other officers
and assistants as it may require, at such time as may be des-
ignated by the executive council; but it shall not continue in session longer than sixty days in any one year, unless called by the governor to meet in extraordinary session. The enacting clause of the laws shall be, "Be it enacted by the legislative assembly of the island of Puerto Rico, United States of America;" and each member of the house of delegates shall be paid for his services at the rate of five dollars per day for each day's attendance while the house is in session. All future elections of delegates shall be governed by the provisions hereof, so far as they are applicable, until the legislative assembly shall otherwise provide.

Sec. 28. That the house of delegates shall be the sole judge of the qualifications of its members, and shall have and exercise all the powers with respect to the conduct of its proceedings that usually appertain to parliamentary legislative bodies. No person shall be eligible to membership in the house of delegates who is not twenty-five years of age and able to read and write either the Spanish or the English language, or who is not possessed in his own right of property, real or personal, situated in the island of the value of at least two thousand dollars.

Sec. 29. That all laws enacted may originate in either body, but no bill shall become a law unless it may be passed in each body by a majority vote of all the members belonging to such body and be approved by the governor within
ten days thereafter; and all laws enacted and journals and pro-
ceedings of the legislative assembly shall be printed and pub-
lished in both the Spanish and English languages.

Sec. 30. That the legislative authority herein provided
shall apply to all matters of a legislative character locally
applicable to the island, including power to create, consolidate,
and reorganize, as may be necessary, the municipalities of the
island, and to provide and repeal laws and ordinances there-
for; and also the power to alter, amend, modify, and repeal
any and all laws and ordinances of every character not in
force in the island, or any municipality or district thereof,
subject in all cases to the requirement that no legislation shall
be inconsistent with the Constitution of the United States:
Provided, however, That all grants of franchises, rights, and
privileges or concessions of a public or quasi-public nature
shall be made by the executive council, with the approval of
the governor, and subject also to the approval of the Presi-
dent of the United States, whether the same be granted by
a municipality, under the laws applicable as they now exist,
or by the legislative assembly, or any other authority.

THE JUDICIARY.

Sec. 31. That the judicial power shall be vested in the
courts and tribunals of the island as already established and
now in operation, including municipal courts, under and by
virtue of General Orders, Numbered One hundred and eighteen,
as promulgated by Brigadier-General Davis, United States Volunteers, August sixteenth, eighteen hundred and ninety-nine, and the laws and ordinances of the island and the municipalities thereof in force, so far as the same are not in conflict herewith or with the Constitution of the United States, all which courts and tribunals are hereby continued.

The jurisdiction of said courts and the form of procedure in them, and the various officials and attachés thereof, respectively, shall be the same as defined and prescribed in and by said laws and ordinances, and said General Orders Numbered One hundred and eighteen, until otherwise provided by law: Provided, however, That the chief-justice and associate justices of the supreme court and the marshal thereof shall be appointed by the President, by and with the advice and consent of the Senate, and the judges and all other officials and attachés of all the other courts shall be chosen as may be directed by the legislative assembly of the island, which shall have authority to legislate from time to time as it may see fit with respect to said courts, and any others they may deem it advisable to establish, their organization, the number of judges and officials and attachés for each, their jurisdiction, their procedure, and all other matters affecting them.

SEC. 32. That the island shall be for judicial purposes designated "The District of Puerto Rico," and shall be
attached to and be a part of the fifth judicial circuit of the
United States; and the marshal of the supreme court and
the attorney-general, appointed as hereinbefore provided, shall
have authority and jurisdiction to discharge their duties
throughout the island, and shall be allowed such deputies,
assistants, and other help as may be approved by the Attor-
ney-General of the United States.

Sec. 33. That writs of error and appeals from the final
decisions of the supreme court of the island shall be allowed
and may be taken to the Supreme Court of the United States
in the same manner and under the same regulations and in
the same cases as from the supreme courts of the Territories
of the United States; and such writs of error and appeal shall
be allowed in all cases where the Constitution of the United
States, or a treaty thereof, or Acts of Congress are brought
in question; and the supreme and district courts of the island
and the respective judges thereof may grant writs of habeas
corpus in all cases in which the same are grantable by the
judges of the United States in the District of Columbia. All
proceedings in the Supreme Court of the United States shall
be conducted in the English language.

Sec. 34. That the salaries of all officials of the island
not appointed by the President, including deputies, assistants,
and other help, shall be such, and be so paid out of the reve-
nues of the island as the executive council shall from time to
time determine: Provided, however, That the salary of no officer shall be either increased or diminished during his term of office. The salaries of all officers and all expenses of the offices of the various officials for the island, appointed as herein provided by the President, including deputies, assistants, and other help, shall also be paid out of the revenues of the island on the warrant of the auditor, who shall pay all salaries, and also all items of official expense approved by the executive council and duly audit the same.

The annual salaries of the officials appointed by the President, and so to be paid, shall be as follows:

The governor, dollars.
The secretary, dollars.
The attorney-general, dollars.
The auditor, dollars.
The commissioner of the interior, dollars.
The commissioner of posts and telegraphs, dollars.
The commissioner of education, dollars.
The chief-justice of the supreme court, dollars.
The associate justices of the supreme court (each), dollars.
The marshal of the supreme court, dollars.

Sec. 35. That the provisions of the foregoing section shall not apply to the municipal officials; their salaries and the
compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues in such manner as the legislative assembly shall provide.

Sec. 36. That no export duties shall be levied or collected on exports from the island; but taxes and assessments on property, and license fees for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by act of the legislative assembly.

Sec. 37. That the qualified voters of the island shall, on the first Tuesday after the first Monday of November, anno Domini nineteen hundred, and every two years thereafter, choose one Delegate to the House of Representatives of the United States, who shall be entitled to a seat, but not to a vote, in that body, on the certificate of election of the governor of the island: Provided, That no person shall be eligible to such election who is not a bona fide inhabitant of the island, and who is not thirty years of age and possessed of property in his own right situated in the island of the value of at least dollars.

Sec. 38. That a commission, to consist of five members, at least two of whom shall be native citizens of the island, shall be appointed by the President, by and with the advice and consent of the Senate, to revise all the laws of the island;
also all the various codes of procedure and systems of munici-
pal government now in force, and to frame and report such
legislation as may be necessary to make a simple, harmonious,
and economical government, establish justice and secure its
prompt and efficient administration, inaugurate a general
system of education and public instruction, provide buildings
and funds therefor, equalize and simplify taxation and all the
methods of raising revenue, and make all other provisions
that may be necessary to secure and extend the benefits of a
republican form of government as far as possible to all the
inhabitants of the island; and all the expenses of such com-
missioners, including all necessary clerks and other assistants
that they may employ, and a salary to each member at the
rate of    dollars per annum, shall be allowed and paid
out of the insular treasury as a part of the expenses of the
government of the island.

S. 2016—3
A BILL

For the Restoration of the Public Lands and People of New Hampshire.