

63D CONGRESS,
2D SESSION.

S. 5845.

IN THE SENATE OF THE UNITED STATES.

JUNE 13, 1914.

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

A BILL

To provide a government for the Territory of Porto Rico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TERRITORY OF PORTO RICO.

4 That the Island of Porto Rico and the adjacent islands and
5 waters of the islands lying east of the seventy-fourth me-
6 ridian of longitude west of Greenwich, which were ceded to
7 to the United States by the Government of Spain by the
8 treaty of peace signed at Paris on the tenth day of Decem-
9 ber, eighteen hundred and ninety-eight, and proclaimed at
10 Washington on the eleventh day of April, eighteen hundred
11 and ninety-nine, shall be known as the Territory of Porto
12 Rico.

1 SEC. 2. That all property which may have been ac-
2 quired in Porto Rico by the United States under the cession
3 by Spain, in and by the aforesaid treaty, in any public
4 bridges, road houses, water powers, highways, unnavigable
5 streams and the beds thereof, subterranean waters, mines
6 or minerals under the surface of private lands, all property
7 which at the time of the cession belonged, under the laws
8 of Spain then in force, to the various harbor-works boards
9 of Porto Rico, all the harbor shores, docks, slips, reclaimed
10 lands, and all public lands and buildings not heretofore re-
11 served by the United States for public purposes, are hereby
12 placed under the control of the government of the Terri-
13 tory of Porto Rico, to be administered for the benefit of
14 the people of Porto Rico; and the Legislature of the Terri-
15 tory of Porto Rico, hereinafter established, shall have au-
16 thority, subject to the limitations imposed upon all its
17 acts, to legislate with respect to all such matters as it may
18 deem advisable: *Provided*, That the President may, from
19 time to time, in his discretion, convey to the Territory of
20 Porto Rico such lands and buildings or interests therein
21 reserved for public purposes under the authority conferred
22 by the Act of Congress approved July first, nineteen hun-
23 dred and two, entitled "An Act authorizing the President
24 to reserve public lands and buildings in the island of Porto
25 Rico for public uses, and granting other public lands and

1 buildings to the Government of Porto Rico, and for other
2 purposes," as in his opinion are no longer needed for pur-
3 poses of the United States; and he may, from time to time,
4 accept from the Territory of Porto Rico any lands, build-
5 ings, or interests therein which may be needed for public
6 purposes by the United States and which the Legislature
7 of the Territory of Porto Rico may grant to the United
8 States.

9 SEC. 3. That the harbor areas and navigable streams
10 and bodies of water and submerged lands underlying the
11 same in and around the island of Porto Rico and the adja-
12 cent islands and waters, now owned by the United States
13 and not reserved by the United States for public purposes,
14 be, and the same are hereby, placed under the control of
15 the government of the Territory of Porto Rico, to be admin-
16 istered in the same manner and subject to the same limita-
17 tions as the property enumerated in the preceding section:
18 *Provided*, That all laws of the United States for the protec-
19 tion and improvement of the navigable waters of the United
20 States and the preservation of the interest of navigation and
21 commerce, except so far as the same may be locally inap-
22 plicable, shall apply to said island and waters and to its adja-
23 cent islands and waters: *Provided further*, That nothing in
24 this Act contained shall be construed so as to affect or impair
25 in any manner the terms or conditions of any authorizations,

1 permits, or other powers heretofore lawfully granted or
2 exercised in or in respect of said waters and submerged lands
3 in and surrounding said island and its adjacent islands by
4 the Secretary of War or other authorized officer or agent of
5 the United States: *And provided further*, That the Act of
6 Congress, approved June eleventh, nineteen hundred and
7 six, entitled "An Act to empower the Secretary of War,
8 under certain restrictions, to authorize the construction,
9 extension, and maintenance of wharves, piers, and other
10 structures on lands underlying harbor areas in navigable
11 streams and bodies of water in or surrounding Porto Rico
12 and the islands adjacent thereto," be, and the same is hereby,
13 repealed.

14 GOVERNMENT OF THE TERRITORY.

15 SEC. 4. That a Territorial government is hereby estab-
16 lished over the said Territory, with its capital at the city
17 of San Juan, on the island of Porto Rico.

18 SEC. 5. That the Constitution and, except as herein
19 otherwise provided, all laws of the United States which are
20 not locally inapplicable, shall have the same force and effect
21 within said Territory as elsewhere in the United States.

22 SEC. 6. That the laws of the United States relating to
23 immigration, to tariffs, customs, and duties on importations
24 into the United States and the regulations made pursuant
25 thereto shall apply in the Territory of Porto Rico, but the

1 execution of such laws and regulations shall be effected
2 through officials of the Territory appointed by the governor,
3 and appeal from the decision of such officials shall be to the
4 Territorial courts, as shall be provided by the legislature;
5 and all such tariffs, customs, and duties shall be paid into
6 the treasury of said Territory to be expended, as required
7 by law, for the government and benefit thereof.

8 SEC. 7. That the internal-revenue laws of the United
9 States and the regulations made pursuant thereto shall also
10 apply to the said Territory; but the execution of such laws
11 and regulations shall be effected in the same manner and
12 through the same agencies, and the internal-revenue taxes
13 collected shall be expended in the same manner and for
14 the same purposes as provided in section six with respect
15 to tariffs, customs, and duties on importations.

16 SEC. 8. That no export duties shall be levied or col-
17 lected on exports from the Territory of Porto Rico, but
18 taxes and assessments on property and license fees for fran-
19 chises, privileges, and concessions may be imposed for the
20 purposes of the Territorial and municipal governments, re-
21 spectively, as may be provided and defined by the legisla-
22 ture, and when necessary bonds and other obligations may
23 be issued by the Territory or any municipal government
24 therein as may be provided by law: *Provided, however,* That
25 no public indebtedness of the Territory of Porto Rico or of

1 any municipality thereof shall be authorized or allowed in
2 excess of seven per centum of the average tax valuation of
3 its property, and all bonds issued by the Territorial govern-
4 ment, or by its authority, shall be exempt from taxation by
5 the United States or the Territory of Porto Rico or by any
6 political or municipal subdivision thereof, or by any State,
7 or by any county, municipality, or other municipal subdivi-
8 sion of any State or Territory of the United States or by
9 the District of Columbia.

10 SEC. 9. That eight hours shall constitute a day's work
11 in all cases of employment by and on behalf of the Territo-
12 rial and municipal governments, respectively.

13 SEC. 10. That the employment of children under the
14 age of fourteen years, in any occupation injurious to health
15 or morals, or especially hazardous to life or limb, in said
16 Territory is hereby prohibited.

17 SEC. 11. That the right of action to recover damages
18 for injuries resulting in death, in said Territory, shall never
19 be abrogated, and the amount recoverable shall not be
20 subject to any statutory limitation.

21 SEC. 12. That the laws and ordinances of Porto Rico
22 now in force shall continue in force and effect, except as
23 altered, amended, or modified herein, until altered, amended,
24 or repealed by act of the Legislature of the Territory of
25 Porto Rico or by Act of Congress.

CITIZENSHIP.

1
2 SEC. 13. That all inhabitants of the Territory of Porto
3 Rico who were Spanish subjects on the eleventh day of
4 April, eighteen hundred and ninety-nine, and then resided
5 in Porto Rico, and their children born subsequently thereto.
6 and also all natives of Porto Rico who were then or are
7 now temporarily absent from said Territory and who have
8 returned or intend to return to said Territory, and their
9 children born subsequently to the said eleventh day of
10 April, eighteen hundred and ninety-nine, and who are not
11 citizens of any foreign country, are hereby declared to be
12 citizens of the United States and of the said Territory of
13 Porto Rico, except such inhabitants of said Territory as
14 elected to preserve their allegiance to the Crown of Spain
15 in accordance with the provisions of the aforesaid treaty of
16 peace between the United States and Spain proclaimed on
17 the said eleventh day of April, eighteen hundred and ninety-
18 nine: *Provided*, That any native of Porto Rico who may
19 be temporarily residing outside of said Territory at the time
20 of the approval of this Act, and who is not a citizen of a for-
21 eign country, shall, within six months thereafter, make and
22 subscribe to a declaration under oath, for himself and his
23 wife and minor children, if any there be. of his intention to
24 return to said Territory and of his desire to be a citizen of
25 the United States and of said Territory, which declaration

1 shall be made and subscribed before the United States dis-
2 trict court for the district in which such native shall be then
3 temporarily residing, or, if he be in a foreign country, be-
4 fore a consular officer of the United States; and said decla-
5 ration, duly authenticated, shall be filed in the office of the
6 secretary of the Territory, and entered at large upon a rec-
7 ord kept by the secretary for that purpose, and shall be con-
8 clusive evidence of citizenship in the United States of the
9 person making and subscribing to the same, and of his wife
10 and minor children, if any there be: *Provided further*, That
11 temporary residence outside of said Territory shall not be
12 construed to relate to students and others who are tempo-
13 rarily absent from the Territory in pursuit of their calling or
14 profession.

15 SEC. 14. That all citizens of the United States who
16 at the time of the approval of this Act shall have resided in
17 the Territory of Porto Rico for one year prior thereto, or
18 who shall thereafter reside in said Territory continuously for
19 one year, shall be citizens of the Territory of Porto Rico.

20 LEGISLATIVE POWER.

21 SEC. 15. That the legislative power in the said Terri-
22 tory of Porto Rico shall be vested in a legislature, which
23 shall consist of two houses, one the senate and the other
24 the house of representatives, and shall be designated the
25 “Legislature of the Territory of Porto Rico.”

1 SEC. 16. That the legislative power shall extend to
2 all matters of a legislative character, including power to
3 create, consolidate, and reorganize the municipalities, so far
4 as may be necessary, and to provide and repeal laws and
5 ordinances therefor; also the power to alter, amend, modify,
6 and repeal any and all laws and ordinances of every char-
7 acter now in force in the Territory of Porto Rico, or in any
8 municipality or district thereof, not inconsistent with the
9 provisions of this Act.

10 SEC. 17. That the Senate of the Territory of Porto Rico
11 shall consist of nineteen members elected for terms of four
12 years by the qualified electors of said Territory. Each of
13 the seven senatorial districts, hereinafter defined, shall have
14 the right to elect two senators, and in addition thereto there
15 shall be elected five senators at large. No person shall be
16 a member of the senate who is not over thirty years of age,
17 and who is not able to read and write either the Spanish
18 or English language, and who has not been a resident of
19 Porto Rico for at least two consecutive years, and, except in
20 the case of senators at large, an actual resident of the sena-
21 torial district from which chosen for a period of at least
22 one year prior to his election, and who does not own in
23 his individual right taxable property in the Territory to
24 the value of not less than two thousand dollars. Except as

1 herein otherwise provided, the senate shall exercise all
2 of the purely legislative powers and functions heretofore
3 exercised by the executive council, constituted and existing
4 under and by the Act of Congress approved April twelfth,
5 nineteen hundred, entitled "An Act temporarily to provide
6 revenues and a civil government for Porto Rico, and for
7 other purposes," including confirmation of appointments;
8 but appointments made while the senate is not in session
9 shall be effective either until disapproved or until the next
10 adjournment of the senate. In electing the five senators
11 at large each elector shall be permitted to vote for but
12 one candidate, and the five candidates receiving the largest
13 number of votes shall be elected.

14 SEC. 18. That the House of Representatives of the
15 Territory of Porto Rico shall consist of thirty-nine members
16 elected for terms of four years by the qualified electors of
17 said Territory. Each of the representative districts defined
18 as hereinafter provided shall have the right to elect one
19 representative, and in addition thereto there shall be elected
20 four representatives at large. No person shall be a member
21 of the house of representatives who is not over twenty-five
22 years of age and who is not able to read and write either the
23 Spanish or English language, and who has not been a resi-
24 dent of Porto Rico for at least two consecutive years, and,
25 except in the case of representatives at large, an actual

1 resident of the representative district from which chosen for
2 a period of at least one year prior to his election, and who
3 does not own in his individual right taxable property, real
4 or personal, in the Territory. In electing the four repre-
5 sentatives at large each elector shall be permitted to vote
6 for but one candidate, and the four candidates receiving the
7 largest number of votes shall be elected.

8 SEC. 19. That for the purpose of the election of sena-
9 tors and representatives the Territory of Porto Rico shall be
10 divided into thirty-five representative districts, composed of
11 contiguous and compact territory and established, so far
12 as practicable, upon the basis of equal population. The
13 division into and the demarcation of representative districts
14 shall be made by a commission of four persons to be ap-
15 pointed by the governor, two members of which shall be
16 chosen by him from each of the two political parties casting
17 the highest number of votes at the last general election.
18 The division shall be made as nearly as practicable to con-
19 form to the topographical nature of the land with regard
20 to roads and other means of communication and to natural
21 barriers. The said commission shall also divide the Terri-
22 tory of Porto Rico into seven senatorial districts, each com-
23 posed of five contiguous and compact representative districts.
24 All questions arising before the commission shall be decided
25 by a majority vote of the members, and in the event of a

1 tie vote on any question it shall be referred to the governor,
2 whose decision thereon shall be final. The commission
3 shall complete the division of the Territory, as herein pro-
4 vided, and shall make report thereof to the governor within
5 sixty days after their appointment, and said report, being
6 approved by the governor, shall establish the districts for
7 the election of senators and representatives. A reasonable
8 compensation, to be approved by the governor and paid
9 from the treasury of the Territory, shall be allowed the
10 members of the commission for their services.

11 SEC. 20. That at the general election held in said Terri-
12 tory in the year nineteen hundred and fourteen and every
13 four years thereafter senators and representatives shall be
14 chosen as herein provided. The terms of office of such
15 senators and representatives shall begin on the first day of
16 January following their election. In case of a vacancy a
17 special election may be held in the district wherein such
18 vacancy occurred, or at large, as the case may be, under such
19 regulations as may be prescribed by law, but a senator or
20 representative elected to fill such vacancy shall hold office
21 only for the unexpired portion of the term.

22 SEC. 21. That the first regular session of the Legislature
23 of the Territory of Porto Rico provided for by this Act shall
24 convene on the second Monday in January, nineteen hundred
25 and fifteen, and biennially thereafter, and shall organize by the

1 election of a speaker or other presiding officer, a clerk, and a
2 sergeant at arms for each house, and such other officers and
3 assistants as may be required. No regular session shall con-
4 tinue longer than ninety days, not including Sundays, holi-
5 days, or days during which both houses may by concurrent
6 resolution have agreed to a recess. The governor may call
7 special sessions of the legislature or of the senate at any
8 time when, in his opinion, the public interest may require it,
9 and shall call the senate in session at least once each year;
10 but no special session shall continue longer than ten days and
11 no legislation shall be considered at such session other than
12 that specified in the call.

13 SEC. 22. That the senate and house of representatives,
14 respectively, shall be the sole judges of the elections, returns,
15 and qualifications of their members, and they shall have and
16 exercise all the powers with respect to the conduct of their
17 proceedings that usually pertain to legislative bodies.

18 SEC. 23. That members of the senate and house of
19 representatives shall receive compensation at the rate of
20 \$7 per day while attending the sessions of their respective
21 houses, and mileage at the rate of 20 cents per kilometer for
22 each kilometer actually and necessarily traveled in going
23 from their places of residence to the capital and returning
24 therefrom to their places of residence by the usual routes of
25 travel.

1 SEC. 24. That the enacting clause of all laws passed by
2 the legislature shall be, as to bills: “Be it enacted by the
3 Legislature of the Territory of Porto Rico;” and as to joint
4 resolutions, “Be it resolved by the Legislature of the Terri-
5 tory of Porto Rico.” All bills and joint resolutions may
6 originate in either house.

7 SEC. 25. That no bill shall become a law until it be
8 passed in each house by a majority vote of all of the members
9 belonging to such house and be approved by the governor
10 within ten days thereafter. If, when a bill that has been
11 passed is presented to the governor for his signature, he
12 approves the same, he shall sign it, or if not he shall return
13 it with his objections to that house in which it originated,
14 which house shall enter his objections at large on its journal.
15 If any bill shall not be returned by the governor within ten
16 days (Sundays excepted) after it shall have been presented
17 to him, it shall be a law in like manner as if he had signed
18 it, unless the legislature by adjournment prevents its return,
19 in which case it shall be a law if signed by the governor
20 within ten days after receipt by him; otherwise it shall not
21 be a law. If the governor, within the period in which he
22 may disapprove, advises that he has withheld action on a
23 bill pending the advice from the President, he may approve
24 or disapprove such bill at any time within thirty days after
25 it has been presented to him; but this shall not apply to a

1 bill that has been disapproved by the governor and passed
2 the second time at the same session of the legislature in which
3 the first bill was passed. If a bill that has been disapproved
4 by the governor shall be passed the second time at the same
5 session of the legislature in which the first bill was passed
6 and shall be again disapproved by the governor, the legis-
7 lature may, at the same session, by a two-thirds vote of
8 each House, pass the bill a third time, notwithstanding the
9 objections of the governor, and said bill shall then be a law.
10 If any bill presented to the governor contains several items
11 of appropriation of money, he may object to one or more of
12 such items while approving of the other portion of the bill.
13 In such case he shall append to the bill, at the time of sign-
14 ing it, a statement of the items to which he objects, and the
15 appropriation so objected to shall not take effect.

16 SEC. 26. That the general appropriation bill may be
17 prepared by the governor and shall be introduced, as pre-
18 pared or approved by him, within the first ten days of the
19 session of the legislature, but shall be subject to amendment
20 as in the case of any other bill.

21 SEC. 27. That if, at the termination of any fiscal year,
22 the appropriations necessary for the support of the govern-
23 ment for the ensuing fiscal year shall not have been made
24 the several sums appropriated in the last appropriation bills
25 for the purposes therein specified shall be deemed to be

1 reappropriated; and until the legislature shall act in such
2 behalf the treasurer may, with the advice of the governor,
3 make the payments necessary for the purposes aforesaid.

4 SEC. 28. That all laws enacted by the legislature shall
5 be reported to Congress, which hereby reserves the power
6 and authority to annul the same.

7 EXECUTIVE POWER.

8 SEC. 29. That the executive power in the said Territory
9 of Porto Rico shall be vested in a governor, who shall be
10 appointed by the President, by and with the advice and
11 consent of the Senate of the United States, and shall hold
12 office for four years and until his successor shall be appointed
13 and qualified, unless sooner removed by the President. He
14 shall not be less than thirty-five years of age. The governor
15 shall reside in the Territory during his official incumbency
16 and shall maintain his office at the capital. He shall receive
17 an annual salary of \$12,000, and in addition thereto shall be
18 entitled to the occupancy of the buildings heretofore used by
19 the Governor of Porto Rico, with the furniture and effects
20 therein, free of rental.

21 SEC. 30. That the governor shall have general super-
22 vision and control of all the departments and bureaus of
23 the Territorial government so far as is not inconsistent with
24 the provisions of this Act, and shall be commander in
25 chief of the militia. He shall have the power to convene

1 the legislature, or the senate only, on extraordinary occa-
2 sions. He shall commission all officers that he may be
3 authorized to appoint. He may grant pardons and reprieves,
4 and remit fines and forfeitures for offenses against the laws
5 of the Territory, and respites for offenses against the laws
6 of the United States until the decision of the President can
7 be ascertained; and may veto any legislation enacted as
8 hereinbefore provided. The governor shall be responsible
9 for the faithful execution of the laws of the Territory and
10 of the United States applicable in said Territory, and when-
11 ever it becomes necessary he may call upon the commanders
12 of the military and naval forces of the United States in the
13 Territory, or summon the posse comitatus or call out the
14 militia to prevent or suppress lawless violence, invasion,
15 insurrection, or rebellion, and he may, in case of rebel-
16 lion or invasion, or imminent danger thereof, when the
17 public safety requires it, suspend the privilege of the writ
18 of habeas corpus, or place the Territory or any part
19 thereof under martial law until communication can be had
20 with the President and his decision therein made known.
21 The governor shall annually, and at such other times as he
22 may be required, make official report of the transactions
23 of the Territorial government to the Secretary of State, and
24 his said annual report shall be transmitted to Congress.

1 The governor shall also, within sixty days after the ad-
2 journment of each session of the legislature, transmit to the
3 Secretary of State, who shall in turn transmit to Congress,
4 copies of all laws enacted during the session. He shall
5 perform such additional duties and functions as may, in
6 pursuance of law, be delegated to him by the President.

7 SEC. 31. That the President may, from time to time,
8 designate the head of any of the executive departments
9 hereinafter created to act as governor in the case of the
10 temporary removal, resignation, or disability of the governor
11 or his temporary absence, and the official thus designated
12 shall exercise all the powers and perform all the duties of
13 the governor as acting governor during such vacancy, dis-
14 ability, or absence.

15 SEC. 32. That there shall be appointed by the governor,
16 by and with the advice and consent of the Territorial senate,
17 a secretary of the Territory, who shall record and preserve
18 the laws enacted by the legislature and all acts and proceed-
19 ings of the governor, and promulgate all proclamations and
20 orders of the governor and all laws enacted by the legislature.
21 He shall also record and preserve the minutes and proceed-
22 ings of the executive council and of the public-service com-
23 mission, hereinafter created. He shall perform such other
24 duties as may be assigned to him by the governor or imposed
25 upon him by the provisions of this Act or that may be here-

1 after prescribed by law. Any duties heretofore assigned to
2 the secretary of Porto Rico by existing law may be assigned
3 to the secretary of the Territory, or to any department or
4 bureau of the government, as may be determined by the
5 governor, by and with the advice and consent of the senate.
6 The secretary of the Territory shall receive an annual salary
7 of \$4,000.

8 SEC. 33. That the following executive departments are
9 hereby created: A department of justice, the head of which
10 shall be designated as the attorney general; a department
11 of finance, the head of which shall be designated as the
12 treasurer; a department of interior, the head of which shall
13 be designated as the commissioner of the interior; a depart-
14 ment of education, the head of which shall be designated as
15 the commissioner of education; a department of agriculture
16 and labor, the head of which shall be designated as the com-
17 missioner of agriculture and labor; and a department of
18 health, the head of which shall be designated as the com-
19 missioner of health. The heads of three of these depart-
20 ments shall be appointed by the President, by and with
21 the advice and consent of the Senate of the United States,
22 to hold office for four years and until their successors are
23 appointed and qualified, unless sooner removed by the Presi-
24 dent. The heads of the three remaining departments shall
25 be appointed by the governor, by and with the advice and

1 consent of the Territorial senate, to hold office for four years
2 and until their successors are appointed and qualified, unless
3 sooner removed by the governor. The heads of depart-
4 ments shall reside in the Territory during their official
5 incumbency, but leave of absence may be granted by the
6 governor.

7 SEC. 34. That no executive department not provided
8 for in this Act shall be created, but the legislature may, from
9 time to time, create additional bureaus in any of the depart-
10 ments created or authorized hereby, and each additional
11 bureau so created shall be subject to the supervision and
12 control of the head of the executive department in which
13 it is established. Any bureau or office belonging to any
14 of the executive departments, or hereafter created, or not
15 assigned, may be transferred or assigned to any department
16 by the governor with the approval of the Senate.

17 SEC. 35. That the heads of departments shall collectively
18 form a council to the governor, known as the executive
19 council. They shall perform, under the general supervision
20 of the governor, the duties hereinafter prescribed, or which
21 may hereafter be prescribed by law, and such other duties,
22 not inconsistent with law, as the governor, with the ap-
23 proval of the President, may assign to them. They shall
24 approve all expenditures made for or on account of their
25 respective departments. They shall make annual and such

1 other reports to the governor as he may require, which shall
2 be transmitted to the Secretary of State.

3 SEC. 36. That the attorney general shall have general
4 charge of the administration of justice in the Territory. He
5 shall be the legal adviser of the governor, the heads of depart-
6 ments, the auditor, and the public service commission, and
7 shall appear for the people of Porto Rico and prosecute and
8 defend all actions and proceedings, civil or criminal, in the
9 supreme court of the Territory in which the people of Porto
10 Rico shall be interested, or a party, and may, if in his judg-
11 ment the public interest requires, appear for the people of
12 Porto Rico and prosecute or defend in any other court, or
13 before an officer, in any cause, civil or criminal, in which the
14 people of Porto Rico may be a party or interested. The
15 attorney general shall receive an annual salary of \$7,500.

16 SEC. 37. That the treasurer shall give bond, approved
17 as to form by the attorney general, in such sum as the
18 legislature may require, not less, however, than the sum
19 of \$125,000, with surety approved by the governor. He
20 shall collect and be the custodian of public funds, and shall
21 disburse the same when appropriated by law, on warrants
22 signed by the auditor and countersigned by the governor.
23 The treasurer may designate banking institutions in the
24 Territory of Porto Rico and in the United States as deposi-
25 tories of the Territory, subject to such conditions as may be

1 prescribed by the governor, after they have filed with him
2 satisfactory evidence of their sound financial condition and
3 have deposited with him bonds of the United States or of the
4 Territory of Porto Rico, or other security satisfactory to the
5 governor, in such amounts as he may require. No banking
6 institution shall be designated a depository of the Territory
7 until the foregoing conditions have been complied with, nor
8 used as a depository except in the discretion of the treasurer.
9 Other conditions, including the rate of interest allowed on
10 deposits, being equally favorable, preference shall be given
11 in the designation of depositories to banking institutions
12 in the Territory. The treasurer shall receive an annual
13 salary of \$7,500.

14 SEC. 38. That the commissioner of the interior shall
15 superintend all works of a public nature in the Territory,
16 have charge of all public buildings, grounds, and lands,
17 except those belonging to the United States, and shall
18 execute such requirements as may be imposed by law with
19 respect thereto. He shall receive an annual salary of \$7,500.

20 SEC. 39. That the commissioner of education shall
21 superintend public instruction throughout the Territory. He
22 shall receive an annual salary of \$7,500.

23 SEC. 40. That the commissioner of agriculture and labor
24 shall have general charge of all matters relating to the study,

1 advancement, and benefit of agricultural and other industries
2 and of labor. He shall receive an annual salary of \$7,500.

3 SEC. 41. That the commissioner of health shall have
4 general charge of all matters relating to public health, sani-
5 tation, and charities. He shall receive an annual salary of
6 \$7,500.

7 SEC. 42. That there shall be appointed by the President,
8 by and with the advice and consent of the Senate of the
9 United States, an auditor of the Territory, who shall hold
10 office for four years and until his successor shall be appointed
11 and qualified, unless sooner removed by the President. He
12 shall examine, audit, and settle all accounts pertaining to
13 the revenues and receipts of the Territorial government
14 and of the municipal governments, including trust funds
15 and funds derived from bond issues; and shall also examine,
16 audit, and settle all accounts of the Territorial government
17 and of the municipal governments pertaining to the expendi-
18 ture of funds, from whatever source received, and for what-
19 ever purpose expended, and to the disposition of property,
20 whether the same shall be in the ordinary course of business
21 or in the administration of trust funds. The duty of the
22 auditor in this respect shall extend to the accounts of all
23 departments and bureaus of the Territorial government and
24 of the municipal governments and to the accounts of all
25 officers who are authorized to receive, hold, and expend

1 or dispose of funds or property belonging to or in the posses-
2 sion of the Territorial government or of the municipal gov-
3 ernments. It shall be the duty of the auditor to bring to
4 the attention of the proper administrative officers all ex-
5 penditures of funds or disposition of property which, in his
6 opinion, are irregular, unnecessary, excessive or extravagant.

7 SEC. 43. That the auditor shall keep the general ac-
8 counts of the Territorial government and preserve the
9 vouchers and records pertaining thereto. His jurisdiction
10 over accounts, whether of funds or property, and over all
11 vouchers and records, shall be exclusive. He shall, from
12 time to time, with the approval of the governor, make and
13 promulgate general or special rules and regulations not in-
14 consistent with law covering the methods of accounting for
15 public funds and property, and funds and property held in
16 trust by the Territorial government or any department, bu-
17 reau, or officer thereof: *Provided*, That any officer account-
18 able for public funds or property may require such addi-
19 tional reports or returns from his subordinates or others as
20 he may deem necessary for his own information and pro-
21 tection. As soon after the close of each fiscal year as the
22 accounts of said year may be examined and adjusted, the
23 auditor shall submit to the governor an annual report of
24 the fiscal concerns of the government, showing the receipts
25 and expenditures of the various departments and bureaus

1 of the government and of the various municipalities, and
2 make such other reports as may be required of him by the
3 governor.

4 SEC. 44. That the auditor shall, except as hereinafter
5 provided, have like authority as that conferred by law upon
6 the several auditors of the United States and the Comptroller
7 of the United States Treasury. He is hereby authorized to
8 communicate directly with any person having claims before
9 him for settlement, or with any department, bureau, officer,
10 or person having official relations with his office. He is also
11 hereby authorized to summon witnesses, administer oaths,
12 and to take testimony on any matter pending before him,
13 and in pursuance of this provision may issue subpoenas and
14 compel the attendance of witnesses.

15 SEC. 45. That the decisions of the auditor shall be final
16 and conclusive upon the executive departments of the gov-
17 ernment, except that appeal therefrom may be taken by the
18 party aggrieved or the head of the department concerned
19 within one year. Any person aggrieved by the action or
20 decision of the auditor in the settlement of his account or
21 claim may, within one year, take an appeal in writing to
22 the governor, which appeal shall specifically set forth the
23 particular action of the auditor to which exception is taken,
24 with the reason and authorities relied on for reversing such

1 decision. The decision of the governor in such cases shall
2 be final and conclusive.

3 SEC. 46. That the governor shall appoint, by and with
4 the advice and consent of the Territorial senate, a deputy
5 auditor, who shall hold office for four years and until his
6 successor shall be appointed and qualified, unless sooner
7 removed by the governor. The deputy auditor shall sign
8 such official papers as the auditor may designate and per-
9 form such other duties as the auditor may prescribe, and
10 in case of the death, resignation, sickness, or other absence
11 of the auditor from his office, from any cause, the deputy
12 auditor shall exercise all the powers and perform all the
13 duties of the auditor until a successor to the auditor shall be
14 duly appointed and qualified. In case of the absence from
15 duty, from any cause, of both the auditor and deputy auditor,
16 the governor shall designate an assistant to take temporary
17 charge of the auditor's office.

18 SEC. 47. That the office of the auditor shall be under
19 the general supervision of the governor. In addition to the
20 auditor and deputy auditor there shall be employed in said
21 office such necessary assistants as may be prescribed by law.

22 SEC. 48. That the auditor shall receive an annual salary
23 of \$7,500, and the deputy auditor an annual salary of \$4,000.

24 SEC. 49. That there is hereby created for the Terri-
25 tory of Porto Rico a public-service commission, which

1 shall consist of the attorney general, treasurer, commissioner
2 of the interior, and the presiding officers of the two houses
3 of the legislature. All grants of franchises, rights, and
4 privileges or concessions of a public or quasi public nature
5 shall be made by said commission. The commission is also
6 hereby empowered and directed to discharge all the execu-
7 tive functions heretofore conferred by law upon the Executive
8 Council created by the Act of Congress approved April
9 twelfth, nineteen hundred, entitled 'An Act temporarily
10 to provide revenues and a civil government for Porto Rico,
11 and for other purposes,' not inconsistent with the provi-
12 sions of this Act, including the powers and duties pre-
13 scribed by an act of the Legislative Assembly of Porto
14 Rico entitled "An act concerning the regulation of public-
15 service corporations in Porto Rico." approved March twelfth,
16 nineteen hundred and eight, and all amendments which may
17 be or have been made thereto by the Legislature of Porto
18 Rico, and including all the powers and duties heretofore
19 exercised by the said executive council with regard to all
20 municipal loans and bonds and advancements of funds to
21 municipalities and school boards. Franchises, rights, and
22 privileges or concessions granted by the said commission
23 shall not be effective until approved by the governor, and
24 shall be reported to Congress, which hereby reserves the
25 power to annul or modify the same.

1 SEC. 50. That all grants of franchises, privileges, and
2 concessions under the foregoing section shall provide that
3 the same shall be subject to amendment, alteration, or re-
4 peal, and shall forbid the issue of stocks or bonds except in
5 exchange for actual cash or property at a fair valuation
6 equal in amount to the par value of the stocks or bonds
7 issued, and shall forbid the declaring of stock or bond divi-
8 dends, and, in the case of public-service corporations, shall
9 provide for the effective regulation of charges thereof and
10 for the purchase or taking of their property by the authori-
11 ties at a fair and reasonable valuation.

12 SEC. 51. That whenever the legislature shall have
13 authorized the borrowing of money or the creation of any
14 indebtedness by the Territorial government, the public
15 service commission may, within the authorization of the
16 legislature, prescribe the terms of all notes, bonds, or other
17 instruments to be issued as evidences of said indebtedness
18 and the price or prices for which they shall be sold or dis-
19 posed of. When the action of the commission in that regard
20 shall have been approved by the governor, the treasurer
21 shall dispose of such securities in pursuance thereof and turn
22 the proceeds into the treasury of the Territory.

23 SEC. 52. The presiding officers of the two houses of
24 the legislature shall receive the same compensation for their

1 services as members of the public-service commission as for
2 their services as members of the legislature.

3

JUDICIAL POWER.

4 SEC. 53. That the judicial power in the Territory of
5 Porto Rico shall be vested in the courts and tribunals of
6 Porto Rico now established and in operation under and by
7 virtue of existing laws. The jurisdiction of said courts and
8 the form of procedure in them and the various officers and
9 attachés thereof shall also continue to be as now provided
10 until otherwise provided by law: *Provided, however,* That
11 the chief justice and associate justices of the supreme court
12 shall be appointed by the President, by and with the advice
13 and consent of the Senate of the United States; and the
14 Legislature of the Territory of Porto Rico shall have author-
15 ity, from time to time, as it may see fit, not inconsistent
16 with this Act, to organize, modify, or rearrange the courts
17 and their jurisdiction and procedure, except the District Court
18 of the United States for Porto Rico; but nothing in this Act
19 shall be deemed to impair or interrupt the jurisdiction of
20 existing courts over matters pending therein upon the
21 approval of this Act, which jurisdiction is in all respects
22 hereby continued, the purpose of this Act being to preserve
23 the integrity of all of said courts and their jurisdiction until
24 otherwise provided by law, except as in this Act otherwise
25 specifically provided.

1 SEC. 54. That the Territory of Porto Rico shall con-
2 stitute a judicial district of the United States to be called
3 the “district of Porto Rico.” The President, by and with
4 the advice and consent of the Senate of the United States,
5 shall appoint one district judge who shall, as to pay, tenure,
6 retirement, and allowances, be on the same footing as other
7 United States district judges. There shall be appointed in
8 like manner a district attorney and a marshal for said dis-
9 trict, each for a term of four years, unless sooner removed
10 by the President. The district court for said district shall
11 be called the “District Court of the United States for
12 Porto Rico,” and shall have power to appoint all neces-
13 sary officials and assistants, including the clerk, interpreter,
14 and such commissioners as may be necessary, who shall be
15 entitled to the same fees and have like powers and duties
16 as are exercised and performed by United States commis-
17 sioners. Such court shall have jurisdiction of all cases cog-
18 nizable in the district and circuit courts of the United States,
19 and shall proceed in the same manner; and, in addition, shall
20 have jurisdiction for the naturalization of aliens, and shall
21 have jurisdiction of all controversies where all of the parties
22 on either side of the controversy are citizens or subjects of a
23 foreign State or States, or citizens of the United States or a
24 State, Territory, or District thereof, or Territory under the
25 jurisdiction thereof, whose domicile is not in the Territory

1 of Porto Rico, wherein the matter in dispute exceeds, ex-
2 clusive of interest or cost, the sum or value of \$2.000, and
3 of all controversies in which there is a separable controversy
4 involving such jurisdictional amount, and in which all of
5 the parties on either side of such separable controversy are
6 citizens or subjects of the character aforesaid: *Provided,*
7 That nothing in this Act shall be deemed to impair the
8 jurisdiction of the district court of the United States for
9 Porto Rico to hear and determine all controversies pending
10 in said court at the date of the approval of this Act: *Provided*
11 *further,* That hereafter the salaries of the judges and officials
12 of the "District Court of the United States for Porto Rico,"
13 together with the court expenses, shall be paid from the
14 United States revenues in the same manner as in other
15 United States district courts. In case of vacancy or of the
16 death, absence, or other legal disability on the part of the
17 judge of the said the District Court of the United States for
18 Porto Rico, the governor of the Territory of Porto Rico is
19 authorized to designate one of the judges of the supreme
20 court of the Territory to discharge the duties of judge of said
21 court until such absence or disability shall be removed, and
22 thereupon such judge so designated for said service shall be
23 fully authorized and empowered to perform the duties of
24 said office during such absence or disability of such regular

1 judge and to sign all necessary papers and records as the
2 acting judge of said court, without extra compensation.

3 SEC. 55. That the laws of the United States relating
4 to appeals, writs of error, and certiorari, removal of causes,
5 and other matters of proceedings as between the courts of
6 the United States and the courts of the several States, shall
7 govern in such matters and proceedings as between the
8 district court of the United States and the courts of the
9 Territory of Porto Rico.

10 SEC. 56. That the regular terms of said district court
11 of the United States shall be held at San Juan, commencing
12 on the second Monday in April and October of each year,
13 and also at Ponce on the second Monday in January of
14 each year, and special terms may be held at Mayaguez at
15 such other stated times as said judge may deem expedient.
16 All pleadings and proceedings in said court shall be con-
17 ducted in the English language.

18 SEC. 57. That the said district court of the United
19 States shall be attached to and included in the third circuit
20 of the United States, with the right of appeal and review
21 by the circuit court of appeals in all cases where the same
22 would lie from any district or circuit court to a circuit
23 court of appeals of the United States.

24 SEC. 58. That writs of error and appeals from the final
25 decisions of the Supreme Court of the Territory of Porto

1 Rico and the District Court of the United States for Porto
2 Rico shall be allowed, and may be taken to the Supreme
3 Court of the United States in the same manner and under
4 the same regulations and in the same cases as from the
5 supreme courts of Territories of the United States and from
6 the circuit and district courts of the United States, respec-
7 tively, and such writs of error and appeal shall be allowed
8 in all cases where the Constitution of the United States, or
9 a treaty thereof, or an Act of Congress, is brought in ques-
10 tion and the right claimed thereunder is denied. All such
11 proceedings in the Supreme Court of the United States shall
12 be conducted in the English language.

13 SEC. 59. That all judicial process shall run in the name
14 of the “United States of America, scilicet, the president of
15 the United States,” and all penal or criminal prosecutions in
16 the local courts shall be conducted in the name and by the
17 authority of “the people of Porto Rico.”

18 SEC. 60. That the qualifications of jurors as fixed by
19 the local laws of the Territory of Porto Rico shall not apply
20 to jurors selected to serve in the District Court of the United
21 States for Porto Rico; but the qualifications required of
22 jurors in said court shall be that each shall be of the age of
23 twenty-one years and not over sixty-five years, a resident of
24 the Territory for not less than one year, and have a sufficient

1 knowledge of the English language to enable him to serve as
2 a juror; they shall also be citizens of the United States.
3 Juries for the said court shall be selected and drawn in ac-
4 cordance with the laws of Congress regulating the same in
5 United States courts, but exemption from jury duty allowed
6 by the local laws shall be respected by the court when in-
7 sisted upon by veniremen.

8 SEC. 61. That all such fees, fines, costs, and forfeitures
9 as would be deposited to the credit of the United States if
10 collected and paid into a district court of the United States
11 shall become revenues of the United States if collected and
12 paid into the District Court of the United States for Porto
13 Rico.

14 SEC. 62. That the Attorney General of the United
15 States shall, from time to time, determine the salaries of all
16 officials and assistants appointed by the said District Court
17 of the United States for Porto Rico, including the clerk, his
18 deputies, interpreter, stenographer, and other officials and
19 employees, the same to be paid by the United States as
20 other salaries and expenses of like character in United States
21 courts.

22 SEC. 63. That jurors and witnesses in the District Court
23 of the United States for Porto Rico shall be entitled to and
24 receive 15 cents for each mile necessarily traveled over any
25 stage line or by private conveyance and 10 cents for each

1 mile over any railway in going to and returning from said
2 courts. But no constructive or double mileage fees shall
3 be allowed by reason of any person being summoned both
4 as witness and juror or as witness in two or more cases
5 pending in the same court triable at the same term thereof.
6 Such jurors shall be paid \$2 per day and such witnesses
7 \$1 per day while in attendance upon the court.

8 SEC. 64. That the Supreme and District Courts of the
9 Territory of Porto Rico and the respective judges thereof
10 may grant writs of habeas corpus in all cases in which the
11 same are grantable by the judges of the district courts of
12 the United States, and the district courts may grant writs
13 of mandamus in all proper cases.

14 SEC. 65. That hereafter all judges, marshals, and sec-
15 retaries of courts now established or that may hereafter be
16 established in the Territory of Porto Rico, and whose
17 appointment by the President is not provided for by law,
18 shall be appointed by the governor, by and with the advice
19 and consent of the senate of the Territory.

20 DELEGATE TO CONGRESS.

21 SEC. 66. That the qualified electors of the Territory
22 of Porto Rico shall, at the general election in nineteen hun-
23 dred and fourteen, and every four years thereafter, choose
24 a Delegate to the House of Representatives of the United

1 States, whose term of office shall be four years from the
2 fourth of March following. The governor shall issue to
3 the person so chosen a certificate of his election. The Dele-
4 gate to Congress shall be entitled to a seat in the House
5 of Representatives, with the right of debate but not the
6 right to vote, and shall be entitled to receive official recog-
7 nition by all the departments of the Government of the
8 United States. He shall receive the same salary and be
9 allowed the same sum for stationery and for the pay of
10 necessary clerk hire as is now allowed to Members of the
11 House of Representatives, and shall also enjoy the franking
12 privilege the same as said Members. He shall be allowed
13 the sum of \$500 as mileage for each session of the House.
14 Vacancies occurring by death, resignation, inability, or other
15 causes in the office of Delegate to Congress shall be filled,
16 within the next forty days after such vacancy occurs, by
17 appointment of the governor, by and with the advice and
18 consent of the Senate of the Territory of Porto Rico, and any
19 Delegate so appointed shall hold office during the unexpired
20 term of the former incumbent. No person shall be eligible
21 to election as a Delegate to Congress who is not a bona
22 fide citizen of the Territory and who is not more than thirty
23 years of age and who does not read and write the English
24 language.

1

ELECTIONS.

2

SEC. 67. That the next election in the Territory of
3 Porto Rico shall be held at the time and in the manner
4 now provided by law. Thereafter elections shall be held
5 only on such days and under such regulations as to ballots
6 and voting as may be prescribed by the legislature.

7

SEC. 68. That the qualified electors of the Territory of
8 Porto Rico, after the general election of nineteen hundred
9 and fourteen, and for any election whatsoever, shall con-
10 sist of those citizens already registered as voters under
11 the laws of Porto Rico and of those that will be thereafter
12 registered in accordance with the terms of this Act and
13 of the laws of the Territory. After the approval of this
14 Act no person shall be allowed to register as a voter who
15 is not a citizen of the United States and of the Territory
16 of Porto Rico over twenty-one years of age, or who is not
17 able to read and write, or on the date of registration shall
18 not own taxable real estate in his own right or name, either
19 personally or as a bona fide member of a firm or corporation.

20

GENERAL PROVISIONS.

21

SEC. 69. That all officers appointed under authority
22 of this Act shall, before entering upon the duties of their
23 respective offices, take an oath to support the Constitution
24 of the United States and the laws of the Territory of Porto
25 Rico.

1 SEC. 70. That all expenses that may be incurred on
2 account of the Government of the Territory of Porto Rico
3 for salaries of officials and the conduct of their offices and
4 departments and all expenses and obligations contracted for
5 the internal improvement or development of the island, not,
6 however, including defenses, barracks, harbors, lighthouses,
7 buoys, and other works undertaken by the United States,
8 shall, except as otherwise specifically provided by the Con-
9 gress, be paid by the treasurer of the Territory out of the
10 revenues in his custody on warrants of the auditor counter-
11 signed by the governor.

12 SEC. 71. That except as in this Act otherwise provided,
13 the salaries of all the officials of the Territory not appointed
14 by the President or the governor, including deputies, assist-
15 ants, and other subordinates, shall be such and be so paid
16 out of the revenues of Porto Rico as shall from time to time
17 be determined by the legislature and approved by the gov-
18 ernor, and if the legislature shall fail to make an appropria-
19 tion for such salaries the salaries so fixed shall be paid with-
20 out the necessity of further appropriation therefor. The
21 salaries of all officers and all expenses of the offices of the
22 various officials appointed as herein provided by the Presi-
23 dent or the governor shall also be paid out of the revenues
24 of the Territory on warrants of the auditor, countersigned by
25 the governor. In every case where an officer shall be

1 required to give bond, the premium thereof shall be paid out
2 of the treasury of the Territory without deduction from the
3 salary of such officer.

4 SEC. 72. That the provisions of the foregoing section
5 shall not apply to municipal officials. Their salaries and
6 the compensation of their deputies, assistants, and other
7 subordinates, as well as all other expenses incurred by the
8 municipalities, shall be paid out of the municipal revenues
9 in such manner as the legislature shall provide.

10 SEC. 73. That wherever in this Act officers of the Ter-
11 ritorial Government are provided for under the same names
12 as in the heretofore existing Acts of Congress affecting Porto
13 Rico, the present incumbents of those offices shall continue
14 in office in accordance with the terms and at the salaries
15 prescribed by this Act. The office of secretary of Porto
16 Rico is hereby abolished. Authority is given to the re-
17 spective appointing authorities to appoint and commission
18 persons to fill the new offices created by this Act.

19 SEC. 74. That the deeds and other instruments affecting
20 land situate in the District of Columbia, or any other Ter-
21 ritory of the United States, may be acknowledged in the
22 Territory of Porto Rico before any notary public appointed
23 therein by proper authority, or any officer therein who has
24 ex officio the powers of a notary public: *Provided*, That the
25 certificate by such notary shall be accompanied by the cer-

1 tificate of the secretary of the Territory to the effect that the
2 notary taking such acknowledgment is in fact such notarial
3 officer.

4 SEC. 75. That this Act shall take effect upon approval,
5 but until its provisions shall severally become operative, as
6 hereinbefore provided, the corresponding legislative and ex-
7 ecutive functions of the Government in Porto Rico shall
8 continue to be exercised and in full force and operation
9 as now provided by law; and for the purpose of fulfilling
10 its functions as the upper house of the legislative assembly
11 and for action upon appointments by the governor and for
12 all other necessary purposes the executive council shall,
13 until the assembly and organization of the Legislature of
14 the Territory of Porto Rico, as herein provided, consist of the
15 attorney general, the treasurer, the commissioner of the
16 interior, the commissioner of education, the commissioner of
17 health, and the commissioner of agriculture and labor, and
18 the five additional members as now provided by law. And
19 any functions herein assigned to the Senate of the Territory
20 of Porto Rico may, until this said senate has assembled and
21 organized, as herein provided, be exercised by the executive
22 council as thus constituted.

23 SEC. 76. That all laws or parts of laws applicable to
24 Porto Rico not in conflict with any of the provisions of this
25 Act are hereby continued in force and effect.

63^d CONGRESS, }
2^d SESSION. } **S. 5845.**

A BILL

To provide a government for the Territory of
Porto Rico.

By **Mr. SAUISBURY.**

JUNE 13, 1914.—Read twice and referred to the Com-
mittee on Pacific Islands and Porto Rico.