

IN THE SENATE OF THE UNITED STATES.

DECEMBER 7, 1915.

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

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**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       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 all  
2 matters of a legislative character, including power to create,  
3 consolidate, and reorganize the municipalities, so far as may  
4 be necessary, and to provide and repeal laws and ordinances  
5 therefor; also the power to alter, amend, modify, and repeal  
6 any and all laws and ordinances of every character now in  
7 force in the Territory of Porto Rico, or in any municipality  
8 or district thereof, not inconsistent with the provisions of  
9 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 \$2,000. Except as herein other-

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

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

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

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

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

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

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

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

17 SEC. 23. That members of the senate and house of  
18 representatives shall receive compensation at the rate of  
19 \$7 per day while attending the sessions of their respective  
20 houses, and milcage at the rate of 20 cents per kilometer for  
21 each kilometer actually and necessarily traveled in going  
22 from their places of residence to the capital and returning  
23 therefrom to their places of residence by the usual routes of  
24 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 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 col-  
18 lectively form a council to the governor, known as the execu-  
19 tive council. They shall perform, under the general super-  
20 vision of the governor, the duties hereinafter prescribed, or  
21 which may hereafter be prescribed by law, and such other  
22 duties not inconsistent with law, as the governor, with the  
23 approval of the President, may assign to them. They shall  
24 approve all expenditures made for or on account of their

1 respective departments. They shall make annual and such  
2 other reports to the governor as he may require, which shall  
3 be transmitted to the Secretary of State.

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

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

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

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

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

24        SEC. 40. That the commissioner of agriculture and labor  
25   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 and  
15 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,

1 with the reason and authorities relied on for reversing such  
2 decision. The decision of the governor in such cases shall  
3 be final and conclusive.

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

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

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

1        SEC. 49. That there is hereby created for the Terri-  
2 tory of Porto Rico a public-service commission, which  
3 shall consist of the attorney general, treasurer, commissioner  
4 of the interior, and the presiding officers of the two houses  
5 of the legislature. All grants of franchises, rights, and  
6 privileges or concessions of a public or quasi public nature  
7 shall be made by said commission. The commission is also  
8 hereby empowered and directed to discharge all the execu-  
9 tive functions heretofore conferred by law upon the Executive  
10 Council created by the Act of Congress approved April  
11 twelfth, nineteen hundred, entitled "An Act temporarily  
12 to provide revenues and a civil government for Porto Rico,  
13 and for other purposes," not inconsistent with the provi-  
14 sions of this Act, including the powers and duties pre-  
15 scribed by an act of the Legislative Assembly of Porto  
16 Rico entitled "An act concerning the regulation of public-  
17 service corporations in Porto Rico," approved March twelfth,  
18 nineteen hundred and eight, and all amendments which may  
19 be or have been made thereto by the Legislature of Porto  
20 Rico, and including all the powers and duties heretofore  
21 exercised by the said Executive Council with regard to all  
22 municipal loans and bonds and advancements of funds to  
23 municipalities and school boards. Franchises, rights, and  
24 privileges or concessions granted by the said commission  
25 shall not be effective until approved by the governor, and

1 shall be reported to Congress, which hereby reserves the  
2 power to annul or modify the same.

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

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

1        SEC. 52. The presiding officers of the two houses of  
2 the legislature shall receive the same compensation for their  
3 services as members of the public-service commission as for  
4 their services as members of the legislature.

5

## JUDICIAL POWER.

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

1 otherwise provided by law, except as in this Act otherwise  
2 specifically provided.

3       SEC. 54. That the Territory of Porto Rico shall con-  
4 stitute a judicial district of the United States to be called  
5 the "district of Porto Rico." The President, by and with  
6 the advice and consent of the Senate of the United States,  
7 shall appoint one district judge who shall, as to pay, tenure,  
8 retirement, and allowances, be on the same footing as other  
9 United States district judges. There shall be appointed in  
10 like manner a district attorney and a marshal for said dis-  
11 trict, each for a term of four years, unless sooner removed  
12 by the President. The district court for said district shall  
13 be called the "District Court of the United States for  
14 Porto Rico," and shall have power to appoint all neces-  
15 sary officials and assistants, including the clerk, interpreter,  
16 and such commissioners as may be necessary, who shall be  
17 entitled to the same fees and have like powers and duties  
18 as are exercised and performed by United States commis-  
19 sioners. Such court shall have jurisdiction of all cases cog-  
20 nizable in the district and circuit courts of the United States,  
21 and shall proceed in the same manner; and, in addition, shall  
22 have jurisdiction for the naturalization of aliens, and shall  
23 have jurisdiction of all controversies where all of the parties  
24 on either side of the controversy are citizens or subjects of a

1 foreign State or States, or citizens of the United States or a  
2 State, Territory, or District thereof, or Territory under the  
3 jurisdiction thereof, whose domicile is not in the Territory  
4 of Porto Rico, wherein the matter in dispute exceeds, ex-  
5 clusive of interest or cost, the sum or value of \$2,000, and  
6 of all controversies in which there is a separable controversy  
7 involving such jurisdictional amount, and in which all of  
8 the parties on either side of such separable controversy are  
9 citizens or subjects of the character aforesaid: *Provided*,  
10 That nothing in this Act shall be deemed to impair the  
11 jurisdiction of the district court of the United States for  
12 Porto Rico to hear and determine all controversies pending  
13 in said court at the date of the approval of this Act: *Provided*  
14 *further*, That hereafter the salaries of the judges and officials  
15 of the "District Court of the United States for Porto Rico,"  
16 together with the court expenses, shall be paid from the  
17 United States revenues in the same manner as in other  
18 United States district courts. In case of vacancy or of the  
19 death, absence, or other legal disability on the part of the  
20 judge of the said the District Court of the United States for  
21 Porto Rico, the governor of the Territory of Porto Rico is  
22 authorized to designate one of the judges of the supreme  
23 court of the Territory to discharge the duties of judge of said  
24 court until such absence or disability shall be removed, and  
25 thereupon such judge so designated for said service shall be

1 fully authorized and empowered to perform the duties of  
2 said office during such absence or disability of such regular  
3 judge and to sign all necessary papers and records as the  
4 acting judge of said court, without extra compensation.

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

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

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



1       SEC. 58. That writs of error and appeals from the final  
2 decisions of the Supreme Court of the Territory of Porto  
3 Rico and the District Court of the United States for Porto  
4 Rico shall be allowed, and may be taken to the Supreme  
5 Court of the United States in the same manner and under  
6 the same regulations and in the same cases as from the  
7 supreme courts of Territories of the United States and from  
8 the circuit and district courts of the United States, respec-  
9 tively, and such writs of error and appeal shall be allowed  
10 in all cases where the Constitution of the United States, or  
11 a treaty thereof, or an Act of Congress, is brought in ques-  
12 tion and the right claimed thereunder is denied. All such  
13 proceedings in the Supreme Court of the United States shall  
14 be conducted in the English language.

15       SEC. 59. That all judicial process shall run in the name  
16 of the "United States of America, scilicet, the President of  
17 the United States," and all penal or criminal prosecutions in  
18 the local courts shall be conducted in the name and by the  
19 authority of "the people of Porto Rico."

20       SEC. 60. That the qualifications of jurors as fixed by  
21 the local laws of the Territory of Porto Rico shall not apply  
22 to jurors selected to serve in the District Court of the United  
23 States for Porto Rico; but the qualifications required of  
24 jurors in said court shall be that each shall be of the age of

1 twenty-one years and not over sixty-five years, a resident of  
2 the Territory for not less than one year, and have a sufficient  
3 knowledge of the English language to enable him to serve as  
4 a juror; they shall also be citizens of the United States.  
5 Juries for the said court shall be selected and drawn in ac-  
6 cordance with the laws of Congress regulating the same in  
7 United States courts, but exemption from jury duty allowed  
8 by the local laws shall be respected by the court when in-  
9 sisted upon by veniremen.

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

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

24       SEC. 63. That jurors and witnesses in the District Court  
25 of the United States for Porto Rico shall be entitled to and

1 receive 15 cents for each mile necessarily traveled over any  
2 stage line or by private conveyance and 10 cents for each  
3 mile over any railway in going to and returning from said  
4 courts. But no constructive or double mileage fees shall be  
5 allowed by reason of any person being summoned both as  
6 witness and juror or as witness in two or more cases pend-  
7 ing in the same court triable at the same term thereof. Such  
8 jurors shall be paid \$2 per day and such witnesses \$1 per  
9 day while in attendance upon the court.

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

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

22 DELEGATE TO CONGRESS.

23 SEC. 66. That the qualified electors of the Territory  
24 of Porto Rico shall, at the general election in nineteen hun-  
25 dred and fourteen, and every four years thereafter, choose

1 a Delegate to the House of Representatives of the United  
2 States, whose term of office shall be four years from the  
3 fourth of March following. The governor shall issue to  
4 the person so chosen a certificate of his election. The Dele-  
5 gate to Congress shall be entitled to a seat in the House  
6 of Representatives, with the right of debate but not the  
7 right to vote, and shall be entitled to receive official recog-  
8 nition by all the departments of the Government of the  
9 United States. He shall receive the same salary and be  
10 allowed the same sum for stationery and for the pay of  
11 necessary clerk hire as is now allowed to Members of the  
12 House of Representatives, and shall also enjoy the franking  
13 privilege the same as said Members. He shall be allowed  
14 the sum of \$500 as mileage for each session of the House.  
15 Vacancies occurring by death, resignation, inability, or other  
16 causes in the office of Delegate to Congress shall be filled,  
17 within the next forty days after such vacancy occurs, by  
18 appointment of the governor, by and with the advice and  
19 consent of the senate of the Territory of Porto Rico, and any  
20 Delegate so appointed shall hold office during the unexpired  
21 term of the former incumbent. No person shall be eligible  
22 to election as a Delegate to Congress who is not a bona  
23 fide citizen of the Territory and who is not more than thirty  
24 years of age and who does not read and write the English  
25 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.



# **A BILL**

To provide a government for the Territory of  
Porto Rico.

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By **Mr. SAVISBURY.**

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DECEMBER 7, 1915.—Read twice and referred to the  
Committee on Pacific Islands and Porto Rico.