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.

A BILL

To provide a government for the Territory of Porto Rico.

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

TERRITORY OF PORTO RICO.

That the island of Porto Rico and the adjacent islands and waters of the islands lying east of the seventy-fourth meridian of longitude west of Greenwich, which were ceded to the United States by the Government of Spain by the treaty of peace signed at Paris on the tenth day of December, eighteen hundred and ninety-eight, and proclaimed at Washington on the eleventh day of April, eighteen hundred and ninety-nine, shall be known as the Territory of Porto Rico.
SEC. 2. That all property which may have been acquired in Porto Rico by the United States under the cession by Spain, in and by the aforesaid treaty, in any public bridges, road houses, water powers, highways, unnavigable streams and the beds thereof, subterranean waters, mines or minerals under the surface of private lands, all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor-works boards of Porto Rico, all the harbor shores, docks, slips, reclaimed lands, and all public lands and buildings not heretofore reserved by the United States for public purposes, are hereby placed under the control of the government of the Territory of Porto Rico, to be administered for the benefit of the people of Porto Rico; and the Legislature of the Territory of Porto Rico, hereinafter established, shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable: Provided, That the President may, from time to time, in his discretion, convey to the Territory of Porto Rico such lands and buildings or interests therein reserved for public purposes under the authority conferred by the Act of Congress approved July first, nineteen hundred and two, entitled “An Act authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and
buildings to the government of Porto Rico, and for other purposes, as in his opinion are no longer needed for purposes of the United States; and he may, from time to time, accept from the Territory of Porto Rico any lands, buildings, or interests therein which may be needed for public purposes by the United States and which the Legislature of the Territory of Porto Rico may grant to the United States.

SEC. 3. That the harbor areas and navigable streams and bodies of water and submerged lands underlying the same in and around the island of Porto Rico and the adjacent islands and waters, now owned by the United States and not reserved by the United States for public purposes, be, and the same are hereby, placed under the control of the government of the Territory of Porto Rico, to be administered in the same manner and subject to the same limitations as the property enumerated in the preceding section: Provided, That all laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interest of navigation and commerce, except so far as the same may be locally inapplicable, shall apply to said island and waters and to its adjacent islands and waters: Provided further, That nothing in this Act contained shall be construed so as to affect or impair in any manner the terms or conditions of any authorizations,
permits, or other powers heretofore lawfully granted or
exercised in or in respect of said waters and submerged lands
in and surrounding said island and its adjacent islands by
the Secretary of War or other authorized officer or agent of
the United States: And provided further, That the Act of
Congress approved June eleventh, nineteen hundred and
six, entitled “An Act to empower the Secretary of War,
under certain restrictions, to authorize the construction,
extension, and maintenance of wharves, piers, and other
structures on lands underlying harbor areas in navigable
streams and bodies of water in or surrounding Porto Rico
and the islands adjacent thereto,” be, and the same is hereby,
repealed.

GOVERNMENT OF THE TERRITORY.

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

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

SEC. 6. That the laws of the United States relating to
immigration, to tariffs, customs, and duties on importations
into the United States and the regulations made pursuant
thereto shall apply in the Territory of Porto Rico, but the
execution of such laws and regulations shall be effected through officials of the Territory appointed by the governor, and appeal from the decision of such officials shall be to the Territorial courts, as shall be provided by the legislature; and all such tariffs, customs, and duties shall be paid into the treasury of said Territory to be expended, as required by law, for the government and benefit thereof.

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

SEC. 8. That no export duties shall be levied or collected on exports from the Territory of Porto Rico, but taxes and assessments on property and license fees for franchises, privileges, and concessions may be imposed for the purposes of the Territorial and municipal governments, respectively, as may be provided and defined by the legislature, and when necessary bonds and other obligations may be issued by the Territory or any municipal government therein as may be provided by law: Provided, however, That no public indebtedness of the Territory of Porto Rico or of
any municipality thereof shall be authorized or allowed in
excess of seven per centum of the average tax valuation of
its property, and all bonds issued by the Territorial govern-
ment, or by its authority, shall be exempt from taxation by
the United States or the Territory of Porto Rico or by any
political or municipal subdivision thereof, or by any State,
or by any county, municipality, or other municipal subdivi-
sion of any State or Territory of the United States or by
the District of Columbia.

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

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

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

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

SEC. 13. That all inhabitants of the Territory of Porto Rico who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in Porto Rico, and their children born subsequently thereto, and also all natives of Porto Rico who were then or are now temporarily absent from said Territory and who have returned or intend to return to said Territory, and their children born subsequently to the said eleventh day of April, eighteen hundred and ninety-nine, and who are not citizens of any foreign country, are hereby declared to be citizens of the United States and of the said Territory of Porto Rico, except such inhabitants of said Territory as elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the aforesaid treaty of peace between the United States and Spain proclaimed on the said eleventh day of April, eighteen hundred and ninety-nine: Provided, That any native of Porto Rico who may be temporarily residing outside of said Territory at the time of the approval of this Act, and who is not a citizen of a foreign country, shall, within six months thereafter, make and subscribe to a declaration under oath, for himself and his wife and minor children, if any there be, of his intention to return to said Territory and of his desire to be a citizen of the United States and of said Territory, which declaration
shall be made and subscribed before the United States district court for the district in which such native shall be then temporarily residing, or, if he be in a foreign country, before a consular officer of the United States; and said declaration, duly authenticated, shall be filed in the office of the secretary of the territory, and entered at large upon a record kept by the secretary for that purpose, and shall be conclusive evidence of citizenship in the United States of the person making and subscribing to the same, and of his wife and minor children, if any there be: Provided further, That temporary residence outside of said Territory shall not be construed to relate to students and others who are temporarily absent from the Territory in pursuit of their calling or profession.

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

Legislative Power.

Sec. 15. That the legislative power in the said Territory of Porto Rico shall be vested in a legislature, which shall consist of two houses, one the senate and the other the house of representatives, and shall be designated the “Legislature of the Territory of Porto Rico.”
9

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

SEC. 17. That the Senate of the Territory of Porto Rico shall consist of nineteen members elected for terms of four years by the qualified electors of said Territory. Each of the seven senatorial districts, hereinafter defined, shall have the right to elect two senators, and in addition thereto there shall be elected five senators at large. No person shall be a member of the senate who is not over thirty years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of Porto Rico for at least two consecutive years, and, except in the case of senators at large, an actual resident of the senatorial district from which chosen for a period of at least one year prior to his election, and who does not own in his individual right taxable property in the Territory to the value of not less than $2,000. Except as herein other-
wise provided, the senate shall exercise all of the purely legislative powers and functions heretofore exercised by the Executive Council, constituted and existing under and by the Act of Congress approved April twelfth, nineteen hundred, entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," including confirmation of appointments; but appointments made while the senate is not in session shall be effective either until disapproved or until the next adjournment of the senate. In electing the five senators at large each elector shall be permitted to vote for but one candidate, and the five candidates receiving the largest number of votes shall be elected.

SEC. 18. That the House of Representatives of the Territory of Porto Rico shall consist of thirty-nine members elected for terms of four years by the qualified electors of said Territory. Each of the representative districts defined as hereinafter provided shall have the right to elect one representative, and in addition thereto there shall be elected four representatives at large. No person shall be a member of the house of representatives who is not over twenty-five years of age and who is not able to read and write either the Spanish or English language, and who has not been a resident of Porto Rico for at least two consecutive years, and, except in the case of representatives at large, an actual resident of the representative district from which chosen for
a period of at least one year prior to his election, and who
does not own in his individual right taxable property, real
or personal, in the Territory. In electing the four repre-
sentatives at large each elector shall be permitted to vote
for but one candidate, and the four candidates receiving the
largest number of votes shall be elected.

Sec. 19. That for the purpose of the election of sena-
tors and representatives the Territory of Porto Rico shall be
divided into thirty-five representative districts, composed of
contiguous and compact territory and established, so far
as practicable, upon the basis of equal population. The
division into and the demarcation of representative districts
shall be made by a commission of four persons to be ap-
pointed by the governor, two members of which shall be
chosen by him from each of the two political parties casting
the highest number of votes at the last general election.
The division shall be made as nearly as practicable to con-
form to the topographical nature of the land with regard
to roads and other means of communication and to natural
barriers. The said commission shall also divide the Terri-
tory of Porto Rico into seven senatorial districts, each com-
posed of five contiguous and compact representative districts.
All questions arising before the commission shall be decided
by a majority vote of the members, and in the event of a
tie vote on any question it shall be referred to the governor,
whose decision thereon shall be final. The commission shall complete the division of the Territory, as herein provided, and shall make report thereof to the governor within sixty days after their appointment, and said report, being approved by the governor, shall establish the districts for the election of senators and representatives. A reasonable compensation, to be approved by the governor and paid from the treasury of the Territory, shall be allowed the members of the commission for their services.

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

SEC. 21. That the first regular session of the Legislature of the Territory of Porto Rico provided for by this Act shall convene on the second Monday in January, nineteen hundred and fifteen, and biennially thereafter, and shall organize by the election of a speaker or other presiding officer, a clerk, and a
sergeant at arms for each house, and such other officers and assistants as may be required. No regular session shall continue longer than ninety days, not including Sundays, holidays, or days during which both houses may by concurrent resolution have agreed to a recess. The governor may call special sessions of the legislature or of the senate at any time when, in his opinion, the public interest may require it, and shall call the senate in session at least once each year; but no special session shall continue longer than ten days and no legislation shall be considered at such session other than that specified in the call.

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

SEC. 23. That members of the senate and house of representatives shall receive compensation at the rate of $7 per day while attending the sessions of their respective houses, and mileage at the rate of 20 cents per kilometer for each kilometer actually and necessarily traveled in going from their places of residence to the capital and returning therefrom to their places of residence by the usual routes of travel.
SEC. 24. That the enacting clause of all laws passed by
the legislature shall be, as to bills: "Be it enacted by the
Legislature of the Territory of Porto Rico"; and as to joint
resolutions, "Be it resolved by the Legislature of the Terri-
tory of Porto Rico." All bills and joint resolutions may
originate in either house.

SEC. 25. That no bill shall become a law until it be
passed in each house by a majority vote of all of the members
belonging to such house and be approved by the governor
within ten days thereafter. If, when a bill that has been
passed is presented to the governor for his signature, he
approves the same, he shall sign it, or if not he shall return
it with his objections to that house in which it originated,
which house shall enter his objections at large on its journal.
If any bill shall not be returned by the governor within ten
days (Sundays excepted) after it shall have been presented
to him, it shall be a law in like manner as if he had signed
it, unless the legislature by adjournment prevents its return,
in which case it shall be a law if signed by the governor
within ten days after receipt by him; otherwise it shall not
be a law. If the governor, within the period in which he
may disapprove, advises that he has withheld action on a
bill pending the advice from the President, he may approve
or disapprove such bill at any time within thirty days after
it has been presented to him; but this shall not apply to a
bill that has been disapproved by the governor and passed
the second time at the same session of the legislature in which
the first bill was passed. If a bill that has been disapproved
by the governor shall be passed the second time at the same
session of the legislature in which the first bill was passed
and shall be again disapproved by the governor, the legis-
lature may, at the same session, by a two-thirds vote of
each house, pass the bill a third time, notwithstanding the
objections of the governor, and said bill shall then be a law.
If any bill presented to the governor contains several items
of appropriation of money, he may object to one or more of
such items while approving of the other portion of the bill.
In such case he shall append to the bill, at the time of sign-
ing it, a statement of the items to which he objects, and the
appropriation so objected to shall not take effect.

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

Sec. 27. That if, at the termination of any fiscal year,
the appropriations necessary for the support of the govern-
ment for the ensuing fiscal year shall not have been made
the several sums appropriated in the last appropriation bills
for the purposes therein specified shall be deemed to be
reappropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid.

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

EXECUTIVE POWER.

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

SEC. 30. That the governor shall have general supervision and control of all the departments and bureaus of the Territorial government so far as is not inconsistent with the provisions of this Act, and shall be commander in chief of the militia. He shall have the power to convene...
the legislature, or the senate only, on extraordinary occasions. He shall commission all officers that he may be authorized to appoint. He may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of the Territory, and respites for offenses against the laws of the United States until the decision of the President can be ascertained; and may veto any legislation enacted as hereinbefore provided. The governor shall be responsible for the faithful execution of the laws of the Territory and of the United States applicable in said Territory, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the Territory, or summon the posse comitatus or call out the militia to prevent or suppress lawless violence, invasion, insurrection, or rebellion, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the Territory or any part thereof under martial law until communication can be had with the President and his decision therein made known. The governor shall annually, and at such other times as he may be required, make official report of the transactions of the Territorial government to the Secretary of State, and his said annual report shall be transmitted to Congress.
The governor shall also, within sixty days after the adjournment of each session of the legislature, transmit to the Secretary of State, who shall in turn transmit to Congress, copies of all laws enacted during the session. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President.

Section 31. That the President may, from time to time, designate the head of any of the executive departments hereinafter created to act as governor in the case of the temporary removal, resignation, or disability of the governor or his temporary absence, and the official thus designated shall exercise all the powers and perform all the duties of the governor as acting governor during such vacancy, disability, or absence.

Section 32. That there shall be appointed by the governor, by and with the advice and consent of the Territorial senate, a secretary of the Territory, who shall record and preserve the laws enacted by the legislature and all acts and proceedings of the governor, and promulgate all proclamations and orders of the governor and all laws enacted by the legislature. He shall also record and preserve the minutes and proceedings of the executive council and of the public-service commission, hereinafter created. He shall perform such other duties as may be assigned to him by the governor or imposed upon him by the provisions of this Act or that may be here-
after prescribed by law. Any duties heretofore assigned to
the secretary of Porto Rico by existing law may be assigned
to the secretary of the Territory, or to any department or
bureau of the Government, as may be determined by the
governor, by and with the advice and consent of the senate.
The Secretary of the Territory shall receive an annual salary
of $4,000.

Sec. 33. That the following executive departments are
hereby created: A department of justice, the head of which
shall be designated as the attorney general; a department
of finance, the head of which shall be designated as the
treasurer; a department of interior, the head of which shall
be designated as the commissioner of the interior, a depart-
ment of education, the head of which shall be designated as
the commissioner of education; a department of agriculture
and labor, the head of which shall be designated as the com-
missioner of agriculture and labor; and a department of
health, the head of which shall be designated as the com-
missioner of health. The heads of three of these depart-
ments shall be appointed by the President, by and with
the advice and consent of the Senate of the United States,
to hold office for four years and until their successors are
appointed and qualified, unless sooner removed by the Presi-
dent. The heads of the three remaining departments shall
be appointed by the governor, by and with the advice and
consent of the Territorial senate, to hold office for four years and until their successors are appointed and qualified, unless sooner removed by the governor. The heads of departments shall reside in the Territory during their official incumbency, but leave of absence may be granted by the governor.

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

SEC. 35. That the heads of departments shall collectively form a council to the governor, known as the executive council. They shall perform, under the general supervision of the governor, the duties hereinafter prescribed, or which may hereafter be prescribed by law, and such other duties not inconsistent with law, as the governor, with the approval of the President, may assign to them. They shall approve all expenditures made for or on account of their
respective departments. They shall make annual and such
other reports to the governor as he may require, which shall
be transmitted to the Secretary of State.

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

SEC. 37. That the treasurer shall give bond, approved
as to form by the attorney general, in such sum as the
legislature may require, not less, however, than the sum
of $125,000, with surety approved by the governor. He
shall collect and be the custodian of public funds, and shall
disburse the same when appropriated by law, on warrants
signed by the auditor and countersigned by the governor.
The treasurer may designate banking institutions in the
Territory of Porto Rico and in the United States as deposi-
tories of the Territory, subject to such conditions as may be
prescribed by the governor, after they have filed with him
satisfactory evidence of their sound financial condition and
have deposited with him bonds of the United States or of the
Territory of Porto Rico, or other security satisfactory to the
governor, in such amounts as he may require. No banking
institution shall be designated a depository of the Territory
until the foregoing conditions have been complied with, nor
used as a depository except in the discretion of the treasurer.
Other conditions, including the rate of interest allowed on
deposits, being equally favorable, preference shall be given
in the designation of depositories to banking institutions in
the Territory. The treasurer shall receive an annual salary
of $7,500.

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

Sec. 39. That the commissioner of education shall
superintend public instruction throughout the Territory. He
shall receive an annual salary of $7,500.

Sec. 40. That the commissioner of agriculture and labor
shall have general charge of all matters relating to the study,
advancement, and benefit of agricultural and other industries
and of labor. He shall receive an annual salary of $7,500.

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

SEC. 42. That there shall be appointed by the President,
by and with the advice and consent of the Senate of the
United States, an auditor of the Territory, who shall hold
office for four years and until his successor shall be appointed
and qualified, unless sooner removed by the President. He
shall examine, audit, and settle all accounts pertaining to
the revenues and receipts of the Territorial government
and of the municipal governments, including trust funds and
funds derived from bond issues; and shall also examine,
audit, and settle all accounts of the Territorial government
and of the municipal governments pertaining to the expendi-
ture of funds, from whatever source received, and for what-
ever purpose expended, and to the disposition of property,
whether the same shall be in the ordinary course of business
or in the administration of trust funds. The duty of the
auditor in this respect shall extend to the accounts of all
departments and bureaus of the Territorial government and
of the municipal governments and to the accounts of all
officers who are authorized to receive, hold, and expend
or dispose of funds or property belonging to or in the possession of the Territorial government or of the municipal governments. It shall be the duty of the auditor to bring to the attention of the proper administrative officers all expenditures of funds or disposition of property which, in his opinion, are irregular, unnecessary, excessive, or extravagant.

SEC. 43. That the auditor shall keep the general accounts of the Territorial government and preserve the vouchers and records pertaining thereto. His jurisdiction over accounts, whether of funds or property, and over all vouchers and records, shall be exclusive. He shall, from time to time, with the approval of the governor, make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the Territorial government, or any department, bureau, or officer thereof: Provided, That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection. As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted, the auditor shall submit to the governor an annual report of the fiscal concerns of the government, showing the receipts and expenditures of the various departments and bureaus.
of the government and of the various municipalities, and
make such other reports as may be required of him by the
governor.

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

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

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

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

Sec. 48. That the auditor shall receive an annual salary
of $7,500, and the deputy auditor an annual salary of $4,000.
SEC. 49. That there is hereby created for the Territory of Porto Rico a public-service commission, which shall consist of the attorney general, treasurer, commissioner of the interior, and the presiding officers of the two houses of the legislature. All grants of franchises, rights, and privileges or concessions of a public or quasi public nature shall be made by said commission. The commission is also hereby empowered and directed to discharge all the executive functions heretofore conferred by law upon the Executive Council created by the Act of Congress approved April twelfth, nineteen hundred, entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," not inconsistent with the provisions of this Act, including the powers and duties prescribed by an act of the Legislative Assembly of Porto Rico entitled "An act concerning the regulation of public-service corporations in Porto Rico," approved March twelfth, nineteen hundred and eight, and all amendments which may be or have been made thereto by the Legislature of Porto Rico, and including all the powers and duties heretofore exercised by the said Executive Council with regard to all municipal loans and bonds and advancements of funds to municipalities and school boards. Franchises, rights, and privileges or concessions granted by the said commission shall not be effective until approved by the governor, and
shall be reported to Congress, which hereby reserves the
power to annul or modify the same.

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

SEC. 51. That whenever the legislature shall have
authorized the borrowing of money or the creation of any
indebtedness by the Territorial government, the public-
service commission may, within the authorization of the
legislature, prescribe the terms of all notes, bonds, or other
instruments to be issued as evidences of said indebtedness
and the price or prices for which they shall be sold or dis-
posed of. When the action of the commission in that regard
shall have been approved by the governor, the treasurer
shall dispose of such securities in pursuance thereof and turn
the proceeds into the treasury of the Territory.
SEC. 52. The presiding officers of the two houses of the legislature shall receive the same compensation for their services as members of the public-service commission as for their services as members of the legislature.

JUDICIAL POWER.

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

SEC. 54. That the Territory of Porto Rico shall constitute a judicial district of the United States to be called the "district of Porto Rico." The President, by and with the advice and consent of the Senate of the United States, shall appoint one district judge who shall, as to pay, tenure, retirement, and allowances, be on the same footing as other United States district judges. There shall be appointed in like manner a district attorney and a marshal for said district, each for a term of four years, unless sooner removed by the President. The district court for said district shall be called the "District Court of the United States for Porto Rico," and shall have power to appoint all necessary officials and assistants, including the clerk, interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. Such court shall have jurisdiction of all cases cognizable in the district and circuit courts of the United States, and shall proceed in the same manner; and, in addition, shall have jurisdiction for the naturalization of aliens, and shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a
foreign State or States, or citizens of the United States or a State, Territory, or District thereof, or Territory under the jurisdiction thereof, whose domicile is not in the Territory of Porto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of $2,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount, and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid: Provided, That nothing in this Act shall be deemed to impair the jurisdiction of the district court of the United States for Porto Rico to hear and determine all controversies pending in said court at the date of the approval of this Act: Provided further, That hereafter the salaries of the judges and officials of the "District Court of the United States for Porto Rico," together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said the District Court of the United States for Porto Rico, the governor of the Territory of Porto Rico is authorized to designate one of the judges of the supreme court of the Territory to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be
fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge and to sign all necessary papers and records as the acting judge of said court, without extra compensation.

Sec. 55. That the laws of the United States relating to appeals, writs of error, and certiorari, removal of causes, and other matters of proceedings as between the courts of the United States and the courts of the several States, shall govern in such matters and proceedings as between the district court of the United States and the courts of the Territory of Porto Rico.

Sec. 56. That the regular terms of said district court of the United States shall be held at San Juan, commencing on the second Monday in April and October of each year, and also at Ponce on the second Monday in January of each year, and special terms may be held at Mayaguez at such other stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language.

Sec. 57. That the said district court of the United States shall be attached to and include in the third circuit of the United States, with the right of appeal and review by the circuit court of appeals in all cases where the same would lie from any district or circuit court to a circuit court of appeals of the United States.
SEC. 58. That writs of error and appeals from the final decisions of the Supreme Court of the Territory of Porto Rico and the District Court of the United States for Porto Rico shall be allowed, and may be taken to the Supreme Court of the United States in the same manner and under the same regulations and in the same cases as from the supreme courts of Territories of the United States and from the circuit and district courts of the United States, respectively, and such writs of error and appeal shall be allowed in all cases where the Constitution of the United States, or a treaty thereof, or an Act of Congress, is brought in question and the right claimed thereunder is denied. All such proceedings in the Supreme Court of the United States shall be conducted in the English language.

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

SEC. 60. That the qualifications of jurors as fixed by the local laws of the Territory of Porto Rico shall not apply to jurors selected to serve in the District Court of the United States for Porto Rico; but the qualifications required of jurors in said court shall be that each shall be of the age of
twenty-one years and not over sixty-five years, a resident of
the Territory for not less than one year, and have a sufficient
knowledge of the English language to enable him to serve as
a juror; they shall also be citizens of the United States.
Juries for the said court shall be selected and drawn in ac-
cordance with the laws of Congress regulating the same in
United States courts, but exemption from jury duty allowed
by the local laws shall be respected by the court when in-
sisted upon by veniremen.

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

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

SEC. 63. That jurors and witnesses in the District Court
of the United States for Porto Rico shall be entitled to and
receive 15 cents for each mile necessarily traveled over any
stage line or by private conveyance and 10 cents for each
mile over any railway in going to and returning from said
courts. But no constructive or double mileage fees shall be
allowed by reason of any person being summoned both as
witness and juror or as witness in two or more cases pend-
ing in the same court triable at the same term thereof. Such
jurors shall be paid $2 per day and such witnesses $1 per
day while in attendance upon the court.

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

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

DELEGATE TO CONGRESS.

Sec. 66. That the qualified electors of the Territory
of Porto Rico shall, at the general election in nineteen hun-
dred and fourteen, and every four years thereafter, choose
a Delegate to the House of Representatives of the United
States, whose term of office shall be four years from the
fourth of March following. The governor shall issue to
the person so chosen a certificate of his election. The Dele-
gate to Congress shall be entitled to a seat in the House
of Representatives, with the right of debate but not the
right to vote, and shall be entitled to receive official recog-
nition by all the departments of the Government of the
United States. He shall receive the same salary and be
allowed the same sum for stationery and for the pay of
necessary clerk hire as is now allowed to Members of the
House of Representatives, and shall also enjoy the franking
privilege the same as said Members. He shall be allowed
the sum of $500 as mileage for each session of the House.
Vacancies occurring by death, resignation, inability, or other
causes in the office of Delegate to Congress shall be filled,
within the next forty days after such vacancy occurs, by
appointment of the governor, by and with the advice and
consent of the senate of the Territory of Porto Rico, and any
Delegate so appointed shall hold office during the unexpired
term of the former incumbent. No person shall be eligible
to election as a Delegate to Congress who is not a bona
fide citizen of the Territory and who is not more than thirty
years of age and who does not read and write the English
language.
ELECTIONS.

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

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

GENERAL PROVISIONS.

SEC. 69. That all officers appointed under authority of this Act shall, before entering upon the duties of their respective offices, take an oath to support the Constitution of the United States and the laws of the Territory of Porto 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
required to give bond, the premium thereof shall be paid out
of the treasury of the Territory without deduction from the
salary of such officer.

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

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

SEC. 74. That the deeds and other instruments affecting
land situate in the District of Columbia, or any other Ter-
ritory of the United States, may be acknowledged in the
Territory of Porto Rico before any notary public appointed
therein by proper authority, or any officer therein who has
ex officio the powers of a notary public: Provided. That the
certificate by such notary shall be accompanied by the cer-
Certificate of the secretary of the Territory to the effect that the notary taking such acknowledgment is in fact such notarial officer.

SEC. 75. That this Act shall take effect upon approval, but until its provisions shall severally become operative, as hereinbefore provided, the corresponding legislative and executive functions of the Government in Porto Rico shall continue to be exercised and in full force and operation as now provided by law; and for the purpose of fulfilling its functions as the upper house of the legislative assembly and for action upon appointments by the governor and for all other necessary purposes the executive council shall, until the assembly and organization of the Legislature of the Territory of Porto Rico, as herein provided, consist of the attorney general, the treasurer, the commissioner of the interior, the commissioner of education, the commissioner of health, and the commissioner of agriculture and labor, and the five additional members as now provided by law. And any functions herein assigned to the Senate of the Territory of Porto Rico may, until this said senate has assembled and organized, as herein provided, be exercised by the executive council as thus constituted.

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

December 7, 1912—Read twice and referred to the

By Mr. Samuels.

Porto Rico.

To provide a Government for the Territory of

A BILL

S. 26.