

PROVIDING FOR THE ORGANIZATION OF A CONSTITUTIONAL GOVERNMENT BY THE PEOPLE OF PUERTO RICO

JUNE 6 (legislative day, MARCH 29), 1950.—Ordered to be printed

Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany S. 3336]

The Senate Committee on Interior and Insular Affairs, to whom was referred the bill (S. 3336) providing for the organization of a constitutional government by the people of Puerto Rico, report favorably thereon with the following amendment and with the recommendation that the bill, as amended, do pass.

Strike out all after section 1 and insert the following:

SEC. 2. This Act shall be submitted to the qualified voters of Puerto Rico for acceptance or rejection through an island-wide referendum to be held in accordance with the laws of Puerto Rico. Upon the approval of this Act, by a majority of the voters participating in such referendum, the Legislature of Puerto Rico is authorized to call a Constitutional Convention to draft a constitution for the said island of Puerto Rico. The said constitution shall provide a republican form of government and shall include a bill of rights.

SEC. 3. Upon adoption of the constitution by the people of Puerto Rico, the President of the United States is authorized to transmit such constitution to the Congress of the United States if he finds that such constitution conforms with the applicable provisions of this Act and of the Constitution of the United States. Upon approval by the Congress the constitution shall become effective in accordance with its terms.

SEC. 4. Except as provided in section 5 of this Act, the Act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes", approved March 2, 1917, as amended, is hereby continued in force and effect and may hereafter be cited as the "Puerto Rican Federal Relations Act".

SEC. 5. At such time as the constitution of Puerto Rico becomes effective, the following provisions of such Act of March 2, 1917, as amended, shall be deemed repealed:

(1) Section 2, except the paragraph added thereto by Public Law 362, Eightieth Congress, first session, approved August 5, 1947.

(2) Sections 4, 12, 12a, 13, 14, 15, 16, 17, 18, 18a, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 49, 49b, 50, 51, 52, 53, 56, and 57.

(3) The last paragraph in section 37.

S. Rept. 1779, 81-2—1

(4) Section 38, except the second paragraph thereof which begins with the words "The Interstate Commerce Act," and ends with the words "shall not apply in Puerto Rico".

SEC. 6. All laws or parts of laws inconsistent with this Act are hereby repealed.

PURPOSE OF THE BILL

This bill authorizes the people of Puerto Rico to organize their own government by holding a constitutional convention and adopting a constitution to be submitted to the Congress for approval. The measure is in the nature of a compact, with specific provision made for an island-wide referendum in which the Puerto Ricans will be free to express their will for acceptance or rejection of the proposal.

At present, the government of the island is provided by the Organic Act of Puerto Rico, enacted March 2, 1917 (39 Stat. 951). This act, as amended, is an enlightened, progressive, and efficient charter, insuring to the island's people civil liberties and almost complete local political and economic autonomy. Yet it is an act of the Congress of the United States, in the enactment of which the people of Puerto Rico had no part. As such, it is not a creation of, nor an expression of, the will of the people of Puerto Rico.

This measure is designed to complete the full measure of local self-government in the island by enabling the 2¼ million American citizens there to express their will and to create their own territorial government. The traditional safeguards are set up in the bill: Section 2 provides that the constitution to be adopted "shall provide a republican form of government and shall include a bill of rights." Both the President and the Congress are to be the judges of whether the people's rights are fully protected.

Thus, in the only Latin-American area under the American flag, which is a focal point of inter-American relations, the present measure would give further concrete expression to our fundamental principles of government of, by, and for the people. It is a logical step in the process of political freedom and economic development that was begun even in the days of our military occupation of the island at the end of the last century.

The most recent development in this progression up to the present legislation was the elective-Governor bill (61 Stat. 770). By this amendment to the Organic Act, Congress provided for the election of the Governor of Puerto Rico by popular vote every 4 years, and empowered him to appoint all of his executive department heads with the advice and consent of the Senate of Puerto Rico.

Personal inspections by members of the committee and reports of other government officials and private experts all show that the right to elect their own chief executive of the island has had a most dynamic effect on the people of Puerto Rico, and that the Governor, the Honorable Luis Muñoz-Marín, has the support of the great majority of the people in his far-reaching program for industrialization and economic development.

As expressed by the Assistant Secretary of State for Inter-American Affairs, Edward G. Miller, in his testimony endorsing S. 3336 on behalf of the Department of State:

I have also visited Puerto Rico twice this year in connection with my program of visits to all the countries in Latin-America. I have seen what is being done in Puerto Rico, in the way of economic and political progress, and I think that the

very great progress that has been made in both fields in the direction of self-reliance has been made in direct proportion with the increasing autonomy that Puerto Rico has had in self-government.

* * * Puerto Rico is an area of the United States, a community that has a particular interest in Latin-America, * * * I think it will help our prestige and our program throughout Latin-America if we give this added recognition of self-government to Puerto Rico.

INTERNATIONAL ASPECTS

Puerto Rico was formally ceded to the United States by the Treaty of Paris which terminated the Spanish-American War. The second paragraph of article IX of this treaty, which was ratified by Congress on February 6, 1899 (30 Stat. 1754), provided that the Congress should determine "the civil rights and political status of the native inhabitants" of the areas ceded.

More recently, the United States undertook new treaty obligations which bear upon Puerto Rico. The United Nations Charter (ratified by the U. S. Senate on June 26, 1945; 59 Stat. 1031) provides in article 73 of chapter XI:

Members of the United Nations which have or assume responsibilities for the administration of territories whose people have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of the territories are paramount, and accept as a sacred trust the obligation to promote to the utmost * * * the well-being of the inhabitants of these territories, and, to this end:

* * * * *

(b) To develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions * * * (59 Stat. at p. 1048).

The history of the relationship between Puerto Rico and the United States bears eloquent witness to the fact that we have indeed insured political advancement and developed self-government in the island. It is a record of which every American should be proud. It is not suggested that a measure such as S. 3336 is needed to fulfill our obligation to Puerto Rico under the United Nations Charter. Those obligations already have been fulfilled to an extent that is almost without parallel. The provision is quoted as showing that a constitution for Puerto Rico of, by, and for the Puerto Ricans would be a still further development of the policy to which we have committed ourselves in the United Nations Charter.

The favorable report on S. 3336 from the Department of State, quoted in full at the end of this report, points out this fact.

RELATIONS WITH FEDERAL GOVERNMENT UNCHANGED

The measure would not change Puerto Rico's fundamental political, social, and economic relationship to the United States. Those sections of the Organic Act of Puerto Rico concerning such matters as the applicability of United States laws, customs, internal revenue, Federal judicial jurisdiction in Puerto Rico, representation in the Congress of the United States by a Resident Commissioner, et cetera, would remain in force and effect. Upon enactment of S. 3336, these remaining sections of the organic act would be referred to as the Puerto Rican Federal Relations Act.

The sections of the organic act which section 5 of this bill would repeal are concerned primarily with the organization of the insular

executive, legislative, and judicial branches of the government of Puerto Rico and other matters of purely local concern. These aspects of local self-government would be provided for in any constitution adopted and any government organized by the people of Puerto Rico. A brief analysis indicating the nature of the sections of the organic act which would be repealed and those which would remain in effect as a result of enactment of S. 3336 is attached to the favorable report of the Secretary of the Interior, set forth in full below.

NO COMMITMENT AS TO STATEHOOD

Because the issues have been raised, it should be stated clearly and unequivocally that S. 3336 is not a statehood bill. Nor is it an independence bill. It does not commit the Congress, either expressly or by implication, to take any action whatever with respect to either. It in no way precludes future determination by future Congresses of the political status of Puerto Rico.

WILL OF PEOPLE OF PUERTO RICO

The committee has given most careful attention to determining whether the 2,200,000 Puerto Ricans want passage of a measure such as S. 3336. The committee heard, at length, both elective officials and representatives of those appointed by the President. It gave full and careful consideration to all communications received regarding the bill.

In view of all the evidence presented to the committee, it is the committee's considered opinion that a majority, a very substantial majority, of the people of Puerto Rico do wish the authority to draw up their own constitution and to organize their own insular government under it within the safeguards of the Federal Constitution.

The elected Governor, Luis Muñoz-Marín, eloquently advocated such a measure, as did the Puerto Rican Commissioner and Delegate in Congress, Hon. Antonio Fernós-Isern. The Secretary of the Interior, who is the Cabinet officer charged with responsibility for administration of Puerto Rico, likewise appeared before the committee and stated his belief that such legislation was the will of the people.

The floor leader in the insular senate, Hon. Victor Gutierrez, presented to the committee a resolution of the popularly elected legislature endorsing the principles of the bill. Hon. Cecil Snyder, an associate justice of the island's supreme court, appointed by the President, submitted a letter signed by all the insular supreme court judges advocating the measure.

The Chamber of Commerce of Puerto Rico has endorsed the bill, as have the Free Federation of Labor (A. F. of L.), the General Confederation of Workers (CIO), 76 out of 77 mayors of the island, and the municipal assemblies of 76 out of 77 municipalities in the island.

The committee also regards the results of the 1948 election in Puerto Rico as indicative of the sentiment of the people of the island. Three major political groups contested the election. One had as a major plank in its platform advocacy of a constitution for Puerto Rico. Another had a major plank calling for statehood. A third advocated outright independence.

The party endorsing the program made effective by this bill received 393,033 votes in the contest for Resident Commissioner in Congress, or approximately 62 percent of all the ballots cast. The candidate of the statehood group polled 180,513 votes. The independence group mustered 66,141 votes for its candidate.

With only a small Puerto Rican minority opposed, the committee feels that Congress would be fulfilling the will of the people of Puerto Rico in adopting the bill. In accordance with the terms of S. 3336, once it became law, the people of Puerto Rico would be free to accept or reject it. They would not be forced to accept. The measure constitutes an authorization, not an imposition, as was the organic act, leagly speaking.

The favorable reports of the Department of the Interior, the Department of State, and the Bureau of the Budget are set forth in full.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., May 19, 1950.

HON. JOSEPH C. O'MAHONEY,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.*

MY DEAR SENATOR O'MAHONEY: This is in reply to your request for the views of this Department on S. 3336, a bill to provide for the organization of a constitutional government by the people of Puerto Rico.

I strongly urge the enactment of S. 3336, with the amendment suggested.

It is important at the outset to avoid any misunderstanding as to the nature and general scope of the proposed legislation. Let me say that enactment of S. 3336 will in no way commit the Congress to the enactment of statehood legislation for Puerto Rico in the future. Nor will it in any way preclude a future determination by the Congress of Puerto Rico's ultimate political status. The bill merely authorizes the people of Puerto Rico to adopt their own constitution and to organize a local government which, under the terms of S. 3336, would be required to be republican in form and contain the fundamental civil guaranties of a bill of rights.

The framework of Puerto Rico's government has been prescribed by the Congress, by the enactment in 1917 of the Organic Act of Puerto Rico. This organic act established a popularly elected legislature with broad powers in local legislative matters, and provided for an executive branch and a judicial branch of the government. It authorized the people of Puerto Rico to elect a representative to the Congress, accredited to the House of Representatives, with power to serve on committees, to introduce legislation, and to be heard on the floor of the House, but with no power to vote. Under the organic act the people of Puerto were made citizens of the United States, and had their civil rights guaranteed by a section of the act which closely paralleled the language of the Bill of Rights of the Constitution.

Since the enactment of the organic act, the most notable step taken by the Congress toward granting Puerto Rico an increased measure of local self-government was in 1947, when it permitted the people of Puerto to elect their Governor and permitted the Governor to select the members of his cabinet, except for the auditor of Puerto Rico, who remains a Presidential appointee.

S. 3336 would be a further implementation of the self-government principle adopted by the Congress. It would permit the substitution, by action of the people of Puerto Rico, of a constitution of their own choosing for the present "constitution", the organic act, which was handed to them by the Congress.

The bill under consideration would not change Puerto Rico's political, social, and economic relationship to the United States. Those sections of the Organic Act of Puerto Rico pertaining to the political, social, and economic relationship of the United States and Puerto Rico concerning such matters as the applicability of United States laws, customs, internal revenue, Federal judicial jurisdiction in Puerto Rico, Puerto Rican representation in the Congress by a Resident Commissioner, etc., would remain in force and effect, and upon enactment of

S. 3336 would be referred to as the Puerto Rican Federal Relations Act. The sections of the organic act which section 5 of the bill would repeal are the provisions of the act concerned primarily with the organization of the local executive, legislative, and judicial branches of the government of Puerto Rico and other matters of purely local concern. These matters would be provided for in any constitution adopted and any local government organized by the people of Puerto Rico.

For your convenience, I enclose a brief analysis indicating the general nature of the sections of the organic act which would, and those which would not, be repealed by S. 3336. It is suggested that the bill be amended by striking out the number "55" appearing on page 3, line 15. No repeal of section 55 of the Organic Act of Puerto Rico would be required since that section has already been repealed by section 39 of title 28 of the United States Code (62 Stat. 992).

The eloquent testimony of Gov. Luis Muñoz-Marín before the Senate Interior and Insular Affairs Committee in behalf of this legislation is a reflection of the very strong sentiment which exists in Puerto Rico for a greater measure of local autonomy. The people of Puerto Rico have demonstrated by their high degree of political consciousness, by their extensive use of the franchise, and by their successful and intelligent administration of local governmental activities, that they are eminently qualified to assume greater responsibility of self-government.

The time has come to permit the people of Puerto Rico to adopt their own constitution. Enactment of S. 3336 would be a reaffirmation by the Congress of the self-government principle which has been the cornerstone of United States policy toward its Territories. Such action by the Congress would be a clear expression of our esteem for the people of Puerto Rico. It would also be a concrete demonstration to the nations of the world, and especially the people of Puerto Rico, at a time when Territorial administration is a matter of constant discussion in the United Nations, that the United States translates its principles of democracy and self-determination into action.

The Bureau of the Budget has advised that enactment of this legislation would be fully in accord with the program of the President.

Sincerely yours,

OSCAR L. CHAPMAN,
Secretary of the Interior.

GENERAL NATURE OF SECTIONS OR PARTS OF SECTIONS OF THE ORGANIC ACT WHICH WOULD REMAIN IN FORCE AND EFFECT AND UPON ENACTMENT OF S. 3336 WOULD BE KNOWN AS THE PUERTO RICAN FEDERAL RELATIONS ACT

Section 1: Provides that the organic act shall apply to the island of Puerto Rico and adjacent islands.

Section 2: Comity clause.

Section 3: Prohibits export duties; permits imposition by the insular government of internal revenue and other taxes; permits the issuance of bonds, but limits indebtedness; provides for the exemption of bonds issued pursuant to this section from taxation.

Section 5 (a) (b) (c): Contains United States citizenship provisions for Puerto Ricans.

Section 6: Provides that the expenses of the insular government shall, except for United States public works, be paid out of the insular treasury.

Section 7: Provides for the transfer of property to Puerto Rico ceded by Spain to the United States; also provides for the mutual transfer of property between the United States and Puerto Rico.

Section 8: Contains provisions relating to the jurisdiction of the United States and Puerto Rico with respect to harbor areas, navigable streams, bodies of water, and submerged lands in and around Puerto Rico.

Section 9: Provides that United States laws, except the internal revenue laws, are applicable to Puerto Rico, except where locally inapplicable; also contains proviso returning the internal revenue taxes to Puerto Rico.

Section 10: Provides that all judicial process in Puerto Rico shall run in the name of the United States or the people of Puerto Rico; also provides for an oath of allegiance.

Section 11: Provides that reports by the Governor and insular departments are to be made to the Federal agency designated by the President to have administrative jurisdiction over Puerto Rico.

Section 36: Contains provisions relating to the election, eligibility, salary, allowances, etc., of the Resident Commissioner.

Section 37 (part): Defines the extent of the legislative authority of the Legislature of Puerto Rico.

Section 38 (part): Declares the Interstate Commerce Act and certain other Federal acts inapplicable in Puerto Rico.

Section 41: Contains provisions relating to the United States District Court for the District of Puerto Rico and the judge and officials of that court.

Section 42: Provides that the laws of the United States relating to appeals, certiorari, removal of causes, and other matters or 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 United States District Court for the District of Puerto Rico and the courts of Puerto Rico. It also provides that all pleadings and proceedings in the United States District Court for the District of Puerto Rico shall be conducted in the English language.

Section 44: Prescribes qualifications for jurors selected to serve in the United States District Court for the District of Puerto Rico.

Section 45: Provides for disposal of fees, fines, etc., collected in the United States District Court for the District of Puerto Rico.

Section 48: Provisions relating to writs of habeas corpus to be issued by the Supreme Court of Puerto Rico, and the United States District Court for the District of Puerto Rico; and writs of mandamus to be issued by the United States District Court for the District of Puerto Rico; declares that suits restraining assessment or collection of taxes imposed by the laws of Puerto Rico are outside the jurisdiction of the United States District Court for the District of Puerto Rico.

Section 54: Provides for the acknowledgment of deeds and other instruments affecting land situated in the District of Columbia or any other Territory or possession of the United States.

Section 58: Provides for the continuation of United States laws applicable to Puerto Rico which are not inconsistent with the organic act; also repeals all United States laws which are applicable to Puerto Rico but inconsistent with the organic act.

GENERAL NATURE OF SECTIONS OR PARTS OF SECTIONS OF THE ORGANIC ACT TO BE REPEALED BY S. 3336

Section 2: Contains a bill of rights and other provisions of a protective nature.

Section 4: Provides that the capital of Puerto Rico shall be at the city of San Juan.

PROVISIONS RELATING TO EXECUTIVE BRANCH OF GOVERNMENT OF PUERTO RICO

Section 12: Contains provisions relating to the election, tenure, qualifications, and powers of the Governor of Puerto Rico.

Section 12a: Prescribes procedure for impeachment of the Governor of Puerto Rico.

Section 13: Creates the executive departments of the government of Puerto Rico.

Section 14: Prescribes the duties and authority of the attorney general.

Section 15: Prescribes the duties and authority of the treasurer of Puerto Rico.

Section 16: Prescribes the duties and authority of the commissioner of interior.

Section 17: Prescribes the duties and authority of the commissioner of education.

Section 18: Prescribes the duties and authority of the commissioner of agriculture and commerce.

Section 18a: Prescribes the duties and authority of the commissioner of labor.

Section 19: Prescribes the duties and authority of the commissioner of health.

Section 20: Prescribes the duties and authority of the auditor.

Section 21: Provides for appeal to the Governor from decisions of the auditor.

Section 22: Provides for appointment of the executive secretary to the Governor, and prescribes his duties and authority.

Section 23: Provides for the transmission to the Congress of laws enacted by the Legislature of Puerto Rico.

Section 24: Provides for succession to the office of Governor in the event of a vacancy in that office.

PROVISIONS RELATING TO THE LEGISLATIVE BRANCH

Section 25: Vests local legislative powers in a bicameral legislature consisting of a senate and house of representatives designated as "The Legislature of Puerto Rico."

Section 26: Contains provisions relating to the election, number, qualifications, and term of office of members of the senate of Puerto Rico, and prescribes the powers of the senate.

Section 27: Contains provisions relating to the election, number, qualifications, and term of office of members of the house of representatives of Puerto Rico, and prescribes the powers of the house of representatives.

Section 28: Provides for the division of Puerto Rico into representative and senatorial districts.

Section 29: Provides for quadrennial elections.

Section 30: Provides a 4-year term of office for senators and representatives, and prescribes the method of filling vacancies.

Section 31: Provides a per diem and mileage allowance for senators and representatives.

Section 32: Provides that the senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their members.

Section 33: Provides for regular and special sessions of the Legislature of Puerto Rico.

Section 34: Contains provisions relating to the legislative procedures to be followed in the Legislature of Puerto Rico, also contains provisions with respect to the approval or veto of legislation by the Governor of Puerto Rico, and approval or disapproval by the President of the United States of enactments of the Legislature of Puerto Rico.

Section 35: Prescribes the qualifications of voters.

Section 37: The portion of this section to be repealed prohibits the creation of additional executive departments by the Legislature of Puerto Rico, but permits the consolidation or abolition of departments with the consent of the President of the United States.

Section 38: Contains provisions relating to the organization and functions of the Public Service Commission of Puerto Rico.

Section 39: Contains provisions relating to the issuance of franchises and privileges, and other miscellaneous matters.

Section 40: Contains provisions relating to local courts of Puerto Rico.

Section 49: Provides for the appointment by the Governor of Puerto Rico of certain court officers not subject to Presidential appointment.

Section 49 (b): Contains provisions relating to the position of coordinator of Federal agencies in Puerto Rico.

Section 50: Contains provisions relating to the payment of salaries of officials of Puerto Rico.

Section 51: Contains provisions relating to the payment of salaries of municipal officials of Puerto Rico.

Section 52: Contains provisions relating to the continuation of incumbents of offices at the time the Organic Act of 1917 was passed.

Section 53: Permits the Governor of Puerto Rico to reorganize bureaus within various departments.

Section 56: Contains provisions relating to the continuance of the legislative and executive functions of the government of Puerto Rico until the Organic Act of 1917 becomes effective.

Section 57: Provides for the continuance of the laws and ordinances of Puerto Rico in force and effect at the time the organic act became effective until such time as they are altered, amended, or repealed pursuant to the legislative authority conferred upon the Legislature of Puerto Rico by the organic act.

DEPARTMENT OF STATE,
Washington, April 24, 1950.

HON. JOSEPH C. O'MAHONEY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate.

MY DEAR SENATOR O'MAHONEY: This is in further reply to your letter of April 1, 1950, which was acknowledged April 4, 1950, transmitting for the comment of the Department of State a copy of S. 3336, to provide for the organization of a constitutional government by the people of Puerto Rico.

The Department of State believes it to be of the greatest importance that the Puerto Rican people be authorized to frame their own constitution as provided for in S. 3336, in order that formal consent of the Puerto Ricans may be given to their present relationship to the United States.

It is believed that, with their own constitution, the high degree of internal self-government which the Puerto Ricans today enjoy in their voluntary association with the United States, will assume for them an added significance. Moreover, such action by our Government would be in keeping with the democratic principles of the United States and with our obligations under the Charter of the United Nations to take due account of the political aspirations of the people in our Territories and to develop self-government in them.

In view of the importance of "colonialism" and "imperialism" in anti-American propaganda, the Department of State feels that S. 3336 would have great value as a symbol of the basic freedom enjoyed by Puerto Rico, within the larger framework of the United States of America.

The Department has been informed by the Bureau of the Budget that bills providing for the drawing up and adoption of a constitution by the people of Puerto Rico (S. 3336 and H. R. 7674) would be fully in accord with the program of the President.

Sincerely yours,

JACK K. MCFALL,
Assistant Secretary
(For the Secretary of State).

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., April 18, 1950.

Hon. JOSEPH C. O'MAHONEY,
United States Senate, Washington, D. C.

MY DEAR SENATOR O'MAHONEY: This is in reply to your request of April 1, 1950, for a report on S. 3336, a bill to provide for the organization of a constitutional government for the people of Puerto Rico.

This bill, and the almost identical House bill, H. R. 7674, would permit people of Puerto Rico to draw up their own constitution within the existing relationship of Puerto Rico to the Federal Government. The people of Puerto Rico have exercised progressively greater powers of self-government, and enactment of legislation permitting them to adopt their own constitution would mark another significant step in the political progress of this island as a part of America. In view of these objectives, enactment of S. 3336 would be fully in accord with the program of the President.

Sincerely yours,

F. J. LAWTON, *Director*.

APPENDIX A

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, S. 1892, as reported, are shown as follows (existing law proposed to be repealed is enclosed in black brackets):

ACT OF CONGRESS OF MARCH 2, 1917, AS AMENDED (39 STAT. 951; 48 U. S. C. 731)

ORGANIC ACT

AN ACT To provide a civil government for Puerto Rico, and for other purposes.

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

That the provisions of this Act shall apply to the Island of Puerto Rico and to the adjacent islands belonging to the United States, and waters of those islands; and the name Puerto Rico as used in this Act shall be held to include not only the island of that name but all the adjacent islands as aforesaid.

BILL OF RIGHTS

Section 2.—[That no law shall be enacted in Puerto Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

[That in all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

[That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

[That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

[That no law impairing the obligation of contracts shall be enacted.

[That no person shall be imprisoned for debt.

[That the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the Governor, whenever during such period the necessity for such suspension shall exist.

[That no *ex post facto* law or bill of attainder shall be enacted.

[Private property shall not be taken or damaged for public use except upon payment of just compensation ascertained in the manner provided by law.

[Nothing contained in this Act shall be construed to limit the power of the Legislature to enact laws for the protection of the lives, health, or safety of employees.

[That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust under the Government of Puerto Rico shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State, or any officer thereof.

[That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[That the right to be secure against unreasonable searches and seizures shall not be violated.

[That no warrant for arrest or search shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

[That slavery shall not exist in Puerto Rico.

[That involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall not exist in Puerto Rico.

[That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

[That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and that no political or religious test other than an oath to support the Constitution of the United States and the laws of Puerto Rico shall be required as a qualification to any office or public trust under the Government of Puerto Rico.

[That no public money or property shall ever be appropriated, applied, donated, used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such. Contracting of polygamous or plural marriages hereafter is prohibited.

[That no money shall be paid out of the Treasury except in pursuance of an appropriation by law, and on warrant drawn by the proper officer in pursuance thereof.

[That the rule of taxation in Puerto Rico shall be uniform.

[That all money derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the Treasury and paid out for such purpose only except upon the approval of the President of the United States.

[That eight hours shall constitute a day's work in all cases of employment of laborers and mechanics by and on behalf of the Government of the Island on public works, except in cases of emergency.]

[That the employment of children under the age of fourteen years in any occupation injurious to health or morale or hazardous to life or limb is hereby prohibited.]

(Paragraph added by Act of Congress approved August 5, 1947:)

The rights, privileges, and immunities of citizens of the United States shall be respected in Puerto Rico to the same extent as though Puerto Rico were a State of the Union and subject to the provisions of paragraph 1 of section 2 of article IV of the Constitution of the United States.

Section 3.—That no export duties shall be levied or collected on exports from Puerto Rico, but taxes and assessments on property, income taxes, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Puerto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Puerto Rico or any municipal government therein as may be provided by law, and to protect the public credit; *Provided, however*, That no public indebtedness of Puerto Rico and the municipalities of San Juan, Ponce and Mayagüez shall be allowed in excess of 10 per centum of the aggregate tax valuation of its property, and no public indebtedness of any other subdivision or municipality of Puerto Rico shall hereafter be allowed in excess of 5 per centum of the aggregate tax valuation of the property in any such subdivision or municipality, and all bonds issued by the government of Puerto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of Puerto Rico or of any political or municipal subdivision thereof, or by any State, Territory, or possession, or by any county, municipality, or other municipal subdivision of any State, Territory, or possession of the United States, or by the District of Columbia. In computing the indebtedness of the people of Puerto Rico, municipal bonds for the payment of interest and principal of which the good faith of the people of Puerto Rico has heretofore been pledged and bonds issued by the people of Puerto Rico secured by bonds to an equivalent amount of bonds of municipal corporations or school boards of Puerto Rico shall not be counted, but all bonds hereafter issued by any municipality or subdivision within the 5 per centum hereby authorized for which the good faith of the people of Puerto Rico is pledged shall be counted.¹

And it is further provided, That the internal-revenue taxes levied by the Legislature of Puerto Rico in pursuance of the authority granted by this Act on articles, goods, wares, or merchandise may be levied and collected as such legislature may direct, on the articles subject to said tax, as soon as the same are manufactured, sold, used, or brought into the Island; *Provided*, That no discrimination be made between the articles imported from the United States or foreign countries and similar articles produced or manufactured in Puerto Rico. The officials of the Customs and Postal Services of the United States are hereby directed to assist the appropriate officials of the Puerto Rican government in the collection of these taxes.

[Section 4.—That the capital of Puerto Rico shall be at the city of San Juan, and the seat of Government shall be maintained there.]

Section 5.²—That all citizens of Puerto Rico, as defined by section seven of the Act of April twelfth, nineteen hundred, "temporarily to provide revenues and a civil government for Puerto Rico, and for other purposes", and all natives of

¹ By Public No. 236 (H. R. 8209) 74th Congress, approved August 3, 1935, refunding bonds of the Government of Puerto Rico shall not be included in computing the public indebtedness under this section, until 6 months after their issue, and

By Public 264 (S. 1227) 74th Congress, approved August 13, 1935, bonds or other obligations of Puerto Rico or any municipal government therein, payable solely from revenues derived from any public improvement or undertaking and issued and sold to the United States of America or any agency or instrumentality thereof, shall not be considered public indebtedness within the meaning of this section.

² Nationality Act of 1940—Public No. 853—76th Congress—approved October 14, 1940, effective 90 days thereafter. "Sec. 202.—All persons born in Puerto Rico on or after April 11, 1899, subject to the jurisdiction of the United States, residing on the effective date of this Act in Puerto Rico or other territory over which the United States exercises rights of sovereignty and not citizens of the United States under any other Act, are hereby declared to be citizens of the United States.

"Sec. 322. A person born in Puerto Rico of alien parents, referred to in the last paragraph of section 5, Act of March 2, 1917 (U. S. C., title 8, sec. 5), and in section 5 a, of the said Act, as amended by section 2 of the Act of March 4, 1927 (U. S. C., title 8, sec. 5 a), who did not exercise the privilege granted of becoming a citizen of the United States, may make the declaration provided in said paragraph at any time, and from and after the making of such declaration shall be a citizen of the United States."

Puerto Rico who were temporarily absent from that island on April eleventh, eighteen hundred and ninety-nine, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States; *Provided*, That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this Act before the district court in the district in which he resides, the declaration to be in form as follows:

"I, _____, being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the Act of Congress conferring United States citizenship upon citizens of Puerto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months the term of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this Act to the Executive Secretary of Puerto Rico; *And provided, further*, That any person who is born in Puerto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this Act, or if a minor, upon reaching his majority, or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Puerto Rico, setting forth therein all the facts connected with his or her birth and residence in Puerto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States.

Section 5a.—That all citizens of the United States who have resided or who shall hereafter reside in the island for one year shall be citizens of Puerto Rico: *Provided*, That persons born in Puerto Rico of alien parents, referred to in the last paragraph of section 5, who did not avail themselves of the privilege granted to them of becoming citizens of the United States, shall have a period of one year from the approval of this Act to make the declaration provided for in the aforesaid section: *And provided, further*, That persons who elected to retain the political status of citizens of Puerto Rico may within one year after the passage of this Act become citizens of the United States upon the same terms and in the same manner as is provided for the naturalization of native Puerto Ricans born of foreign parents.

Section 5b.—All persons born in Puerto Rico on or after April 11, 1899 (whether before or after the effective date of this Act) and not citizens, subjects, or nationals of any foreign power, are hereby declared to be citizens of the United States: *Provided*, That this Act shall not be construed as depriving any person, native of Puerto Rico, of his or her American citizenship heretofore otherwise lawfully acquired by such person; or to extend such citizenship to persons who shall have renounced or lost it under the treaties and/or laws of the United States or who are now residing permanently abroad and are citizens or subjects of a foreign country: *And provided, further*, That any woman, native of Puerto Rico and permanently residing therein, who, prior to March 2, 1917, had lost her American nationality by reason of her marriage to an alien eligible to citizenship, or by reason of the loss of the United States citizenship by her husband, may be naturalized under the provisions of section 4 of the Act of September 22, 1922, entitled "An Act relative to the naturalization and citizenship of married women", as amended.

Section 5c.—That any person of good character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and born in Puerto Rico on or after April 11, 1899, who has continued to reside within the jurisdiction of the United States whose father elected on or before April 11, 1900, to preserve his allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain entered into on April 11, 1899, and who, by reason of misinformation regarding his or her own citizenship status failed within the time limits prescribed by section 5 or section 5a hereof to exercise the privilege of establishing United States citizenship and has heretofore erroneously but in good faith exercised the rights and privileges and performed the duties of a citizen of the United States, and has not personally sworn allegiance to any foreign government or ruler upon or after attainment of majority, may make a sworn declaration of allegiance to the United States before any United States district court. Such declaration shall set forth facts concerning his or her birth in Puerto Rico, good character, attachment to the principles of the Constitution of the United States, and being well disposed to the good order and happiness of the United States, residence within the jurisdiction of the United States, and misinformation regard-

ing United States citizenship status, and shall be accompanied by proof thereof satisfactory to the court. After making such declaration and submitting such proofs, such person shall be admitted to take the oath of allegiance before the court, and thereupon shall be considered a citizen of the United States.

Section 6.—That all expenses that may be incurred on account of the Government of Puerto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses, barracks, harbors, lighthouses, buoys, and other works undertaken by the United States, shall except as otherwise specifically provided by the Congress, be paid by the Treasurer of Puerto Rico out of the revenue in his custody.

Section 7.—That all property which may have been acquired in Puerto Rico by the United States under the cession of Spain in the treaty of peace entered into on the tenth day of December, eighteen hundred and ninety-eight, 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 Puerto 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, is hereby placed under the control of the Government of Puerto Rico, to be administered for the benefit of the people of Puerto Rico; and the Legislature of Puerto Rico 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 people of Puerto Rico such lands, buildings, or interests in lands or other property now owned by the United States and within the territorial limits of Puerto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Puerto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United States.¹

Section 8.—That the harbor areas and navigable streams and bodies of water and submerged land underlying the same in and around the Island of Puerto 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 Puerto 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 interests 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 land 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 Puerto Rico and the islands adjacent thereto," and all other laws and parts of laws in conflict with this section be, and the same are hereby, repealed.

Section 9.—That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States, except the internal-revenue laws: *Provided, however*, That hereafter all taxes collected under the internal-revenue laws of the United States on articles produced in Puerto Rico and transported to the United States, or consumed in the Island shall be covered into the Treasury of Puerto Rico.

Section 10.—That all judicial process shall run in the name of "United States of America, ss, the President of the United States," and all penal or criminal prosecution in the local courts shall be conducted in the name and by the authority of

¹ This proviso is in force and effect except as to Federal property the title of which is vested in the War Department. Under the *Camp Taylor proviso* (46 Stat. 1191), approved February 20, 1931, it is provided: "Hereafter no real estate of the War Department shall be sold or disposed of without authority of Congress and all acts in conflict herewith are repealed."

"The People of Puerto Rico"; and all officials shall be citizens of the United States, and, before entering upon the duties of their respective offices, shall take an oath to support the Constitution of the United States, and the laws of Puerto Rico.

Section 11.—That all reports required by law to be made by the Governor or heads of departments to any official of the United States shall hereafter be made to an executive department of the Government of the United States to be designated by the President, and the President is hereby authorized to place all matters pertaining to the Government of Puerto Rico in the jurisdiction of such department.

EXECUTIVE DEPARTMENT

[Section 12.—That the supreme executive power shall be vested in an executive officer, whose official title shall be "The Governor of Puerto Rico." At the general election in 1948 and each such election quadrennially thereafter the Governor of Puerto Rico shall be elected by the qualified voters of Puerto Rico and shall hold office for a term of four years commencing on the 2d day of January following the date of the election and until his successor is elected and qualified. No person shall be eligible as Governor unless at the time of the election he is a citizen of the United States, is at least thirty years of age, is able to read and write the English language, and has been a bona fide resident of Puerto Rico during the immediately preceding two years. Such election shall be held in the manner now or hereafter provided by law for the election of the Resident Commissioner. The Governor shall reside in Puerto Rico during his official incumbency and maintain his office at the seat of Government. He shall have general supervision and control of all the departments and bureaus of the Government in Puerto Rico, so far as is not inconsistent with the provisions of this Act, and shall be commander in chief of the militia. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the laws of Puerto Rico, and respite for all offenses against the laws of the United States until the decision of the President can be ascertained, and may veto any legislation enacted as hereinafter provided. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Puerto Rico and of the United States applicable in Puerto Rico, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the Island 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 Island or any part thereof, under martial law until communication can be had with the President and the President's decision therein made known. He shall annually, and at such other times as he may be required, make official report of the transactions of the Government of Puerto Rico to the executive department of the Government of the United States to be designated by the President as herein provided, and his said annual report shall be transmitted to Congress, and he shall perform such additional duties and functions as may in pursuance of law be delegated to him by the President.]

[Section 12a.—The Governor shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. The house of representatives of Puerto Rico shall have the sole power of impeachment. Impeachment shall require the concurrence of two-thirds of all of the members of the house of representatives. The senate of Puerto Rico shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation and the chief justice of the supreme court of Puerto Rico shall preside. No person shall be convicted without the concurrence of three-fourths of all the members of the senate. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the government of Puerto Rico. The person convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.]

[Section 13.—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 Department of Education, the head of which shall be designated as the Commissioner of Education; a Department of Agriculture and Commerce, the head of which shall be designated as the Commissioner of Agriculture and Commerce; a Department of Labor, the head of which shall

be designated as the Commissioner of Labor; and a Department of Health, the head of which shall be designated as the Commissioner of Health. The heads of the executive departments set forth in the first sentence of this section shall be appointed by the Governor by and with the advice and consent of the senate of Puerto Rico. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is qualified, unless sooner removed by the Governor.

[Heads of departments shall reside in Puerto Rico during their official incumbency, and those appointed by the Governor shall have resided in Puerto Rico for at least one year prior to their appointment.]

[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; and they shall make annual and such other reports to the Governor as he may require, which shall be transmitted to the executive department of the Government of the United States to be designated by the President as herein provided; *Provided*, That the duties herein imposed upon the heads of departments shall not carry with them any additional compensation.]

[Section 14.—That the Attorney General shall have charge of the administration of justice in Puerto Rico; he shall be the legal adviser of the Governor and the heads of departments and shall be responsible for the proper representation of the people of Puerto Rico or its duly constituted officers in all actions and proceedings, civil or criminal, in the Supreme Court of Puerto Rico in which the people of Puerto Rico shall be interested or a party, and he may, if directed by the Governor or if in his judgment the public interest requires it, represent the people of Puerto Rico or its duly constituted officers in any other court or before any other officer or board in any action or proceeding, civil or criminal, in which the people of Puerto Rico may be a party or be interested. He shall also perform such other duties not inconsistent herewith as may be prescribed by law.]

[Section 15.—That the treasurer shall give bond, approved as to form by the attorney general of Puerto Rico, in such sum as the legislature may require, not less, however, than the sum of \$125,000, with surety or sureties approved by the governor, and he shall collect and be the custodian of public funds, and shall disburse the same in accordance with law on warrants signed by the auditor and countersigned by the governor, and perform such other duties as may be provided by law. He may designate banking institutions in Puerto Rico and the United States as depositories of the government of Puerto Rico, 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 bonds of the United States or of the government of Puerto Rico or other security satisfactory to the governor in such amounts as may be indicated by him; and no banking institution shall be designated a depository of the government of Puerto Rico until the foregoing conditions have been complied with. Interest on deposits shall be required and paid into the treasury.]

[Section 16.—That the commissioner of the interior shall superintend all works of a public nature, 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, and perform such other duties as may be prescribed by law.]

[Section 17.—That the commissioner of education shall superintend public instruction throughout Puerto Rico; all proposed disbursements on account thereof must be approved by him, and all courses of study shall be prepared by him, subject to disapproval by the governor if he desires to act. He shall prepare rules governing the selection of teachers, and appointments of teachers by local school boards shall be subject to his approval, and he shall perform such other duties, not inconsistent with this Act, as may be prescribed by law.]

[Section 18.—That the commissioner of agriculture and commerce shall have general charge of such bureaus and branches of government as have been or shall be legally constituted for the study, advancement, and benefit of agriculture, commerce and other industries; the chief purpose of this department being to foster, promote, and develop the agricultural interests and the welfare of the farmers of Puerto Rico; to improve their market conditions, and to advance their opportunities for profitable sale of their products, and shall perform such other duties as may be prescribed by law.]

[Section 18a.—That the Commissioner of Labor shall have charge of such bureaus and branches of government as have been or shall be legally constituted to foster and promote the welfare of the wage earners of Puerto Rico; to improve their working conditions, and to advance their opportunities for profitable employment, and shall perform such other duties as may be prescribed by law.]

[Section 19.—That the commissioner of health shall have general charge of all matters relating to public health, sanitation, and charities, except such as relate to the conduct of maritime quarantine, and shall perform such other duties as may be prescribed by law.]

[Section 20.—That there shall be appointed by the President an auditor, at an annual salary of \$6,000, or such other sum not less than that payable to the head of any executive department as may be prescribed pursuant to section 50 of this Act, for a term of four years and until his successor is appointed and qualified. There shall be an assistant auditor and such other necessary assistants and employees as may be prescribed by law. The auditor shall appoint the assistant auditor. In case of the absence from duty, from any cause, of the auditor, the assistant auditor shall exercise all the powers and perform all the duties of the auditor during such absence; and in case of the absence from duty, from any cause, of both the auditor and the assistant auditor, the Governor of Puerto Rico shall designate an assistant who shall have charge of the office.

[The auditor shall examine, adjust, decide, audit, and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of Puerto Rico and of the municipal funds derived from bond issues; and he shall examine, audit, and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to or held in trust by the government of Puerto Rico or the municipalities or dependencies thereof. He shall perform a like duty with respect to all government branches.

[The auditor shall keep the general accounts of the government, be the custodian of and preserve the vouchers pertaining thereto. The jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive: It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are extravagant, excessive, unnecessary or irregular.

[The decisions of the auditor shall be final, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by law upon the Comptroller General of the United States, and is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer, or person having official relation with his office.

[The auditor, with the approval of the governor, shall from time to time 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 government or any of its branches: *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.

[In the execution of his duties the auditor is authorized to summon witnesses, administer oaths, and to take evidence, and, in the pursuance of these provisions, may issue subpoenas and enforce the attendance of witnesses, and compel witnesses to produce books, letters, documents, papers, records and all other articles deemed essential to a full understanding of the matter under investigation.

[As soon after the close of each fiscal year as the account of said year may be examined and adjusted, the auditor shall submit to the governor an annual report of the fiscal concern of the government, showing the receipts and disbursements 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 or the head of the executive department of the Government of the United States to be designated by the President as herein provided.

[The office of the auditor shall be under the general supervision of the governor.]

[Section 21.—That 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 case shall be final, subject to such right of action as may be otherwise provided by law.]

[Section 22.—That there shall be appointed by the Governor, by and with the advice and consent of the Senate of Puerto Rico, an Executive Secretary at an annual salary of \$5,000, or such other sum as may be prescribed pursuant to section 50 of this Act, who shall record and preserve the minutes and proceedings of the Public-Service Commission hereinafter provided for and 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, and until otherwise provided by the Legislature of Puerto Rico perform all duties of Secretary of Puerto Rico as now provided by law, except as otherwise specified in this Act, and perform such other duties as may be assigned to him by the Governor of Puerto Rico. In the event of a vacancy in the office, or the absence, illness or temporary disqualification of such officer, the Governor shall designate some officer or employee of the Government to discharge the functions of said office during such vacancy, absence, illness, or temporary disqualification.]

[Section 23.—That the Governor of Puerto Rico, within sixty days after the end of each session of the Legislature, shall transmit to the executive department of the Government of the United States, to be designated as herein provided for, which shall in turn transmit the same to the Congress of the United States, copies of all laws enacted during the session.]

[Section 24.—In case of a vacancy in the office of the Governor, the person holding the position of attorney general at the time the vacancy occurs shall succeed to the office of the Governor, and to all the duties and emoluments for the remainder of the term. If for any reason the Governor is temporarily absent from Puerto Rico, or unable to perform his duties, the attorney general shall act as Governor, with all the powers and duties of the office during such temporary absence or disability. If in such event the attorney general is unable to act, the treasurer shall act as Governor, and if the treasurer is unable to act, such other person as may be provided by the laws of Puerto Rico shall act as Governor during such temporary absence or disability. In the event that because of death or any other reason a newly elected Governor is unable to take office, a temporary successor shall be elected by a majority vote of the full house and senate of Puerto Rico meeting at a joint session of the legislature at the next succeeding term thereof, who shall hold office until a successor is elected and qualified at a special election to be held within one hundred and twenty days from the date of adjournment of said session.]

LEGISLATIVE DEPARTMENT

[Section 25.—That all local legislative powers in Puerto Rico, except as herein otherwise provided, shall be vested in a Legislature which shall consist of two houses, one the Senate and the other the House of Representatives, and the two houses shall be designated "the Legislature of Puerto Rico."]

[Section 26.—That the Senate of Puerto Rico shall consist of nineteen members elected for terms of four years by the qualified electors of Puerto Rico. Each of the seven senatorial districts defined as hereinafter provided 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 of Puerto Rico 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 Puerto 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. Except as herein otherwise provided, the Senate of Puerto Rico shall exercise all of the purely legislative powers and functions heretofore exercised by the Executive Council, 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 for the session. 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 declared elected.]

[Section 27.—That the House of Representatives of Puerto Rico shall consist of thirty-nine members elected quadrennially by the qualified electors of Puerto Rico, as hereinafter provided. Each of the representative district hereinafter provided for 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 the Spanish or English language, and except in the case of Representative at Large, who has not been a *bona fide* resident of the

district from which elected for at least one year prior to his election. In electing the four Representatives 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.】

【Section 28.—That for the purpose of election hereafter to the Legislature the Island of Puerto 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 such districts shall be made by the Executive Council of Puerto Rico. Division of districts shall be made as nearly as practicable to conform to the topographical nature of the land, with regard to roads and other means of communication and to natural barriers. Said Executive Council shall also divide the Island of Puerto Rico into seven senatorial districts, each composed of five contiguous and compact representative districts. They shall make their report within thirty days after the approval of this Act, which report, when approved by the Governor, shall be final.】

【Section 29.—That the next election in Puerto Rico shall be held in the year nineteen hundred and seventeen upon the sixteenth day of July. At such election there shall be chosen Senators, Representatives, a Resident Commissioner to the United States, and two Public Service Commissioners, as herein provided. Thereafter the elections shall be held on the first Tuesday after the first Monday in November, beginning with the year nineteen hundred and twenty, and every four years thereafter, and the terms of office of all municipal officials who have heretofore been elected and whose terms would otherwise expire at the beginning of the year nineteen hundred and nineteen are hereby extended until the officials who may be elected to fill such offices in nineteen hundred and twenty shall have been duly qualified; *Provided, however,* That nothing herein contained shall be construed to limit the right of the Legislature of Puerto Rico at any time to revise the boundaries of senatorial and representative districts and of any municipality, or to abolish any municipality and the officers provided therefor.】

【Section 30.—The terms of office of senators and representatives elected at any general election shall be four years, commencing on the 2d day of January following the date upon which such election was held. In case of a vacancy in the office of any senator or representative occurring by reason of death, resignation, or otherwise, the Governor, upon the recommendation of the central committee of the political party of which such senator or representative was a member, shall appoint a senator or representative from such political party to fill such vacancy who shall hold office for the remainder of the term for which his predecessor was elected. No senator or representative so elected or appointed shall, during his term of office, be appointed to any civil office under the Government of Puerto Rico, and no such senator or representative shall be eligible for appointment to any office created during his term of office until the expiration of two years after the date upon which his term of office shall have expired.】

【Section 31.—Until otherwise prescribed pursuant to section 50 of this Act, members of the senate and house of representatives of Puerto Rico shall receive compensation at the rate of \$7 per day for the number of days of each regular session and of each special session while in session and mileage for each regular session and each special session at the rate of 10 cents per kilometer for each kilometer actually and necessarily traveled in going from their place of residence in their legislative districts to the capital and returning therefrom to their place of residence in their legislative districts by the usual routes of travel: *Provided,* That mileage for only one trip in going to and from each regular session and each special session shall be allowed: *And provided, further,* That the members of the senate and house of representatives of Puerto Rico shall not be entitled to nor receive any emoluments, remuneration, compensation, or payment for services or expenses other than the \$7 per day compensation for services and 10 cents per kilometer for travel expense in this section authorized.】

【Section 32.—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 parliamentary legislative bodies. Both houses shall convene at the capital on the second Monday in February following the next election, and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required.】

【Section 33.—That regular sessions of the legislature shall be held annually, convening on the second Monday in February of each year and closing not later

than April 15 following; 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, but no special session shall continue longer than fourteen calendar days, and no legislation shall be considered at such session other than that specified in the call therefor or in any special message by the governor to the legislature while in such session.]

[Section 34.—That the enacting clause of the laws shall be as to acts, "Be it enacted by the Legislature of Puerto Rico"; and as to joint resolutions, "Be it resolved by the Legislature of Puerto Rico." Except as hereinafter provided, bills and joint resolutions may originate in either house. The governor shall submit at the opening of each regular session of the legislature a budget of receipts and expenditures, which shall be the basis of the ensuing biennial appropriation bill. No bill shall become a law until it be passed in each house by a majority yeas-and-nays vote of all of the members belonging to such house and entered upon the journal 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 the house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two thirds of all the members of that house shall agree to pass the same it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members of that house it shall be sent to the governor, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by yeas and nays, and the names of the members voting for and against shall be entered on the Journal. If the President of the United States approves the same he shall sign it and shall become a law. If he shall not approve same he shall return it to the governor so stating, and it shall not become a law: *Provided*, That the President of the United States shall approve or disapprove an Act submitted to him under the provisions of this section within ninety days from and after its submission for his approval; and if not approved within such time it shall become a law the same as if it had been specifically approved. If any bill presented to the governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items, parts or portions thereof to which he objects, and the appropriation so objected to shall not take effect. 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 thirty days after receipt by him; otherwise it shall not be a law. All laws enacted by the Legislature of Puerto Rico shall be reported to the Congress of the United States, as provided in section twenty-three of this Act, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of the government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item; 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.

[Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time publish the same, and the yeas and nays on any question shall, on the demand of one-fifth of the members presented, be entered on the Journal,

[The session of each house and of the committees of the whole shall be open.

[Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

[No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

[No act of the Legislature except the general appropriation bills for the expenses of the Government shall take effect until ninety days after its passage, unless in case of emergency (which shall be expressed in the preamble or body of the act) the Legislature shall by a vote of two-thirds of all the members elected to each house otherwise direct. No bill, except the general appropriation bill for the expenses of the Government only, introduced in either house of the Legislature after the first forty days of the session, shall become a law.

[No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members; *Provided*, That either house may by a majority vote discharge a committee from the consideration of a measure and bring it before the body for consideration.

[No bill except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

[No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred shall be reenacted and published at length.

[The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles shall have been publicly read, immediately before signing; and the fact of signing shall be entered on the Journal.

[The Legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house; and no payment shall be made for services to the Legislature from the Treasury, or be in any way authorized to any person, except to an acting officer or employee elected or appointed in pursuance of law.

[No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services shall have been rendered or contract made.

[Except as otherwise provided in this Act, no law shall extend the term of any public officer, permit any officer or employee to draw compensation for more than one office or position, or increase or diminish the salary or emoluments of any senator or representative during the term for which he is elected or appointed.

[All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as in case of other bills.

[The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

[Every order, resolution, or vote to which concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two houses, shall be presented to the Governor, and before it shall take effect be approved by him, or, being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

[Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and be punished by a fine not exceeding \$5,000, or imprisonment not exceeding five years, or both.

[The offense of corrupt solicitation of members of the Legislature, or of public officers of Puerto Rico, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

[In case the available revenues of Puerto Rico for any fiscal year, including available surplus in the Insular Treasury, are insufficient to meet all the appropriations made by the Legislature for such year, such appropriations shall be paid in the following order, unless otherwise directed by the Governor.

[First class. The ordinary expenses of the legislative, executive, and judicial departments of the State government, and interest on any public debt, shall first be paid in full.

[Second class. Appropriations for all institutions, such as the penitentiary, insane asylum, industrial school, and the like, where the inmates are confined involuntarily, shall next be paid in full.

[Third class. Appropriations for education and educational and charitable institutions shall next be paid in full.

[Fourth class. Appropriations for any other officer or officers, bureaus or boards, shall next be paid in full.

[Fifth class. Appropriations for all other purposes shall next be paid.

[That in case there are not sufficient revenues for any fiscal year, including available surplus in the Insular Treasury, to meet in full the appropriations of said year for all of the said classes of appropriations, then said revenues shall be

applied to the classes in the order above named, and if, after the payment of the prior classes in full, there are not sufficient revenues for any fiscal year to pay in full the appropriations for that year for the next class, then, in that event, whatever there may be to apply on account of appropriations for said class shall be distributed among said appropriations pro rata according as the amount of each appropriation of that class shall bear to the total amount of all of said appropriations for that class for such fiscal year.

[No appropriation shall be made, nor any expenditure authorized by the Legislature, whereby the expenditure of the Government of Puerto Rico during any fiscal year shall exceed the total revenue then provided for by law and applicable for such appropriation or expenditure, including any available surplus in the Treasury, unless the Legislature making such appropriation shall provide for levying a sufficient tax to pay such appropriation or expenditure within such fiscal year.]

[Section 35.—That at the first election held pursuant to this Act the qualified electors shall be those having the qualifications of voters under the present law. Thereafter voters shall be citizens of the United States twenty-one years of age or over and have such additional qualifications as may be prescribed by the Legislature of Puerto Rico; *Provided*, That no property qualifications shall ever be imposed upon or required of any voter.]

Section 36.—That the qualified electors of Puerto Rico shall at the next general election choose a Resident Commissioner to the United States, whose term of office shall begin on the date of the issuance of his certificate of election and shall continue until the fourth of March, nineteen hundred and twenty-one. At each subsequent election, beginning with the year nineteen hundred and twenty, the qualified electors of Puerto Rico shall choose a Resident Commissioner to the United States, whose term of office shall be four years from the third day of January following such general election, and who shall be entitled to receive official recognition as such Commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the Governor of Puerto Rico. The Resident Commissioner shall receive a salary, payable monthly by the United States, of \$7,500¹ per annum. Such Commissioner shall 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 of the United States; and he shall be allowed the sum of \$500 as mileage for each session of the House of Representatives and the franking privilege granted Members of Congress. No person shall be eligible to election as Resident Commissioner who is not a *bona fide* citizen of the United States and who is not more than twenty-five years of age, and who does not read and write the English language. In case of a vacancy in the office of Resident Commissioner by death, resignation, or otherwise, the Governor, by and with the advice and consent of the Senate shall appoint a Resident Commissioner to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified.

Section 37.—That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, 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, or repeal any or all laws and ordinances of every character now in force in Puerto Rico or municipality or district thereof, in so far as such alteration, amendment, modification, or repeal may be consistent with the provisions of this Act.

[No executive department not provided for in this Act shall be created by the Legislature, but the Legislature may consolidate departments, or abolish any department, with the consent of the President of the United States.]

Section 38.—[As amended by Act of Congress approved March 4, 1927, and Act of Congress approved: That all grants of franchises, rights, privileges, and concessions of a public or quasi public nature shall be made by a public service commission consisting of a public service commissioner, who shall be the president of the said commission, and two associated commissioners, to be appointed by the governor with the advice and consent of the Senate. The Public Service Commissioner shall be appointed for a term of three years and until his successor shall be appointed and shall have qualified, and one of the said associated commissioners, first appointed, shall hold for a term of two years and one shall hold for a term of one year; and thereafter, each of said associate commissioners shall hold for a term of three years and until their successors shall have been appointed and shall have qualified: *Provided*, That the present elective

¹ Increased to \$10,000 by the Act of March 4, 1925, and to \$12,500 by the Act of August 2, 1946, 60 Stat. 850.

members of the said commission shall continue to be members of said commission until their term of office expires as now provided by law and shall form the commission, together with the three members appointed by the governor as aforesaid, until the expiration of such period of their services and not thereafter. The public service commissioner shall devote his entire time to his duties as such commissioner. Until otherwise prescribed pursuant to section 50 of this Act—

(a) the salary of the public service commissioner shall be \$6,000 a year, and (b) the compensation of the associated members shall be \$10 for each day's attendance at the sessions of the commission, but in no case shall they receive more than \$1,000 during any one year. The said commission is empowered and directed to discharge all the executive functions relating to public service corporations, heretofore conferred by law upon the executive council and such additional duties and functions as may be conferred upon said commission by the legislature. Franchises, rights, and privileges 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.】

The Interstate Commerce Act and the several amendments made or to be made thereto, the Safety Appliance Acts and the several amendments made or to be made thereto, and the Act of Congress entitled "An Act to amend an Act entitled 'An Act to regulate commerce', approved February 4, 1887, and all Acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities", approved March 1, 1913, shall not apply to Puerto Rico.

【The legislative assembly of Puerto Rico is hereby authorized to enact laws relating to the regulations of the rates, tariffs, and service of all public carriers in Puerto Rico, and the Public Service Commission hereby created shall have power to enforce such laws under appropriate regulation.】

【Section 39.—That all grants of franchises and privileges under the section last preceding shall provide that the same shall be subject to amendment, alteration, or repeal, and shall forbid the issue of stocks or bonds except in exchange for actual cash or property at a fair valuation to be determined by the Public Service Commission equal in amount to the par value of the stocks or bonds issued, and shall forbid the declaring of stock or bond dividends, 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 authorities at a fair and reasonable valuation.】

【That nothing in this Act contained shall be so construed as to abrogate or in any manner impair or affect the provision contained in section three of the joint resolution approved May first, nineteen hundred, with respect to the buying, selling, or holding of real estate. That the Governor of Puerto Rico shall cause to have made and submitted to Congress at the session beginning the first Monday in December, nineteen hundred and seventeen, a report of all the real estate used for the purposes of agriculture and held either directly or indirectly by corporations, partnerships, or individuals in holdings in excess of five hundred acres.】

JUDICIAL DEPARTMENT

【Section 40.—That the judicial power shall be vested in the courts and tribunals of Puerto 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 advice and consent of the Senate of the United States, and the Legislature of Puerto 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 Puerto Rico.】

Section 41.—Puerto Rico shall constitute a judicial district to be called "the district of Puerto Rico." The President, by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of eight years and until his successor is appointed and qualified and whose salary shall be \$10,000 per annum.* 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

*Salaries of district judges, including that of Puerto Rico, were increased to \$15,000 per annum by Public Law 567, 69th Congress.

the President. The district court for said district, shall be called "The District Court of the United States for Puerto 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 district court shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of aliens and Puerto Ricans, and for this purpose residence in Puerto Rico shall be counted in the same manner as residence elsewhere in the United States. Said district court 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 a State, Territory or District of the United States not domiciled in Puerto Rico, wherein the matter in dispute exceeds, exclusive of interest or costs, the sum or value of \$3,000, 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. The salaries of the judge and officials of the District Court of the United States for Puerto 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 District Court of the United States for Puerto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Puerto Rico 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.

Section 42.—That the laws of the United States relating to appeals, writs of error and *certiorari*, removal of causes, and other matters or 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 Puerto Rico. Regular terms of said United States district court shall be held at San Juan, commencing on the first Monday in May and November of each year, and also at Ponce on the second Monday in February of each year, and special terms may be held at Mayagüez at such stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language. The said district court shall be attached to and included in the first circuit of the United States, with the right of appeal and review by said circuit court of appeals in all cases where the same would lie from any district court to a circuit court of appeals of the United States, and with the right of appeal and review directly by the Supreme Court of the United States in all cases where a direct appeal would be from such district courts.

Section 43.—That writs of error and appeals from the final judgments and decrees of the Supreme Court of Puerto Rico may be taken and prosecuted to the Circuit Court of Appeals for the First Circuit and to the Supreme Court of the United States, as now provided by law.

Section 44.—That the qualifications of jurors as fixed by the local laws of Puerto Rico shall not apply to jurors selected to serve in the District Court of the United States for Puerto Rico; but the qualifications required of jurors in said court shall be that each shall be of the age of not less than twenty-one years and not over sixty-five years, a resident of Puerto Rico 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, drawn and subject to exemption in accordance with the laws of Congress regulating the same in the United States courts insofar as locally applicable.

Section 45.—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 when collected and paid into the District Court of the United States for Puerto Rico; *Provided*, That \$500 a year from such fees, fines, costs, and forfeitures shall be retained by the clerk and expended for law library purposes under the direction of the judge.

Section 46.—That the Attorney General of the United States shall from time to time determine the salaries of all officials and assistants appointed by the

United States district court, 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 the United States courts.

Section 47.—That jurors and witnesses in the District Court of the United States for Puerto 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 court. 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 pending in the same court and triable at the same term thereof. Such jurors shall be paid \$3 per day and such witnesses \$1.50 per day while in attendance upon the court.

Section 48.—That the Supreme and District Courts of Puerto 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.

That no suit for the purpose of restraining the assessment or collection of any tax imposed by the laws of Puerto Rico shall be maintained in the District Court of the United States for Puerto Rico.

Section 49.—That hereafter all judges, marshals, and secretaries of courts now established or that may hereafter be established in Puerto Rico, and whose appointment 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 Puerto Rico.]

Section 49a.—That the rules heretofore or hereafter promulgated and made effective by the Supreme Court of the United States under authority of the Act approved June 19, 1934 (48 Stat. 1064; U. S. C., title 28, secs. 723b, 723c), or under authority of any other statute, regulating the forms of process, writs and motions, and the pleadings, practice, and procedure in actions of a civil nature in the district courts of the United States, and regulating appeals therefrom, shall apply to the District Court of the United States for Puerto Rico and to appeals therefrom.

Section 49b.—(1) There shall be an administrative officer whose official title shall be the "Coordinator of Federal Agencies in Puerto Rico", who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and who shall hold office at the pleasure of the President for the purpose of coordinating the administration of all Federal civilian functions and activities in Puerto Rico. He shall receive as compensation for his services an annual salary of \$10,000.

(2) The Coordinator of Federal Agencies shall coordinate the administration of all Federal civilian functions and activities in Puerto Rico. The administrative heads of all Federal civilian agencies in Puerto Rico shall make such reports to the Coordinator of Federal Agencies as he shall require and he shall through the Secretary of the Interior make recommendations to the heads of such agencies with respect to their personnel, functions, and activities in Puerto Rico; the President may, however, by Executive order exempt any Federal agency from making such reports to the Coordinator of Federal Agencies. The coordinator of Federal Agencies shall make recommendations for the better coordination of the Federal civilian functions and activities and may make recommendations for the elimination or reduction of those which duplicate or conflict with each other or with activities carried on by the Government of Puerto Rico. He shall report through the Secretary of the Interior to the President and to Congress concerning the administration of all Federal civilian functions and activities in Puerto Rico, specifying the recommendations made by him to the Federal agencies and the results of such recommendations. He shall advise the Secretary of the Interior, who shall advise the Bureau of the Budget and the Congress with respect to all appropriation estimates submitted by any civilian department or agency of the Federal Government to be expended in or for the benefit of Puerto Rico. He shall confer with the Governor of Puerto Rico with respect to the correlation of activities of Federal and insular agencies and all plans and programs and other matters of mutual interest.

(3) The President of the United States may, from time to time, after hearing, promulgate Executive orders expressly excepting Puerto Rico from the application of any Federal law, not expressly declared by Congress to be applicable to Puerto Rico, which as contemplated by section 9 of this Act is inapplicable by reason of local conditions. The Coordinator of Federal Agencies may, from time to time, make recommendations to the President for such purpose. Any such recommendation shall show the concurrence or dissent of the Governor of Puerto Rico.

(4) The Coordinator of Federal Agencies, in the name of the President of the

United States, shall have authority to request from the Governor of Puerto Rico, and the Governor shall furnish to him all such reports pertaining to the affairs, conditions and government of Puerto Rico as the Coordinator of Federal Agencies shall from time to time request, for transmission to the President through the Secretary of the Interior.

[(5) The President of the United States shall prescribe such rules and regulations as may be necessary to carry out the provisions of this section."]

[SEC. 50. Except as otherwise provided in this or any other Act, the salaries and office expenses of all officials of Puerto Rico, including deputies, assistants, and other help, as well as the chief justice and associate justices of the supreme court, shall be such and so paid out of the revenues of Puerto Rico as shall from time to time be appropriated by the Legislature of Puerto Rico approved by the Governor; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor. All said salaries of the chief justice and associate justices shall be paid in equal monthly installments. In addition to his annual salary, the Governor shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Puerto Rico, with the furniture and effects therein, free of rental.

[Until otherwise prescribed as provided in this section, the annual salary of the chief justice of the supreme court shall be \$10,500 and the annual salary of each associate justice of the supreme court shall be \$10,000.

[Where any officer, during such time as his salary is fixed by this Act, is required to give a bond, the premium thereof shall be paid from the insular treasury.]

[Section 51.—That the provisions of the foregoing section shall not apply to municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues, in such manner as the Legislature shall provide.]

[Section 52.—That wherever in this Act offices of the Insular Government of Puerto Rico are provided for under the same names as in the heretofore existing Acts of Congress affecting Puerto Rico, the present incumbents of those offices shall continue in office in accordance with the terms and at the salaries prescribed by this Act, excepting the heads of those departments who are to be appointed by the Governor and who shall continue in office only until their successors are appointed and have qualified. The offices of Secretary of Puerto Rico and Director of Labor, Charities, and Correction are hereby abolished. Authority is given to the respective appointing authorities to appoint and commission persons to fill the new offices created by this Act.]

[Section 53.—That any bureau or office belonging to any of the regular departments of the Government, or hereafter created, or not assigned, may be transferred or assigned to any department by the Governor with the approval of the Senate of Puerto Rico.]

[Section 54.—That deeds and other instruments affecting land situate in the District of Columbia, or any other territory or possession of the United States, may be acknowledged in Puerto Rico before any notary public appointed therein by proper authority, or any officer therein who has *ex officio* the powers of any notary public: *Provided*, That the certificate by such notary shall be accompanied by the certificate of the Executive Secretary of Puerto Rico to the effect that the notary taking such acknowledgement is in fact such notarial officer.]

[Section 56.—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 Puerto Rico shall continue to be exercised and in full force and operation as now provided by law; and the Executive Council shall, until the assembly and organization of the Legislature of Puerto 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 assigned to the Senate of Puerto Rico by the provisions of this Act shall, until this said Senate has assembled and organized as herein provided, be exercised by the Executive Council as thus constituted: *Provided, however*, That all appointments made by the Governor, by and with the advice and consent of the Executive Council as thus constituted, in the Executive Council as authorized by section thirteen of this Act or in the office of Executive Secretary of Puerto Rico, shall be regarded as temporary and shall expire not later than twenty days from and after the assembly and organization of the Legislature hereinbefore provided, unless said appointments shall be ratified and made permanent by the said Senate of Puerto Rico.]

[Section 57.—That the laws and ordinances of Puerto Rico now in force shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the Legislative authority herein provided for Puerto Rico or by Act of Congress of the United States; and such legislative authority shall have power, when not inconsistent with this Act, by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this Act as it may from time to time see fit.]

Section 58.—That all laws or parts of laws applicable to Puerto Rico not in conflict with any of the provisions of this Act, including the laws relating to tariffs, customs, and duties on importations into Puerto Rico prescribed by the Act of Congress entitled "An Act temporarily to provide revenues and a civil government for Puerto Rico, and for other purposes", approved April twelfth, nineteen hundred, are hereby continued in effect, and all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved, March 2, 1917.

APPENDIX B

(That part of the Organic Act of Puerto Rico which will remain in force and effect and which will be known as Puerto Rican Federal Relations Act after enactment of this measure is set forth below.)

THE PUERTO RICO FEDERAL RELATIONS ACT

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

That the provisions of this Act shall apply to the Island of Puerto Rico and to the adjacent islands belonging to the United States, and waters of those islands—and the name Puerto Rico as used in this Act shall be held to include not only the island of that name but all the adjacent islands as aforesaid.

Section 2. The rights, privileges, and immunities of citizens of the United States shall be respected in Puerto Rico to the same extent as though Puerto Rico were a State of the Union and subject to the provisions of paragraph 1 of section 2 of article IV of the Constitution of the United States.

Section 3.—That no export duties shall be levied or collected on exports from Puerto Rico, but taxes and assessments on property, income taxes, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Puerto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Puerto Rico or any municipal government therein as may be provided by law, and to protect the public credit: *Provided, however,* That no public indebtedness of Puerto Rico and the municipalities of San Juan, Ponce and Mayagüez shall be allowed in excess of 10 per centum of the aggregate tax valuation of its property, and no public indebtedness of any other subdivision or municipality of Puerto Rico shall hereafter be allowed in excess of 5 per centum of the aggregate tax valuation of the property in any such subdivision or municipality, and all bonds issued by the government of Puerto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of Puerto Rico or of any political or municipal subdivision thereof, or by any State, Territory, or possession, or by any county, municipality, or other municipal subdivision of any State, Territory, or possession of the United States or by the District of Columbia. In computing the indebtedness of the people of Puerto Rico, municipal bonds for the payment of interest and principal of which the good faith of the people of Puerto Rico has heretofore been pledged and bonds issued by the people of Puerto Rico secured by bonds to an equivalent amount of bonds of municipal corporations or school boards of Puerto Rico shall not be counted, but all bonds hereafter issued by any municipality or subdivision within the 5 per centum hereby authorized for which the good faith of the people of Puerto Rico is pledged shall be counted.

And it is further provided, That the internal-revenue taxes levied by the Legislature of Puerto Rico in pursuance of the authority granted by this Act on articles, goods, wares, or merchandise may be levied and collected as such legislature may direct, on the articles subject to said tax, as soon as the same are manufactured, sold, used, or brought into the Island: *Provided,* That no discrimination be made between the articles imported from the United States or foreign countries and

similar articles produced or manufactured in Puerto Rico. The officials of the Customs and Postal Services of the United States are hereby directed to assist the appropriate officials of the Puerto Rican government in the collection of these taxes.

Section 5.—That all citizens of Puerto Rico, as defined by section seven of the Act of April twelfth, nineteen hundred, "temporarily to provide revenues and a civil government for Puerto Rico, and for other purposes", and all natives of Puerto Rico who were temporarily absent from that island on April eleventh, eighteen hundred and ninety-nine, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: *Provided*, That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this Act before the district court in the district in which he resides, the declaration to be in form as follows:

"I, _____, being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the Act of Congress conferring United States citizenship upon citizens of Puerto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months the term of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this Act to the Executive Secretary of Puerto Rico: *And provided further*, That any person who is born in Puerto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this Act, or if a minor, upon reaching his majority, or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Puerto Rico, setting forth therein all the facts connected with his or her birth and residence in Puerto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States.

Section 5a.—That all citizens of the United States who have resided or who shall hereafter reside in the island for one year shall be citizens of Puerto Rico: *Provided*, That persons born in Puerto Rico of alien parents, referred to in the last paragraph of section 5, who did not avail themselves of the privilege granted to them of becoming citizens of the United States, shall have a period of one year from the approval of this Act to make the declaration provided for in the aforesaid section: *And provided further*, That persons who elected to retain the political status of citizens of Puerto Rico may within one year after the passage of this Act become citizens of the United States upon the same terms and in the same manner as is provided for the naturalization of native Puerto Ricans born of foreign parents.

Section 5b.—All persons born in Puerto Rico on or after April 11, 1899 (whether before or after the effective date of this Act) and not citizens, subjects, or nationals of any foreign power, are hereby declared to be citizens of the United States: *Provided*, That this Act shall not be construed as depriving any person, native of Puerto Rico, of his or her American citizenship heretofore otherwise lawfully acquired by such person; or to extend such citizenship to persons who shall have renounced or lost it under the treaties and/or laws of the United States or who are now residing permanently abroad and are citizens or subjects of a foreign country: *And provided further*, That any woman, native of Puerto Rico and permanently residing therein, who, prior to March 2, 1917, had lost her American nationality by reason of her marriage to an alien eligible to citizenship, or by reason of the loss of the United States citizenship by her husband, may be naturalized under the provisions of section 4 of the Act of September 22, 1922, entitled, "An Act relative to the naturalization and citizenship of married women", as amended.

Section 5c.—That any person of good character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and born in Puerto Rico on or after April 11, 1899, who has continued to reside within the jurisdiction of the United States whose father elected on or before April 11, 1900, to preserve his allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain entered into on April 11, 1899, and who, by reason of misinformation regarding his or her own citizenship status failed within the time limits prescribed by section 5 or section 5a hereof to exercise the privilege of establishing United States citizenship and has heretofore erroneously but in good faith exercised the rights and privileges and performed the

duties of a citizen of the United States, and has not personally sworn allegiance to any foreign government or ruler upon or after attainment of majority, may make a sworn declaration of allegiance to the United States before any United States district court. Such declaration shall set forth facts concerning his or her birth in Puerto Rico, good character, attachment to the principles of the Constitution of the United States, and being well disposed to the good order and happiness of the United States, residence within the jurisdiction of the United States, and misinformation regarding United States citizenship status, and shall be accompanied by proof thereof satisfactory to the court. After making such declaration and submitting such proofs, such person shall be admitted to take the oath of allegiance before the court, and thereupon shall be considered a citizen of the United States.

Section 6.—That all expenses that may be incurred on account of the Government of Puerto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not however, including defenses, barracks, harbors, lighthouses, buoys, and other works undertaken by the United States; shall, except as otherwise specifically provided by the Congress, be paid by the Treasurer of Puerto Rico out of the revenue in his custody.

Section 7.—That all property which may have been acquired in Puerto Rico by the United States under the cession of Spain in the treaty of peace entered into on the tenth day of December, eighteen hundred and ninety-eight, 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, belongs, under the laws of Spain then in force, to the various harbor works boards of Puerto 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, is hereby placed under the control of the Government of Puerto Rico, to be administered for the benefit of the people of Puerto Rico; and the Legislature of Puerto Rico 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 people of Puerto Rico, such lands, buildings, or interests in lands or other property now owned by the United States and within the territorial limits of Puerto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Puerto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United States.

Section 8.—That the harbor areas and navigable streams and bodies of water and submerged land underlying the same in and around the Island of Puerto 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 Puerto 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 interests 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 land 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 Puerto Rico and the islands adjacent thereto," and all other laws and parts of laws in conflict with this section be, and the same are hereby, repealed.

Section 9.—That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States, except the internal-revenue laws: *Provided, however*, That hereafter all taxes collected under the internal-revenue

laws of the United States on articles produced in Puerto Rico and transported to the United States, or consumed in the Island shall be covered into the Treasury of Puerto Rico.

Section 10.—That all judicial process shall run in the name of "United States of America, SS, the President of the United States," and all penal or criminal prosecution in the local courts shall be conducted in the name and by the authority of "The People of Puerto Rico"; and all officials shall be citizens of the United States, and, before entering upon the duties of their respective offices, shall take an oath to support the Constitution of the United States, and the laws of Puerto Rico.

Section 11.—That all reports required by law to be made by the Governor or heads of departments to any official of the United States shall hereafter be made to an executive department of the Government of the United States to be designated by the President, and the President is hereby authorized to place all matters pertaining to the Government of Puerto Rico in the jurisdiction of such department.

Section 36.—That the qualified electors of Puerto Rico shall at the next general election choose a Resident Commissioner to the United States, whose term of office shall begin on the date of the issuance of his certificate of election and shall continue until the fourth of March, nineteen hundred and twenty-one. At each subsequent election, beginning with the year nineteen hundred and twenty, the qualified electors of Puerto Rico shall choose a Resident Commissioner to the United States, whose term of office shall be four years from the third day of January following such general election, and who shall be entitled to receive official recognition as such Commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the Governor of Puerto Rico. The Resident Commissioner shall receive a salary, payable monthly by the United States, of \$7,500 per annum.¹ Such Commissioner shall 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 of the United States; and he shall be allowed the sum of \$500 as mileage for each session of the House of Representatives and the franking privilege granted Members of Congress. No person shall be eligible to election as Resident Commissioner who is not a bona fide citizen of the United States and who is not more than twenty-five years of age, and who does not read and write the English language. In case of a vacancy in the office of Resident Commissioner by death, resignation, or otherwise, the Governor, by and with the advice and consent of the Senate shall appoint a Resident Commissioner to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified.

Section 37.—That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, 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, or repeal any or all laws and ordinances of every character now in force in Puerto Rico or municipality or district thereof, insofar as such alteration, amendment, modification, or repeal may be consistent with the provisions of this Act.

Section 38.—The Interstate Commerce Act and the several amendments made or to be made thereto, the Safety Appliance Acts and the several amendments made or to be made thereto, and the Act of Congress entitled "An Act to amend an Act entitled 'An Act to regulate commerce', approved February 4, 1887, and all Acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities", approved March 1, 1913, shall not apply to Puerto Rico.

Section 41. Puerto Rico shall constitute a judicial district to be called "the district of Puerto Rico." The President, by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of eight years and until his successor is appointed and qualified and whose salary shall be \$15,000 per annum.² 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 Puerto Rico", and shall have

¹ Increased to \$10,000 by Act of March 4, 1925, and to \$12,500 by the Act of August 2, 1946 (60 Stat. 850).

² As increased by Public Law 567, 69th Cong., 62 Stat. 897, 28 U. S. C., 1949 ed., sec. 135.

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 district court shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of aliens and Puerto Ricans, and for this purpose residence in Puerto Rico shall be counted in the same manner as residence elsewhere in the United States. Said district court 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 a State, Territory or District of the United States not domiciled in Puerto Rico, wherein the matter in dispute exceeds, exclusive of interest or costs, the sum or value of \$3,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all the parties on either side of such separable controversy are citizens or subjects of the character aforesaid. The salaries of the judge and officials of the District Court of the United States for Puerto 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 District Court of the United States for Puerto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Puerto Rico 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.

Section 42.—That the laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters or 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 Puerto Rico. Regular terms of said United States district court shall be held at San Juan, commencing on the first Monday in May and November of each year, and also at Ponce on the second Monday in February of each year, and special terms may be held at Mayaguez at such stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language. The said district court shall be attached to and included in the first circuit of the United States, with the right of appeal and review by said circuit court of appeals in all cases where the same would lie from any district court to a circuit court of appeals of the United States, and with the right of appeal and review directly by the Supreme Court of the United States in all cases where a direct appeal would be from such district courts.

Section 43.—That writs of error and appeals from the final judgments and decrees of the Supreme Court of Puerto Rico may be taken and prosecuted to the Circuit Court of Appeals for the First Circuit and to the Supreme Court of the United States, as now provided by law.

Section 44.—That the qualifications of jurors as fixed by the local laws of Puerto Rico shall not apply to jurors selected to serve in the District Court of the United States for Puerto Rico; but the qualifications required of jurors in said court shall be that each shall be of the age of not less than twenty-one years and not over sixty-five years, a resident of Puerto Rico 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, drawn, and subject to exemption in accordance with the laws of Congress regulating the same in the United States courts insofar as locally applicable.

Section 45.—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 when collected and paid into a district court of the United States for Puerto Rico: *Provided*, That \$500 a year from such fees, fines, costs and forfeitures shall be retained by the clerk and expended for law library purposes under the direction of the judge.

Section 46.—That the Attorney General of the United States shall from time to time determine the salaries of all officials and assistants appointed by the United States district court, 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 the United States courts.

Section 47.—That jurors and witnesses in the District Court of the United States for Puerto 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 court. 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 pending in the same court and triable at the same term thereof. Such jurors shall be paid \$3 per day and such witnesses \$1.50 per day while in attendance upon the court.

Section 48.—That the Supreme and District Courts of Puerto 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.

That no suit for the purpose of restraining the assessment or collection of any tax imposed by the laws of Puerto Rico shall be maintained in the District Court of the United States for Puerto Rico.

Section 49a.—That the rules heretofore or hereafter promulgated and made effective by the Supreme Court of the United States under authority of the Act approved June 19, 1934 (48 Stat. 1064; U. S. C., title 28, secs. 723b, 723c), or under authority of any other statute, regulating the forms of process, writs and motions, and the pleadings, practice, and procedure in actions of a civil nature in the district courts of the United States, and regulating appeals therefrom, shall apply to the District Court of the United States for Puerto Rico and to appeal therefrom.

Section 54.—That deeds and other instruments affecting land situated in the District of Columbia, or any other territory or possession of the United States, may be acknowledged in Puerto Rico before any notary public appointed therein by proper authority, or any officer therein who has ex officio the powers of any notary public: *Provided*, That the certificate by such notary shall be accompanied by the certificate of the Executive Secretary of Puerto Rico to the effect that the notary taking such acknowledgment is in fact such notarial officer.

Section 58.—That all laws or parts of laws applicable to Puerto Rico not in conflict with any of the provisions of this Act, including the laws relating to tariffs, customs, and duties on importations into Puerto Rico prescribed by the Act of Congress entitled "An Act temporarily to provide revenues and a civil government for Puerto Rico, and for other purposes," approved April twelfth, nineteen hundred, are hereby continued in effect, and all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved, March 2, 1917.

