INDUSTRIAL AND OTHER CONDITIONS OF THE ISLAND OF PUERTO RICO, AND THE FORM OF GOVERNMENT WHICH SHOULD BE ADOPTED FOR IT.

HEARINGS

BEFORE THE

COMMITTEE ON PACIFIC ISLANDS AND PUERTO RICO

OF THE

UNITED STATES SENATE

ON

SENATE BILL 2264,

TO PROVIDE A GOVERNMENT FOR THE ISLAND OF PUERTO RICO AND FOR OTHER PURPOSES

February 5, 1900.—Presented by Mr. Foraker and ordered to be printed.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1900.
STATEMENT MADE BY BRIG. GEN. GEORGE W. DAVIS, U. S. A.,
MILITARY GOVERNOR OF THE ISLAND OF PUERTO RICO, ON
SATURDAY, JANUARY 13, 1900, MONDAY, JANUARY 15, 1900,
AND WEDNESDAY, JANUARY 17, 1900.

The Chairman. What position do you now hold in connection with
the island of Puerto Rico?

General Davis. I have been assigned as commanding general of the
geographical department of Puerto Rico.

The Chairman. What does that include?

General Davis. The island of Puerto Rico and some adjacent islands,
such as Culebra, Viequez, and Mona, and some other smaller islands.

The Chairman. Islands which were ceded by the treaty of peace of
Paris?

General Davis. Yes, sir.

The Chairman. How long have you been in Puerto Rico?

General Davis. Since the 8th of May last.

The Chairman. You have been there continuously since?

General Davis. Yes, sir; until called to Washington.

The Chairman. Whom did you succeed?


The Chairman. How long had he been there?

General Davis. From the 9th of December preceding my taking
charge he was in command, but he had been on duty there previously.

The Chairman. Whom did he succeed?

General Davis. Gen. John R. Brooke, who received the sovereignty
of the island from the Spanish Governor-General on the 18th of Octo-
ber previous.

The Chairman. If you can, please tell us, as a result of your obser-
vation, your conclusions with respect to the industrial conditions in
the island, and the condition of the people generally there.

General Davis. I will say——

Mr. Gallinger. Are those adjacent islands you mentioned in-
habited?

General Davis. Yes, sir.

Mr. Gallinger. Is there any considerable population?

General Davis. The island of Viequez has about 5,000 inhabitants.

Culebra has some 600 or 700; Mona a small number, and a few other
little islands have an inconsiderable number of inhabitants.

Mr. Gallinger. A few inhabitants each?

General Davis. Yes, sir.

The Chairman. About what is the area of that island of Viequez?

General Davis. It is about 12 miles long and 3 miles wide——perhaps
15 miles long and 3 or 4 miles wide. It is almost a parallelogram in shape, very rich and fertile. In respect to industrial matters—

The Chairman. Please state the situation generally in the island, and with particular reference to the necessity of legislation.

General Davis. Mr. Chairman and gentlemen of the committee: The island of Puerto Rico has an area of about 3,500 square miles, according to the best information that now exists, but that area has to be verified, and it is doubted if the area is quite so large. It has a population of about a million, perhaps—certainly one of the most densely populated areas of 3,000 or 4,000 square miles on the face of the earth, approximating the density of population of Belgium. I think, and considerably greater than that of any of our thickly settled agricultural regions in the United States. New England has about 200 to the square mile while Puerto Rico has nearly 300.

The inhabitants are mostly of Spanish origin—emigrants from Spain during the last 400 years and their descendants. There is a large representation from the Canary Islands and the Balearic group in the Mediterranean, a large number of Corsicans and their descendants, and consequently they are French subjects, a few Germans, a few English, and very few Americans before the occupation: a few Venezuelans, a few from Santo Domingo, and a few Cubans, but the most of the population is Spanish. Included in that million are about 300,000 negroes and mulattoes, approximately a little more than that number. About one-third of the entire population is of the negro or mixed race, what would be called in the United States "colored" people. Of pure-blood negroes there are about 70,000, the remainder mulattoes, and all speaking Spanish, and largely the slaves liberated in 1874.

The number of slaves liberated at that time was considerably less than the number of negroes in Puerto Rico, the number being only about 30,000, for whom some $11,000,000 was paid the owners. That statement gives a fair idea of the character of the population as respects numbers and race. As respects literacy, we have only the Spanish records of the census made in 1897, and that made in 1887. The most recent census, that of 1897, was not completed when the war intervened—at all events, the compilation was not completed. I have, however, been able to collect almost all the data of that census, and from it I give the ratio of those who can read and write to those who cannot. The Spanish reported 13.2 per cent who could read and write, and a few more who could read but not write; I forget the exact numbers.

The educated class of Puerto Ricans are as well educated and accomplished as the educated men of any country. They have had the benefit of a liberal education, a few in the United States, a good many in France, and a great many in Madrid and Habana, where they have passed through the universities. The lawyers and doctors are all graduates of either the university in Havana or some university in Spain, with very few exceptions. The merchants are largely Spanish, many of whom will probably preserve their nationality under the provision of the Treaty of Paris which gives them that right. A few may adopt American citizenship, and ultimately possibly all will, but many of the merchants who conduct the largest part of the business of Puerto Rico will retain their Spanish citizenship.

There are a number of merchants who are natives, a few Germans, and a few English. I do not remember any American merchant in
business there before the occupation. The schools in Puerto Rico conducted under the Spanish system were few in number. The amount allotted for education by the insular budget was something like 300,000 pesos a year, as I now recall the figures. The teachers were officers of the government, holding life positions and receiving pensions when superannuated. They belong to a civil-service class which is not dependent upon any change of administration, only being removed for cause. The lawyers, or judges, rather, of the island, occupy a similar position. They belong to a class which is spoken of as a career. Although there is no provision for pension for the judges, as I now recall, yet there is an organization unlike any we have here. All the lawyers belong to what is called the College of Lawyers, perhaps somewhat similar to our law institutes in our country.

Up to the termination of Spanish sovereignty fairly accurate and fairly complete statistics had been kept of trade, industries, and commerce by officers connected with the insular government under the orders of the Spanish Captain-General, and those statistics have been published to the world. I think they are quite full and quite accurate so far as relates to imports and exports, clearance, tonnage, and matters that are important to the commercial movement of the country. I have relied upon those figures for statistics in the preparation of such reports as I have submitted to the Department, with such verification as was possible from data within my own control.

The beginning of American control—that is, the end of Spanish control—dates, for the whole island, from the 18th of October, 1898, when the sovereignty was transferred. Previous to that various towns had been occupied by our forces, and of course there the change of sovereignty was earlier, such as Guanica, Ponce, and Guayama; but the formal transfer dates from the 18th of October, 1898, when General Brooke relieved General Macias. The schedule of the capitulation was submitted, boards of evacuation having previously prepared certain data, and these records of the evacuation commission are now on file in the War Department and are accessible to Congress of course. The schedules of property transferred included buildings and land and defenses—all that pertained to the dominion of Spain. The remainder of the island was transferred as in the possession and ownership of corporations and individuals and municipalities.

Mr. Cockrell. Was there any public land?

General Davis. I will come to that later. The system of government: Puerto Rico was treated as a province beyond the sea, that is to say, a colony. It was under the minister Ultramar. It was one of the Spanish colonies. Cuba had six such provinces, each like Puerto Rico so far as the political organization is concerned; the Philippines had several similar subdivisions, although I forget the number. Cuba, however, was under a captain-general, who assembled the functions of all the provinces under one head. Puerto Rico also had one head, but there was only one administrative unit in his control. The government of the island, in regard to civil affairs, was committed directly to the captain-general, who was also commander of the troops. There were certain functions which were retained in the captain-general, for instance, those connected with police affairs, military and naval, questions of public safety, etc., and the clergy all reported direct to him.

Other administrative functions, such as public schools and charitable institutions, were in the control of the provincial deputacion, a body
also having administrative faculties. The president of that body was also the administrator of certain finances collected by the deputacion. Although the captain-general was nominally its president, yet the vice-president was its principal executive officer, and the control of certain finances collected for the expenses of this deputacion was administered by him. The next step was the municipality. This, in Puerto Rico, defined a region containing towns, villages, farming communities—what we would call wards. Then was marsh, swamp, sand, sterile land, fertile land, cultivated fields, and all that pertains in the United States to what we denominate a township.

The government of our township would under their system consist of a mayor, a common council, municipal judges, with the attributes which judges have under those conditions, boards of school trustees, and various other functions which we have in our organization, elaborated and extended for the larger communities and concentrated for the smaller. Each town had a mayor and, dependent on its size, from two to five assistant mayors, alcaldes, and teniente (i.e., assistant) alcaldes. Then came the town councils, varying in number from twelve to thirty members, dependent on the size of the town. These are what we call aldermen in our cities.

Mr. Gallinger. Elected or appointed?

General Davis. Supposed to be elected, as were also the alcaldes; but that was not a reality. These town councils had the same functions as the common councils in our cities. I do not think there was any particular difference. Besides the municipal council there was a municipal board of the same number of members, varying from twelve or fifteen to thirty. This was an auxiliary board, which assisted or participated in the preparation of fiscal matters or the preparation of the budget. They were not concerned in the details of administration, but in the larger affairs of the municipality.

According to the law in force, the municipal councilmen were required to be elected. The theory of the Government was that they were elected, and they were in many cases. So far as the mayor (the alcalde) was concerned, it was understood that he should be elected. He was elected, but in this manner: The municipal council submitted to the captain-general the names of three men of their own number as eligible for appointment as alcalde. It was in the discretion of the captain-general to select one of the three. If he was not satisfied with any of the names submitted he sent the list back and asked to have others submitted, the same as under our civil-service system, and three other names came back, and if he was not satisfied he could appoint any member of the town council as mayor, but if no one of them was satisfactory he could step outside of the council altogether and take one of his own choice; so that, so far as the mayor was concerned, it is evident that he was really the appointee of the governor-general. Below the municipality, in next succession, were the wards or barrios, and each had for its political head a person called a comisario, selected by the town council, from the residents of the barrios. That is the political system of government that Puerto Rico enjoyed, stated very crudely. I could go into details, but that gives you the framework of the government. The island of Puerto Rico depends for its prosperity—

The Chairman. Before you leave that could you speak of their judicial system?
General Davis. In the cabinet of the captain-general was a minister of justice, or an official who answered to that title. Under the Spanish system I think the church was embraced in it, and I think it was called the ministry of grace and justice. The minister had a general supervisory control over all judicial matters. He represented the captain-general and the captain-general represented the King. The minister of justice had a large influence respecting legal matters—that is, he had power for great control. It was possible for the minister of justice to put a pressure upon the courts or upon the determination of cases.

The judicial system consisted of four classes of courts. First, the supreme court, which stood toward the island the same as the supreme court stands toward the State in our country. There were below the supreme court three audiencias, having criminal and civil jurisdiction. Of the next courts, those of first instance, there were twelve, representing eleven districts, and each having a magistrate and a prosecuting attorney. Their jurisdiction was limited: but I will ask the solicitor-general to give you further details about these courts. Still below these were the municipal courts.

The Chairman. A judge for each municipal district?

General Davis. Yes, sir.

The Chairman. About how many?

General Davis. Seventy districts.

The Chairman. The next court above that is the court of first instance and instruction, of which there were eleven?

General Davis. There were twelve.

The Chairman. And above that the courts of audiencia, of which there were three?

General Davis. Yes, sir.

The Chairman. And above that the supreme court?

General Davis. Yes, sir.

Mr. Fairbanks. Are those in existence now?

General Davis. No, sir.

Mr. Fairbanks. You are speaking of the system as it existed under the Spanish authority?

General Davis. Yes, sir.

The Chairman. I will be obliged if you will tell what the system is now.

General Davis. I made a preliminary statement concerning the authority, discretion, and power of the minister of justice and the power for constraint that he might exercise, or that the Captain-General might exercise through him. I saw numerous examples of what I thought to be the prejudicial influence of that system, and I was cautioned by General Henry, whom I succeeded. After two or three months of consideration and consultation with numerous Puerto Rican lawyers and judges, after getting the best judicial information I could, realizing that this judicial system was unknown to Americans, realizing that it was the hope and expectation of Puerto Ricans to become Americans, and that it was the expectation of Americans that the Puerto Rican system of procedure should be made, as far as possible, to correspond with our own, I invited these Puerto Rican judges and lawyers and American lawyers to submit a project for the reorganization of the judiciary that would give it a character more nearly resembling our own, and a draft was submitted and discussed and submitted to
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the secretary of justice, still in office. He prepared one himself, and there were counter drafts prepared and discussed, and finally what is now in force was submitted to me as military commander of the department.

Representing the President of the United States, who is the Commander in Chief of the Army and Navy, and as the acting governor of the province, I ordered the discontinuance of the former system and implanted this one as a temporary measure until Congress should decide on a permanent government: a mere change from the existing form of government to one that I thought would insure better administration during the military occupation, and as much longer as it might be thought worth while to continue it, in case Congress should see fit to do so. This judicial system instituted in Puerto Rico by military order, and with the approval of the leading Puerto Rican lawyers and judges and all the Americans whose counsel I could secure, is as follows in the ascending scale:

The municipal court, very much as the former municipal court with limited jurisdiction, $400 in civil cases, and what with us would represent $5 to $13 fine in criminal cases. I am not sure of the exact figures, but that is my recollection. Five district courts for the five geographical districts, each consisting of a judge and two associate judges, and a fiscal who stands in the place of our prosecuting attorney, the courts having jurisdiction in both civil and criminal cases. The Solicitor-General will give you more details than I can state at this moment.

Mr. Fairbanks. Is this scheme in print?

General Davis. Yes, sir; fully expressed and set out. Above the five district courts, constituted as I have stated, is a supreme court, consisting of a chief justice and four associate justices, with a prosecuting attorney. This system was established in accordance with the following orders:

General Orders, No. 114.

Upon the recommendation of the judicial board the judicial system of Puerto Rico is reorganized as follows, to take effect August 10, 1899: on and after which date the present system will cease to exist according to instructions which will be published later.

1. The supreme court of Puerto Rico, with residence fixed in San Juan, will hereafter consist of one chief justice and four associate justices, who will constitute a judicial bench, for all civil and criminal business; a prosecuting attorney shall also be attached thereto who shall represent the state on all proper occasions.

2. The supreme court shall have one secretary, two court clerks, one file clerk and taxer of costs, six clerks, one janitor, and two bailiffs.

3. The judicial district of San Juan will comprise the following municipalities: San Juan, Vega Baja, Vega Alta, Corozal, Naranjito, Toa Alta, Toa Baja, Dorado, Bayamon, Rio Piedras, Trujillo Alto, Carolina, Río Grande, Loiza, Caguas, Aguas Buenas, Comerio, Cayey, and Cidra.

4. The judicial district of Ponce will comprise the following municipalities: Ponce, Juana Diaz, Coamo, Barrios, Adjuntas, Peñuelas, Salinas, Guayanilla, Yauco, Guayama, Santa Isabel, Aibonito, Barranquitas, and Arroyo.

5. The judicial district of Mayaguez will comprise the following municipalities: Mayaguez, Aibonito, Rincon, Aguada, Aguadilla, Moca, Isabela, San Sebastian, Las Marias, Maricao, San German, Sabana Grande, Lajas, and Cabo Rojo.

6. The judicial district of Arecibo will comprise the following municipalities: Arecibo Manati, Morovis, Chales, Barcelona, Utuado, Hatillo, Camuy, Quebradillas, and Lares.
7. The judicial district of Humacao will comprise the following municipalities: Humacao, Piedras, Naguabo, Fajardo, Yabucoa, Manabao, Juneos, Gurabo, San Lorenzo, Patillas, and Vieques.

II. Upon the recommendation of the judicial board the following appointments are announced to take effect August 10, 1899.
To be chief justice of the supreme court: Mr. José Sevno Quiñones.
To be associate justices of the supreme court: Mr. José Contrado Hernández, Mr. José María Figueras, Mr. Rafael Nieto Abeille, Mr. Juan Morera Martínez.
To be prosecuting attorney of the supreme court: Mr. Rafael Romero Aguayo.
To be secretary of the supreme court: Mr. Eugenio López Guzmán.
To be judges of the district court of San Juan: Mr. Juan Ramón Ramos Velez, Mr. Angel Acevedo Quinone, Mr. Felipe Cuchi Arma.
To be judges of the district court of Ponce: Mr. José Ramón Becerra Garate, Mr. Isidoro Soto Sasa, Mr. Ramón Quiñones.
To be judges of the district court of Mayaguez: Mr. Juan J. Perea Baster, Mr. Felipe Casaluc Goicoechea, Mr. Enrique Lloro Casabó.
To be judges of the district court of Arecibo: Mr. Julio M. Padilla, Mr. Salvador Fuhladosa Mir, Mr. Horacio Nieto Abeille.
To be judges of the district court of Humacao: Mr. Juan F. Vias Ochoteo, Mr. Ricardo La Costa Izquierdo, Mr. Pedro Aldrey Montojo.
To be prosecuting attorney of the district court of San Juan, Mr. Eduardo Acuña Aybar.
To be prosecuting attorney of the district court of Ponce, Mr. Rafael Sánchez Montalvo.
To be prosecuting attorney of the district court of Mayaguez, Mr. José de Diego Martinez.
To be prosecuting attorney of the district court of Arecibo, Mr. Jesús M. Rossy Calderón.
To be prosecuting attorney of the district court of Humacao, Mr. Emilio Toro Cuevas.
To be secretary of the district court of San Juan, Mr. Ramón Falcón Elias.
To be secretary of the district court of Ponce, Mr. José Tous Soto.
To be secretary of the district court of Mayaguez, Mr. José Rosado Aybar.
To be secretary of the district court of Arecibo, Mr. Antonio Moreno Calderón.
To be secretary of the district court of Humacao, Mr. José Ramón Aponte.

III. The judicial board will give the necessary direction for establishing the new system, for installing the court officials, and appointing the proper employees in their respective offices on the 10th day of August, 1899.

By command of Brigadier-General Davis:

W. P. HALL, Adjutant-General.

General Orders, No. 118.

Upon the recommendation of the judicial board, the following reorganization and functions of the judiciary of this island were approved on August 10, 1899, and are published for the information and guidance of all concerned:

1. The organization and functions of the courts of justice of this island will, from the 10th instant, undergo reforms in accordance with the following dispositions:

2. There shall be a supreme court of justice, with fixed residence in the city of San Juan, composed of a chief justice and four associate justices, who jointly will constitute a judicial bench for all civil and criminal business; the court shall also have a prosecuting attorney, one secretary, two court clerks, one file clerk and taxer of costs, six clerks, one janitor, and two bailiffs.

3. The island is divided into five judicial districts, whose respective seats shall be San Juan, Ponce, Mayaguez, Arecibo, and Humacao.

4. The judicial district of San Juan will comprise the following municipalities: The city of San Juan, Vega-baja, Vega-alta, Corozal, Naranjito, Toa-alt, Toa-baja, Dorado, Bayamon, Rio-piedras, Trujillo-alt, Carolina, Rio-grande, Loiza, Caguas, Aguadientes, Comerio, Cayey, and Cidra.

5. The judicial district of Arecibo will comprise the following municipalities: Arecibo, Manati, Morovis, Ciales, Barceloneta, Utuado, Hatillo, Canov, Quebradillas, and Lares.

6. The judicial district of Humacao will comprise the following municipalities: Humacao, Piedras, Naguabo, Fajardo, Yabucoa, Manabao, Juneos, Gurabo, San Lorenzo, Patillas, and Vieques.

8. El distrito judicial de Ponce será compuesto por las siguientes municipalidades: Ponce, Juana-Díaz, Comer, Barrios, Adjuntas, Peñuelas, Salinas, Guayanilla, Yauco, Guayama, Santa Isabel, Aibonito, Barranquitas, y Arroyo.

9. Justice in civil and criminal matters will be administered in each district by a court established in its respective capital. These courts will have exclusive jurisdiction and public oral trial of all classes of civil and criminal matters under the forms and procedure established further on in this general order.

10. Each district court will be composed of three judges, one of whom shall be presiding judge, and who jointly shall constitute a bench for civil and criminal business. To each district court there shall be attached a prosecuting attorney, who will represent the law in criminal cases, and in civil cases when in order.

11. The district court will be assisted by one secretary, two chamber clerks, one court janitor, and two bailiffs.

12. The civil suits in process of appeal before the supreme court will be transferred to the San Juan district court acting as a court of second instance, which shall hear and decide them in conformity with the law now in force. Criminal cases, except those awaiting appeal, shall also be turned over to the San Juan district court by the supreme court.

13. Criminal cases in process before the court of Ponce will be turned over to the district court to be established for that district. The court of Mayagüez will also turn over its business to the district court likewise to be established there.

14. Business in progress before courts of instruction and first instance courts shall be turned over with due formalities to the district courts corresponding to each respective judicial district.

15. The criminal business transferred from the abolished courts shall be proceeded with by the district courts. Matters of civil litigation shall also follow their course up to the step in procedure known as presentation of proofs, when they shall be continued under the rules of civil oral suits established by this general order. It shall be the responsibility of the civil business to have all papers and presentation of proofs without concluding the remainder shall be heard in oral suit, but if the suit be found in a stage of proceedings subsequent to the presentation of proofs it shall be finished and decided by the district courts in conformity with existing proceedings after public hearing, it being understood that recourse of cassation against the decision shall only be allowed within the dispositions of this general order.

**JUDICIAL RESPONSIBILITY.**

16. The administration of justice shall be carried on with entire independence and without any other limitation than the civil or criminal responsibility which judges or courts may incur by reason of their actions, for which they will be answerable as provided in General Orders, No. 98, current series, these headquarters.

17. The investigation of charges in cases treating of judicial responsibility may be given in charge of judicial functionary of category superior to the accused, but only the supreme court in banc shall authorize the presentation of the charge.

18. Civil responsibility of judges, judicial functionaries, and attorneys shall be incurred for the following reasons: Manifest infraction of the law, corrupt misstatement of facts, and negligence or want of diligence in complying with judicial duties and functions.

19. Civil responsibility may be demanded before the supreme court and under the rule established for civil oral suits before the district courts by the parties prejudiced.

20. No appeal lies against decisions of the supreme court.

21. Civil or criminal responsibility incurred by minor functionaries of the administration of justice shall be exacted before the district or municipal court corresponding, and in the usual form established by ruling dispositions.

22. It shall not be necessary to give bond or establish a preliminary suit in order to lodge accusation or complaint against judicial functionaries or attorneys.

23. When the members of the supreme court incur responsibility they shall be tried by a special tribunal as established in paragraph 13 of General Orders, No. 98, current series, these headquarters.

**MUNICIPAL COURTS.**

24. There shall be a municipal court in each municipal district. Each municipal court shall consist of one judge and two associate judges, who shall jointly decide and sign all the cases that have been properly brought before the court and determined by the same.
25. In criminal matters municipal judges shall have cognizance in all misdemeanors established by the ruling penal code, as well as petty thefts, frauds, and offenses against property in cases where the amount of the object of the offense or damage occasioned does not exceed $5 United States currency, which offenses shall be considered misdemeanors; with the exception of those comprised in article 538 of the penal code, which shall be judged by the corresponding district court. They shall also have cognizance in assaults where the healing of wounds caused shall have been completed in not more than fifteen days. In all these cases they shall apply the respective punishments stated by the code.

26. In civil matters municipal judges shall have cognizance of all litigation where the amount at stake between litigants does not exceed $400 United States currency.

27. It shall also be the duty of municipal judges to prepare the preliminaries in criminal cases within the limits of investigation, substantial proof of punishable acts, their nature, gravity, and essential circumstances, search for the author or authors, their detention or imprisonment in accordance with the law, and the seizure of the instruments of the crime or objects which might convict, in cases where such exist. These preliminaries must be practiced by municipal judges within the period of six days after they receive the information that a crime has been committed.

28. The police force as a whole and individually is also obliged to attend to the preliminary investigation of all crimes until the appearance of the municipal judge, to whom they will give notice immediately.

29. As soon as municipal judges have completed the preliminary investigations in criminal cases within the period previously fixed, they shall send them by a police officer without delay to the attorney of the respective district court together with the prisoners, as supposed authors of the crime, if any has been made.

30. The designation of the associates shall be made by lot in the following manner: Each municipal judge shall request the respective alcalde to furnish him with a list of competent persons or residents with academic or professional diplomas, and of such persons as have held the position of alcalde, councilor, or municipal judge, and another list of an equal number of municipal taxpayers in the order of the amount paid, beginning with the largest amount. These lists, which shall be rectified or added to each year, shall include only persons of more than 21 years of age who know how to read and write.

31. On the first day of each quarter, or every three months, the municipal judge shall call a meeting of the persons inscribed in the two lists, and publicly and in the presence of those attending will draw by lot one from each list so as to form pairs until both lists are exhausted. This will cause each pair to be formed of one competent person and one taxpayer. On the conclusion of the drawing a list shall be prepared of the associates who have so served during the quarter, which shall be posted in the court room duly signed by the judge, secretary, and others present.

32. The associates, in the order of their respective terms and without prejudice to the particular obligation of each when his proper turn arrives, shall act as substitutes one for the other.

33. The municipal judge shall advise the associates when their turn arrives, stating the day and hour a sufficient time beforehand. With this object municipal judges shall name one, two, or more days, if necessary, in each week for the prompt and orderly decision of business in hand.

34. Municipal judges shall receive under oath, subject to the penalties of perjury, statements from the associate judges that no motive or just and legal impediment preventing them from sitting on the case connects them with the litigants.

35. The associate judges, whose turn it is, may have cognizance of all suits awaiting decision on the day corresponding to such turn, which suits shall not be passed on for the cognizance of other associates.

In the act of the trial shall be stated the decision, which shall contain the result of the voting and the resolution of the pending cases, without the form known as "Resolviendo y Considerando."

36. Against the decision of municipal and associate judges, there appeal will lie to the respective district court. Recourse of appeal must be had within five days, counting from the day following the notification of sentence.

37. An appearance must be put in before the district court within a period of ten days after notice being served.

38. Both parties having put in an appearance, the district court shall set a day and hour for the public hearing, at which either the litigants, their legal representative or their lawyers, may appear.

39. No appeal of any sort shall lie against the decisions of the district courts in civil or criminal verbal suits.

40. As a recourse for the increased work which the foregoing imposes on the municipal courts, an amount shall be appropriated in the interior budget for the benötigt.
fit of the secretaries of said courts both for personal services and materials. For this purpose different categories shall be formed taking into consideration the greater amount of work which may fall to the share of the courts in municipalities containing the most inhabitants.

CRIMINAL PROCEDURE.

41. The attorney of the district court on receiving the summary sent by the municipal judge shall issue an order for the detention of the prisoners, if any, in the corresponding prison, and within the precise period of ten days shall draw up a bill of charges or present a petition for quashing. In cases of wounding, the recovery of the person wounded shall be awaited, which recovery shall be certified to by the physician in attendance under his exclusive responsibility and without need of ratification.

42. On presentation of the bill of charges by the prosecuting attorney the court will inform the accused thereof, so that he can state whether or not he agrees to the penalty requested, and if not, he shall be required immediately to name his lawyer for the defense. If the lawyer named refuses to defend, the first lawyer on the list will be appointed, and the accused will be informed thereof to enable him to give instructions accordingly.

43. As soon as the defense files a bill of conclusions in writing within five days, the court will decide upon the admission of the testimony proposed, and shall immediately set a day and hour for the hearing of the oral trial.

44. In the record of the oral trial the petitions of the prosecuting attorney and lawyer for the defense, regarding the points which they may consider essential to assuring the exactitude of the evidence of witnesses of experts, shall be succinctly stated. The questions in examination or cross-examination ruled out by the court shall also be recorded.

45. In cases provided for by the law of criminal procedure, appeal in cassation will lie against sentences pronounced by the district courts for infraction of law or error in procedure.

46. Against writs or ordinances of the district courts, which are not of mere procedure, appeal always lies to the same court for reconsideration or amendment.

CIVIL PROCEDURE.

47. All civil litigations between parties when the amount exceeds $400 United States currency shall be originally heard and decided by the district court in the form established by the following articles:

48. The litigants must be advised by lawyers registered at the bar of this island, and may appear personally or by procurator, as they choose.

49. The claim must be lodged with the district court, which shall first decide whether to admit it, and it shall immediately name, in order of precedence, a judge or member of the court who shall conduct the preliminaries of the suit up to the oral hearing. Said judge will make all the orders of mere procedure, and the district court the writs and resolutions not of that character.

50. On the admittance of the claim it shall be handed to the defendant in the suit for him to reply within a period of twenty days, which can not be extended, and within which time he must also put in an appearance in the suit. Plead of counterclaim will be allowed, and in such the demandant will have three days to answer the counterclaim.

51. On reply being made to the claim, and the plaintiff being furnished with a copy of such reply, or on the defendant being accused and declared in default, the preliminary judge shall cite the litigants for a verbal hearing, setting a day and hour therefor; with notice of not less than fifteen nor more than twenty days.

52. Both litigants or their legal representatives, accompanied by their respective lawyers, shall appear at this hearing, and shall present in writing a notice of the testimony of every description which each intends to call for. At this meeting the lawyers on both sides may amplify or add to the documents they had drawn up.

53. The preliminary judge shall confine himself to hearing the petition of the litigants, noting down briefly and succinctly the arguments presented by each one, and after ordering that the documents presented form part of the records shall declare the hearing terminated, and shall reduce to writing the minutes thereof, giving notice to the court, at its first session, of the notices of testimony presented, for the court to resolve therein as is proper.

54. If neither of the litigants have asked for hearing of testimony in their documents of claim and reply the court shall immediately set a day and hour for a public hearing, at which the lawyers for the complainant and defense shall state their clients' case.
55. The district court shall examine the testimony proposed to be submitted, admitting that which they consider pertinent, and at once setting a day and hour for the hearing of the civil oral suit.

56. If testimony is to be taken outside of the territory of this island, the necessary rogatory letters trial shall be granted in the proper form and through the proper channel, and the hearing of the suit shall be put off until the extraordinary stay be terminated, or the testimony taken by commission be returned. For the comparison of public documents with their originals the court, when deciding on the admission of testimony, shall issue letters mandatory containing the necessary clauses conferring sufficient power on municipal judges of the districts where the comparison is to be made. Should the comparison have to be made outside of his jurisdiction, he will grant the required letters of rogation.

57. On the day of the hearing the testimony proposed shall be examined before the court, and with the intervention of the lawyers of both parties, who shall examine the witnesses or experts in turn by questions, cross-examination, or declarations which they consider necessary for their case within the matter under discussion and that proposed in the document of testimony. The court may throw out any suggestive, captions, or impertinent question or cross-question. Each witness or expert shall be examined, first, by the lawyer for the case presenting him, afterwards by the lawyer for the other side if he wishes, and lastly by the court if wishing to make clear or ask for explanation of any points it thinks fit.

58. The secretary of the court shall draw up the minutes of the suit, recording substantially the result of evidence and the cross-examining of the lawyers.

59. On the termination of testimony offered the lawyers of both parties may comment on the question under discussion and the rights of their clients. They are allowed one opportunity to rectify the allegations adduced in their pleas. The suit shall then be declared closed, and decision must be given within not more than ten days, counting from the day following the termination of the suit. Said sentence must be drawn up and written in the form established by the law of civil procedure when referring to major suits.

60. The appearance of witnesses and experts shall be compulsory except when in the opinion of the court they can allege and prove just cause. Any witness or expert not appearing without just cause shall be fined not exceeding $50, at the discretion of the court.

61. Each expert or witness should be indemnified by the party he appears for, and for this purpose, on the termination of each suit, the court will fix the amount of indemnity and will immediately inform each of the litigants or their legal representatives the amounts they are called on to pay to each witness except when litigating as paupers. In this case indemnities shall be paid in the same manner as those paid to witnesses or experts in criminal cases.

62. Should the defendant present a dilatory plea in abatement, evidence shall be taken thereon, and at the conclusion of the evidence the lawyers on both sides shall present their argument verbally, the main suit being meanwhile suspended for the time purely necessary for the court to give a succinct decision in the incidental matter. If the plea is sustained, it shall of course have effect as against the claim; if overruled the original suit shall continue its course.

63. Costs shall always be paid by the litigant who loses his case on all points. In other cases the court shall give an equitable decision in the matter of costs.

64. By-costs are understood: Lawyer’s fees, procurator’s fees, indemnities for witnesses and experts, and the legal expenses necessarily incurred as a direct consequence of litigation.

GENERAL PROVISIONS.

65. Both in civil and in criminal matters judges shall discuss their decisions privately, but the voting thereon must be held at a public hearing and in the presence of the litigants or their legal representatives. The presiding judge shall put the question or questions on which a case turns separately to the vote, and shall endeavor to separate duly the different points debated. Each of the judges shall reply simply yes or no, and the decision shall be immediately recorded according to majority of votes. In civil matters the decision shall be reduced to form by the judge who conducted the preliminaries, unless he dissent from the decision. In criminal matters it shall be done by the judges by turns.

The dissenting judge shall write his opinion at the foot of the decision.

ADDITIONAL CIVIL PROVISIONS.

66. All the attributes conceded to judges of first instance under the law of civil pro-
55. The district court shall examine the testimony proposed to be submitted, admitting that which they consider pertinent, and at once setting a day and hour for the hearing of the civil oral suit.

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The dissenting judge shall write his opinion at the foot of the decision.

ADDITIONAL CIVIL PROVISIONS.

66. All the attributes conceded to judges of first instance under the law of civil procedure in proceedings relating to meetings of creditors, bankruptcy, intestacy, probate,
and other matters relative to declaration suits and suits in liquidated claims shall remain in force and shall be exercised by the district courts; nevertheless, should the case arise that in any of these proceedings contest occurs within the limits of the law, the district court shall hear the claim and rebuttal and the evidence in the manner previously established, and shall proceed to decide thereon in civil oral suit.

67. The attributes in favor of judges of first instance mentioned in the law of civil procedure, and the provisions relating to precautionary attachments, the giving security for property in litigation, the execution of judgments, voluntary jurisdiction, and other dispositions relating to judicial questions of a general character shall also remain in force and be transferred to the district courts.

68. In all such cases the judges of the district court by turns shall conduct the preliminary proceedings, but the court itself shall issue such writs and orders as are not merely of procedure.

69. In suits of liquidated claims the district courts preserve the attributes enjoyed by judges of first instance, following the law of civil procedure up to such step as the reply to the claim or failure to reply thereto, in which case the preliminary judge will cite the litigant to appear and submit the proposal of evidence to be offered, after which the suit shall continue under the rules established for civil oral suits in general.

70. The provisions of the law of civil procedure relative to the form of presenting claims and replies, proposal of proofs and legal formulas in general, shall continue to exist and be applied. Documentary proofs may be presented optionally, together with the claim or reply, or at the hearing held for the proposal of proofs. The attendance and advice of a lawyer for each litigant is obligatory in civil oral suits and other cases established by said law of procedure.

71. The system of procedure established by the law of hypothecation and other special laws shall remain in force, it being understood that the district courts assume the jurisdiction and faculties of the abolished supreme court, territorial audiencias, and courts of first instance, all cases in which judicial contest arises being settled in single instance and by civil oral suit.

72. All steps, exceptions, and proofs in the various classes of suits shall be such as required by the law of civil procedure and according to whether the suit be declarative, liquidated claim, injunction, eviction, or of other character. Dilatory exceptions, when authorized by the law, shall be presented conjointly with peremptory exceptions and in corresponding order, according to their respective nature. In the same form and in one written document proposal of proofs relative to both classes of exception must be made.

73. Petitions for annulment must be pleaded during the oral hearing, and the court will previously decide in the form established for dilatory exceptions whether they affect the essential validity of the suit. The lawyers for both sides may enter the protest they think fit for the purpose of appeal against error in procedure, which protests shall be recorded in the minutes.

GENERAL CIVIL AND CRIMINAL PROVISIONS.

74. All provisions of the laws of civil and criminal procedure referring concretely and specially to forms or manner of procedure different or contrary to the prescriptions of this order are abrogated.

75. Verbal suits and proceedings before municipal courts, both in civil and criminal matters, shall retain the same form as the present law orders.

76. The Judicial Board created by General Orders, No. 98, current series, Headquarters Department of Puerto Rico, will proceed as soon as possible to codify such dispositions governing civil and criminal procedure as remain in force. These shall be divided into two volumes, civil and criminal, respectively, and shall be published in the accustomed manner for the information of all concerned.

77. All disputes or differences between judicial and gubernatorial authorities shall be decided by the commander in chief of the department after hearing the opinion of the supreme court and its attorney.

APPEALS TO THE SUPREME COURT.

78. Appeal to the supreme court will lie in all civil suits for infraction of law and error in procedure, in the cases which the law of civil procedure defines for the latter, but not for suits heard before municipal courts.

79. Besides the cases defined by the law of civil procedure, such appeal will also lie for error in the consideration of proofs.

80. In criminal trials appeal may be taken for infraction of law and error in procedure in cases defined by the law of criminal procedure.
81. Notice of appeal shall be given to the sentencing district court not later than ten days after the day of notification of sentence.

82. The district court shall decide whether to allow the appeal only when such is to be taken for error in procedure, and its decision adverse may be appealed against before the supreme court within fifteen days. For this purpose the district court when denying right of appeal shall grant a literal and certified copy of the ruling against which appeal was sought to the party appealing, within three days at the latest, and besides shall order both sides to appear before the supreme court.

83. On the termination of the time allowed for appearance and on the appearance of the appellant, the supreme court after public hearing shall immediately give a decision on the appeal against the ruling of the lower court debarring right of cassation. The lawyers for both sides may be present, and the matter must be decided before all other business in hand.

84. Should the district court allow appeal, the original documents must be sent to the supreme court after citing the parties to appear during a period of ten days.

It shall not be necessary to give any bond on appeal to the supreme court.

85. On the appearance of the appellant before the supreme court of cassation the documents shall be given him to enable him to base and establish his appeal in writing within twenty days. His appeal in writing shall be handed to the other litigant for twenty days also, and on the return to the court of all the documents it shall set a day and hour for a public hearing, at which the prosecuting attorney and the lawyers on both sides shall state their cases according to whether the matter be a civil or criminal suit.

86. The supreme court shall give its verdict by vote in public in the form previously established in this order for district and municipal courts and within five days of the public hearing. After giving decision the original documents shall be returned to the proper court with a certified copy of such a decision. All sentences of the supreme court of justice shall be published in the Official Gazette.

87. All provisions of the laws of civil and criminal procedure relative to the substantiation of appeals which are in opposition to the provisions of this order are repealed.

COMPLEMENTARY PROVISIONS.

88. The positions of judge or prosecuting attorney of the supreme court of justice and district court shall be filled by lawyers only.

89. Besides the legal diploma the nomination of judicial functionaries shall be made after taking into account services rendered, seniority at the bar, and known ability in the profession.

90. The secretaries of the supreme court of justice and district courts must also be lawyers. Taking into account the employees of the courts of first instance who by virtue of this order will lose their positions, it is hereby ordered that such “escrivanos” as possess the necessary conditions as to capability, honesty, and good service in their last position will be given preference in selecting secretaries of the district courts.

91. Municipal judges must also be lawyers registered at the bar of this island, but when such are not available in the respective municipalities, persons possessing the best conditions of fitness and capacity for judicial functions may be nominated. Lawyers holding the office of municipal judge are not permitted to practice law.

92. The nomination of municipal judges and attorneys shall be made in the manner established for the rest of the personnel of the administration of justice, until such time as they may be chosen by suffrage.

93. Secretaries of the municipal courts shall be nominated in the manner established by the preceding paragraph.

94. The court shall nominate one or more supplementary judges to substitute the incumbent in case of vacancy, absence, or sickness. Each attorney shall also nominate his substitute for the same reason.

These nominations must be made from among lawyers registered at the bar of this island who are practising in the town where the court sits. Substitute judges shall receive $6 for each day’s service in the district courts and $10 if serving in the supreme court of justice.

95. Judges of the courts and attorneys do not require any permission for absenting themselves, but shall receive no salary during their absence and must see to it that a substitute fill their places.

96. Notice and proof to the entire satisfaction of the court of which he forms part must be given by a judge or attorney when sick, during which period only one-half of the salary shall be allowed.

97. The presiding judge of each court shall give notice, under his responsibility, to
the solicitor-general of the absence of any of its members through sickness or other causes.

98. Should the sickness last more than three months, the court of which the sick judge forms part shall so inform the solicitor-general, to enable him to take the necessary action. The above provisions are applicable to court secretaries, court clerks, and other employees of the administration of justice.

99. The court shall also inform the attorney-general of all vacancies, absences, and substitutions, for purposes of keeping the proper accounts.

By command of Brigadier-General Davis:

W. P. Hall, Adjutant-General

General Orders, No. 182.  
Upon the recommendation of the judicial board, paragraph 82, General Orders, No. 118, current series, these headquarters, is amended to read as follows:

The district court shall decide whether to allow the appeal not only when such is to be made on account of an error in the procedure, but also because of infraction of law, and its decision adverse thereto may be appealed against before the supreme court within fifteen days. For this purpose the district court when denying the right of appeal shall grant a literal and certified copy of the ruling against which appeal was made to the party appealing, within three days at the latest, and besides shall order both parties to appear before the supreme court.

By command of Brigadier-General Davis:

W. P. Hall, Adjutant-General

In place of the minister of justice, who had this wide power and control, there is now a judicial board, consisting of three native lawyers and two American lawyers—one of the latter an army officer the presiding judge of the provisional court (which I also established), and these three native lawyers. Established by the following order:

General Orders, No. 98.  
In order to further reduce public expenditures, and in practical accordance with the recommendations of committees composed of public-spirited citizens of this island, whose advice and counsel has been solicited, and with the advice of the secretary of justice, it is hereby ordered as follows:

I. The department of justice will hereafter exercise no control over the courts, and the judiciary will be entirely independent. Judges, however, will be subject to impeachment, and subordinate court officers and employees will be liable to prosecution for official misconduct as hereinafter provided.

II. The department will hereafter be charged only with duties similar to those which pertain to the Department of Justice and the office of the Attorney-General in the United States and in the several States of the Union, such as rendering opinions on contracts to which the insular government is a party, investigate claims against the insular government, prosecuting officials of the insular government for malfeasance in office, investigating titles to public lands, interpretation of laws for the guidance of the executive departments, supervising prosecuting attorneys in the various insular courts, etc.

III. The department of justice will be under the direction and control of a judicial board of five members, all of the legal profession, who are willing to serve without salary for such services.

IV. The office of the department of justice will be under the immediate charge of a solicitor-general, who, under the direction of the board, will perform all the duties appropriately pertaining to the office, as indicated in Paragraph II.

V. The office of the secretary of justice is hereby discontinued. The secretary of justice will turn over to the solicitor-general all the books, records, furniture and other property pertaining to his office, together with a list of employees and the salaries of each.

VI. Subject to the approval of the judicial board, the solicitor-general will employ the necessary clerical force for the proper performance of his duties, and will be responsible for the safe keeping of all books, records, office furniture, and other property which may be intrusted to him.

VII. The solicitor-general will render to the governor-general, through the judicial
to board, a quarterly return of all property pertaining to his office, together with a list
of his employees and the salaries of each.

VIII. Questions requiring investigation, legal opinions, or report from the depart-
ment of justice will be transmitted to the solicitor-general through the judicial board,
and returned through the same channel.

IX. The solicitor-general will act as secretary of the judicial board of the depart-
ment of justice. In case of his absence through sickness or other unavoidable cause,
his chief clerk will so act.

X. The judicial board will meet one day in each week in the office of the solicitor-
general, and at such other times as they may deem necessary. Three members shall
constitute a quorum. It will be their duty to receive from the solicitor-general all
reports, opinions, and recommendations which he may submit, and transmit them,
with their remarks, to the governor-general. They will also propose to the governor-
general from time to time such reforms in the laws and in the procedure of the
courts as they may deem wise.

XI. It will be the duty of the judicial board to present to the supreme court, through its fiscal, articles of impeachment against any judge of an insular court
(except a justice of the supreme court) against whom they may receive charges of
corruption or malfeasance in office, or of immoral or vicious habits unbecoming his
station.

XII. The fiscal of the supreme court shall prosecute all such cases of impeachment
so presented, and shall be assisted in this duty by the solicitor-general.

XIII. Where complaints are presented against a member of the supreme court,
the judicial board shall submit the matter to the governor-general, who will name a
special commission of five judges to try and determine the case.

XIV. The solicitor-general shall prosecute impeachments against members of the
supreme court. He shall also file informations and prosecute the same, or cause them
to be prosecuted, before the proper tribunals in all cases of official misconduct on the
part of other officers, secretaries, clerks, bailiffs, and other employees of the insular
courts, or of the insular administrative departments, or members of the insular police.

XV. It shall also be the duty of the judicial board to nominate to the governor-
general suitable persons for appointment as judges and fiscal of all the courts whenever vacancies occur.

XVI. Any resident of the island can file informations against any magistrate, judge,
or judicial officer for misconduct in office or immorality in private life unbecoming
his station, subject to the usual penalties for false and malicious accusations.

XVII. In case of conviction of any judge, or other court officer or employee, the
sentence shall include dismissal from office.

XIII. All judges and judicial officers are enjoined to abstain from active participa-
tion in partisan politics.

XIX. The following-named gentlemen having consented to serve, are hereby
announced as constituting the judicial board: Hon. D. Hilario Cuevillas Hernández;
Hon. N. B. K. Pettingill, judge United States provisional court; Maj. A. C. Sharpe,
supervisor-general, acting judge-advocate: Hon. Juan Hernández Lopez; Hon. Manuel
F. Rossi.

XX. Hon. Rafael Nieto Abellé is hereby appointed solicitor-general.

The foregoing appointments will take effect this date.

By command of Brigadier-General Davis.

W. F. Hall, Adjutant-General.
so long as their practice conformed with right and justice and law, and I have upheld them in an independence they never before possessed, and which is like the independence of the courts of the United States.

The Chairman. How long has it been in operation?

General Davis. It was installed, I think, in August last.

Mr. Nelson. You stated you had a Federal court there?

General Davis. Yes, sir.

The Chairman. What has been the success of that?

General Davis. Entirely satisfactory. The condition of things when it was established, so far as procedure and expediting trials and the condition of the jails are concerned, was bad. The jails were congested by a large number of persons confined who had been there a long time, some who had been tried, and some who had not and were awaiting trial, and some whose trials had not been completed or commenced. The jails were overcrowded, in a dreadful sanitary condition, and there was a great need of change in almost every respect.

Mr. Perkins. Is it true that there were many persons confined in jails for minor offenses who had been there for years without trial?

General Davis. Yes, sir.

Mr. Fairbanks. How does the cost compare with the Spanish system?

General Davis. It is very much less. I could not give the exact figures, but it is very much less. I have a paper in print showing the entire expenses of the military government for the first five months of the year. It is all stated in figures for every branch of the government. The expense is very much less. The salaries of judges are less. The number is very much less and the expenses are less. The number of jails has been reduced from 11 to 5, and they have been cleaned and put in order. There was a central jail under the Spanish system in the capital called the presidio, known in our country by the name of state prison. That has been thoroughly renovated and cleaned. The 400 odd prisoners are employed in industrial work, making hats and shoes, and clothing, and baskets, and they are at work on the streets, doing what they never were before, keeping busy. This was done under this order:

General Orders, No. 152.

Upon the recommendation of the judicial board the following is published for the information and guidance of all concerned:

I. In all cases wherein, under the penal code now in force, tribunals of justice may impose confinement as a punishment for crime, the several courts having jurisdiction to impose such punishment are hereby authorized to add the imposition of hard labor to such punishment during the term of imprisonment, wherever in their judgment the imposition of such labor may be advisable.

II. The court shall include in its sentence the designation of the jail wherein the prisoners sentenced for terms of less than six months shall serve their imprisonment, but the place of confinement of such prisoners may be changed by the board of prison control whenever the jail is crowded, or for other good cause.

III. All persons hereafter sentenced by the United States provisional or insular courts to imprisonment for a longer term than six months as a punishment for crime shall be imprisoned within the penitentiary at San Juan, and shall be subject during such confinement to all the rules and regulations of said penitentiary.

IV. All laws, orders, or decrees, or parts thereof, inconsistent with the provisions of this order are hereby repealed.

By command of Brigadier-General Davis:

C. H. Heyl,
Before that they were almost always in idleness.
The CHAIRMAN. Were they confined at hard labor?
General Davis. No, sir; that was unknown.
The CHAIRMAN. You have introduced that?
General Davis. Yes, sir; they are all at work. The system has been extended and we are putting up additional buildings and enlarging the presidio, so as to accommodate a larger number, and better accommodate them. It was inspected by an American who had been through all the prisons in Cuba, and who knew something about prisons in the United States. He stated in his report to the Department that it was in very good condition.

Mr. Fairbanks. Is the judiciary composed chiefly of natives?
General Davis. Altogether. There are no Americans holding any office in Puerto Rico, except in the provisional court.
The CHAIRMAN. Let me ask you one or two specific questions to understand better the present system. I understand you have the same number of municipal judges as before.
General Davis. Yes, sir; except that we have consolidated the districts somewhat.
The CHAIRMAN. How many?
General Davis. Five.
The CHAIRMAN. You have a municipal judge for each municipality?
General Davis. Yes, sir.
The CHAIRMAN. He has a restricted jurisdiction as compared with before?
General Davis. Yes, sir.
The CHAIRMAN. Then, instead of these courts of first instance and the audiencia, you have five district courts, each composed of one judge and two associate judges, and then a supreme court, composed of one chief justice and four associate justices?
General Davis. Yes, sir.
Mr. Perkins. You appointed the judges?
General Davis. Yes, sir.
Mr. Perkins. With the approval of the President?
General Davis. No, sir; by virtue of the authority delegated to me as commander of the military forces in Puerto Rico, and as acting governor.
Mr. Perkins. Did you continue the former judges?
General Davis. Yes, sir; a great many of them.
The CHAIRMAN. The proceedings in the insular courts are in Spanish. I presume?
General Davis. Yes, sir. The need of some court before which could be heard cases similar to those which arise in the Federal courts here was apparent in Puerto Rico. It was pressing that there should be some such tribunal, to which cases in which citizens of the United States and citizens of other countries were parties—cases of violation of the postal laws and smuggling and various other crimes of that nature—could be sent. The necessity for a tribunal of that nature was very pressing. The matter was easily handled so long as a state of war existed, during the continuance of actual hostilities, or even during the continuance of technical hostilities—that is to say, before the 11th of April, 1899, it was legal for the military commander to convene a military commission where there was a violation of the laws of war;
VI. The judges of the provisional court shall be clothed with the powers vested in the judges of the circuit or district courts of the United States.

VII. The district attorney shall be authorized to present to the court informations against all parties for violations of United States statutes and regulations. He shall also in like manner present informations for violations of orders issued by the department commander relating to civil matters, which may be referred to him from these headquarters. It shall also be his duty to represent the United States in all suits to which it is a party, and to perform such other duties as usually pertain to the district attorneys in the Federal courts of the United States.

VIII. In order to define more clearly certain branches of the criminal jurisdiction of the provisional court, it is hereby provided that it shall include and be exclusive in the following classes of cases:

First. All offenses punishable under the statutory laws of the United States, such as those indicated in paragraph I of this order.

Second. Offenses committed by or against persons, foreigners or Americans, not residents of this department, but who may be traveling or temporarily sojourning therein, or against the property of nonresidents.

Third. Offenses against the person or property of persons belonging to the Army or Navy, or those committed by persons belonging to the Army or Navy, not properly triable by military or naval courts; but not including minor police offenses.

Fourth. Offenses committed by or against foreigners or by or against citizens of another State, District, or Territory of the United States residing in this department.

IX. Cases arising under Article XI of the treaty of peace between the United States and Spain will be determined as therein provided.

X. In civil actions when the amount in controversy is $50 or over, and in which any of the classes of persons above enumerated in Paragraph VIII are parties, or in which the parties litigant by stipulation invoke its jurisdiction, shall be brought in the provisional court: Provided, That in the determination of all suits to which Puerto Ricans are parties, or of suits arising from contracts which have been or shall be made under the provisions of Spanish or Puerto Rican laws, the court shall, as far as practicable, conform to the precedents and decisions of the United States courts in similar cases which have been tried and determined in territory formerly acquired by the United States from Spain or Mexico. In all other civil actions the case shall lie within the jurisdiction of the proper insular court as now provided by local law.

XI. If any party litigant shall feel aggrieved by the judgment or decree of said court, a stay of ninety days shall be granted such party before the execution of such judgment or decree, upon the filing of a bond by him with sureties in an amount and with such conditions as the court may determine, for the purpose of allowing such party to make application to the Supreme Court of the United States for a writ of certiorari or other suitable process to review such judgment or decree. But if at the end of said ninety days such process has not been issued by the Supreme Court execution shall forthwith issue.

XII. The department commander will exercise the power of pardon, commutation, or mitigation of punishment in criminal cases.

XIII. All fees, fines, and costs paid to the clerk of the provisional court shall be turned over by him at the end of each calendar month to the treasurer of the island with a statement of the sources from which they are received.

XIV. Members of the bar of Puerto Rico will be admitted to practice in the provisional court upon presentation of a certificate signed by the president of the supreme court of Puerto Rico certifying to their professional standing.

XV. All lawyers practicing in the provisional court who are unfamiliar with the English language shall be permitted, upon application, to use their own interpreter when addressing the court.

XVI. The court shall adopt an appropriate seal, which will be procured by the treasurer of the island. The clerk of the court shall have the custody of the seal for use in attesting legal documents in the usual manner.

XVII. In accordance with the provisions of Paragraph V of this order, the following appointments are announced to take effect July 1, 1899:

To be law judge, Noah Brooks Kent Pettigill.
To be provisional United States attorney, J. Marbourgh Keedy.

The following officers are hereby detailed on the special duty set opposite their respective names:


Private Samuel C. Bothwell, Troop D, Fifth United States Cavalry, is detailed on special duty as marshal of the United States provisional court.
The necessary deputés will be detailed in subsequent orders. The officers named will proceed to San Juan and report to the adjutant-general of the department.

The travel enjoined is necessary for the public service.

By command of Brigadier-General Davis: W. P. Hall, Adjutant-General.

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General Orders, 1 Headquarters Department of Puerto Rico, No. 103. San Juan, July 29, 1899.

I. For the purpose of facilitating preliminary inquiries into criminal charges made against persons who would be tried before the United States provisional court, under General Orders, No. 88, current series, these headquarters, it is hereby ordered that the commanding officers of the military posts within this department shall act ex officio as United States provisional court commissioners, and that as such they shall have the power to administer oaths, issue warrants of arrest, and hold preliminary hearings for the purposes hereinafter provided.

II. Whenever any person shall apply to any post commander, or other court commissioner for a warrant of arrest, and shall make oath in writing before him, setting forth the commission by any party of an offense which comes within the jurisdiction of the United States provisional court, under the terms of General Orders No. 88, current series, these headquarters, it shall be the duty of such post commander, or other court commissioner, to take the oath of such person and forthwith to issue a warrant of arrest and bring the party so charged before him for a preliminary inquiry into the facts of the charge so made. Such inquiry shall be made at as early a day as the witnesses can be conveniently brought before such commissioner, and after an examination of all the witnesses produced before him, said commissioner shall decide from the evidence whether there appears probable cause of the guilt of the defendant. If he finds such probable cause, the commissioner shall bind the defendant to appear for trial before said United States provisional court at its next term to be held at the place most convenient to the place of hearing and fix such bail as in his judgment the case demands. If the commissioner finds no probable cause of the defendant's guilt the defendant shall be discharged and the complaining witnesses shall be adjourned to pay all the costs which such defendant may prove he has incurred by such hearing.

III. In case any commissioner shall adjudge costs against a complaining witness under the preceding section, such commissioner shall forthwith send to the clerk of the said United States provisional court a certificate setting forth that such a hearing has been had, and such adjudication made, and upon the recording of such certificate in the judgment docket, it shall have all the force and effect of a judgment of said United States provisional court.

IV. The court commissioners aforesaid shall have the further authority to approve bonds of defendants bound over under the provisions of Paragraph II hereof: Provided, That in each case the bond must be signed by two good and sufficient sureties. In all cases where persons are bound over under the provisions of this order, the commissioner shall upon the conclusion of the proceedings before him transmit all papers in each case under seal to the prosecuting attorney of said United States provisional court.

V. In case a defendant is bound over at a preliminary hearing and is unable to give bond, or the commissioner finds that the offense is not a bailable one, he shall forthwith send the prisoner, under proper guard, to be delivered into the custody of the marshal of the said United States provisional court.

VI. Said court commissioner shall also keep a docket containing a memorandum of each preliminary hearing held before him, the number of witnesses examined on each side, the amount of bond required if defendant was bound over, and the disposition made of the defendant. All commissioners will submit at the end of each quarter to the clerk of said United States provisional court a duly certified copy of this docket. Whenever a post commander, acting as commissioner, is transferred from his station, he will immediately submit to the said clerk of said United States provisional court a certified copy of his docket covering the cases heard by him during the portion of the quarter in which his transfer takes place.

VII. Post commanders will exercise great care in their inquiries to determine whether the cases brought before them fall clearly within the provisions of General Orders, No. 88, current series, these headquarters. In case any doubt should arise regarding the question of jurisdiction, the commissioner will suspend the hearing and report the matter to the provisional court for instructions.
VIII. All correspondence relating to the duties herein prescribed will be conducted directly between the provisional court and the commissioners.

By command of Brigadier-General Davis;

W. P. Hall, Adjutant-General.

General Orders, No. 109.

The United States provisional court, instituted by General Orders, No. 88, current series, these headquarters, having been vested with jurisdiction over cases arising in Puerto Rico under United States statutes, the following section of these statutes will apply to this military department (in addition to the existing local law, articles 150 and 249. Penal Code) and are published for the information and guidance of all concerned:

"Sec. 5336. If two or more persons in any State or Territory, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to take, seize, or possess any property of the United States contrary to the authority thereof; each of them shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars; or by imprisonment, with or without hard labor, for a period not less than six months nor more than six years, or by both such fine and imprisonment."

"Sec. 5283. Every person who, within the limits of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming, of any vessel with intent that such vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, or issues or delivers a commission within the territory or jurisdiction of the United States for any vessel, to the intent that she may be so employed, shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars, and imprisoned not more than three years. And every such vessel, her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof shall be forfeited; one-half to the use of the informer and the other half to the use of the United States."

The following are authoritative opinions relating to the foregoing statutes:

"It is also a well-established principle of American law that if a publication be calculated to alienate the affection of the people by bringing the government into disrepute, whether the expeditious resort to be ridicule or obloquy, the writer and publisher are punishable; and whether the defendant really intended by his publication to alienate the affection of the people from the government or not, is immaterial; if the publication be calculated to have that effect it is seditious." "Depredations by our citizens upon nations at peace with the United States, or combinations for committing them, have at all times been regarded by the American Government and people with the greatest abhorrence. Military incursions by our citizens into countries so situated, and the commission of acts of violence on the members thereof, in order to affect a change in its government or under any pretext whatever, have, from the commencement of our Government, been held equally criminal on the part of those engaged in them, and so much deserving punishment as would be the disturbance of the public peace by the perpetration of similar acts within our own territory." "No individuals have a right to hazard the peace of the country or to violate its laws upon vague notions of altering or reforming Governments in other states.""}

By command of Brigadier-General Davis;

W. P. Hall, Adjutant-General.

Mr. Perkins. Their rule of practice has been under the statutes in force in the island prior to your government?

General Davis. No, sir; their rule of practice has been the rule of practice of the United States courts.
VIII. All correspondence relating to the duties hereinafter prescribed will be conducted directly between the provisional court and the commissioners.

By command of Brigadier-General Davis:

W. P. Hall, Adjutant-General.

General Orders, 1
No. 109.

HEADQUARTERS DEPARTMENT OF PUERTO RICO.
SAN JUAN, July 31, 1896.

The United States provisional court, instituted by General Orders, No. 85, current series, these headquarters, having been vested with jurisdiction over cases arising in Puerto Rico under United States statutes, the following section of these statutes will apply to this military department (in addition to the existing local law, articles 150 and 249, Penal Code) and are published for the information and guidance of all concerned:

"Sec. 5336. If two or more persons in any State or Territory, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to take, seize, or possess any property of the United States contrary to the authority thereof; each of them shall be punished by a fine not less than five hundred dollars and not more than five thousand dollars; or by imprisonment, with or without hard labor, for a period not less than six months nor more than six years, or by both such fine and imprisonment."

"Sec. 5283. Every person who, within the limits of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming, of any vessel with intent that such vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people of whom the United States are at peace, or issues or delivers a commission within the territory or jurisdiction of the United States for any vessel, to the intent that she may be so employed, shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars, and imprisoned not more than three years. And every such vessel, her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof shall be forfeited; one-half to the use of the informant and the other half to the use of the United States."

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"No individuals have a right to hazard the peace of the country or to violate its laws upon vague notions of altering or reforming Governments in other states."

By command of Brigadier-General Davis:

W. P. Hall, Adjutant-General.

Mr. Perkins. Their rule of practice has been under the statutes in force in the island prior to your government?

General Davis. No, sir; their rule of practice has been the rule of practice of the United States courts.
Mr. Perkins. The criminal and civil laws of the United States? General Davis. They take cognizance of the criminal laws of Puerto Rico, where a person is being tried, or a judgment is being rendered, the court takes care that the judgment or sentence shall not be in violation of the local law; that is, that it shall be in conformity to it. The order defining these things is all in print, and I am pleased to submit it.

The Chairman. That order which you have read is General Order 88?

General Davis. Yes, sir.

Mr. Nelson. Are the proceedings in English?

General Davis. Yes, sir; but native lawyers can practice before this court through an interpreter.

Mr. Nelson. And it is according to our Federal system?

General Davis. Yes, sir.

The Chairman. Who is the judge of that court?

General Davis. A Mr. Pettingill. I think he was born in Maine, and had been living for some time in Florida; about 45 years of age, and, I think, admitted to practice before the Supreme Court of the United States. His associates are army officers. This statement, with the aid of the written and printed description of the native and Federal courts, will give you a fair idea of the system.

Mr. Cockrell. Are the army officers educated lawyers?

General Davis. No, sir; the law judge is Mr. Pettingill, and the two army officers are majors, with, I think, fifty years' service. I should have been glad to have had civil judges instead, but the question of ways and means for the government of Puerto Rico has not been an easy one to solve. When it was a question of expense and of persons to perform duties there, selection was always made of an army officer, if he was available and suitable, and thus expense was saved.

Mr. Gallinger. You find Mr. Pettingill an excellent officer?

General Davis. Yes, sir; it is my impression that he is very much respected by the native lawyers.

Mr. Gallinger. He was formerly a practitioner of law as a partner of Mr. Odlin?

General Davis. Yes, sir; I think so. He has instituted trial by jury, and the operation of that has been quite an interesting object lesson for the native courts. I directed in the scheme for reorganization that the writ of habeas corpus should be availed of by those who should see fit to use it by the following order:

General Orders, 1
No. 71. 2

Upon the recommendation of the secretary of justice the following is promulgated:

I. Any justice of the supreme court of Puerto Rico, or of any audience, or any judge of instruction, shall issue the writ of habeas corpus on the petition of any person who is restrained of his liberty within their respective judicial districts. But when such writ so issuing from such court is served upon any person who holds a prisoner subject to United States authority the body of the prisoner will not be produced, but respectful return will be made setting forth that the prisoner is held under color of the authority of the United States, and that therefore the court issuing the writ is without jurisdiction, and praying that the writ be therefore dismissed.

II. Upon ascertainment by such judge or court issuing the writ that such return is true in fact, the writ shall be dismissed.

III. The secretary of justice will see that this order is duly observed. Instructions, approved by the commanding general, and printed blank forms will be supplied on application to the secretary of justice.

By command of Brigadier-General Davis:

W. P. Hall, Adjutant-General.

Headquarters Department of Puerto Rico.
San Juan, May 31, 1899.
A few days before I left the island a Puerto Rican was convicted of manslaughter, and his sentence of fourteen years in prison was affirmed. He claimed that there was a fatal error in the proceedings, that he had not had a fair trial, made an application for the writ before the supreme court, and is now out on bail. I think that this is the first instance which has occurred, and I mention that as an instance of progress.

Mr. Cockrell. In the inferior courts do they have juries and try cases?

General Davis. No, sir.

Mr. Nelson. There are no juries in either civil or criminal cases?

General Davis. Not in the local courts yet. But it will come in time. I believe there is no instance of a jury in a local court.

The Chairman. This jury is in the district court?

General Davis. No, sir; in the Federal court.

Mr. Cockrell. That Federal court has jurisdiction over all the courts?

General Davis. No, sir; it has no more control over the State or local courts than the Federal courts would have over the supreme court of a State.

Mr. Fairbanks. It has no appellate jurisdiction?

General Davis. No, sir. The source of land titles in Puerto Rico is, of course, the Crown of Spain. The titles refer back to the discovery of the island. Grants were then made to individuals and corporations, and in time the island has become almost entirely appropriated. Of the lands not sold or assigned or alienated by the Crown of Spain and yet remaining as public domain the area is quite limited, so far as I have been able to ascertain. I have schedules of about 120,000 acres of land the title of which is still in the Crown, or was in the Crown and is now in the United States by succession.

These lands remaining in the possession of the sovereign are either sand dunes or marshy tracts on the coast, or the tops of mountains and remote and inaccessible places in the interior. There are a few tracts of land of limited area, the title to which is now in the State by tax sale or sequestration, but almost all titles to lands now held by the United States are by virtue of succession from the Crown. The land titles for individuals or for corporations are derived from those grants I mentioned, in the same way the Spanish grants were given in Florida, with which you are no doubt familiar, and in Mexico and Louisiana, some in New Mexico, and a great many in California.

Mr. Cockrell. Some also in Missouri.

General Davis. Yes, sir; and also in Missouri, and throughout the whole country over which Spain formerly exercised sovereignty and which now belongs to the United States. The titles originated in the same way here that they originated in these States of our own country. A grant would be given to some of the conquistadores of a great area of lands, and he would be given the native inhabitants, practically as slaves, to work them. But it was only a few years after Puerto Rico was discovered that all the natives had disappeared.

The lands were held by these grantees, titles passed and repassed, towns were established and built up on these grants as in California and Mexico, and the result has been the same in Puerto Rico as in those places, except that in Mexico and California there were numerous areas still ungranted; in Puerto Rico there are almost none. The
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population is dense, the struggle for existence active, generation after
generation has succeeded in Puerto Rico for four hundred years, and
these grants have been cut up and divided and subdivided and segre-
gated until the number of separate owners in Puerto Rico is very
large. In this estimate I am not counting city lots or anything of
that kind.

But there are a few estates that represent thousands of acres, and
there are thousands and perhaps tens of thousands of acres in remote
regions and on mountain tops that are in private ownership. The area
of the holding of the average coffee proprietor is 10, 20, or 30, possi-
bly 40 acres; a great many have only 10, or 5, or even only 1 acre. The
boundaries to these estates are the most irregular you can imagine.
There are no surveys, no definite descriptions, except by the meander-
ings of fence or stream, or from such a corner to this tree and to that
bush or stone.

I had a piece, on which is being established a normal school at the
present time, surveyed. It consisted of about 100 acres—cuerdas, as
they call it in Puerto Rico (a cuerda is an acre and a fortieth)—and
found 22 right lines representing the boundaries. There are no base
lines, no meridians, to which surveys are referred. There has never
been a trigonometrical survey of Puerto Rico, no accurate delimitation
of its physical features. One of the greatest embarrassments that con-
fronts the new government will be to contrive some basis of appraise-
ment of land for taxation purposes, and to arrive at that he needs
a great deal better information than anything I know of now for the de-
tenation of areas to learn what is each man’s acreage, etc.

Mr. Cockrell. How to describe it, and ascertain whether all the
ground has been taken?

General Davis. Yes, sir.

Mr. Cockrell. You simply describe now by metes and bounds?

General Davis. Yes, sir; but I do not know how—

Mr. Perkins. There must have been a triangular survey in order
to establish the coast charts?

General Davis. The Superintendent of our Coast Survey will tell
you that at one place where the charts call for 40 miles it is really
only 33.

Mr. Perkins. If he was running by distance and departure, he
would be 7 miles in error, and be way inshore when he thought he
was in good deep water?

General Davis. Yes, sir.

Mr. Cockrell. How have you defined the boundaries and jurisdic-
tion of these courts, beginning with the lowest one?

General Davis. Each municipality has a definite area, displayed
upon maps that exist all through Puerto Rico. The municipality, for
example, of Ponce has clearly defined limits of a certain number of
barrios, and each barrio has a certain defined limit upon the map
which is not an absolutely accurate map, but sufficiently so for this
purpose. We know, for instance, that the line of a certain barrio starts
along the coast and meanders off along a certain bay and up this
little stream, which divides it from another barrio, until it reaches
a certain point, where it turns to another place, and so on back to the
place of beginning. It is described as the boundaries of a farm and
often described in the older portions of this country, where they have
never had the benefit of an exact survey——
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a certain point, where it turns to another place, and so on back to the
place of beginning. It is described as the boundaries of a farm are
often described in the older portions of this country, where they have
never had the benefit of an exact survey—
Mr. Cockrell. Such as in New England, where they do not have the Western township system?

General Davis. Yes, sir.

Mr. Cockrell. What is the smallest division?

General Davis. That into barrios.

Mr. Cockrell. What are they?

General Davis. Much like the wards in our cities.

Mr. Cockrell. About what size?

General Davis. Anywhere from 1 or 2 square miles to 5 or 6.

Mr. Cockrell. The next above?

General Davis. The municipality.

Mr. Cockrell. How does that correspond with our average county?

General Davis. There are 70 in Puerto Rico to about 3,600 square miles of territory; that is about 50 square miles, on the average, to each municipality.

Mr. Cockrell. What is the next above that?

General Davis. At present I have judicial districts——

Mr. Cockrell. What do they comprise?

General Davis. A certain number of these municipalities, all of them being included in the five judicial districts.

The Chairman. There were originally seven political divisions?

General Davis. Yes, sir; but the old political divisions have no reference to these judicial subdivisions. There was a division of Mayaguez and Ponce, and San Juan and Guayama, and others which I can not now remember, and there were eleven judicial districts in which courts of first instance were located.

Mr. Nelson. There are now five.

General Davis. Yes, sir.

Mr. Cockrell. You followed these boundaries in making these districts?

General Davis. Yes, sir.

Mr. Cockrell. I want to get at how the country can be divided; how they can have local officers and determine it.

The Chairman. Is there any objection, in the nature of things—there, to the adoption for political purposes of the same districting that you have made for judicial purposes?

General Davis. I think it would be very desirable that they should be the same. These five courts can handle legal matters with perfect facility with a little more practice. Instead of holding court in one place exclusively throughout the year, they may hold them in another place a part of the time and in another at another time, and so make a sort of circuit court of it.

Mr. Cockrell. How long is the island?

General Davis. It is about 90 by 40 miles.

Mr. Fairbanks. Are the judicial districts divided according to population?

General Davis. Approximately.

Mr. Fairbanks. So as to give each one a proportionate part of the island?

General Davis. Yes, sir.

Mr. Nelson. Are there many large landed proprietors or large estates?

General Davis. There are no very large landed estates; there is a number of large places owned by a single proprietor.
Mr. Pettigrew. The average holding is about 384 acres.

General Davis. That includes a large number of large tracts in remote districts and mountain tops. The farms are divided into smaller divisions. I may have to verify my figures as to these proprietors later in the day. I will look at some data I have and correct it.

Mr. Gallinger. I would like to know something about the products and possibilities as to future products of the island.

General Davis. The island depends for its future, in an industrial way, upon three great staples in the order of importance—coffee, sugar, and tobacco. That is, in the order of the value of the three commodities. The island has always, almost from its earliest infancy, been devoted to these three crops; it has never had any others of magnitude. I might, possibly, include cattle raising as a fourth, herding and stock raising, but that is very insignificant as compared to coffee.

Mr. Perkins. Do not citrus and semitropical fruits grow?

General Davis. They grow, and I think might be made profitable, but they never have been. The orange grows, but is never exported unless a man happens to be on the dock with a load when a vessel happens to be there, and the man dumps his oranges into the vessel and sends them away.

Mr. Perkins. Are there no extensive orange groves?

General Davis. There are none. There is not an orange orchard or a banana orchard that is used for any purpose except for home production. I know a few thousand oranges have been exported, but it has been done in a haphazard way.

Mr. Perkins. Are not the benches, or mesa lands, adapted to the cultivation of grapes?

General Davis. I do not know of a country below latitude 20 where grapes are grown.

Mr. Perkins. That is true; but I thought the altitude might allow it here.

General Davis. When you get the altitude you get dampness. There is no hope whatever that grapes can be grown in Puerto Rico for any kind of use, domestic or foreign. The orange is grown there for home consumption; limes are grown; lemons are unknown, but limes are grown in sufficient numbers for home use, and mangoes are grown.

Mr. Cockrell. Any peaches?

General Davis. No, sir.

The Chairman. Any apples?

General Davis. No, sir.

Mr. Gallinger. Will you please give us a statement as to the quality of the coffee, tobacco, and sugar, and as to the markets?

General Davis. For the five years preceding 1897, which is the last year for which Spanish statistics seem to be complete, the average production of sugar was, quoting from memory again, a little short of 60,000 tons. 55,000, perhaps 57,000.

There was one year it reached 61,000 tons. The sugar is of two classes—that made in improved mills where they have modern machinery and vacuum pans, turning out a high grade of sugar, polarizing as high as that of any country; the other is muscovado, boiled in open kettles. At the present time the production may be about equal of the two classes. Sugar previously has been sold in the United States and Europe, and up to 1897 more than half in Europe. The island formerly produced a much larger quantity of sugar.
In 1879 the output was 170,000 tons, but the sugar lands in Puerto Rico are largely worked out. Large areas have been cultivated for 300 years, off and on, without fertilizing of any kind, until many of them have ceased to be profitable with old appliances. They have never fertilized the land, and the country has been worked out. You will find all over the lowlands of Puerto Rico these abandoned sugar mills, with chimneys standing, and the wreck of buildings representing former mills gone to ruin.

Mr. Fairbanks. What is the present capacity of the sugar land?

General Davis. That could be applied to sugar?

Mr. Fairbanks. What is the annual capacity of the cultivated lands?

General Davis. The usual basis of estimation is 2 tons to the acre, but I think it averages less than that.

Mr. Fairbanks. You say they have been largely worked out. I understood you to say that in 1879, twenty-one years ago, the product was 170,000 tons; in 1896, 61,000 tons. That is a pretty rapid decrease. I want to get at the present annual production of the sugar lands as they stand to-day.

General Davis. Last year the exports of sugar from Puerto Rico were 47,000 tons, as shown by the records of the custom-houses under my control.

Mr. Cockrell. What is the home consumption?

General Davis. I cannot say, but there are a million inhabitants, and many of them are very poor.

Mr. Perkins. The area of land available for sugar has been greatly decreased?

General Davis. The area devoted to sugar; yes.

Mr. Perkins. Is it not true that the farms are very large?

General Davis. Many of them have two or three thousand acres each, either owned or leased; with less than that it is not profitable, but there are a great many smaller estates having old-style machinery.

Mr. Gallinger. Will you tell us about coffee and tobacco?

General Davis. Coffee is the principal reliance of Puerto Rico. For five years it has represented seven-tenths of everything exported, according to the statistics available up to 1897 and for the five preceding years. The grade of coffee produced in Puerto Rico is about the same used in some other countries—the kind of tree and berry—but the grade varies with the climate and soil. The grade of coffee in Puerto Rico is more nearly like that of Costa Rica and Guatemala, but is considerably stronger than those coffees. It is very much desired and esteemed in Europe. It commands there a price equal to the best grades of Mocha and Java sold there.

Up to the war, while it had preferential duties in Spain, it was very largely consumed in Spain and also in Germany and France, in England and in Belgium. But a great deal of the coffee before the war went to Cuba, Cuba not being a coffee-producing country. But the grades desired in Cuba were the cheaper grades; so, segregating the two, the best went to Europe and the poorest to Cuba, a very large part to the last named. The change in the trade conditions took away the market for Puerto Rico, or pretty nearly so. The President has intervened in behalf of Puerto Rico and reopened the Cuban market, but Puerto Rico has no coffee to sell to anyone this year.

Mr. Pettigrew. What is the value of the coffee output?

General Davis. Usually seven or eight millions.
Mr. Cockrell. Why is there no coffee to sell now?

General Davis. The storm destroyed the crop for this year.

Mr. Cockrell. The trees?

General Davis. Not entirely the trees, although it injured them very greatly, but it simply destroyed the crop for this year. The berries were maturing, and it beat them off, and switched them off, and broke the trees down so the shade was destroyed, and what berries were left the sun burned and shriveled so they were practically worthless.

Mr. McComas. Was that at the time of the harvest?

General Davis. Yes, sir; it begins in September and continues until December.

The Chairman. How long will it take for them to be restored?

General Davis. Five years, more or less, depending on the degree of destruction. I sent to the Department on the 15th of December a report on the industrial condition of Puerto Rico which contains a more concise statement than I can put into words in answer to verbal questions. I think you have not seen it yet, but I have it here now and will read it.

Mr. Cockrell. You speak of taking five years to repair. Do you mean five years from the planting of the trees for them to grow?

General Davis. Yes, sir.

Mr. Cockrell. It takes five years from the planting to grow coffee?

General Davis. Yes, sir.

Mr. Clark. I want to ask whether or not, under the present scale of prices, there would be much inducement to replant coffee, or whether a substantial increase in the price would not be necessary in order to make it lucrative?

General Davis. Yes, sir; you are quite right. The price is very low all over the world, and in this connection I desire to place before you a portion of my report to the Department, dated December 15, 1899.

Upon the industrial and economic conditions of Puerto Rico, I have previously reported at some length. The very distressed situation of the island, as left by the tornado of last summer, and its need for financial help were made the subject of a special report, dated September 5 last. The time elapsed since that paper was sent off has been devoted to attentive study of the needs of the island, and I have felt constrained by a sense of duty to present these further remarks for such consideration of the Department as they may deserve.

In the early days of September, when the referred-to report was written, I was in the midst of the relief work. As then stated, full data respecting the extent of the destruction and suffering was not available.

During the past three months, by personal observation, reports of personal investigations by military officers, and verbal statements of proprietors, investors, and other close observers, I have secured the data for a partial revision of my former figures and of the text of the conclusions then presented.

As regards the number of persons who on August 8 lost all, or about all, but their lives, the original estimate was close to the truth; that is to say, the numbers of the class referred to aggregate about a quarter of a million. Nor was the extent overstated to which they were victims. In one particular, however, it was understated. These poor peones were left without the material (palm leaves) with which to rebuild their huts, for the tornado decapitated every palm tree in its path. Fortu
nately, the climate is mild, and the suffering from a lack of shelter was slight. It was only the sick who really suffered, for they had no protection from the summer rains. Medical service was deficient and medicines unobtainable at first. There are no hospitals and could be none save those that the board of charities improvised.

The destruction to roads was rather more than 1 reported, above $100,000 of insular revenues having been already spent in repairs, and as much more will be required to reconstruct and rebuild. Some important bridges must wait until next year.

Tobacco suffered very little, but the loss of the Cuban market had already disarranged planting, and as the crop had been harvested, there was no growing crop to injure: but the tobacco laborers suffered to the same extent in loss of huts, provision crops, etc., as all other peones.

Sugar cane was greatly injured by overflows and sedimentation, but was benefited—i.e., fertilized—by the same for future crops.

There was extensive injury to sugar mills, some of which, being old and obsolete, will never be rebuilt.

The cane which will be ground next spring may produce about 45,000 long tons of sugar, against an average of 58,925 long tons for the last five years of Spanish domination.

These figures of cane products are obtained by taking actual exports of sugar, as given in official statistics, and same for molasses, counting 1 ton of sugar for 2 tons of molasses. This is done so as to bring the molasses to a basis of sugar value.

The crop for export for the calendar year 1899 is closely approximate. The custom-house figures for exports (official) from American occupation (which varies at different ports from July 28 to October 18) to September 30 show, of sugar and molasses, 44,510 long tons, the latter computed at 1 ton sugar for 2 of molasses.

The opening of one or two new sugar mills, which were building before the storm, may maintain next spring's tonnage at the aggregate of the last year's crop for export, or, say, at 45,000 tons.

This crop of sugar at this year's prices—about 80 pesos per ton—should therefore bring an income to the island of 3,600,000 pesos, or $2,160,000, as a maximum.

In my report of September 5 I stated this at 5,000,000 pesos, and in report of September 30 at 60,000 tons; but revised and better studied figures give but $2,160,000 as the value of the sugar for export.

In September I also estimated this year's coffee crop at 33 per cent of a normal one, or, say, 18,000,000 pounds, or about one-third of a normal output; but it appears that this estimate is not borne out by experience. What the tornado spared has now been harvested, and very careful and close inquiry reveals the fact that the yield varies from 0 to 33 per cent of an ordinary crop. I can find no well-informed person who believes that the total yield for export will exceed 10 per cent of a normal crop, the average having been for last five years of Spanish domination 23,732,078 kilos, official figures.

Of the crop harvested last winter and exported this year, the customs house officers repotted 29,487,329 kilos, which is somewhat above the normal export. It is conservative to estimate the total of this year's growth available for sale abroad at not more than 3,500,000 kilos.

The average of prices obtained for coffee during the five years referred to was 51.9 centavos per kilo, or 23.6 centavos per pound, which is equal to 15% cents gold. The loss of markets, and especially the Cuban, reduced the value of coffee to the producer to about 9 cents gold; but
the restoration of the Cuban market, by recent Executive order, has practically restored the price, so that what remains on hand of the former crop and what may be sold from the one of this year will bring an average of about 12 cents, gold, per pound.

Taking the salvage from the hurricane at 2,273,000 kilos, or 5,000,000 pounds, it is readily seen that for this year the insular income from coffee will be only $600,000 instead of the normal figures of about $7,000,000.

My original opinion that the crop would fall off but two-thirds was based on the opinion that certain somewhat sheltered regions would give a half or two-thirds crop, and that other localities would make a showing of from a quarter to one-half, for enough berries were left on the bushes to justify this opinion; but the hope has proved illusory. The berries that survived were largely blighted, and as the necessary shade was gone, the direct rays of the tropical sun scorched and shriveled the green fruit, much of what remained was worthless, and the harvest is most disappointing.

There are hundreds of coffee groves, indeed thousands, where no more remains than will suffice for home consumption, or none at all; and in the least exposed groves the quality is poor and the quantity is disappointing.

I shall be agreeably disappointed if the harvest surpasses 10 per cent of a normal crop. A few sanguine persons have expressed the belief that the percentage may reach 15.

The only other crop of magnitude that, exported, yields a revenue to the producer is tobacco. During the last five years under Spain the exports averaged 3,938,052 kilos, selling for 750,809 pesos, or 19.4 centavos the kilo, which is equal to 5.3 cents, gold, per pound. The poorer grades went direct to Europe, netting the producer 4 to 6 centavos per pound, and the better to Cuba, realizing from 25 to 35 centavos; but this market is now closed by a prohibitive import duty of 85 per pound. Exported to the United States, the better grades pay a duty of $1.85 and the poorer 35 cents per pound. Duties on tobacco are high in European countries, and as a consequence of these high taxes in all markets there is little commercial movement for this important Puerto Rican product.

In my cable of August 28 to the Assistant Secretary of War I estimated the tobacco then in the island at 4,000,000 pounds, which is about a normal crop. Since then some of this has been sold in Europe, a little in the United States, in leaf or manufactured, and a little has been exported to Cuba. The American Tobacco Company has lately bought the largest manufactory here, and the new management is understood to be arranging for a larger trade with the United States, the product of manufacture to be in the form of cigarettes.

The ever-recurring hope on the part of the inhabitants that there will soon be free trade with the United States, combined with the fact that some American capital has been invested in this industry, has stimulated the tobacco interests somewhat, and the planting of the new crop now going on will, contrary to my formerly expressed opinion, be of somewhat more magnitude than that of last year, probably yielding at least a normal crop of 4,000,000 pounds; and, at present prices, this would net to the producers about 750,000 pesos.

The custom house returns show exportation since Spanish evacuation to September 30 of three and a quarter million pounds of tobacco, which includes some old stock of 1898, and this has brought returns to the farmers of about $200,000; while the unsold residue now in the
island may raise the total income for the sold and to be sold, i. e., the whole crop of 1899, with residue from 1898, to perhaps $400,000.

In my cablegram of August 28 I said that next year's crop would be less than for this year; but the hopes of free trade with the United States and other causes, previously advertised to, have so stimulated planting that account may reasonably be taken of a harvest equal to the normal.

The foregoing as respects the reasonably certain output for this year of the three great staples, and giving also the average export under Spain for five years ending 1897, we have the following:

<table>
<thead>
<tr>
<th>Staple</th>
<th>Estimated value for export, 1898-1899</th>
<th>Actual average export, 1898-1899</th>
<th>Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffee</td>
<td>$660,796</td>
<td>$5,089,469</td>
<td>$5,420,469</td>
</tr>
<tr>
<td>Sugar and molasses</td>
<td>2,100,660</td>
<td>2,405,966</td>
<td>305,966</td>
</tr>
<tr>
<td>Tobacco</td>
<td>1,450,485</td>
<td>450,485</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>5,216,941</td>
<td>8,341,437</td>
<td>5,784,472</td>
</tr>
</tbody>
</table>

Here, then, is a presentation of the facts, as I interpret them, regarding trade conditions. The principal falling off is in coffee, which, as a commodity for considerable export, will not exist. This year's output of the three great products, compared with exports of the last five years of Spanish control, shows a falling off of very nearly 65 per cent of the insular wealth available for current needs.

The island has a few minor resources, but the aggregate of all exports other than the three staples amount to but a few hundred thousand dollars, and some of them are showing greatly diminished quantities and values.

The most important of these are live stock, but the exportation of beef brings another evil, an enhancement in the local value of fresh beef, so that it is quite too costly a food save for the well-to-do classes.

But the appalling diminution in exportable goods is not the worst feature of the existing situation. Credit is absolutely gone for all save the sugar and tobacco producers, who have visible security. While the present price of sugar yields a margin of profit, there is little confidence that the ruling price will be permanent, unless the trade conditions are changed for the better. The best grades of centrifugal sugar sell for about $50 per ton net to the producer, but not more than half the cane products are of this grade. The muscadado sugar commands but about $40 per ton, or a little less, and at this price there is little or no margin of profit. It is only the large, central establishments that are now prospering.

The sugar output touched its maximum in 1879, 170,000 tons, while last year it fell to less than 45,000, or but a little more than one-fourth of the maximum. Very large expenditures in new plants and in restoring cultivation must be incurred before the sugar output can be increased, and this can not be made for the present.

The coffee fields, now smothered in weeds, uprooted trees, and débris of the storm, can not be cleaned and rehabilitated without capital, and this can not be secured. This year's sales of home productions in these commodities will bring returns of but about $3,000,000, whereas the island is accustomed to receive almost $10,000,000 for these same products, and there is nothing to replace them.

The condition of more than half the inhabitants has always been one
close of the fiscal year 1898-99, but business was adjusting itself to
the new conditions, a few new sugar mills were going up, larger areas
of cane were being planted, and the coffee producers had confidence
that the crop of 1899 would exceed by 7,000,000 kilos the crop of 1897,
which sold for over $7,000,000; but all this was changed in one day,
for on the 8th of August last this confident hope was changed to the
most gloomy discouragement or almost despair. The growing provision
crops of half a million people were destroyed, the shelters of a quarter
of a million were blown away, the roads were washed out and obstructed
with landslides and debris, 2,700 people were killed, besides many
thousands of cattle, and, finally, the coffee crop for 1899, worth proba-
bly 15,000,000 pesos, was practically blown out of existence.

About one year ago the gloomy situation of the proprietors who were
so heavily in debt was brought to the attention of the military gov-
ernor, the late General Henry. The extent of their indebtedness,
which consisted of matured loans and those soon to mature, was stated
to him as very large. It was also pointed out that a great many fore-
closure proceedings of agricultural properties were then in progress.
As military governor of Puerto Rico, which was then held as territory
conquered from Spain, between which power and the United States a
state of war still existed, General Henry was asked to forbid the fore-
closure of mortgages for one year, so that the disturbance in economic
and industrial conditions could have time to pass away and disappear,
which all believed would be the case within the period named. They
counted upon a good harvest and hoped for and expected that very
soon the trade conditions of the island would have been adjusted so
that better prices could be secured.

The investors, credit institutions, and mercantile houses represented
to the general that while those interests could probably be so adjusted
that the proposed disturbance of contract obligations would not very
seriously embarrass them, yet they also pointed out that the general
effect upon the borrowers would not be an unmixed blessing, for the
arbitrary interference of the supreme government with the validity of
contracts respecting secured loans would tend to so unsettle and dis-
turb the relations between the borrowers and lenders that the latter
would hesitate or refuse to make the further advances which would
certainly be asked.

After full consideration of all the facts and circumstances the gen-
eral decided to prorogue the foreclosure of mortgages, and on January
19 signed an order to that effect. It was immediately published in the
Official Gazette of the island, and appears also as General Orders, No.
18, under date of February 12, 1899, Headquarters Department of
Puerto Rico.

The order was thoroughly respected, and the result has been that
since its promulgation no foreclosures have taken place and the equi-
ties of all parties interested have remained undisturbed, but the year's
interest in many cases remains unpaid.

The publication of this order is understood to have been an arbitrary
exercise of the power of the military commander and warranted by the
laws of war, but at the time of this transaction commissioners repre-
senting the United States and Spain were sitting in Paris and nego-
tiating a treaty of peace between the two Governments.

The treaty was signed by the commissioners on December 10, or more
than a month before General Henry ordered suspension of mortgage
foreclosures, but the exchange of ratifications of the treaty by both
Governments was not effected until April 11, 1899, on which date this treaty became the law of the land.

A phrase of the second paragraph of Article VIII of the treaty of Paris is as follows:

And it is hereby declared that the relinquishment or cession, as the case may be, "..." can not in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public and private establishments, ecclesiastical or civic bodies, or of any other associations having legal capacity to acquire and possess property in the aforesaid territory renounced or ceded; or of private individuals, of whatsoever nationality such individuals may be.

It seems to be clear that had the Paris treaty been promulgated at its date, or on any date anterior to the time of publication by General Henry of the mortgage order, then the order in question would have been illegal, as in violation of a law of the land, i.e., the treaty, admitted and recognized by both Spain and the United States, and by its terms made applicable to Puerto Rico.

As before stated, the order was a war measure, and related to a period of time when, in a technical sense, a state of war between the two countries was continuing. No question has been raised, so far as I know, involving a judicial determination as to the validity of the order after the promulgation of the treaty, but it seems to me a matter of doubt if the courts would have upheld the order after April 11.

It is, however, clear that whether or not the vitality of the order suspending foreclosures was continued after the date last given, it would be clearly illegal now to extend its provisions. I have been appealed to to make a further prorogation and also not to make it. In order that there should be a clear knowledge of my conception of duty in the premises, I have made public announcement of the fact that there will be no extension of the provisions of the order respecting mortgages which the military governor issued in January of 1899.

The deplorable industrial condition in which the island is, and the release from restraint of those who had power to foreclose and take the properties representing many millions more value than the secured debts, and which surplus of value the owners can not protect, will bring about a situation in Puerto Rico compared to which the present, bad as it is, will be easy and comfortable.

A large part of the mercantile and exporting houses are owned and conducted by Spaniards, men who, under the treaty, preserve their Spanish nationality. A great many of the natives who are in debt—and almost every one who could secure credit is in debt—are at the mercy, so to speak, of these creditors. The seizure of these farms by the money lenders, who are often hated only because they are Spaniards, will, in the minds of some, be regarded as confiscations, although done in the name of and under the sanction of the law. The robbery, pillage, and incendiariaism which have been adverted to as accompanying and following the military operations were largely based on this hatred, I am told. I hope the foreclosures soon to occur will not cause a revival and recurrence of the former lawlessness. Of course it will be repressed, if there should be an attempt to rob, burn, and destroy. I merely allude to it as a possible occurrence.

I have no doubt that the alarm in some cases is groundless; certainly in many cases the creditors will make arrangements with former owners, and since the properties will be valueless unless worked, it will be to the interest of the new owners, or those having the power to secure titles, to arrange for advances, either as additional loans or as working
capital to clear up and cultivate the coffee lands which now are rapidly becoming only tropical jungles—the weeds and trash already overtopping the coffee bushes.

I do not think the aggregate of these mortgages, as compared to the former value of the lands, is excessive. The trouble is that now the lands have no cash value. Nobody will buy at any price, and a great many wish to sell. Attempts at tax sales have sometimes not resulted in a single offer.

In time, of course, all this will adjust itself. Soon a permanent government will be created, one possessed of powers to legislate and govern, and which will be respected as the regularly constituted authority. When this is consummated confidence will take the place of doubt and distrust. Enterprises will be started or resumed, capitalists will find how to secure their investments, and, if with the legislation establishing a government comes the hoped-for grant of free trade with the United States, cane and tobacco culture will be extended. Fruit cultivation for export will be taken up, and perhaps agriculture can be diversified in many ways. Cacao is cultivated profitably in other lands; so, too, are rubber and hemp; but nothing can now be initiated through individual effort, for everything is beset with the difficulties adverted to. The crux of the whole matter is that the municipalities, the coffee proprietors, and some cane owners are without credit. They are absolutely powerless to secure any financial assistance from insular or exterior sources, and are doomed to inaction, decay, and disaster unless help be given.

The trade conditions are well illustrated by the receipts of the customhouses. For the first five weeks after July 1 the receipts from customs were $174,537, and for the last preceding five weeks the total was $84,828, a falling off of more than 51 per cent in the second period. Perhaps one-half of this depletion of the revenues may be due to the extension of the free list on my recommendation, but certainly the largest part of the loss is due to the industrial depression.

The effect of this reduction of income upon the revenues of the island will of course be very marked, and embarrassments seem certain to occur. The general situation of the finances for the first five months of this fiscal year is shown by the auditor's statement herewith, wherein are set forth in some detail the receipts and disbursements.

When the annual budget was prepared, the expectation was justified that from imposts of all kinds and miscellaneous receipts, except back taxes, $465,000 would be collected. In September these figures were revised and reduced to $300,000. An income from back taxes due under Spain, but remaining uncollected, of $100,000 was counted on; but it is now evident that not more than a moiety of the sums relied on can be secured. The prostration in business has left the taxpayers without resources, and there is no practicable way of collecting what is due save by seizure of the property, but such a course would not secure the taxes these properties owe, for, if offered for sale, buyers could not be found. Forcible seizure at this time would be a great hardship, and such seizure I would decline to order, as it would amount to a confiscation and be an added hardship to the burdens which are already overwhelming in a great many cases.

It is currently reported that the President has recommended to Congress the removal of all trade restrictions between this island and the United States; also that a government be immediately established that will possess all the requisite attributes for conducting the affairs of the island the same as a Territory or State.
If the change in status involves the application to Puerto Rico of the United States revenue laws—internal and customs—then the principal source of revenue that Puerto Rico has relied on will be lacking. A thorough revision of the present system of taxation is demanded. The need of it is most urgent, but as this is a matter of the greatest importance I have not felt that it was my duty as a temporary custodian of the island to enter upon such an undertaking. I have, however, given to the subject very earnest thought, and have studied it as opportunity permitted.

If the island is to receive no direct benefit from customs and internal-revenue taxation, then the local expenditures must be provided for by property and income taxes, as in the States of the Union; but under the existing conditions not one-quarter of the revenue needed to carry on local government, insular and municipal, can be collected through present machinery and under existing laws. The laws must be revised and the machinery set in motion.

The combined insular and municipal Puerto Rican budgets for the current year aggregate about $3,500,000. Certainly, if the million people here are to have the advantages and privileges which inhabitants of the States of the Union enjoy, the revenues must be doubled or trebled. The present tax rate per capita is about $1.75, while the smallest tax rate per capita for population in any West India island (except Cuba, for which data are lacking) is $4.50, and the highest $11.15, which applies to the island of Trinidad. Other rates are: Curaçao, $4.01; St. Thomas and Santa Cruz, $5.43; Guadaloupe, $7.24; Martinique, $6.66; Jamaica, $4.69; Barbados, $4.75; The Leeward Islands, $1.75, and British Guiana, $8.55. These figures include taxes of all kinds, including customs and export taxes, etc.

Assuming a tax rate of $5 per capita for Puerto Rico, and population of one million, the levy should amount to five millions, two-fifths of which would be required by municipalities and the remainder by the central government; one million of the latter amount would go to schools, another to public works, leaving one million for the insular government proper. But it will be several years before a system of taxation can be devised and applied which, without counting customs and internal revenue, such as in the United States inure to the General Government, will yield any such returns as these. When the island is exporting twenty millions or more in value of home production, which it should be doing in five years, the economic conditions will easily permit the raising of a local revenue of $5,000,000, but the interval of time will be one of great financial difficulties for the government, and the only remedy I can suggest is a loan with which to tide over this period.

In my report of September 5, 1 indicated the probable deficit based on the assumption that the expenses be limited to $1,750,000, and that there be no income from customs and excises, etc. The amount above stated included nothing for municipalities and was the least with which it seemed to me that the government proper could be carried on, unless allowances for public works and schools were cut off or reduced. Those figures still stand as an expression of my best judgment of the situation, which it should be understood takes note of the supposition that municipal expenditures would be covered by local and town taxation.

The foregoing sets forth my conception of the present financial condition and my judgment regarding industrial affairs, but in respect to the latter it is difficult to conceive of a more unsatisfactory situation. By a calamitous incident the island of Puerto Rico upon the morning
of its new life is deprived of 65 per cent of its resources. The proprietors are without credit, and the present temporary government is unable to apply a remedy or afford relief.

At this time it may be assumed that the National Legislature is considering the important subject of a form of government for Puerto Rico. Supposing that question settled and a government authorized conforming to the United States territorial type, or to some other form such as the President and Secretary of War have been pleased to recommend, the question may be asked, "What would be the economical and industrial condition, suposing that there is no provision included in the organic law for solution of the financial difficulty?" The answer must be that the recovery will of necessity be slow, and the difficulties and embarrassments very great.

The new government must take some time to organize, and when installed will be confronted with the necessity of taking up at once the subject of revision of tax laws, upon which there must be legislation. It is to be assumed that the organic act will make clear whether or not the island is to maintain its own custom-houses and exploit the internal revenue so it will not be beset with the uncertainties which confront the present government.

But meanwhile, the agricultural conditions, if remaining unaided, will be going from bad to worse. Unless the weeds and trash in the coffee groves are suppressed, the fruitful bushes will be smothered and killed, or so greatly damaged that they must be uprooted and others planted. The laborer will be idle and the island will retrograde.

The new government will probably be obliged to borrow in order to maintain itself, and this will be a matter demanding immediate action; but no matter how soon that action be taken, it will not be in time to save the coffee culture. It may be toward the close of the session before Congress will definitely act, and all this time will be days of waiting and anxiety, for nature will be constantly aiding in the relapse of the coffee groves to tropical jungles.

Free trade with the United States will give a stimulus to agriculture, and specially to sugar and tobacco; but this will not affect coffee, which is already free. The general stimulus to other cultivation will perhaps have a detrimental effect upon coffee. If a largely increased acreage be devoted to these crops for which free trade is desired, there will result an increased demand for labor, which will be drawn from the high interior and other regions where coffee only is now largely produced. If a scarcity of labor results, an increase of wage rate must be expected; an increase which sugar producers can well afford to pay if they secure as an advance to present selling price what is now contributed as United States customs duties, i.e., say $35 per ton. The sugar growers will then be as rich and prosperous as are now the Hawaiian planters, and as high wages can well be afforded here as in the Sandwich Islands; but coffee cannot be cultivated profitably at all on a basis of higher wages than are now paid—that is, 30 cents per diem for men and 20 cents for women. If the current wage rate should go to 50 cents (gold), coffee culture, at present prices of the product, must cease altogether. The result here suggested as possible is exactly what did happen in Cuba when, fifty years ago, considerable coffee was grown for export, but which is not now because labor is too expensive, and cane culture is much more profitable.

In short, the condition of the coffee industry is one of great jeopardy; conservative estimates justify the opinion that were abundance of cap-
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In short, the condition of the coffee industry is one of great jeopardy;
conservative estimates justify the opinion that were abundance of cap-
ital and labor now available for reparation of the damage, next year's crop could not reach beyond 40 per cent of a normal one.

In my report of September 5, I stated that the only effective remedy for the situation was an insular loan of say $10,000,000. The papers then submitted contained several projects by disinterested parties, outlining plans for the raising of the money and placing it. I favored the issue of paper money, so secured by real estate of ample value that the bills could and would be maintained at par. The most conservative sound-money advocate could not oppose the issue of flat money more strongly than does the writer. I know that this island has unencumbered resources sufficient to maintain $10,000,000 of paper at par with gold, and do this as certainly as the United States its greenbacks and national-bank bills. But it matters very little what method be adopted for raising the money, so it be raised and soon available. Unless financial help be given to Puerto Rico very soon, the present temporary difficulties will, I fear, become permanent, involving the loss of a business worth six or seven million dollars, which surely is worth an effort to preserve.

As to the ability of Puerto Rico to secure thoroughly such a loan, say for ten or fifteen millions, I think it capable of easy demonstration.

The real estate of the island is worth $150,000,000. The island has no debt—a very fortunate circumstance. The municipalities have current obligations, about one-half of which are secured, amounting to about $1,500,000 in all; but the town governments are nearly all badly administered and have been for a long time. These corporations are administered by men who, in a great many cases, have not the confidence of the people. The town councils can not float loans, and large sums of money should not be intrusted to them, if they could raise it. Elections have been or are being held all over the island for municipal officers, but the results so far secured, in some twenty towns, do not encourage the belief that the elected councilmen will be more efficient and reliable than the men they replace.

Any money raised, or loans placed, should be in the name of the government of Puerto Rico, and, if duly authorized by Congress, should be placed at 5 per cent or even less interest.

As showing what has been done for other tropical islands in the West Indies by the supreme governments of these colonies, I will mention some figures of official origin:

The total population of the British West Indies is, according to latest accessible figures, 1,710,978, and the debt of these colonies combined is $23,533,562, or the per capita debt is $13.75. This per capita for British Guiana is $16.53, and for Trinidad is $17.56; while Jamaica, with population of 700,000, owes $13.09 per capita. The Jamaican imports in 1898 were $8,081,913, while the exports were $7,049,089, making a total exterior trade of $15,131,002.

I have shown that the annual exports of Puerto Rico were, for five years before 1898, above $11,000,000 annually, and that the imports were about the same, or a total of $22,000,000 exterior trade. Surely, if Jamaica can sustain a burden of $13.75 per capita, 98 per cent of her inhabitants being negroes, then Puerto Rico, nearly two-thirds of whose population is white, can carry a debt of $10 per capita.

In 1892 the island of Mauritius, in the Indian Ocean, was struck and wrecked by a hurricane, just as was this island last August. This colony of England has a population of 370,000, about 70 per cent of whom are "coolies" and other East Indians. Its area is 705 square
miles, or less than one-fifth the size of Puerto Rico. Its debt in 1897 was $6,741,104, or over $18 per capita.

The cyclone of 1892 brought universal havoc and distress to the sugar industry in Mauritius, which is nearly the sole reliance for the inhabitants. The Government of Great Britain came to the rescue, and guaranteed the interest at 3 per cent on an insular loan of 10,000,000 rupees (or nearly $5,000,000 local currency), and this money was applied to the repair of the losses by loans to the proprietors; but the actual loss from the hurricane to the exports of the island was less than 50 per cent, a fact proven by the trade statistics, which show no greater ratio than that of falling off in the sugar production, while the loss in Puerto Rico from a similar cause was 65 per cent, as shown above. This financial aid to Mauritius set all the wheels of industry in motion, repaired the damage, and the sugar crop, which in 1892 fell to about 60,000 tons, recovered to the normal of 100,000 tons the next year, and in the year 1898 reached its maximum of 180,000 tons. I think I am justified by the facts, palpable to all who seek them and by the teachings of history, in the opinion, that the same splendid result would follow a similar remedy applied to Puerto Rico, but that the remedy to be most effective should be applied immediately. Every day adds to the difficulties and discouragements.

I do not recommend the guarantee by the United States of a loan for the island. It does not require it, for nearly 4,000 square miles of rich soil, inhabited by a million people who have had an exterior trade averaging over $22,000,000, do not need a guarantee. The pledge of the island alone should be sufficient, and I am assured by financiers that investors would immediately subscribe for this loan at low interest the moment it was simply sanctioned by the United States.

I will not describe the machinery for applying the credit that would then be available. There are old and highly respectable banking houses here whose facilities could be availed of, or commissioners appointed under Congressional authority could take the matter in charge, and they would see that the requirements dictated by law and prudence were fully observed; but if nothing can be done before a new government is authorized and established, I fear that the diseases already very grave will become chronic. Certainly the remedial measures will be much less effective later on.

On the 11th instant I cabled a communication to the Department, which had been addressed to me, signed by 19 of the largest coffee growers. Its import—industrial situation—it seemed to me, justified its speedy presentation to the Department, although I do not fully subscribe to all the statements of Mr. Amadeo and his associates. I have to ask that in any consideration that may be accorded to this letter my former communications of September 5 and 30 be referred to as relevant.

Mr. Fairbanks. In regard to tobacco, where was the market before the war?

General Davis. Most of it in Cuba and on the continent of Europe, especially in Spain and Germany.

Mr. Fairbanks. About what proportion goes to Cuba?

General Davis. About half.

The Chairman. It is a filler, is it not?

General Davis. The principal tobacco of Puerto Rico is a grade the best use of which is as a filler for other wrappers. There are a great
many cigars made in Puerto Rico, but I do not admire them, and found no one who did. They do not begin to compare with Cuban, although the tobacco was sent to Cuba and mixed with Habana and sold as Cuban.

The Chairman. The tobacco was sent to the United States and used as a filler?

General Davis. If sent, it would be so used.

The Chairman. For instance, they use Connecticut tobacco for wrapper and this for filler; they do not compete.

General Davis. No, sir; I do not believe there would be any competition. I believe the Connecticut wrappers would go to Puerto Rico and there be used with advantage to both interests.

The Chairman. You have made an estimate to the effect that the total export would amount to about eight million dollars for all products.

General Davis. Yes, sir.

Mr. Pettigrew. That is, all that has been exported?

General Davis. No, sir; about $11,000,000 or $12,000,000 was the normal export.

The Chairman. How much of that do you estimate will go to the United States?

General Davis. It depends on the trade conditions. Under present conditions nearly all the sugar, none of the coffee, and no tobacco. If trade restrictions be removed three-fourths of all exports, if not more, would go to the United States.

Mr. Gallinger. Is it not possible—that under American management, with a market, the production of tobacco in Puerto Rico will be enormously increased, even beyond any year under Spanish rule?

General Davis. I think not. The area that has been found to be adapted in Puerto Rico for tobacco is very limited. There are only two or three little districts where any tobacco is grown at all. I am somewhat familiar with the tobacco districts in Pinar del Rio in Cuba—the "Vuelta Abajo." I was stationed there some months. The tobacco lands in Cuba are extremely limited—the areas adapted to Cuban tobacco—there is not one-fifteenth part of Cuba on which tobacco could be grown. In Puerto Rico the Plata is one district, around Caguas is another, and in the region around Jajuya is another. I do not believe any very extensive cultivation will be undertaken.

The Chairman. Coffee and sugar?

General Davis. Coffee could be extended.

The Chairman. How about sugar?

General Davis. There are great limitations on sugar. The land has been largely worked out. They would have to adopt new systems, and fertilize, and have new and improved machinery. They can utilize the abandoned fields somewhat. I suppose. They might reach the maximum, their former maximum, possibly exceed it, after several years.

Mr. Pettigrew. Two cents a pound bounty would certainly stimulate it immensely.

General Davis. It could not stimulate beyond the natural capacity of the island.

Mr. Fairbanks. Can you grow another crop when the land is exhausted for one of these crops?
General Davis. Perhaps they could, but they do not; they turn it out to meadow and pasture.

Mr. Perkins. What is the commercial value of the tobacco lands, the sugar lands, the coffee lands, and the fruit lands?

General Davis. The fruit lands do not exist. The sugar lands—the best way to answer that question is to state on what basis the money lenders will loan money. The Agricultural Bank was organized for the purpose of lending money on agricultural lands, and they have put out nearly $2,000,000 on such lands—real estate and agricultural lands. The director of that bank, the administrator of the bank, told me of the basis for coffee lands. They lend to an estimated value up to $200 an acre as a maximum.

The Chairman. In gold or silver?

General Davis. In pesos.

The Chairman. About $90 per acre?

General Davis. About $120. In very exceptional cases they fixed a value of $300 on cane lands.

Mr. Perkins. The value of the peso is 48 cents?

General Davis. By order of the President it is 60 cents.

Mr. Perkins. They value these lands in their loans at $200 per acre?

General Davis. Yes, sir; and in exceptional cases they would put on them the value of $200 to $300 per acre.

Mr. Perkins. Three hundred dollars?

General Davis. Pesos. They run down from that to anything you please, but a basis of 200 pesos is not very infrequent, but the great majority of loans are on values of 100.

The Chairman. How about tobacco?

General Davis. I do not remember to have heard this gentleman say what the appraised value would be, but I suppose a somewhat similar valuation.

Mr. Gallinger. Under free trade, General, the presumption is that Puerto Rican tobacco will come almost exclusively to this country. You say it does not come in competition with Connecticut tobacco. If it does come here and is consumed, what tobacco will it displace?

General Davis. The tobacco that is now used for filler, to the extent of the importation.

Mr. Nelson. That kind of tobacco will come, as it has come in the past, under the guise of Cuban tobacco, and be sold to people who fancy they are getting Cuban cigars.

General Davis. Yes, sir.

Mr. Gallinger. Is it or is it not possible by better management and the enrichment of the Puerto Rican soil by methods such as we use in this country to improve the quality of that tobacco and really make it come in competition with our better grades?

General Davis. I can not answer that, except that the Puerto Ricans have imported Cubans to cultivate their tobacco, persons who know all about the process; they have imported workmen from the Vuelta Abajo, and they have done everything they can, have introduced seed and done everything possible, and have failed.

Mr. Clark. Are there many Americans down there operating sugar lands that have formerly been under cultivation?

General Davis. There is only one enterprise I know of of American origin. One such company is building a large sugar factory on the south side of the island, and expects to bring some 5,000 acres under
cultivation tributary to this factory, and they are just about ready to start now; but the lands are old fields, formerly cultivated.

Mr. Clark. Can those lands, depleted now, by these superior methods of cultivation as usually in vogue in the United States, the use of fertilizers, etc. —can these lands be utilized and increase their cultivation largely.

General Davis. Yes, sir; I think so. Any other result would be almost incomprehensible.

The Chairman. Will you give us some idea of the character of government that island needs, in your opinion, based on your observations and experience there, and also some idea of what revenues are necessary, in the aggregate, to defray the expenses of such government, and how it should be raised?

Mr. Cokrell. Before you go at that, what organization have you in regard to schools, etc.?

General Davis. Perhaps I had better make a statement concerning the former condition of schools. Under Spain about 300,000 pesos a year, approximately—I can not quote the figures exactly, but something over 300,000 pesos a year were expended by the insular government on schools. The municipalities expended a considerable sum also. Part of the expense was to the municipality and part to the central government. This gave education to about 12,000 of each sex.

About 25,000, or perhaps 27,000—I think about that number—were receiving instructions, or at least were registered for instruction.

The number actually attending, as stated in the Spanish statistics for the last year of Spanish rule, was 19,000. In answer to a previous question I said something about the character of the teachers and the permanency of their offices. These teachers were assigned to schools, urban and rural. The attendance at the schools was voluntary on the part of the scholar; there was no compulsion requiring attendance, and instruction was given in the Spanish language, in such subjects as children are taught in all countries. It accomplished very little, and reached but a portion of the whole mass requiring instruction.

Three hundred thousand children required instruction and 27,000 classified for instruction. There were one or two institutes for higher instruction—I think three in all—supported by the State. One, under the charge of an order of Catholic teachers called the Escolapians, somewhat resembling the Christian Brothers in our country, having help from the State. There was also an institute receiving assistance from the State, and a normal school receiving help from the State also. Instruction was carried to the extent that youths graduating could receive degrees in medicine and in the arts, and the system was similar to the one existing in Cuba, although not so well supported as the Cuban—they had larger resources there—but it sufficed for Puerto Rico.

There was not until last month a single schoolhouse in Puerto Rico built as a schoolhouse. There was one building, formerly occupied as a church, I believe, assigned for that purpose, but there was not any building that I am aware of erected for that purpose. Last month I succeeded in getting one completed in San Juan where graded schools can be held hereafter. A normal school is now being erected where teachers can be fitted for their work. To apply an educational system in Puerto Rico such as the Hawaiians have applied in Hawaii, and assuming an expenditure equaling hers per capita would require over
$4,000,000 for Puerto Rico, and that is more than double the entire revenue of the island. So you can see how remote the time is when general or universal education can be attained.

As respects civil government: The matter is one that has given me a good deal of anxious thought. I have applied to it such study as I have been able to give—

Mr. Pettigrew. How about the church schools?

General Davis. There was only one that I recall: a private pay school taught by the Mothers of the Sacred Heart.

Mr. Pettigrew. Do religious orders hold much property?

General Davis. The orthodox church—that is to say, the secular priests as distinct from the monastic orders—have control of the churches throughout the island and one or two other buildings. There are claims made by the church for property that formerly belonged to the monastic orders, and claims to certain revenues now collected by the State and which have been transferred to the United States by Spain, with the churches, for which they claim restitution.

Mr. Pettigrew. How much does that amount to?

General Davis. It has not yet been ascertained. I was collecting the data when I left.

Mr. Cockrell. On what ground do they base their claims?

General Davis. On the ground that the sequestration of the property of the monastic orders by Spain in 1843 was illegal and a usurpation of power, and that by subsequent royal decree of the King restitution of this property was promised but was not carried into effect for some reason, and they wish to have that act of restitution completed. I think that is the basis of the claim.

Mr. Pettigrew. How about the monastic orders?

General Davis. The monastic orders have disappeared completely; there are none in Puerto Rico. Those who were there were, I think, the Franciscans, the Redemptorists, and others of which I forget the name. They were all expelled some years ago.

Mr. Pettigrew. What was done with the property?

General Davis. It was seized by the Spanish Government.

Mr. Pettigrew. Lands?

General Davis. Lands and buildings.

Mr. Pettigrew. And they are still held by the Spanish Government?

General Davis. Yes, sir; or were until the transfer was made.

Mr. Pettigrew. Does the church hold any property there now?

General Davis. The church owned nothing in its own right there as I understand. A priest of the Catholic Church was a part of the Government, and no landed property in Puerto Rico was ever registered in the name of the Government; there was nothing at all in shape of registered deeds to show that the Government owned an inch of land.

Mr. Pettigrew. The land is owned by individuals?

General Davis. Generally, yes, sir; except the public domain, which the State has never parted with.

Mr. Nelson. It is a species of State property under the protection of the State, held as a sort of trust in the name of the State for religious purposes, which has come to the United States by transfer?

General Davis. Yes, sir; that is my understanding.

Mr. Cockrell. How much is there of it?

General Davis. In every town, every municipality, there is at least
one church, and there may be more; some have three or four, but the
church properties are not considerable, amounting usually to simply
the ground on which the building stands, with a small plot of ground
around it.

Mr. Nelson. The cemetery?

General Davis. No, sir; that is usually detached, and not connected
with the church. The cemeteries are usually owned by the municip-
ality, although consecrated by the church, and under the supervision
of the priest. But the property in issue of most moment, so far as
it can be said to be an issue by the claim of the representatives of the
church, is the property in San Juan which formerly belonged to these
monastic orders, now known as the San Franciscan Barracks and the
San Jose Barracks, which are of considerable extent, occupying a
block of city land and worth probably some hundreds of thousands
of dollars each. They are both claimed as being sequestrated by Spain,
an act of spoliation, and they come to the United States to make
restitution.

Mr. Cockrell. We have possession of them now?

General Davis. Yes, sir.

Mr. McCookas. There is now the same condition as in Italy—the
Government sequestrated them, and the Army took them as barracks.

General Davis. Yes, sir. There is another class of property, known
as canons. They were based on bequests made by individuals for the
benefit of monastic orders, and the payment made to the heads of
these monastic orders during their continuance in the island, and then
appropriated to the Government after the suppression of the orders.
These canons are now sources of revenue to the state. The church
also claims them. Their exact amount I can not state. In Cuba I
have seen a published statement, for the province of Santiago alone,
which amounted to $1,000,000, but what they amount to in Puerto
Rico I do not yet know.

Mr. Nelson. Those arose from private grants for the benefit of the
church?

General Davis. Yes, sir.

Mr. Pettigrew. In what occupation is the population mostly
engaged?

General Davis. They are agriculturists.

The Chairman. There is no manufacturing?

General Davis. Only a little. There are a few manufactures of
matches and rum, and a tannery or two, and perhaps a little of other
kinds, but nothing to considerable amount.

Mr. Cockrell. Are there trees growing all through the island?

General Davis. There are scattering trees, but no forests. The
mountains are nearly all bare, and there are no forests of any mag-
nitude.

Mr. Cockrell. No timber of any value?

General Davis. Some of a good deal of value, but for exportation
none, as it costs so much to get it out, and the trees are so scattered.
You will find a tree in this valley, and another in the next, and a clump
in another.

Mr. Cockrell. How do they shade their coffee trees.

General Davis. They plant trees for that purpose.

Mr. Cockrell. What kind?

General Davis. Different kinds, among them being guava and one
of the acacias; I do not remember the name, and if I should give it it would probably be an unfamiliar one.

Mr. Cockrell. Of what do they build their houses?

General Davis. There are three classes of houses in Puerto Rico. One is of masonry, of stone or brick, with a flat roof or a tile roof; the next is of wood, the more important of them being shingled or pitch roofed, and lately they are using galvanized iron on many houses, both of masonry and of wood. Most of the former are built on the plan of the old mission houses in California and Mexico. The wooden houses are built of pine from the States, and are sided and boarded the same as such houses are in this country. They are sometimes shingled and sometimes covered with tin or galvanized iron.

The third class are huts. Poles are erected, and smaller poles used for ties and rafters are fastened to the uprights by thongs, and this frame is covered, roof and sides, with a thatch of palm leaves, with one room, and occasionally two rooms, and perhaps a dozen people living there. Often not a particle of furniture, not a bench or a table or a bed, perhaps nothing in the way of utensils beyond an iron pot and a machete, and these would be the entire property of the family, not a fork or a spoon.

Mr. Cockrell. How do they cook?

General Davis. In the iron kettle. They live in almost a primitive state.

Mr. Cockrell. Cook everything in the kettle or eat the fruit without cooking?

General Davis. Yes, sir; rice, beans, codfish, and yams; they very often use the charcoal fire.

The Chairman. What degree of intelligence have they?

General Davis. About the same as the class of poor people you see in New Mexico or Arizona to-day. We took 60,000 of them with New Mexico, and we have 70,000 of them now. We do not appear to have made any impression on them in the way of education or social progress in over fifty years.

Mr. Cockrell. What do they raise in Puerto Rico?

General Davis. Rice, beans, yams, sweet potatoes, corn, bananas, and sugar cane. Bananas constitute 75 per cent of the food of the poor people of Puerto Rico.

The Chairman. What percentage of the people do you put in that class?

General Davis. About one-third, or one-half—

Mr. Fairbanks. What do they do; work on the plantations?

General Davis. Yes, sir; they are the laborers of the country.

Mr. Fairbanks. What are their wages?

General Davis. The customary wage is considerably higher than in any other of the islands of the West Indies, except Cuba. The rate is 50 centavos per day for a good strong man, about 30 centavos for a woman or boy.

The Chairman. Are these people white or black?

General Davis. Both.

The Chairman. About the same percentage of each?

General Davis. The proportion of whites is larger in Puerto Rico.

The Chairman. I am speaking of this particular class.

General Davis. A great many of them are white.
Mr. Fairbanks. Are they employed much of the time? I am speaking of this lower class.

General Davis. Usually they can get fairly steady employment, but now industry is in a state of prostration and many are idle.

Mr. Fairbanks. What do they do with their money?

General Davis. The amount is not very large; it is not difficult to spend it.

Mr. Fairbanks. Their habitations are not very luxurious?

General Davis. No; but the support of ten or twelve in a family on a wage of 30 cents a day, even with the aid of a garden patch, would not involve much effort to dispose of it, and not leave much for higher education and cultivation of the mind.

Mr. Fairbanks. You think their cultivation has reached the maximum?

General Davis. No, sir; I think on the basis of $1 a day, or even 50 cents, gold, they could be much improved. But on a basis of 30 cents a day, and too little of that, I do not see much hope for universal education. If children are naked habitually their education is impossible.

The Chairman. That is one class. Can you further classify the population?

General Davis. In the next class are the small coffee proprietors, the little cattle ranch owners, the men engaged in transportation, in trading, the clerks in the stores, the servants in the households, the small merchants and traders, and small manufacturers. A man owns a little shop and manufactures a few cigars and sells something he raises. That represents another part. The other represents the proprietor class, larger merchants, and professional men, etc.

The Chairman. This middle class—how are they for intelligence as compared with the lowest class?

General Davis. There is a great improvement of condition over the lowest class, but there are a great many people in Puerto Rico who are well to do who can not read and write. In the elections we held there were about 30,000 votes polled in a population of about a half million, and about half of them could read and write, and about half the votes were cast on a basis of property qualification.

The Chairman. What is their intellectual endowment?

General Davis. The Puerto Rican is quick to learn, has an acute mind, and good perceptive faculties. They learn readily. I have seen those in our schools who picked up geography and arithmetic with great facility. I have known no more apt pupils anywhere than those native Puerto Ricans, both white and black.

The Chairman. Are they docile or otherwise?

General Davis. The inhabitants of Puerto Rico have never been in open rebellion against authority; they have been peaceable and quiet, and Spain has spoken generally very well of them. I think Puerto Rico has been officially designated as the "Ever-faithful island," and they were apparently satisfied with the Spanish rule until the Americans arrived.

Mr. Nelson. What is their feeling toward this country?

General Davis. It is extremely cordial. They rendered me very cordial assistance, and have anticipations of great benefits yet to come which have not materialized. The oppressions of Spain on the Puerto Ricans during the last years of Spanish rule is said to have been very
great, and there were a great many natives who felt incensed at these oppressions, and when the rule was relaxed and our Army landed the occasion was seized upon to pay off old scores, and acts of banditry and pillage were more or less numerous, and some property and some lives were destroyed by people who rose against their former masters or the ruling class.

Sometimes these crimes were not directed so much against the Spanish rule as against individuals who had excited the ire and wrath of these people, and a great many murders were committed, and there is more or less crime now in Puerto Rico, not more, however, than in our own country—the ratio is not much larger. Murder or assassination from personal motives is not uncommon. Drunkenness is not uncommon: there is a great deal of liquor drunk in Puerto Rico, and when the native, black or white, is intoxicated, he is a good deal like the American in same condition.

Mr. Clark. What proportion of the middle class is white?

General Davis. Nearly all. Those distinctly colored are largely laborers. There are some among the colored who are particularly intelligent men: there are some lawyers and doctors—graduated physicians—among the colored people: I remember several.

Mr. McComas. Is there any race prejudice?

General Davis. Very little.

Mr. Pettigrew. How do you think they would get along running a government of their own?

General Davis. Very badly.

Mr. Cockrell. How do the one-third who are of the lowest class sleep; what are their habits?

General Davis. The poorest class?

Mr. Cockrell. Yes, sir.

General Davis. The hut is used for shelter, and they coil up on the floor—some have a bench—or they spread a bull’s hide out for a cot.

Mr. Cockrell. Sleep on the ground?

General Davis. Yes, sir; very often.

Mr. Cockrell. They have no floors?

General Davis. Some have, but usually, or a great many, not. Some have a floor 1 or 2 or 3 feet above the ground, but that is not very common. In the poorest class of houses in these mountain districts, or barrios, there is not a single frame house.

Mr. Cockrell. Are they scattered like the Western farmers here?

General Davis. Yes, sir; way up on the top of the mountains, in every little valley or nook or corner you will find a hut, or perhaps two or three.

Mr. Cockrell. Do they have any cooking utensils?

General Davis. Very often nothing but an iron kettle.

Mr. Cockrell. What do they use for heating?

General Davis. Wood and charcoal.

Mr. Cockrell. Where do they get their charcoal?

General Davis. Burn it themselves.

Mr. Cockrell. Can they get that easily?

General Davis. Yes, sir; it is burned in the mountains and brought out on pack horses.

Mr. Cockrell. How do they travel through the country; on what roads?

General Davis. Except the roads built by the Spanish Government
and some now being constructed the roads are as bad as bad can be. The usual means of communication are trails, winding around between the hills, which in dry weather are passable, but in wet weather become extremely difficult. Sometimes these trails are worked into cart roads, and in fairly good weather they get a cart over it; and then, perhaps, municipal effort is directed toward it, and they will widen the road and benefit it a little.

Mr. Cockrell. Do these people usually have a garden patch?
General Davis. Yes, sir.
Mr. Cockrell. Any chickens and pigs?
General Davis. Yes, sir; you see them about almost all these huts.
Mr. Cockrell. Do they have any horses or mules?
General Davis. Yes, sir; horses and a few mules: the horses are ponies.
Mr. Cockrell. Any burros?
General Davis. Occasionally a few.
Mr. Cockrell. How about cows?
General Davis. The cattle are a good grade, though small, but there are no milk cows, and they make no butter; but the poor are not owners of cattle or horses.
Mr. Cockrell. Any goats or sheep?
General Davis. Both. The grade of cattle is good, though small.
Mr. Cockrell. Do they have any wagons?
General Davis. No, sir: there is not a four-wheeled vehicle in Puerto Rico, except pleasure carriages and the wagons the army uses.
Mr. Cockrell. Any carts?
General Davis. A great many, where there are roads.
Mr. Cockrell. Do they use horses or mules with them?
General Davis. Oxen.
Mr. Cockrell. What kind of yokes do they use?
General Davis. Yokes fastened to the horns, not the bow yoke.
Mr. Cockrell. They do not have the bow?
General Davis. I never saw it there.
Mr. Cockrell. Where do they fasten these yokes?
General Davis. Just back of the horns, and lashed to them.
Mr. Pettigrew. Are there not a great many intelligent people, lawyers, doctors, merchants, etc., there?
General Davis. Yes, sir; a considerable number.
Mr. Pettigrew. Are they citizens, or Spanish citizens?
General Davis. Both.
Mr. Pettigrew. Are there not enough of that class of people to conduct a government?
General Davis. I do not think so.
Mr. McComas. Under the elections that have been held what percentage have been found capable of exercising the suffrage?
General Davis. This 30,000 of votes polled represents a population of a little less than 500,000, and there was a general interest in the election and no failure to register.
Mr. Gallinger. And half could not read or write?
General Davis. Yes, sir; about half, as I recall the data.
The Chairman. What are the qualifications?
General Davis. To read from a book or newspaper at random, or to write a sentence, or the man must have paid at least $1 of taxes within a year and a half from the date of election.
The Chairman. That is, you have an educational or property qualifica-
tion?

General Davis. Yes, sir.

Mr. Cockrell. Have they any system of taxation getting down to
those barrios?

General Davis. Yes, sir; Spain had a very complete system of
assessment and taxation.

Mr. Cockrell. Any poll tax or personal tax?

General Davis. Not a poll tax; there was a tax on provisions.

Mr. Nelson. Was there any land tax?

General Davis. Yes, sir. The land tax was assessed in somewhat
this manner: The tax gatherers were everywhere, and they kept watch
of everything; they knew what each man produced; they knew the
number of quintals of sugar that came out of every mill, and they
assigned a part of that as cost of production. In sugar it was 75 per
cent, and the remainder was income at the market value, whatever
it might be. So, if a man produced 10,000 quintals of coffee 2,500
was profit, and on that an assessment of tax for the municipality was
laid which reached usually 7 per cent for the municipality and 5 per
cent was collected for the insular government, which made a tax of 12
per cent in all.

Mr. Pettigrew. What minerals have they?

General Davis. None.

Mr. Pettigrew. No tin?

General Davis. There was talk of it, but it was based on schemes of
promoters.

Mr. Clark. No copper?

General Davis. No; colors have been found, and pits have been
sunk, but nobody has ever worked any copper or tin or lead mines.
Iron ore in great abundance exists, but none has ever been worked.

Mr. Gallinger. What about the water supply for domestic use?

General Davis. It is a limestone country, and the water is impreg-
nated with lime. The island is 40 miles wide, and the streams can not
therefore be much more than 20 miles in length, and you can not have
a great water power, although there are a few of some value. One
river rises near the south end of the island and traverses its entire
width, about 40 miles, perhaps more than 40 miles in length in its
windings and turnings. On that there is a water power at present not
utilized which could develop about 1,500 horsepower, and to this there
are two rival claimants, each striving to gain it, but there has been no
franchise granted since the military occupation by the Secretary of
War.

Mr. Gallinger. What about railways in the island?

General Davis. There are four—one an ambitious scheme which
might perhaps be called a railway, but the others are mere tramways.

Mr. McComas. You stated that about 6 per cent of the people were
found qualified to vote and that they all wanted to register. During
the elections were the proceedings orderly?

General Davis. Perfectly orderly, if I maintained order.

Mr. Cockrell. What about the homes of these people and their
habits—the great bulk of the common people—as to sobriety and
honesty?

General Davis. The lower-class people in Puerto Rico are very much
like the same classes in all densely populated tropical countries.
struggle for existence goes on the same as in other countries, but the climate is milder and they do not have to contend with cold as we do in northern countries. Clothing is of less importance than where we have zero weather; nakedness is common among children up to 4 or 5 years of age, especially among the boys.

Children are very often seen entirely naked. Many thousands—perhaps tens of thousands—do not, as a matter of habit, wear clothing; but that is common all over the world in tropical countries. As to the habits of sobriety, the common intoxicating liquor made or distilled in Puerto Rico is rum, the product of the sugar cane, made from molasses, and it is habitually used by almost all classes, especially the poorer classes, and is sold at a very low price; but drunkenness is not a common trait among the people, although there are many cases of disorders growing out of intoxication.

The lower classes when they get intoxicated do as other people do when they are drunk, their enmities and personal animosities are excited and there are stabbings and shootings as in other places. As regards immorality, I should say that it is not more common than in other tropical countries and many temperate regions. There is a great deal of prostitution in the cities, but among the poor people very little. The marriage relation is a very unstable one there; there are many who do not contract marriage. They live together and treat each other as faithfully as wives and husbands. The ratio of illegitimates to the whole number of births is not higher than it is in the British islands. The ratio in Barbados and Trinidad and Jamaica is nearly from a half to two-thirds in those British islands whose statistics I happened to look up. In Puerto Rico the ratio is about half.

The Chairman. How are these children cared for?

General Davis. Usually by the mother, unless the mother dies or is disabled, when they become waifs. There is only one refuge in Puerto Rico and that is maintained by the central government.

Mr. Pettigrew. The father generally lives with the mother, and they support the family together, although not married?

General Davis. Yes, sir; but if the father neglects his family, or illtreats his mistress, she deserts him and takes up with another man.

Mr. Pettigrew. What is the reason given for illegitimacy?

General Davis. I think it grows out of habit. I do not think you could assign any particular reason for it.

The Chairman. Is it not a fact that church marriages are very expensive?

General Davis. That has been asserted, but I think the statement is not supported by the facts. The cost of marriage depends on the ability of the man to pay. It may cost $100 or $1. The cost of a wedding depends on the hour at which it occurs. The swell hour is midnight, and, reckoning back from midnight, it is less and less expensive, until you get to daylight. The priests tell me that where the person has no means no charges are made. There are other charges, however, for such things as registration and license, municipal taxes, which have to be paid, but are not very heavy. Mr. Nieto can tell you exactly what the law states as to the license fees exacted in order to contract matrimony.

Mr. Nieto. It is $1.50 in the municipal courts.

Mr. Perkins. Are not the people very indolent?
tion of thrift or economy. Savings banks are unknown. One was established there, but it went to pieces—failed, broke down—and there is no savings bank. The people are very improvident. When a man gets his pay he does as a laborer in this country does—spends it—sometimes in a proper, but many times in an improper way.

Mr. Pettigrew. Who are the people who own the large estates; are they people born in the island?

General Davis. Some of them—I would not be able to say definitely—are native Puerto Ricans, and a larger proportion Spaniards. There are a few large sugar estates owned by French, and one or two by Americans and a few by Englishmen.

Mr. Pettigrew. The Spaniards of whom you speak were born in Spain?

General Davis. I think more than half of the sugar proprietors and manufacturers may be Spaniards; not half of the coffee producers.

Mr. Pettigrew. The most of those are natives?

General Davis. Yes, sir.

Mr. Pettigrew. What kind of people are they? Can they read and write?

General Davis. Some can, a good many can not.

Mr. Pettigrew. What of the mercantile class?

General Davis. They are largely Spaniards.

Mr. Pettigrew. Not citizens, really, of the island?

General Davis. No, sir: preserving their Spanish nationality. They have until April to determine whether they will remain Spanish or become Puerto Ricans.

Mr. Pettigrew. What per cent of the business men, lawyers, judges, doctors, and merchants are natives of the island?

General Davis. Nearly all of them.

Mr. Pettigrew. All native?

General Davis. Yes, sir.

Mr. Pettigrew. A capable class of people?

General Davis. Yes, sir.

Mr. Pettigrew. Have you any idea how many there are?

General Davis. There are about seventy lawyers in the island.

Mr. Pettigrew. Any doctors?

General Davis. I do not know the exact number, but I suppose they are in about the same proportions as in other places.

Mr. Pettigrew. Who is regarded as the ablest lawyer in the island?

General Davis. A single individual.

Mr. Pettigrew. Yes, sir.

General Davis. I should hardly be able to tell. The chief justice stands at the head of the legal profession; the president of the College of Lawyers is a very able man, named——

Mr. Pettigrew. Native Puerto Ricans?

General Davis. Yes, sir.

Mr. Pettigrew. Well educated?

General Davis. Yes, sir; he is a university man.

Mr. Pettigrew. Considered a capable man?

General Davis. Yes, sir; entirely so, in their own law. They are not familiar with our law.

Mr. Depew. Does the civil law govern there?

General Davis. Yes, sir; the código civil and the código penal, based on the old Roman law.
Mr. Perkins. Was this man educated in the University of Cuba?

General Davis. Yes, sir; or in Madrid. A great many were educated in the University of Havana, and many more in Spain.

Mr. Depew. The law does not differ much from the old Louisiana law?

General Davis. No, sir; it is the same law to all intents and purposes that existed when we purchased Louisiana; practically the same law is now in force in the island of Puerto Rico, and the English are administering now the same law. The criminal law of the islands taken by the English from Spain has been adapted to the criminal code we are familiar with, but the civil law now administered in her colonies that were taken from Spain is the same as that of Spain.

Mr. Perkins. The writ of habeas corpus is in existence?

General Davis. Yes, sir.

Mr. Perkins. That is not the case in the civil law?

General Davis. No, sir.

The Chairman. What is the system of government you would recommend?

General Davis. Some time since, in obedience to orders from the Department, I submitted some views on civil government. Without attempting——

The Chairman. That was your report, was it?

General Davis. Yes, sir.

The Chairman. Of what date?

General Davis. September 30, 1899. The print you have here is a preliminary print, and I have found a great many errors in it. It is being reprinted, with several omissions supplied. The subject was one of very great gravity, and I entered upon it with a good deal of hesitation. First of all, an officer of the Army, situated as most of us have been, has had very little opportunity to become familiar with matters of civil government, political economy, and civics, and it was a difficult question; but I addressed myself to it with such industry as was possible, and in this report outlined a form of civil government which seemed to me likely to prove satisfactory. At the time I wrote this I was not aware that Americans had had an experience of a similar nature before.

I refer to Louisiana. I had no access to any statutes when I wrote this paper, and I was not then aware that the government of Louisiana was conducted for eight years by a governor and a legislature consisting of thirteen persons appointed by the President. The government I recommended was similar to that. It proposed a governor appointed by the President with the advice and consent of the Senate, a cabinet or administrative council, holding such relations to the governor as is held in the States by the secretary of state, auditor, attorney-general, commissioners of education and interior and post and telegraphs, making seven in all.

I also suggested that there be included in this executive council, which was the name I gave it, four native Puerto Ricans of character and respectability, who could be associated in this body and form, with others, an executive council, to have legislative powers such as a legislative exercises in the United States, legislation to be subject to the veto of the governor, and his veto overruled in the same manner as with us. I also suggested, as an ultimate, the introduction of a legislative assembly, all the members to be elected by the people. I
coupled, however, with that recommendation the suggested condition that all fiscal legislation should be initiated in the executive council, and that the functions of the legislative assembly should be limited to a reduction of estimates, that the legislative assembly should not be capable of increasing the allowance proposed by the executive council for the administration of the island, but that they should have the power of general legislation outside of that.

In that proposed form of government I was keeping, in large degree, in mind the constitutions of the several British colonies conducted in a satisfactory manner, and which have given to their people all the liberties and privileges which the laws of any country secure for their people. But recently I have devoted much more time to the matter than when I wrote the report, and I have come to the conclusion that it would be wise to omit the establishment of a legislative assembly until some time has passed, and until, by actual demonstration, it is shown that the people of Puerto Rico can conduct municipal government satisfactorily.

The experiment is now being tried; elections are being held, almost completed, for the choice of municipal officials, who are to be placed in office through the exercise of the franchise—a limited franchise. I think it would be well to wait and see what success attends the efforts of those people to govern municipalities well. In the past they have been governed extremely badly, and are now being governed badly.

Mr. Pettigrew. Worse than our cities?

General Davis. Yes, sir.

Mr. Pettigrew. Worse than Chicago or New York?

General Davis. I think so; I think there is almost everything to be desired. The trouble with the Latin race, the educated people as well as the ignorant, or at least the Latin race so far as I have had an opportunity to observe it in Mexico, New Mexico, Central America, Cuba, and Puerto Rico, is that the willingness of the minority to accept the will of the majority seems to be entirely lacking. The majority heretofore has always been in sympathy with the Crown or King.

Mr. Nelson. You mean the minority?

General Davis. I mean the majority. It could not have been the majority unless with the Crown. Real liberty of action was unknown. The people generally have no conception of political rights combined with political responsibilities. Privileges they all desire, but they seem to have very little conception of political responsibility and the obligation of all to bow to the will of the majority.

Mr. Pettigrew. Do you think there is any prospect of acquiring it?

General Davis. I do.

Mr. Pettigrew. Without its exercise?

General Davis. They will have its exercise in the municipalities and, in a certain degree, in this legislative council. I wish to repeat a certain personal experience. The duty was devolved upon me to exercise the government of this island, civil as well as military. I found myself embarrassed in many cases by my lack of acquaintance with the people, their laws, customs, and institutions. I decided to bring to my aid an advisory council, and I asked the leader of each of the two predominant political parties to name three men to me who could make part of such a council, and I asked a prominent person not
connected with politics in any way to name three others, making nine in all. They were named, and I constituted them an advisory council, all natives of the island except, perhaps, one, who was born in America, but who had lived there for 30 years.

This council has been of great assistance to me. When a question arrose as to what would be right and best for the interests of the island, I have referred them, perhaps many hundreds in number, to this advisory council, and it has reported and made suggestion. In one instance I was called upon by the Department to nominate some men for supervisors of the census, seven men, with the condition that they should be natives and residents of the several districts where the census was to be taken. Lacking acquaintance with persons in each of these districts, I asked the council to assist me, and to suggest the names of seven persons for these positions.

After two or three days' consideration of the matter I was waited upon by three members of the advisory council, all being members of one political party, who told me they had come to renounce their appointments; that they could not serve. I asked why. They said it was because the majority had seen fit to suggest the names of persons not in sympathy with them and had overruled them and were unwilling to give to their party the prominence they thought it deserved, and therefore they wished to resign, and then followed assertions of injustice and wrong treatment by the majority. I inquired of the majority as to this matter and found that the facts were substantially as stated, although they gave another version of the affair. But I saw there was no use attempting to obtain any useful results from their recommendation, and I settled the matter by withdrawing it from their consideration and settled it my own way. As soon as this bone of contention was removed they went on as smoothly as before.

The Chairman. Do you think they learned any important or useful lesson?

General Davis. I think that was one of the most useful instructions they could receive, and any governor in Puerto Rico, situated as it is to be assumed he would be situated, would do just as I did, and he would be continually doing that. He would make use of their advice and profit by it. He would ignore their advice if it was biased or unsafe.

The Chairman. What I was trying to bring out was that it was due to their having participation in government that they were able to have this lesson, and if we excluded them would not they then be cut off?

General Davis. I think if they have entire control in the municipalities and full legal representation in this executive council, with such powers of consultation as I have suggested, they would have excellent means of tutoring.

Mr. Pettigrew. Have you talked with leading men about this plan of yours?

General Davis. With a good many; not all, and perhaps not a very large number.

Mr. Pettigrew. Did it meet with their approval?

General Davis. I think it did; of all the leading business men and those men who did not have political ambitions.

Mr. Pettigrew. By that you mean the merchants, bankers, etc.?

General Davis. Yes, sir.
Mr. Pettigrew. Did you talk with those native born or Spaniards?

General Davis. Both. There are delegations in the city who can enlighten you on that subject.

Mr. Depew. I suppose the real strength of the government you propose will be that while in all those South American Latin countries the minority goes into revolution if they do not get their way, here a revolution would be utterly hopeless and they would have to appeal to the people by American methods?

General Davis. There could not be a successful revolution. The people are not armed nor belligerent, nor have they ever been in revolution against their former sovereign, and I think there is no tendency to revolution or open resistance.

The Chairman. They are kindly-disposed people, generally?

General Davis. Yes, sir.

Mr. McComas. What is your expectation concerning the Spanish business men? Are they apt to remain with the local community, or apt to retain Spanish allegiance?

General Davis. I think the latter, for the present, and wait to see what course events will take and then decide if they wish to become naturalized. But most of the business men, natives of the peninsula, will retain their Spanish allegiance for the present.

Mr. Fairbanks. Did you state the number of Spaniards in the island?

General Davis. Merely approximately; it would be impossible for me to give any exact figures. The declarations are now being taken under orders of the Department, and until April it will not be known how many that number reaches. I have had estimates made to me all the way from 50,000 to 150,000 as the number of the Spanish and their children born in Spain. I understand that children of Spaniards born in Puerto Rico are Puerto Ricans, following the decision of the United States Supreme Court in similar cases. There are a large number of Corsicans who are, of course, French subjects. They may or may not wish to preserve their nationality or retain their allegiance to France.

The Chairman. I understand you renew your recommendations, except with the modification of the legislative branch?

General Davis. Yes, sir.

The Chairman. Your recommendations in this respect commence at page 67 of your report of September 30th?

General Davis. Yes, sir; this was reprinted from a draft sent to the Department, and in the last page of it there was a paragraph omitted, but the pages of the corrected edition may be different.

The Chairman. Assuming, for present purposes, that your recommendation should be substantially adopted, what amount of revenue would be necessary to maintain that government and meet the necessary expenses there?

General Davis. The island has a population closely approximating a million. The rate of taxation in the United States, I observed by consulting statistics yesterday, is something over $5 per capita. If that rate of taxation were applied to Puerto Rico we would need $5,000,000, but I do not expect such revenue can be raised in Puerto Rico at present. The budget for this year, prepared in May or June, contemplated an expenditure of $2,000,000 for the insular government. That does not include municipal expenditures. Two causes
have reduced that figure. One, the continual adding of articles to the free list so as to bring the necessaries of life to the consumers at less cost.

The Chairman. Who has been making those additions?

General Davis. The Secretary of War, by order of the President, in order to cheapen the necessaries of life for the poor. Another cause which has reduced the income is the industrial depression, intensified by a calamity which occurred in August, with which you are familiar. On account of these reductions the expected income from customs alone of one and one-half millions will probably very little exceed a million; it may reach a million two hundred thousand. I do not think it can exceed that. Half a million was expected from internal taxation of various kinds, included in which is a hundred thousand of back taxes owed during different years under Spanish control. But the destruction caused by the storm, and the industrial depression, has made it impossible for a great many of the people to pay their taxes. It is not likely that on that item more than $250,000 can be collected this year. Judging from the capacity of the island to pay taxes, and on the basis of present tariff rates and the condition of their industries, I should say it would be imprudent to expect to obtain more than a million and a half from all sources.

Mr. Pettigrew. Suppose we should repeal the tariff, so as to have free trade with the United States?

General Davis. That would cut it still more.

Mr. Pettigrew. How much?

General Davis. It would cut it about in two.

Mr. Nelson. What does your plan contemplate in regard to customs and internal-revenue taxes. Are they to go into the general fund, or be devoted exclusively to that country?

General Davis. It is, of course, immaterial where the money comes from, but they must have a large revenue to administer the affairs of government. My suggestion is that all collections inure to the country, but I am looking to see the sources from which a revenue can be obtained. A general system of taxation to produce revenue enough to carry on the government would amount to confiscation.

Mr. Pettigrew. Can you collect revenue enough to maintain the government?

General Davis. Not for two or three years on any basis.

Mr. Pettigrew. How much is the standing army?

General Davis. It would be very small; a regular force somewhat less than we have there now.

Mr. Pettigrew. How much is there now?

General Davis. Two regiments.

Mr. Pettigrew. Two thousand men?

General Davis. Perhaps a little more than that. The present force consists of two regiments, one of cavalry and one of infantry, and when full they would consist of about 2,500 men, including hospital and signal men. In addition to this there is a force of native troops organized in the island.

Mr. Cockrell. How many are there of them?

General Davis. About 400 or 500.

Mr. Cockrell. Officered by natives?

General Davis. In part.

Mr. Pettigrew. Any artillery?
General Davis. Two companies.

Mr. Pettigrew. How many men in a company?

General Davis. The entire aggregate force on duty now, present and absent, the absent being on furlough, in hospitals, etc., amounts to about 3,000, volunteer and regular.

Mr. Fairbanks. Under Spanish authority were the revenues derived from the tariff and internal taxes in the island devoted to the government of the island entirely?

General Davis. Not entirely. About half a million were sent to Spain to pay the expenses of her ministry of the colonies; about a million went to the army in the island, and 160,000 or 170,000 pesos to the support of the clergy.

Mr. Fairbanks. Are there any municipal obligations, debts, bonds, etc.?

General Davis. They are very small. The city of San Juan has a bonded indebtedness of 600,000 pesos, the loan being placed for the purpose of constructing waterworks, which have been constructed and are in operation.

Mr. Pettigrew. How large a city is it?

General Davis. The entire population is about 40,000, including the old town and suburbs.

Mr. Depew. How much is a peso?

General Davis. It is 60 cents of our money.

Mr. Pettigrew. It was a dollar?

General Davis. The word “peso” means dollar, but the present price in silver bullion is 41 cents, but the value fixed by Executive order is 60 cents.

Mr. Pettigrew. That is the currency of the country?

General Davis. Yes, sir.

Mr. Pettigrew. There is no United States money there?

General Davis. Yes, sir; the insular accounts are all kept in United States money.

The Chairman. Anybody wishing to buy exchanges for United States money?

General Davis. Yes, sir. The peso passes for 60 cents, and there was about five and one-half millions coined in Spain for Puerto Rico, and stamped “Puerto Rico,” and besides this there is about a million of bank notes. We have about six and one-half millions of circulation.

Mr. McComas. You have about a million of people, with no public debt and no considerable municipal debt?

General Davis. Yes, sir; the entire municipal indebtedness may amount to perhaps a million and a half.

Mr. Cockrell. Pesos or dollars?

General Davis. Pesos.

Mr. Nelson. You said that you thought for the next year or two the revenues would be insufficient to maintain the government. Did you take into account this fact: Suppose we apply the internal-revenue laws and the customs laws of the United States to that island, as applied here, at the same rate, and give it the proceeds of everything collected; would not that be sufficient?

General Davis. I am obliged to confess my inability to answer that question because of my unfamiliarity with the rates applied by the United States tariff. I know the rates now applied, but that would not be the same.
Mr. Nelson. Under the Spanish tariff?

General Davis. Yes, sir; with a great many changes at the time adopted and since that date; but with reference to the United States tariff, I would not be able to answer offhand.

Mr. Pettigrew. You think it would be cut down one-half on account of free trade with the United States?

General Davis. Yes, sir.

The Chairman. You think there would be collected on other importations from other countries than the United States three-fourths of a million?

General Davis. Yes.

Mr. Nelson. Have you any system of taxation akin to our internal revenue taxation?

General Davis. Only on two articles. One, the liquor tax, of which I have spoken, of 5 cents a liter, and the other a tax on matches, the manufacture of matches.

The Chairman. Do you levy the tax readily, or with difficulty?

General Davis. With difficulty; no man pays his tax readily.

Mr. Gallinger. If we have free trade with Puerto Rico is it possible that you would have as large a revenue as three-fourths of a million?

General Davis. Channels of trade are difficult to disrupt or disturb. When people have been trading for hundreds of years in a certain market it is not easy to change them to another. The trade of Puerto Rico with Spain has been more than half their trade with all the world. The change of that into another channel will no doubt come with time, but it will not come instantly, and I expect there will continue to be a large trade with the continent of Europe.

Mr. Perkins. This report shows that of the imports of Puerto Rico 40 per cent was furnished by Spain, but that of the revenues she paid only about 4 per cent. She furnished, according to value, 40 per cent of the imports, and paid less than 4 per cent of the customs collected.

General Davis. Her commodities came in under preferential rates. Goods imported into Puerto Rico from Spain paid only 10 per cent of the normal tariff collected on foreign goods.

Mr. Cockrell. Is that bank of which you spoke maintaining its paper?

General Davis. It has authority, I think, to issue something like three millions of paper, but it has to keep dollar for dollar of silver behind it, and it has now a circulation of about a million.

Mr. Cockrell. When was it established?

General Davis. I think in the year 1889. Its concession, I think, has twenty-three years to run. I had not completed my answer in regard to resources and expenditures. What is needed is $2,000,000 for municipal expenditures, for the support of municipalities, paving, waterworks, sanitation, police, orphanages, almshouses, and the same objects to which municipal taxes are applied in the United States.

The Chairman. You have now a system of municipal taxation under your orders?

General Davis. Yes, sir.

The Chairman. Will that yield a sufficient revenue?

General Davis. It must. I do not expect that there would need to be more than a temporary assistance given to municipalities.
The Chairman. By continuing the present system of municipal taxation by the legislation that we may enact, we will meet that point.

General Davis. Yes, sir. The island ought not to attempt to carry on its functions with less than $3,000,000 revenue, divided in this manner: A million dollars for schools; and in explanation of that I will say that there is but one modern schoolhouse in Puerto Rico to-day, and that has been built in the last four months. Every town needs schoolhouses, every barrio, every ward. On a very economical basis, it will cost $1,500,000 to establish schoolhouses adequate to the teaching of the children of Puerto Rico. For educational purposes, $1,000,000 a year is indispensable. I think this year we are spending about $340,000 on schools. The next is public works. The condition of the roads of Puerto Rico is as bad as can be, except about 150 miles of road, which is as good as any in the world.

Mr. Cockrell. Where is that good road?

General Davis. From San Juan to Ponce and some branches. There are about 80 miles to Ponce, and there are branches aggregating some 70 miles more. Roads ought to receive an expenditure of $1,000,000 a year for ten years at least.

The Chairman. That is for highways?

General Davis. That is for highways: I am not speaking of railways or anything of that kind. They will be built probably by foreign capital, coming from outside the island.

Mr. Pettigrew. That would give you a thousand miles of road?

General Davis. It would on the plains of the West, but not in the mountains of Puerto Rico.

Mr. Pettigrew. How much have you now?

General Davis. There are about 132 miles of railroad, on which the French company has spent seven millions.

Mr. Cockrell. What is that road?

General Davis. It is proposed to be a belt road, surrounding the entire island, of about 400 miles, of which 132 are made, in broken sections.

Mr. Depew. Are the grades very difficult?

General Davis. Not more so than in other countries, but the natural conditions are very different. Five or six times a year the rain will come down in great quantities, sometimes as much as 2 or 3 inches in an hour, and every gully will be converted into a river large enough to float a steamship, and bridges and culverts will be washed out and destroyed. And bridges for which a certain cross section is deemed necessary under other conditions must be made with a cross section and strength of two or three times that, and trestles can not be maintained at all, they must be constructed of solid masonry. The gorges are steep, the acclivities are steep, and landslips are frequent.

In the storm of last year the military road between San Juan and Ponce was damaged to the extent of $150,000 in one day. A hundred thousand dollars have been already spent in reopening it, and there are several bridges yet to be repaired that went out in that flood. I have spoken of this to show the intolerance of nature there to works of man. But even if the railroads were built, and ten millions spent on them, we would not have what is required. The railroads can never reach nearly all the country districts; they can only reach the central points. We must still have a large mileage of wagon roads in order to reach those remote localities.
GOVERNMENT FOR THE ISLAND OF PUERTO RICO. 65

The CHAIRMAN. Because of the mountainous character of the country?

General Davis. Yes, sir.

Mr. McComas. What is the average height of the mountains?

General Davis. About 3,000 feet, maximum elevation: in the passes, where traversed by the roads, about 2,000 feet.

Mr. Cockrell. In what direction do they run?

General Davis. The mountain system, from east to west. A million dollars for roads, a million dollars for schools, and a million dollars for administration and expense of maintaining the government, prisons, courts, and other branches necessary to be kept up. Sanitation and quarantine stations must be maintained. If we are to keep yellow fever out, we have to be on guard and constant patrol. We have not had the yellow fever yet, but we have to constantly be on watch.

Mr. Perkins. Have they had it in former years?

General Davis. Yes, sir: three years ago they had 600 or 700 cases in San Juan.

Mr. Fairbanks. Where is it imported from?

General Davis. From Cuba, Vera Cruz, a number of places in South and Central America: it is never absent from some ports in the Antilles, and has not been for a hundred years. I am told that there are over 50 cases in Habana to-day.

Mr. Depew. What is the disposition of the people to learn the English language?

General Davis. They all wish to learn; every Puerto Rican boy and girl is anxious to get a knowledge of English.

The CHAIRMAN. What is their aptitude?

General Davis. As good as that of any boys and girls in the world. They may not have the staying qualities or persistence, but they have the aptitude, certainly.

Mr. Gillingers. It has been stated to me that the American negro—the children of the American negro—will, in many cases, outstrip the white children until they reach the reasoning stage. When it is a mere matter of memorizing they will get along very satisfactorily, but when they reach a stage where they have to reason and call in play the higher mental faculties they then are entirely deficient. Have you noticed anything of that kind?

General Davis. I have observed that in the Southern States somewhat, but I have not been in Puerto Rico long enough to make any observations in regard to it there.

The CHAIRMAN. The educated Puerto Ricans are very able men?

General Davis. Yes, sir.

The CHAIRMAN. In all the branches of knowledge?

General Davis. Yes, sir.

If the committee will permit me, I wish to again refer to the present industrial condition of Puerto Rico. I started to read a report in which I stated the facts very fully, and I understand from the chairman that it will be printed, but there are certain facts that I ought not to omit to say to you. The condition of the coffee crop in Puerto Rico is most lamentable—I mean the condition of the coffee industry. The disturbance of trade conditions, due to the conquest, the loss of former markets and failure to obtain another—all had a detrimental effect on trade and commerce. On top of that, in August, came this terrible storm.
The coffee crop of Puerto Rico for the last five years has sold for an average amount of $7,000,000. In some years $9,000,000 has been received for it, and it represents seven-tenths of everything they had to sell. Now, in one day in August that coffee crop was destroyed—simply blotted out of existence. I thought at the time, going about the island, that a third of it might be saved. It was on the point of maturing—the berries were just ripening—when the storm came. It was apparent that there were many berries on the bushes, and it seemed that something could be saved. But the crop has now been gathered and sent to the ports for shipment. The entire crop, which ought to have been 50,000,000 pounds, is not over 3,000,000, and a poor quality at that; it will not sell for more than a tenth of what the crop formerly brought.

Here, then, is an island which very largely depended on one crop and has lost it. The sugar industry was injured also, but not to the same extent. The tobacco business had been disturbed by these changed trade conditions, and no great amount of tobacco was available. A good deal of the former tobacco crop was in store, so that does not enter into the question to any great degree of importance. It never amounted to more than a mean of $750,000, while, in a normal year, Puerto Rico had $12,000,000 of exports. This year it has not over $3,500,000. That is the condition which confronts Puerto Rico.

Mr. Perkins. I understood you to say that these coffee trees are not only destroyed for this year, but for five years to come.

General Davis. Yes, sir, unless means are taken to establish shade trees, maintain the plants, cut down the weeds and undergrowth which are choking the coffee bushes, etc.

Mr. Perkins. It takes five years?

General Davis. Yes, sir, to grow from the young plants. But a great many of them are still available if the debris can be removed and the weeds cut down; and they would be if the planters could get money and credit in any way. If they could do so, they could clear up these groves and straighten things out and make perhaps a 40 per cent crop next year, and so on; but unless something radical is done at once they will not make more than 15 per cent next year.

Mr. Cockrell. What was the effect of the storm? How have these weeds grown up?

General Davis. To get a conception of a coffee plantation in Puerto Rico you will have to imagine a woodland in Missouri—a steep hillside, covered with what appears to be, from a distance, a dense thicket of trees and bushes, usually not very tall trees. You would not think anything could grow there except chaparral and trash; but when closer examined, you will find that in these patches all the undergrowth has been carefully cleaned out and planted with coffee trees, their leaves and branches shaded by these large and small trees and bushes. These shade trees went down, uprooted by the thousands. Some did not go down, but their limbs were broken and smashed and the coffee bushes were crushed to the ground, and the trunks and limbs of the trees crossed here and there, making a dense tangle; trees in every direction, branches crossing and mixed up in every possible and imaginable way.

The country was paralyzed by this storm; discouragement was almost everywhere. The coffee planter knew he would have no coffee to sell next year; he could not pay his laborers nor induce them to work; he
had no money to pay and he could not borrow, and nothing was done. The rubbish and débris lies there to-day. Nature has been at work all this time, and up through this mass of trees and bushes there has come a tangle of leaves and vines that completes a jungle almost impenetrable and impenetrable. You could not get through without a machete or ax. In a very few cases the proprietor has managed to clear a part of his place. One man told me that out of 500 acres he had managed to clear 50. That situation is one of very great gravity. I can not overstate it.

Mr. Depew. Have you any suggestion or any measure to suggest by which financial assistance could be rendered?

General Davis. That is a domain of very great difficulty. I confess my inability to make a satisfactory suggestion. I know that in 1892 the island of Mauritius was visited by such a storm as this. It made a wreck out of the island of Mauritius, which is a sugar island. It reduced that product from a 100,000 tons to 50,000 or 60,000 tons for the next year. England came to its relief and helped them float a loan. The colonial government borrowed the sum of 10,000,000 rupees. England guaranteeing 3 per cent interest, and it was applied to the assistance of the proprietors and in relieving the losses. I can not state the details of the manner in which it was applied, but they are available. I have written to our consul in Mauritius for the details, but although that was some two or three months ago I have not received a reply. I have also written to London to obtain the details of the manner in which the loan was obtained and applied, but I have not yet obtained them.

Mr. Depew. Have you any idea how extensive a loan would have to be made to accomplish this purpose?

General Davis. I had thought it would be necessary for Puerto Rico to borrow—and it ought to be done very soon—to have authority to borrow up to $10,000,000. That is $10 per capita of population; and the Government ought to establish, or have this money placed in the hands of, a commission or some board, with authority to apply it. A part of the proceeds of this loan will certainly be needed to aid in carrying on the insular government for the next two or three years. I doubt very much whether any considerable collections of internal taxes will be practicable. A part should be applied in that way, a part to erect schoolhouses and employ labor on roads, and a part to aid in some way these proprietors. These proprietors are nearly all blanketed with mortgages, which are almost universal.

Mr. Cockrell. Where held?

General Davis. In Puerto Rico. I do not believe that 10 per cent are held outside of Puerto Rico, but the proprietors are at the mercy of the money lenders, and there ought to be some way in which these loans can be refunded or renewed—some sort of assistance. It seems to me there could be some sort of preferential security given to the Government so that the proprietor's interest in the land would be equal to that he now has under the existing mortgages. There certainly ought to be some way to solve that problem.

Mr. Depew. Unless you can revive the industry, the Government will have no revenue?

General Davis. Certainly not. The capacity of the Government to collect revenue is dependent on the condition of the industries. The sugar industry can take care of itself with such improved trade conditions as Congress may be willing to accord it, and I think it deserves
the same conditions as Hawaii, but sugar is a minor product as compared with coffee. The coffee product was two and one-half times that of sugar.

The Chairman. How much of that coffee product came to the United States, and how much went to Spain?

General Davis. It practically all went to Spain and Germany; 10,000 pounds went to United States and the rest to Europe and Cuba.

The Chairman. That was under trade conditions not now existing?

General Davis. Yes, sir. It is a berry that users become very fond of, but Americans at home know nothing about. Every American that I have seen in Puerto Rico is exceedingly fond of it, and never would use any other.

Mr. Nelson. In Europe, in many places, they class it with Mocha coffee?

General Davis. In Europe it is classed above Mocha.

Mr. Perkins. You state the product of sugar as 60,000 tons?

General Davis. Yes, sir; fifty to sixty thousand.

Mr. Perkins. Is there not an area of land adapted to this cultivation which can be utilized and by which this output can be largely increased?

General Davis. There is an area that could be restored to its cultivation possibly by modern methods and the use of fertilizers, but it would take a large amount of capital and a good deal of time to develop.

Mr. Perkins. If the yield is only 2 tons to the acre, there is no inducement to do so. The yield in Hawaii is 5 or 6 tons to the acre, is it not?

General Davis. Yes, sir; and I find that I have to correct my previous statement. The number of acres cultivated, according to census reports, was 61,000, and the number of tons exported in 1897 was 57,000. I stated that the rate of production was about 2 tons to the acre. That is the output upon the better class of estates, and they occasionally run as high as 8 or 4 tons, but there are many estates which do not produce at the rate of 1 ton to the acre.

Mr. Perkins. In Hawaii the average production was 6 tons, and many of the plantations produce as high as 10 tons.

General Davis. There is no such crop in Puerto Rico. Three or 4 tons to the acre on the best estates is the maximum. There is no fertilizing done, except that perhaps a little stable manure is hauled out if they happen to save it, but there are no phosphates and no fertilization such as you are familiar with in Hawaii and Louisiana.

The Chairman. The impetus given by the introduction of free trade with the island would very greatly help the coffee and other industries?

General Davis. Yes, sir. One other feature of the coffee situation must not be overlooked, and that is, that this impetus, which would be given by free trade with the island, to the cultivation of sugar and tobacco and coffee probably will have its effect upon the wages of the island. It is very difficult to make a Puerto Rican understand that the wages he has been receiving of 50 centavos per day should not be 50 cents gold a day; in other words, he will demand an increase of two-fifths in his former wages, and he is beginning to stand out for it and I hope he will get it. The sugar and tobacco people will be able to pay it, but the coffee people can not unless their coffee can be placed on a footing with Java and mocha. If it is to compete with the Brazil
ian berry and sold for about 5 cents a pound, the Puerto Rican coffee has a very gloomy outlook.

Coffee is nowhere in the world produced on the basis of more than 30 cents a day for labor, and in Brazil they do not pay more than 20 cents a day, and that country produces nearly three-fourths of all that is produced. The only thing that can save the Puerto Rican coffee is that it shall become known in the United States and that people shall be willing to pay more for it. They will have to get a higher price if they are to pay 50 cents a day for labor.

The Chairman. You have in that island a territorial and agricultural bank?

General Davis. Yes, sir.

The Chairman. That is a bank for the purpose of loaning money to farmers?

General Davis. Yes, sir.

The Chairman. Is there any way that assistance could be rendered through that bank?

General Davis. I think so.

The Chairman. I wish you would suggest it?

General Davis. The bank was created for the purpose of loaning money on real estate, and especially on agricultural land. It had for its plan of organization the system which is best illustrated by the Credit Foncier of Paris, and the system pursued by that institution has been applied by large trust and investment companies and many leading institutions in this country. Our insurance companies are, I believe, loaning on real estate secured by mortgages and issuing against the mortgages debentures, which are sold with the guarantee of the company and the security of the mortgages. They adopted the same plan to loan money on real estate at 9 per cent or a higher interest, and to issue debentures against the mortgages representing those loans, drawing 7 per cent or 8 per cent, and to sell those debentures throughout the country. They have failed to float the debentures, and the efficiency of the bank has been greatly impaired by their failure to sell these debentures, a debenture secured on land in Puerto Rico by means of mortgages paying 9 per cent or more, the amount loaned on the land being up to 40 per cent of its appraised value as appraised by bank experts. If some means can be had to list these debentures so they can be readily disposed of, that bank alone could very greatly help the situation.

Mr. Perkins. If the farmer could get the money to put his plantation in order he could readily pay the interest?

General Davis. Yes, sir.

Mr. Perkins. The farmer comes in and wants to borrow $1,000, and offers as security the land he owns. They appraise the land, and they offer him 40 per cent of its appraised value, and if that 40 per cent amounts to $1,000 they make him the loan, and put their mortgage in their tin box, and against that mortgage they issue a debenture at 7 per cent interest. They receive 9 per cent on their mortgage, and there is a difference of 2 per cent in their favor?

General Davis. Yes, sir.

Mr. Fairbanks. Did they have any difficulty in disposing of these debentures prior to the tornado?

General Davis. Yes, sir; the bank was not a great success from the start.
Mr. Fairbanks. When was it organized?
General Davis. It was organized some five or six years ago.
Mr. Cockrell. Before the war?
General Davis. Yes, sir.

The Chairman. They started, as I understand, with an authorized capital of two and one-half millions, and they are authorized to repeat their capital. They have loaned some two millions, against which they took mortgages and issued debentures which they have sold to a considerable extent.

Mr. Cockrell. Have they sold their debentures?
General Davis. Not all of them. They have made loans to the amount of about one or two millions, but the war came on and their credit was impaired, and they are now in a bad way.

The Chairman. I want to ask you if you did not omit reference to the police court in your statement before?
General Davis. Yes, sir.

The Chairman. That is a court established by General Orders No. 195, dated November 29, 1899, and that also should be embraced in the system of courts you recommend?
General Davis. Yes, sir. The municipal courts, which had jurisdiction in all such cases previous to that, were so overwhelmed with work and so delayed that it was decided by the judicial board to come to their relief and invest the alcalde of each town with the authority of a police judge. The following is the order:

General Orders, No. 195.  

Headquarters Department of Puerto Rico,  
San Juan, November 29, 1899.

1. On and after December 20, 1899, there shall be in each city and town of this island, where there now exists a municipal tribunal, a police court which shall have jurisdiction over the following-described persons and offenses:

1. Those persons who shall throw stones at, stain, or cause any damage whatever to statues, paintings, or other objects which adorn the public squares, streets, or roads, or to public lights, telegraph or telephones, fronts of buildings, public roads, or trees, although the damaged objects may belong to private persons, if the damage does not constitute a crime.
2. Those persons who shall obstruct the public traffic and passage in the streets or roads in any manner whatever with vehicles, not conducting the same on the right side when being able to do so, or with animals or other objects of any kind whatever, or by forming groups on the sidewalks.
3. Those persons who, when conducting vehicles of any kind whatever through the streets or roads, shall not clear the way for lighter and more rapid vehicles when warned in a proper manner.
4. The drivers of loaded carts drawn by animals who shall sit or stand on the same, instead of walking near the animals.
5. The conductors of tramway cars of all kinds who start before all the passengers have entered the car, or alighted from the same, or before the time fixed for the start.
6. Any person who shall throw upon carts, carriages, or horses such objects as may cause damage, and those who, without having the right to do so, shall enter the said vehicles, or sit or hang on the back of the same.
7. Those persons who shall ride bicycles without using a trumpet, bell, or whistle, or ride at a speed exceeding 8 miles or 13 kilometers per hour within towns and villages.
8. Those persons who shall drive vehicles through towns and villages in such a manner as to endanger passers-by.
10. Those persons who shall publicly pronouce blasphemies, foul words, or curses, or use obscene language.
11. Those persons who burden animals with heavier loads than the following: Small two-wheel carts, drawn by one horse between two poles, with greater weight than 800 pounds.
Large carts which are drawn by one horse between poles, and another outside of
the poles, making team, or being in front of said poles, that is, in the Dumond or tandem style, with greater than 1,600 pounds.

Carts drawn by a yoke of oxen shall carry not exceeding 25 hundredweight when the transportation is made on cart roads, taking besides another yoke of oxen for help (those called curtasi); in roads not recognized as cart roads, the loads shall not exceed 20 hundredweight.

A four-wheeled wagon drawn by teams or yokes of oxen shall carry a load not exceeding 50 hundredweight.

On the back: A horse or mule not exceeding 250 pounds.

12. The drivers of public carriages drawn by animals who carry in their vehicles more than three adult persons when the carriage is drawn by a single animal: more than six when drawn by two animals: more than ten if the vehicle is a small omnibus, and more than fourteen if it is a large omnibus.

Children under 12 years of age shall be reckoned at the rate of two for one adult person.

13. Those persons who excessively abuse or beat animals in any manner: Provided, That the fines imposed by virtue of denunciations made by agents of the Society for the Protection of Animals, on account of the offenses enumerated under paragraphs 4, 11, 12, and 13 of this order, shall be turned into the treasury of said society.

14. Those persons who shall fire petards or firearms (without causing damage) without authority.

15. Those persons who shall without authority publicly make noise with horns, bells, or otherwise, or hold tumultuous meetings, or disturb the order in theaters by knocking with sticks or other objects which may cause damage or disturb meetings therein, if the deed does not constitute duress or other crime.

16. Those persons who make loud outcries, catcalls, or noises after 9 o'clock at night to the annoyance and disturbance of their neighbors.

17. Those persons who, by their drunkenness or disorderly conduct, shall cause disturbance or annoyance to the public.

18. Those persons who shall carry arms without having the proper authority therefor under the provisions of General Orders, No. 180, current series, these headquarters.

19. Dealers who shall use weights and measures artificially arranged, in order to cheat.

20. Those persons who shall sell articles of food, not giving proper weight or measure.

21. Those persons who shall gamble in public view, if their doing so should not constitute a crime as prescribed in General Orders, No. 171, current series, these headquarters.

22. Those persons who shall be found bathing, or bathing animals, disregarding the rules of decency or safety.

23. Those persons who shall violate the police regulations in regard to prostitution.

24. Those persons who shall throw dead animals, peels, sweepings, dirty water, or rubbish into the streets, squares (saguanes), house entrances, or upon the roof, or who shall soil or pollute the same in any manner.

25. The owners of wild or dangerous animals, who shall keep the same in a condition liable to do damage to persons outside the yard or enclosure of the owner.

26. Those persons who, in public carriages destined for the use of persons, shall conduct corpses, fetid substances, or persons suffering from contagious diseases, without immediately after disinfecting the said carriages.

27. Those persons who shall conduct bad-smelling matter through the streets, without covering the same, to the annoyance of the public.

28. Those persons who shall fight in the streets and public places, indecently expose their persons, or cause scandal in any other manner.

29. Those persons who shall inflict wounds upon others which do not prevent them from devoting themselves to their customary occupations, nor require assistance, or who should beat others without inflicting wounds.

30. Those persons who shall threaten others with arms, or draw arms in a quarrel, if their doing so does not constitute a crime.

31. Those persons who shall steal anything of value not exceeding the value of $5.

II. The alcaldes of each city and town shall act as the police court herein provided for, and shall be assisted by the secretary of the town council. In case of absence or sickness of either of them, the absentee shall be substituted by the person who substitutes him in his municipal office.

The police court shall sit daily, except Sunday and legal holidays, and shall try and determine, in a summary manner, all cases which may be brought before it.

There shall be no appeal against the decisions of the police court.

III. Any person arrested for a violation of any of the provisions of this order shall be arraigned before the police court at its first meeting after the arrest is made:
Provided, That in case the residence of the person arrested is known and within the
municipality in which the arrest is made, he or she shall be released on his or her
own recognizance to appear at such first meeting of the court.

The police officer making the arrest shall also seize the instruments used in com-
mittting the offense and all other material proof which it may be possible to secure,
and shall also summon the witnesses. If the residence of the person arrested is not
known he or she shall be detained in the municipal jail at the disposal of the arrest-
ing officer.

IV. Every police officer shall appear daily before the court, in order to file infor-
mation of the offenses that have come to his knowledge on the next preceding day,
if there should be any, and shall also bring before the court each day the prisoners
whom he may have arrested during the preceding twenty-four hours.

V. Persons who are accused of any of the offenses enumerated in Paragraph I,
and released under the provision of Paragraph III, must appear at the first succeed-
ing session of the police court, unless prevented by sickness. In case of sickness
the municipal physician, under the direction of the alcalde, shall visit them and repor-
the probable date on which they will be able to appear. Should they fail to appear
on or before the date reported by the municipal physician, the alcalde will cause a
further investigation to be made and dispose of the case as justice may demand.

Persons accused of offenses, and witnesses who, without satisfactory excuse, fail to
appear before the court, shall be punished for such nonappearance with a fine of
$3, or in default thereof by imprisonment at the rate of one day for each half dollar
of fine.

VI. The term of the action for the punishment of an offense expires at the close
of the day following the one on which the offense was committed.

Any police officer who fails to file information of any offense which has come to
his knowledge shall be punished by the police court, if the time for the prosecution
of said offense has expired, by a fine twice the amount of that which might legally
have been imposed for the said offense. Such fine, if not paid within three days,
shall then become a lien on the salary of the police officer, and shall be deducted
by the municipal treasurer from his current monthly pay and turned over to the police
court.

VII. Any persons convicted of the offenses enumerated in Paragraph I shall be
punished by a fine not exceeding $15, or by hard labor not exceeding thirty days,
with gongs or parties on the highways, roads, or streets, sweeping or paving the same,
or at such other labor for the benefit of the public as the court may direct. Those
who have been sentenced more than three times in one year for the same offense
shall suffer double penalty in each succeeding new case.

Default of payment of any fine or portion thereof imposed under this paragraph
shall be punished by imprisonment at the rate of one day for each dollar which remains
unpaid.

VIII. In each case a record shall be kept in a book provided for the purpose, set-
ting forth the name of the accused, the offense, the sentence imposed, and the dates
of the commencement and termination of the penalty. No other data will be entered
in the record. After the record book has been filled it will be filed in the mayor's
office.

IX. The costs of each trial shall not exceed $2. One half of the same shall be
equally divided between the mayor and the secretary, provided that the total amount
for each of them during the year does not exceed $83.33 per month, in which case
the excess shall be turned into the municipal treasury; the other half may be
expended for office material and the expenses of the proceedings which may be
necessary. Accused parties who are acquitted shall pay no costs. Any convicted
person who does not pay the costs shall suffer one day imprisonment for each half
dollar in default.

X. All fines collected shall be turned into the municipal treasury to defray the
expenses of feeding the prisoners who are in jail. Any balance not required for such
expenses shall be turned in monthly to municipal treasury the same as the other
revenue of the town council.

The secretaries shall keep an account of the fines collected, verifying said account
with the receipts of the municipal treasurer. The committee on finance of the
municipal corporation shall inspect all accounts and other business relating to fines
and costs, and shall audit all such accounts.

XI. The police court shall have the authority to sentence persons to the payment
of indemnities for losses and damages caused, and the sentenced person who does
not pay the indemnity shall suffer one day of imprisonment for each half dollar:
Provided, That such indemnity shall not exceed $15.

XII. General Orders, No. 118, current series, these headquarters, is hereby modi-
fied so as to provide that municipal courts shall not have cognizance of the offenses enumerated in this order. Theft of property of the value of not less than $5 nor more than $30, and also violations of General Orders, No. 151, current series, these headquarters, shall (subject to the provisions of General Orders, No. 88, current series, these headquarters) lie within the exclusive jurisdiction of the municipal courts, who shall proceed in such cases in the summary manner prescribed in this order, and shall impose the penalty established for said offenses by the code and orders in force.

XIII. All municipal police officials will be furnished with a copy of this order, and are hereby charged with the strictest observance of its provisions.

By command of Brigadier-General Davis:

W. F. Hall, Adjutant-General.

Mr. Perkins. Have you read the bill prepared by Senator Foraker?

General Davis. Yes, sir.

Mr. Perkins. I do not suppose the chairman will object if you have any criticisms to make.

The Chairman. I shall be very glad if General Davis will do so.

General Davis. In respect to the internal revenue, section 7: that would apply the war tax, as I understand, to the island—the present war-revenue tax?

The Chairman. Yes, sir.

General Davis. That includes tax on bank checks, express receipts, telegrams, and so on?

The Chairman. Yes, sir.

General Davis. Would it be necessary to include in this provision that stamps made and prepared by the Commissioner of Internal Revenue could be secured by the island for the use of the island, or would the island have to get a stamp for its own use?

The Chairman. No, sir: I suppose the island would use the same stamp. I am a little concerned about the extension of the internal-revenue tax of $1.10 a gallon on rum, etc. What would be the effect of that?

General Davis. I think it would be a great burden to impose that tax now.

The Chairman. Have you any brewers there now?

General Davis. No, sir; but breweries will probably be established.

The Chairman. You say they will be?

General Davis. Yes, sir; there are now one or two in Cuba.

The Chairman. Is there now any kind of distilled spirits manufactured except rum?

General Davis. Bay rum; they use alcohol in the manufacture of bay rum.

The Chairman. From what do they make it?

General Davis. The extract from the leaf of a plant; I do not now recall its name.

Mr. McComas. Do they make curaçao, or any liquors?

General Davis. No, sir. They make something they call malaguate, but it is based on rum. They make certain decoctions from wine, as in France, but not to any considerable extent.

The Chairman. Really, then, the tax on distilled spirits is the only one that would bear heavily; there would be no trouble about the collection of the revenue on tobacco, etc.?

General Davis. It would be very difficult to collect it. I suppose there are 2,000 or 3,000 shops in Puerto Rico. A man has a hut, in which he lives in one room, and in another sells a little rum, rolls cigarettes and sells them, and sells tobacco and cigars, and fruit and
beans and codfish, and has a general store, and he is in himself tobacco manufacturer and retailer, saloonkeeper and grocer, combining these functions in himself; and there are others who confine themselves to rolling a few cigarettes and selling what they make over the counter, whom it would be very difficult indeed to reach.

Mr. McComas. The internal-revenue provision requiring the manufacture to be separated from the retailing of tobacco, with a certain space and room, would close him up.

General Davis. Yes, sir; they would have to adjust themselves to different conditions. There is one other matter I thought of calling to your attention, and that is in regard to the functions of government.

The Chairman. You think the internal-revenue tax, as well as the tariff, should go to the insular treasury?

General Davis. Yes, sir. I do not see how the island is to keep house without it. I suggest that the first four lines on the top of page 4, which appears as part of section 6, should be brought down to section 7, and to read that all collections made under sections 6 and 7 shall be paid into the treasury of Puerto Rico and expended for its benefit. In regard to the functions of government. On page 6, end of section 14:

Provided, The President may, in his discretion, delegate and assign to the governor of Puerto Rico such executive functions as may, in pursuance of law, be so assigned and delegated.

The reason for that is, the governor of that island, 1,400 miles from the nearest accessible port in the United States, dependent for its communication with the central Government by cable, is in a different situation to that of any governor of any State or Territory. The world, the foreign world, will recognize that governor as the representative of the United States in that island, and of its sovereignty; it will look to him as the representative of the President of the United States; he will stand there in the estimation of all foreign people for the President; he will be continually visited by foreigners, foreign war vessels, will come to the port, and foreign consuls will be established there.

Orders announcing these consular officers must be published in the Official Gazette. The governor holds toward the world a somewhat different relation to that of the governor of any State or Territory in the United States; and it seems to me that, if not unconstitutional, it will be wise to give the President of the United States authority to vest in the governor such functions as the special necessities require. That would facilitate the transaction of business. But your wisdom will suggest any change that might be necessary. It seems to me that it will be very useful both to the governor and to the central Government at Washington.

The Chairman. He ought to be a local official to whom foreign consuls should be directly accredited?

General Davis. The method would be that our Secretary of State would inform the governor of the island that Consul So-and-So has presented his credentials and received his exequator, and that the governor is to recognize him. The consul will come to the governor with any complaints in regard to any foreign matters that may come up. For instance, the governor of St. Thomas sent over to me requesting me to arrest some criminal a fugitive from justice in St. Thomas, and wanted him sent back there; wanted him arrested as a defaulter, I
beans and codfish, and has a general store, and he is in himself tobacco manu-
ufacturer and retailer, saloonkeeper and grocer, combining these func-
tions in himself; and there are others who confine themselves to ro-
lling a few cigarettes and selling what they make over the counter, whom it would be very difficult indeed to reach.

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facture to be separated from the retailing of tobacco, with a certain space and room, would close him up?

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believe. The governor of Trinidad also made some communication on some such subject.

In section 13, and I believe in a few other places, "who, together with the governor and five other persons of good repute, to be also appointed by the President, by and with the advice and consent of the Senate, from the native inhabitants of the island, shall constitute an executive council." The governor is a part of that council, according to that section. In some other section I think it is stated that it is separate from the governor—I think in regard to franchises. The council may grant franchises "with the approval of the governor." One seems to presuppose that the governor is a part of the council, and the other that he is the executive and is separate from the council.

The CHAIRMAN. That is one of the details which may need correction.

Mr. Nelson. I notice, under section 15, that all these could be appointed from this country.

General Davis. They may be, according to this text.

Mr. Nelson. Do you deem that advisable? Would it not be well to have some of them appointed from the natives?

The CHAIRMAN. It does not say that the secretary or governor or the council may not be Puerto Ricans.

General Davis. The citizenship that is conferred upon the Puerto Ricans would permit them to come to the United States and exercise all the rights of citizenship, I suppose?

The CHAIRMAN. Not the right to vote, but the other rights, such as immigration, etc., and passports if he desires to go abroad.

Mr. Nelson. Is there any probability that they will come in any great numbers?

General Davis. Yes, sir; there is not a Puerto Rican of any means who has children growing up who has not an intention of sending them here to be educated. You know how many Cubans there are in New York City and in other parts of the United States, and the same will be the case with Puerto Ricans.

Mr. Fairbanks. Temporarily or permanently?

General Davis. Both ways.

Mr. Nelson. You mean by that the white people, not the colored?

General Davis. Yes, sir. It might be well for the Hawaiians to look to Puerto Rico for their labor.

Mr. Gallinger. What about section 24? Did I understand that you do not agree to that?

General Davis. Yes, sir; I have stated my general conclusions on that subject. I think it would be well to let that wait a while. Section 31 provides for the Federal court. I would suggest to add, "and its proceedings shall be conducted in the English language," at the end of line 16. The Federal proceedings of the provisional court are now conducted in the English language. It is a question, perhaps, whether the proceedings of the supreme court should not ultimately be conducted in the English language, but that could be left for future legislation to determine. In section 33 there is something out of joint, of which I think I have already spoken to the chairman.

Mr. Nelson. Is there any provision in the bill for appeals from the highest courts there to the Supreme Court of the United States, where Federal cases are involved?
The Chairman. Yes, sir: in section 32.
Mr. Nelson. What about trials by jury in criminal cases in the local courts?
General Davis. We have not the trial by jury in the local courts. We have in the municipal courts something which is a slight approach to it. You will find that outlined in the order creating such courts. There is a provision for the municipal judge to associate with him two other persons in trying cases.
The Chairman. You must have a jury trial wherever the Constitution applies?
General Davis. Yes, sir. In respect to the scale of salaries mentioned on page 17, it might be appropriate for me to mention certain things. Under the Spanish rule the salaries paid to the higher officials were very much greater than the salaries now allowed under the military government. The salaries paid to the lower officials were small, but there were a great many of them. At present there are two officers only in Puerto Rico receiving salaries of $4,000 in gold. Under Spain I think there were many times that number, over twenty. I think the civil secretary and the chief justice receive $4,000 each, and those rates, it seems to me, are adequate for the conditions which now exist. The associate justices and the solicitor-general receive $3,600 a year, the present commissioner of education receives $2,500, the auditor receives $3,600, and the treasurer is an army officer. All the collectors of customs are army officers, who receive no salary and no allowance. No army officer in Puerto Rico receives any salary allowance from the insular funds.
The Chairman. What ought the treasurer to receive?
General Davis. The scheme, to be consistent, would run anywhere from $3,000 to $4,000. It should be the same as the auditor. For the chief justice and federal judge, $5,000 is proposed. The present law judge receives $3,600; the acting United States attorney receives $2,500; the marshal now has $1,200. The governor’s salary is stated here at $10,000. In conversation with your chairman I stated certain circumstances which made it seem to me advisable that the chief executive, who has not only executive duties to perform, but also a great many obligations which are duties but of a social character—he is obliged to live like a gentleman, he has to receive social hospitality and must not return them—ought to receive $10,000, which I learn by an examination of the statutes with reference to Louisiana in 1804 is double what was then allowed the governor. He received $5,000 and judges $2,000 at that time. I suggest that $10,000 is not an excessive sum now. The British governors of Barbados, Trinidad, and Jamaica receive $25,000.
Mr. Perkins. Do they furnish their own residences?
General Davis. No, sir; it is a Government building, and furnished for them also.
Mr. DePew. How is the cost of living?
General Davis. Much higher than in the States. There are a few things which are cheaper, but most necessities are greater in price.
Mr. Cockrell. Are they much higher in San Juan?
General Davis. Yes, sir. Of course, I only suggest this for your consideration.
The Chairman. The salaries put in this bill were in accordance with your suggestions.
General Davis. I approve of them. The only thought I have is as to ways and means to meet them.

Mr. De Pauw. Of course the governor could not live on $10,000 a year and do what is expected of him.

General Davis. That is nearly twice what I receive now.

Mr. McComas. Am I to conclude that because you must have the tariff revenues for some years to come for the support of the island practical free trade between the United States and Puerto Rico would be delayed?

General Davis. I would say that the island, so far as trade is concerned, should enjoy the same privileges as Hawaii now enjoys, and that it should be put upon the ultimate basis of self-support. The amount collected in the form of customs revenues and used in the island may be regarded as an advance, if you please, by the United States, or some other method devised by which the island can obtain a sufficient revenue to carry on its operations for a few years.

The Chairman. Your recommendation is that we have free trade between the United States and Puerto Rico?

Mr. McComas. You said that free trade with the United States would reduce your customs revenues by one-half?

General Davis. Yes, sir; I think so.

Mr. McComas. And you need more revenue than you now have?

General Davis. Yes, sir; one of the most pressing things that confronts me now, and will confront my successor, whoever he may be, is to devise a concrete and solid and thorough system of taxation out of the present system of taxation throughout the island. We ought to have immediately a tax on property, the same as in the United States.

The Chairman. I understand there is a pressing necessity for us to legislate in some way.

General Davis. It is of the utmost importance. If we wait until next summer the coffee crop will be lost and the industry very greatly jeopardized.

Wednesday, January 17, 1900.

General Davis, being recalled and asked in regard to certain statements made by Mr. Henry G. Curtis, made the following statement.

Mr. Cockrell. You have heard the statement of Mr. Curtis in regard to persons confined in jails in Puerto Rico. Have those people been confined as stated by him?

General Davis. Mr. Curtis referred to a date some four or six months ago. That matter has been corrected, the courts reorganized, the jails emptied out. The number of prisoners in the jails was about 2,000; there are now, perhaps, 700 or 800 or 900 in all the jails.

Mr. Cockrell. How many when you took charge?

General Davis. About 1,600, as I now remember. The number of jails was then eleven and one prison. There are now five and one prison. The aggregate number of persons now confined is not more than two-fifths, or perhaps three-fifths, as great as when I entered upon my duties. Prisoners are now brought into the jails and tried and sentenced or acquitted within fifteen days; the procedure has been hastened and expedited, so that most of those extraordinary delays to which Mr. Curtis adverts are prevented. That there are persons still in jail who
have been there for a considerable time is true. I know of a lawsuit
that has been pending in Puerto Rico for fifty years, and I think there
are some in California which have been pending as long. I do not
think the procedure differs materially from that of the United States
now.

Mr. Cockrell. Are they imprisoned in consequence of this suit?

General Davis. No, sir.

Mr. Fairbanks. Imprisonment is for some criminal offense?

General Davis. Yes, sir. In respect to the marriage and divorce
laws, I think it is due to the memory of a very gallant officer, General
Henry, who can not be heard, that I should make a statement in regard
to that. Although I was not present when the marriage and divorce
laws were promulgated by him, yet in an official capacity I have been
obliged to carry on the government under it, and have been able to
inform myself somewhat in regard to the antecedents which resulted
in the enactment of that law.

As Mr. Curtis states, it was probably not the work of General Henry;
but of his advisers, aided, perhaps, by Mr. Carroll; but the responsi-
bility of each I am not able to state definitely. However, General
Henry believed that in promulgating that order he was legitimatizing
the children who were without name. He may have been misled, but
he had an honest and beneficent purpose, and that law, as amended by
him and as expressed there, is a decided improvement—not a broad one,
not a great step in advance, perhaps, but a considerable improvement—
upon the Spanish code in regard to marriage and divorce. But it
nowhere near corresponds to our idea. As to that, it fails far and
away to reach our conception as to what the real law should be.

In respect to the administration which I have been conducting in
that regard, three months ago a revision of the marriage and divorce
law was prepared under my direction by the judicial board of Puerto
Rico, composed of three native and two American lawyers—Mr. Pet-
tingill, Major Sharp, the president of the college of lawyers, Mr. Cue-
villas, Mr. Hernandez Lopez, formerly minister of justice, and Mr.
Rossy, an eminent lawyer in Puerto Rico. They prepared a revision
of the marriage and divorce laws; that resulted in a project for a code
that would be recognized as satisfactory by any State in the Union.
That draft was submitted to me, and by me to the Secretary of War
for his approval before promulgation. I thought it my duty, as it
involved property rights, to submit it to the Secretary. It has been
considered by the Department, but action has not as yet been taken,
and I have not as yet been advised in respect of its issue. I under-
stand, however, unofficially, that it is a question in the minds of the
law advisers of the Department whether the military commander has
a legal right to change a statute of the island without legislation in
that particular, and for that reason it is held up until some legislative
authority may exist in the island, so that that subject of marriage and
divorce may be proceeded with.

I do not know that the War Department intends to suspend action
permanently. It may be that they intend to instruct me to go on and
promulgate it, but it certainly will result that that subject will be
revised if legislative authority is given to somebody in the island to
do so.

Mr. Cockrell. The result of the nonaction of the War Depart-
ment is to confirm what General Henry did?
General Davis. So far as results are concerned.

Mr. Cockrell. General Henry's order was issued during a time of peace.

General Davis. No, sir; before the ratification of the treaty. I regard the question of marriage and divorce as one of the most pressing ones that confronts the governor, whether military or civil. Another is the tax revision. What Mr. Curtis has said in regard to the injustice of the present system I agree with him entirely about. It is a crying shame that the conditions are as they are.

The Chairman. That can be dealt with also by local legislative authority?

General Davis. Yes, sir.

The Chairman. I would like to ask your opinion of the basis—your opinion as to the feasibility of substituting at once, by act of legislation, the common-law system of jurisprudence for the civil law.

General Davis. It seems to me that the civil code of any Spanish country ought not to be radically changed. It seems to me that it should be done step by step and degree by degree. I see no great advantage gained by a radical change, and I think I can see that great confusion and disadvantage might result from an arbitrary revision of those laws and their being supplanted at a given day. I think it would be wisest to proceed step by step in this revision of the civil law.

I have had some little experience in the matter myself, and I have found how difficult it is to deal with the rights and rivalries of a million people on very small questions. Questions of change come up and they are considered and reconsidered, and an order is made which is expected to bring a certain result, and suddenly I find myself up against a stone wall, notwithstanding the advice of good lawyers, Puerto Ricans and Americans, because of unfamiliarity on the part of one or the other with the ultimate effects of the change. In regard to criminal matters the need is greatest. But as respects a trial by jury I agree entirely with what Mr. Curtis says, that the attempt to utilize the jury system in Puerto Rico should not now be made. They have no conception of it, and can have none for many years, it seems to me. I think it would be imprudent to attempt to establish the grand jury and petit jury and trial by jury throughout these municipalities and remote districts in that ignorant population. It seems to me that no good could result.

In respect of one of Mr. Curtis's remarks concerning administration and expenditures, I think it may not be deemed improper for me to make one statement. The number of officials Mr. Curtis refers to as greater than necessary and larger salaries than necessary. He refers to the very great expense attending the board of public works as he found it in Puerto Rico. He mentions $48,000 as the administrative expense of the office of the director of public works. I think if he had looked more carefully he would have hesitated to make that statement, not as respects the amount, but as respects the excess of the amount or the propriety of that amount. I think I read in a newspaper an abstract of the preliminary report of the insular commission, where I think it was said that if the policy of some of our State governments was imitated a great profit would result. I have been at some pains to investigate that, and have looked into the report of the Massachusetts highway commission, which is recognized as having a system which is as well conducted as anywhere in this country.
That commission expended year before last just about the same amount as is being expended in Puerto Rico this year, but Massachusetts has an administrative force almost 100 per cent more costly than that referred to by Mr. Curtis in Puerto Rico, at least 75 per cent greater than the expense in Puerto Rico. In that island the amount is about $650,000, the actual expenditure being applied in Puerto Rico to roads, and it has an administrative force that involves an expenditure of about $50,000. In Massachusetts that amount would have been $80,000 or $90,000. The number of engineers and their salaries are much greater, and the salaries and number of overseers are greater.

Mr. Cockrell. Massachusetts is a much larger country.

General Davis. It is the amount of money expended to which I refer.

Mr. Gallinger. They cover the entire State and are making magnificent roads.

General Davis. Yes, sir; but of the amount expended more goes into roads and less into administration in Puerto Rico than in Massachusetts.

The Chairman. Having in view all these systems of legislation that must be looked after speedily, do you think it feasible or not to intrust it to one man, acting under the advice of the President, or should there be some legislative authority?

General Davis. There should be some legislative authority.

The Chairman. In the island?

General Davis. Yes, sir.

The Chairman. Your opinion is that legislative authority should be appointed rather than chosen by election?

General Davis. Yes, sir; for some years to come.

The Chairman. I understood you to say that the suffrage as now restricted to intelligence or property qualifications is limited to about 6 or 10 per cent of the voting population, and to people who are comparatively safe to be intrusted with it?

General Davis. I think they may be intrusted with the present limited suffrage. We can try the experiment at all events to the extent I have mentioned; giving them control of the municipalities and participation in the central administration through appointments.

Mr. Cockrell. Do you make any distinction in qualifications of a voter, or do you require both intelligence and property qualification, or one or the other?

General Davis. It is alternative, one or the other.

The Chairman. Tell us—we have it before us only in a tentative way, and no one has any prejudice about it, I suppose; I certainly have not, although I prepared the bill; in the bill we provide for a legislative assembly, the upper house to be appointed and the lower house to be elected by the qualified voters—would you think that an impossible system, or do you mean it is less satisfactory than to have everybody appointed?

General Davis. I think it would be much less satisfactory.

The Chairman. You do not think it impracticable or impossible?

General Davis. I think there may be 35 men, or perhaps a larger number, who are qualified to legislate, but there is no certainty of those men being chosen at an election. I think the chances of securing the best men are much greater by appointment than by election.

The Chairman. You would have both bodies appointed?
General Davis. I would; or the majority at least in both bodies appointed.

The Chairman. Have you considered that to have elected and appointed members sitting side by side might create friction?

General Davis. I think if we are to have appointed bodies, one house is as good as two; but appointed and elected members sit in the same legislative councils of many colonies.

The Chairman. You think it would be necessary to have only one body?

General Davis. Yes, sir; much preferable.

The Chairman. With what number of members?

General Davis. The heads of administrative offices, associated with four or five natives of the island.

The Chairman. Are the provisions of the bill in that regard ample?

General Davis. Yes, sir; quite satisfactory.

The Chairman. Would it not be a good idea to give the people pretty generally, as far as safe, a participation in legislation, and better to appoint a lower house than to do without it entirely?

General Davis. I think if there was provision for such a house, and the members were appointed instead of elected, it would give rise to contentions and misunderstandings and friction. I should think one house sufficient. I know, as a matter of fact, that the colonial system of the world where legislative bodies are allowed, in the colonies—nearly all the cases of crown colonies of England, and Holland, and Denmark—there is but one legislative body; a few have two bodies, but most of them but one; and a majority of the members-appointed, sometimes all.

The Chairman. England has different colonies.

General Davis. I do not refer to "responsible" colonies, such as Canada, Australia, and New Zealand; I refer to crown colonies, so-called, such as Mauritius, Barbados, Trinidad, Jamaica, and many others.

Mr. Cockrell. What about those districts; how many judicial districts are there?

General Davis. The arrangement of the territory into judicial districts under Spain was quite different to what now exists. Each court of first instance had a judicial district having five or six or seven municipalities tributary to it, and there were 11 judicial districts in all, each having a judge of first instance and instruction. That map of Puerto Rico has no resemblance whatever—it does not represent at all the political or judicial division of the island as I know it, not at all.

Mr. Cockrell. What does it represent?

General Davis. I can not tell: I can not give the pedigree of that map at all.

Mr. Cockrell. How many districts have you?

General Davis. There are five district courts, and at the head of each a district judge and two associate judges.

Mr. Cockrell. And you have made each one of those districts comprehend or embrace existing subdivisions of the island?

General Davis. Yes, sir.

Mr. Cockrell. Following the same lines as before?

General Davis. Yes, sir.

Mr. Cockrell. What is the proportion of population in those?

General Davis. About equal; as nearly so as practicable.

Mr. Cockrell. Is there any organization from which, for example.
representatives could be elected; are there boundaries which would be known?

General Davis. By adopting the judicial subdivision of the territory and calling them political divisions, and announcing that each of these should have such and such representatives in the legislature, it could be done.

Mr. Cockrell. You have only five?

General Davis. Yes, sir.

Mr. Cockrell. Before there were eleven?

General Davis. There were eleven judicial districts, but there were seven civil departments at the time autonómical government was ordered.

Mr. Cockrell. Were those eleven equally divided in population and extent of territory?

General Davis. Without being able to speak positively, I should say yes; about equally divided. That is my opinion. It would be perfectly competent for the legislature to subdivide the island into as many assembly districts as it saw fit to. There are to-day but five political subdivisions of the island, and those are the judicial divisions, having about equal population.

Mr. Cockrell. What are the property qualifications?

General Davis. The property qualifications for voting in these municipal elections now going on and almost completed are that the voter must have paid at least $1 of taxes subsequent to the 1st of July, 1898—must have paid at least $1 of taxes subsequent to that date, and be able to show by receipt or record that that amount has been paid.

The Chairman. Does not that leave it open for any ambitious candidate to pay the taxes for them and have them vote?

General Davis. That will not work for the future, for the very reason that he will anticipate it. Some man will pay the taxes for others, and when the election comes around they will march up with their tax receipts to vote. Before the next municipal election this defect must be cured.

The Chairman. I suppose that the man must have owned some property in his own right on which he paid taxes, and not that men should be qualified voters for some candidate who should advance the money.

General Davis. There were some who had no real estate, or changed from one municipality to another, and that was why I was anxious to guard against it. The order stated that he should have paid $1 of taxes subsequent to the date mentioned and prior to the date of the order. I understand that an attempt was made by some to defeat its provisions, and the result was that some thirty or forty were arrested and tried by the United States provisional court and are now in prison, and so, too, is the man who advanced the money, for these men.

The Chairman. Do you think that voting is a good thing?

General Davis. I do; and that is the reason I set it on foot. I think I might mention one incident as illustrative, perhaps, of their tendencies. In this order, which was published regarding elections, in order that there might always be minority representations in each town council, a representation of both political parties, I made this addition. For example, where there were fifteen town councilmen to be elected—aldermen as you might call them—I required that each political party should nominate the whole number, submitting their nomi-
ncees to the board of registration—the Australian ballot being used—that each voter should vote for the whole number of candidates on his or both tickets. He might vote the straight ticket, or scratch, as he pleased. One or the other party would, of course, prevail. I stated that the party polling the majority of votes should have ten of those councilmen installed in office and the minority five. It accomplished one result—that is, it gave minority representation, what I was after, to teach and furnish experience.

In one town, one of the largest in the island, where three or four thousand votes were polled out of a population of 30,000, a candidate of one party was specially obnoxious to the other party. He was a leader or boss in that community, but he had a great many enemies in the other party who determined that he should be defeated if possible. It was well known that this man’s party would receive the largest number of votes, so the minority could afford to waste, or rather expend, some of their votes. In accomplishing it some twenty or thirty of the minority voted the majority ticket, scratching, however, the name of this objectionable man, and throwing him down the list, leaving him out of the eligibles. So, when the votes were canvassed this man was not included or installed in office. But his power in his party was great, and he cracked the whip over the heads of three or four of the successful candidates and made them resign. Intermediate between himself and the lowest of the ten successful candidates who resigned was one in his own class who had not votes enough to be elected, and yet was above him, and he made that man resign also. In that way he brought himself into the list of eligibles, and then proceeded to take possession of the office. That resulted in just what might have been expected, that is, the whole minority resigned, the whole five men resigned, leaving the minority without representation, and said they would not submit to the indignity, and they went home.

Mr. Cockrell. What did you do?

General Davis. I would not permit it; I said that each man had sworn to do his duty and I would not tolerate such an act of childishness subterfuge. The local law of Spain provided that no man could vacate his office unless he was over 60 years of age or physically incapacitated, and his physical incapacity evidenced by a physician’s certificate. As neither condition was fulfilled I refused to permit them to go out, and so they continued in their duties. In regard to real estate transfers I published the following order:

**General Orders,**

No. 190.  

**Headquarters Department of Puerto Rico,**  

San Juan, November 27, 1899.

Upon the recommendation of the judicial board, the following is published for the information and guidance of all concerned:

As it appears to the advantage of all parties that transfers of real estate should be made easy and simple, and as some of the provisions of the existing law tend to hinder such simple transfers, the following rules are adopted:

I. Powers of attorney executed and acknowledged in the United States or foreign countries shall be accepted by the courts. Notaries and registrars of property when executed and acknowledged in the manner required by the laws of the State or county where so executed or acknowledged.

II. Where real estate is purchased by or conveyed to persons who are nonresidents and act through agents it shall not be necessary for such agent to possess any power of attorney in order to present and record titles taken in the name of his principal, provided in such cases there be no obligations imposed upon the principal.

III. All laws and regulations in conflict herewith are hereby annulled.

By command of Brigadier-General Davis:

W. P. Hall, Adjutant-General.
STATEMENT MADE BY MR. HENRY G. CURTIS, A MEMBER OF THE INSULAR COMMISSION, ON JANUARY 17, 1900.

The Chairman. Will you please state your full name?
Mr. Curtis. Henry G. Curtis.
The Chairman. Where do you reside?
Mr. Curtis. Atlantic, Iowa.
The Chairman. State whether or not you have recently visited Puerto Rico; and if so, in what capacity, if in an official capacity?
Mr. Curtis. On what is called the Insular Commission, which was composed of General Kennedy, of Ohio, Mr. Watkins, of Michigan, and myself.
The Chairman. How created?
Mr. Curtis. Our appointments were from the Secretary of War, but I understood that the President made the selections. Our authority to go there was in writing and directed us—I have a copy of it here, but I can give you the substance of it—to visit Puerto Rico to examine and look into and report as to all matters, franchises, etc., that should be referred to us.
The Chairman. Please give the particulars, if convenient.
Mr. Curtis. I have here a copy of the original order of the appointment, and here is a copy of the orders under which we went to Puerto Rico.
The Chairman. Please read it, that the committee may be properly informed.
Mr. Curtis. It is as follows:

WAR DEPARTMENT, Washington, February 27, 1899.

ORDERS.

Robert P. Kennedy, Charles W. Watkins, and Henry G. Curtis, commissioners, and Horatio S. Rubens, counsel, are hereby directed to proceed to Puerto Rico to report upon all matters that may be submitted to them by the Secretary of War, relating to concessions and franchises, and to investigate and report upon all matters relating to currency, laws, taxation, judiciary, public improvements, education, and civil affairs generally.
They will also proceed to Santiago to investigate and report upon railroad facilities and communications in the province of Santiago de Cuba.

[SEAL.]

R. A. Alger,
Secretary of War.

In regard to the last part, that was given before the adoption of the resolution of Congress. I will also read a copy of my appointment:

WAR DEPARTMENT, Washington, February 20, 1899.

Henry G. Curtis is hereby employed under the War Department as commissioner to investigate and report upon all civil matters which may be referred to him by the Secretary of War pertaining to Cuba and Puerto Rico.
He will be paid a compensation at the rate of $5,000 per annum, and in addition, when traveling under orders, will receive the mileage paid to officers of the United States Army—all to be paid from the appropriation for national defense.

G. D. Meikljohn,
Acting Secretary of War.
That commission expended year before last just about the same amount as is being expended in Puerto Rico this year, but Massachusetts has an administrative force almost 100 per cent more costly than that referred to by Mr. Curtis in Puerto Rico, at least 75 per cent greater than the expense in Puerto Rico. In that island the amount is about $650,000, the actual expenditure being applied in Puerto Rico to roads, and it has an administrative force that involves an expenditure of about $50,000. In Massachusetts that amount would have been $80,000 or $90,000. The number of engineers and their salaries are much greater, and the salaries and number of overseers are greater.

Mr. Cockrell. Massachusetts is a much larger country.

General Davis. It is the amount of money expended to which I refer.

Mr. Gallinger. They cover the entire State and are making magnificent roads.

General Davis. Yes, sir; but of the amount expended more goes into roads and less into administration in Puerto Rico than in Massachusetts.

The Chairman. Having in view all these systems of legislation that must be looked after speedily, do you think it feasible or not to intrust it to one man, acting under the advice of the President, or should there be some legislative authority?

General Davis. There should be some legislative authority.

The Chairman. In the island?

General Davis. Yes, sir.

The Chairman. Your opinion is that legislative authority should be appointed rather than chosen by election?

General Davis. Yes, sir; for some years to come.

The Chairman. I understood you to say that the suffrage as now restricted to intelligence or property qualifications is limited to about 6 or 10 per cent of the voting population, and to people who are comparatively safe to be intrusted with it?

General Davis. I think they may be intrusted with the present limited suffrage. We can try the experiment at all events to the extent I have mentioned, giving them control of the municipalities and participation in the central administration through appointments.

Mr. Cockrell. Do you make any distinction in qualifications of a voter, or do you require both intelligence and property qualification, or one or the other?

General Davis. It is alternative, one or the other.

The Chairman. Tell us—we have it before us only in a tentative way, and no one has any prejudice about it, I suppose; I certainly have not, although I prepared the bill; in the bill we provide for a legislative assembly, the upper house to be appointed and the lower house to be elected by the qualified voters—would you think that an impossible system, or do you mean it is less satisfactory than to have everybody appointed?

General Davis. I think it would be much less satisfactory.

The Chairman. You do not think it impracticable or impossible?

General Davis. I think there may be 35 men, or perhaps a larger number, who are qualified to legislate, but there is no certainty of those men being chosen at an election. I think the chances of securing the best men are much greater by appointment than by election.

The Chairman. You would have both bodies appointed?
General Davis. I would; or the majority at least in both bodies appointed.

The Chairman. Have you considered that to have elected and appointed members sitting side by side might create friction?

General Davis. I think if we are to have appointed bodies, one house is as good as two; but appointed and elected members sit in the same legislative councils of many colonies.

The Chairman. You think it would be necessary to have only one body?

General Davis. Yes, sir; much preferable.

The Chairman. With what number of members?

General Davis. The heads of administrative offices, associated with four or five natives of the island.

The Chairman. Are the provisions of the bill in that regard ample?

General Davis. Yes, sir; quite satisfactory.

The Chairman. Would it not be a good idea to give the people pretty generally, as far as safe, a participation in legislation, and better to appoint a lower house than to do without it entirely?

General Davis. I think if there was provision for such a house, and the members were appointed instead of elected, it would give rise to contentions and misunderstandings and friction. I should think one house sufficient. I know, as a matter of fact, that the colonial system of the world where legislative bodies are allowed, in the colonies—nearly all the cases of crown colonies of England, and Holland, and Denmark—there is but one legislative body: a few have two bodies, but most of them but one; and a majority of the members appointed, sometimes all.

The Chairman. England has different colonies.

General Davis. I do not refer to "responsible" colonies, such as Canada, Australia, and New Zealand; I refer to crown colonies, so-called, such as Mauritius, Barbados, Trinidad, Jamaica, and many others.

Mr. Cockrell. What about those districts; how many judicial districts are there?

General Davis. The arrangement of the territory into judicial districts under Spain was quite different to what now exists. Each court of first instance had a judicial district having five or six or seven municipalities tributary to it, and there were 11 judicial districts in all, each having a judge of first instance and instruction. That map of Puerto Rico has no resemblance whatever—it does not represent at all the political or judicial division of the island as I know it, not at all.

Mr. Cockrell. What does it represent?

General Davis. I can not tell; I can not give the pedigree of that map at all.

Mr. Cockrell. How many districts have you?

General Davis. There are five district courts, and at the head of each a district judge and two associate judges.

Mr. Cockrell. And you have made each one of those districts comprehend or embrace existing subdivisions of the island?

General Davis. Yes, sir.

Mr. Cockrell. Following the same lines as before?

General Davis. Yes, sir.

Mr. Cockrell. What is the proportion of population in those?

General Davis. About equal; as nearly so as practicable.

Mr. Cockrell. Is there any organization from which, for example,
representatives could be elected; are there boundaries which would be known?

General Davis. By adopting the judicial subdivision of the territory and calling them political divisions, and announcing that each of these should have such and such representatives in the legislature, it could be done.

Mr. Cockrell. You have only five?

General Davis. Yes, sir.

Mr. Cockrell. Before there were eleven?

General Davis. There were eleven judicial districts, but there were seven civil departments at the time autonómical government was ordered.

Mr. Cockrell. Were those eleven equally divided in population and extent of territory?

General Davis. Without being able to speak positively, I should say yes; about equally divided. That is my opinion. It would be perfectly competent for the legislature to subdivide the island into as many assembly districts as it saw fit to. There are to-day but five political subdivisions of the island, and those are the judicial divisions, having about equal population.

Mr. Cockrell. What are the property qualifications?

General Davis. The property qualifications for voting in these municipal elections now going on and almost completed are that the voter must have paid at least $1 of taxes subsequent to the 1st of July, 1898—must have paid at least $1 of taxes subsequent to that date, and be able to show by receipt or record that that amount has been paid.

The Chairman. Does not that leave it open for any ambitious candidate to pay the taxes for them and have them vote?

General Davis. That will not work for the future, for the very reason that he will anticipate it. Some man will pay the taxes for others, and when the election comes around they will march up with their tax receipts to vote. Before the next municipal election this defect must be cured.

The Chairman. I suppose that the man must have owned some property in his own right on which he paid taxes, and not that men should be qualified voters for some candidate who should advance the money.

General Davis. There were some who had no real estate, or changed from one municipality to another, and that was why I was anxious to guard against it. The order stated that he should have paid $1 of taxes subsequent to the date mentioned and prior to the date of the order. I understand that an attempt was made by some to defeat its provisions, and the result was that some thirty or forty were arrested and tried by the United States provisional court and are now in prison, and so, too, is the man who advanced the money, for these men.

The Chairman. Do you think that voting is a good thing?

General Davis. I do; and that is the reason I set it on foot. I think I might mention one incident as illustrative, perhaps, of their tendencies. In this order, which was published regarding elections, in order that there might always be minority representations in each town council, a representation of both political parties, I made this addition. For example, where there were fifteen town councilmen to be elected—aldermen as you might call them—I required that each political party should nominate the whole number, submitting their nomi-
needs to the board of registration—the Australian ballot being used—that each voter should vote for the whole number of candidates on his or both tickets. He might vote the straight ticket, or scratch, as he pleased. One or the other party would, of course, prevail. I stated that the party polling the majority of votes should have ten of those councilmen installed in office and the minority five. It accomplished one result—that is, it gave minority representation, what I was after, to teach and furnish experience.

In one town, one of the largest in the island, where three or four thousand votes were polled out of a population of 30,000, a candidate of one party was specially obnoxious to the other party. He was a leader or boss in that community, but he had a great many enemies in the other party who determined that he should be defeated if possible. It was well known that this man's party would receive the largest number of votes, so the minority could afford to waste, or rather expend, some of their votes. In accomplishing it some twenty or thirty of the minority voted the majority ticket, scratching, however, the name of this objectionable man, and throwing him down the list, leaving him out of the eligibles. So, when the votes were canvassed this man was not included or installed in office. But his power in his party was great, and he cracked the whip over the heads of three or four of the successful candidates and made them resign. Intermediate between himself and the lowest of the ten successful candidates who resigned was one in his own class who had not votes enough to be elected, and yet was above him, and he made that man resign also. In that way he brought himself into the list of eligibles, and then proceeded to take possession of the office. That resulted in just what might have been expected, that is, the whole minority resigned, the whole five men resigned, leaving the minority without representation, and said they would not submit to the indignity, and they went home.

Mr. Cockrell. What did you do?

General Davis. I would not permit it; I said that each man had sworn to do his duty and I would not tolerate such an act of childishness subterfuge. The local law of Spain provided that no man could vacate his office unless he was over 60 years of age or physically incapacitated, and his physical incapacity evidenced by a physician's certificate. As neither condition was fulfilled I refused to permit them to go out, and so they continued in their duties. In regard to real estate transfers I published the following order:

**General Orders,**

No. 190.

**Headquarters Department of Puerto Rico, San Juan, November 27, 1899.**

Upon the recommendation of the judicial board, the following is published for the information and guidance of all concerned:

As it appears to the advantage of all parties that transfers of real estate should be made easy and simple, and as some of the provisions of the existing law tend to hinder such simple transfers, the following rules are adopted:

I. Powers of attorney executed and acknowledged in the United States or foreign countries shall be accepted by the courts. Notaries and registrars of property when executed and acknowledged in the manner required by the laws of the State or county where so executed or acknowledged.

II. Where real estate is purchased by or conveyed to persons who are nonresidents and act through agents it shall not be necessary for such agent to possess any power of attorney in order to present and record titles taken in the name of his principal, provided in such cases there be no obligations imposed upon the principal.

III. All laws and regulations in conflict herewith are hereby annulled.

By command of Brigadier-General Davis:

W. P. Hall, Adjutant-General.
STATEMENT MADE BY MR. HENRY G. CURTIS, A MEMBER OF THE INSULAR COMMISSION, ON JANUARY 17, 1900.

The CHAIRMAN. Will you please state your full name?
Mr. CURTIS. Henry G. Curtis.
The CHAIRMAN. Where do you reside?
Mr. CURTIS. Atlantic, Iowa.
The CHAIRMAN. State whether or not you have recently visited Puerto Rico; and if so, in what capacity, if in an official capacity?
Mr. CURTIS. On what is called the Insular Commission, which was composed of General Kennedy, of Ohio, Mr. Watkins, of Michigan, and myself.
The CHAIRMAN. How created?
Mr. CURTIS. Our appointments were from the Secretary of War, but I understood that the President made the selections. Our authority to go there was in writing and directed us—I have a copy of it here, but I can give you the substance of it—to visit Puerto Rico to examine and look into and report as to all matters, franchises, etc., that should be referred to us.
The CHAIRMAN. Please give the particulars, if convenient.
Mr. CURTIS. I have here a copy of the original order of the appointment, and here is a copy of the orders under which we went to Puerto Rico.
The CHAIRMAN. Please read it, that the committee may be properly informed.
Mr. CURTIS. It is as follows:

WAR DEPARTMENT, Washington, February 27, 1899.

ORDERS.

Robert P. Kennedy, Charles W. Watkins, and Henry G. Curtis, commissioners, and Horatio S. Rubens, counsel, are hereby directed to proceed to Puerto Rico to report upon all matters that may be submitted to them by the Secretary of War, relating to concessions and franchises, and to investigate and report upon all matters relating to currency, laws, taxation, judiciary, public improvements, education, and civil affairs generally.

They will also proceed to Santiago to investigate and report upon railroad facilities and communications in the province of Santiago de Cuba.

[Seal.]

R. A. Alger,
Secretary of War.

In regard to the last part, that was given before the adoption of the resolution of Congress. I will also read a copy of my appointment:

WAR DEPARTMENT, Washington, February 20, 1899.

Henry G. Curtis is hereby employed under the War Department as commissioner to investigate and report upon all civil matters which may be referred to him by the Secretary of War pertaining to Cuba and Puerto Rico.

He will be paid a compensation at the rate of $5,000 per annum, and in addition, when traveling under orders, will receive the mileage paid to officers of the United States Army—all to be paid from the appropriation for national defense.

G. D. Meiklejohn,
Acting Secretary of War.
The Chairman. I see that the original appointment which you put in evidence is dated February 20, seven days earlier than your orders, and also included Cuba as a field of operation.

Mr. Curtis. Yes, sir; that was the first thought, and the President said that he wanted us to act as advisers on all these matters that were new and look up and report fully on all civil propositions connected with the islands; first as to Puerto Rico and afterwards to Cuba. Nothing was said about the Philippines or any other islands, but in the meantime another commission was sent there and the matter of Cuba was never acted upon except in this respect. There was a company owning a mine near Manzanilla in the Santiago province.

Mr. Fairbanks. I do not know that it is necessary to go into the Cuban question.

Mr. Curtis. I simply went to Manzanilla and stayed there a day or two looking into the matter, but made no report on it. The other commissioners did not go to Cuba.

The Chairman. Tell us when you did go to Puerto Rico, how long you were there, and what you did.

Mr. Curtis. We went to Puerto Rico, leaving New York on the 1st of March by steamer, and we were there not quite two months. We got back here the 6th of May. As soon as we got to Puerto Rico we reported to General Henry with our orders. He issued an order for the officials and everybody on the island to give us all the facilities we might need and furnish us all the information we might require. We also issued a statement, not a proclamation, but a notice to the people where our office had been provided for us, and that we would hold meetings each day in San Juan and invited everyone to come and lay before us any plans they might have, and inform us as to any grievances they might think they were under and give us a general knowledge of the situation; that all people would be received, officials and others. The members of the supreme court came, all the secretaries at different times came, and people from all over the islands came to us, but not as fully as we wanted to hear from them, and after that investigation was over we went over the island. We went to Arecibo and made an investigation, and then to Caguas, Aguadilla, Mayaguez, San German, Isla Grande, Yauco, and Ponce.

The Chairman. All these places are in the western end of the island?

Mr. Curtis. Yes, sir. We went by rail and by stage. Wherever there was a break in that French railroad we had to stage it or go in ambulances. Then from Ponce we went by boat to Jobos and to Arroyo and to Guayanilla, and from there we went to Cayey in carriages, and then to Caguas, and from there to San Juan, where we spent a few days, and went on the Gypsum King to the other end of the island to Fajardo and Virques and Humacao.

The Chairman. That is at the eastern end?

Mr. Curtis. Yes, sir; and then by rail to Arecibo and on horseback to Utuado and over to Adjuntas and out into the coffee districts to Manue.

The Chairman. That is in the central portion?

Mr. Curtis. Yes, sir; and into the mountains.

The Chairman. You pretty well covered the island?

Mr. Curtis. Yes, sir. There were a few small towns and a little space on the military road that we did not travel over.

The Chairman. How long were you occupied in that investigation?
Mr. Curtis. I can not say, exactly, as between the time of traveling and holding the meetings, but the whole time there was six weeks. There was scarcely a single day we did not hold meetings. It took about two weeks to go and return.

The Chairman. You met the people wherever you went?

Mr. Curtis. Yes, sir; in these trips out into the country, that is, away from San Juan, we notified them in advance, and the people came from 150 to 1,500 or 2,000 people at each place, and they finally came to asking what our situation was, what the American law was, and really, of course, they wanted us to commit ourselves, or rather, the Government, but we had no authority to do so and did not; but we described the situation here and talked with the people generally, General Kennedy and myself, and they talked with us. So we interchanged views and had a pretty fair idea of the condition of things. We visited all the schools and practically all the jails.

The Chairman. Tell us what conditions you found in regard to schools.

Mr. Curtis. We found not a single schoolhouse on the island which had been built for a schoolhouse and but one owned by a school district. The schoolhouses used were rented and were generally shacks which belonged, many times, to the teachers, and were occupied by them as a family residence, or in some cases as a store.

The Chairman. Free schools or public schools, or how maintained?

Mr. Curtis. They were public schools, yet with the understanding of the right of the teacher to charge or collect, from those able to pay, a tuition fee.

The Chairman. To what extent did the children attend?

Mr. Curtis. Very few of the children attended. Those that did and those we found in the schools were bright little fellows anxious to learn. Each had to furnish his own seat—little bits of boxes and chairs brought by themselves. The school books were very scant, but almost every district has a map of Puerto Rico in its schoolhouse.

The Chairman. What is their condition as to aptitude?

Mr. Curtis. Our observation was that it was very good. We sometimes talked to the children. I had a little Spanish, and sometimes the interpreter did the talking and sometimes I did. They are very anxious to learn English and very quick to catch a point, but they had no text-books except occasionally a primer and a catechism, and occasionally a mental philosophy, and once in a while an arithmetic. Their teaching is in the manner of all repeating at once. The lesson is read by the teacher, and they say it over after him. The boys and girls are separated. I did not discover any particular difference in the aptitude of the boys and girls, and they are very bright, both black and white.

The Chairman. In what condition did you find the population of the island?

Mr. Curtis. We found the population of the island, some of them, quite wealthy and well to do and living in fine style.

Mr. Nelson. In those schools do the white and colored children go together?

Mr. Curtis. Yes, sir.

The Chairman. Is there any race prejudice?

Mr. Curtis. Very little. You will find a black woman with a white man, and a white woman with a black man and dark baby. It does
not create the disturbance it would in this country, but still there is some prejudice.

Mr. Nelson. In establishing any school system there, would it be necessary to make a double system—one for the colored people and one for the whites?

Mr. Curtis. Oh, no, sir; not at all.

Mr. Nelson. As has been the case in some of the Southern States:

Mr. Curtis. I do not think they would require that at all. We did debate the question as to whether it was necessary to keep the sexes apart. They claimed that the „devil of the sun,” as they call it, gets out so early that the passions come, and it is almost impossible to keep the two sexes together there, even in childhood. I do not know what General Davis’s experience has been, or how the schools are conducted now, and we did not make any definite recommendations, but I think to keep the people satisfied it would be necessary to keep the sexes apart—that is, after a certain age.

Mr. Nelson. The sexes, not the races?

Mr. Curtis. Yes, sir. The other portion of the people are very poor——

The Chairman. You did not finish your answer to the question.

Mr. Curtis. Some are very wealthy and well to do.

The Chairman. How large a proportion?

Mr. Curtis. A very small proportion. There are some, such as merchants, coffee and tobacco planters, sugar growers, etc. I know wherever we went through the island there were a number of invitations always for our entertainment, and no people could be more hospitable, nor could we be better entertained anywhere than we were there. Of course there is a difference in tropical style: the houses are not furnished as are ours, though fairly well. Those people are very wealthy and well to do.

The Chairman. Are they educated?

Mr. Curtis. Yes, sir. Only a very few of them speak English, but their education is good. However, the most of them have given very little attention to the subject of government, a very small percentage of them. They look after their business enterprises, but have not given much attention to governmental affairs. The other portion of the people perhaps might be classified in two parts—the small owners of little patches of land and the teamsters, who do freighting and such, and keepers of small stores, and then those who simply depend on day labor. They are mostly ignorant of everything except their particular work. You can not get them into conversation about any public matters, for they do not know anything about them. All they say is that they want to have such a government as will afford them work and security; they do not care what it is nor take any concern in it.

The Chairman. What proportion of the population would you put in that class?

Mr. Curtis. We put it at 10 per cent who could read or write.

The Chairman. Who can not read or write?

Mr. Curtis. Who can read and write. But I think General Davis’s test is better than our guess; probably 3 per cent is correct. The third class is entirely ignorant.

Mr. Cockrell. In your report you say from 10 to 20 per cent.

Mr. Curtis. Ten or 20 per cent who can read and write and who own property.
Mr. Cockrell. On page 6 you say "estimated at 10 or 20 per cent;" but after inquiry you put it at 10 per cent?

Mr. Curtis. The estimates were various and were given to us from all over the island. We put it at 10 per cent as about the right figure.

Mr. Nelson. What percentage, or proportion, belong to that so-called better class of which you speak, out of the aggregate?

Mr. Curtis. Ten per cent would be as we estimated it: but that is too high from General Davis's test.

Mr. Nelson. The balance you divide into two other classes, a middle and a lower?

Mr. Curtis. Yes, sir; some of the former can not read or write, but own some property.

Mr. Fairbanks. In the second class?

Mr. Curtis. Yes, sir. Those of the third class can not read or write and do not own any property, or ever have any hope of it.

Mr. Nelson. What proportion are in the third class?

Mr. Curtis. More than half, possibly two-thirds, as much as the others.

Mr. Fairbanks. Who constitute this first class?

Mr. Curtis. Some Spaniards, some Puerto Ricans, some Englishmen, and some Germans. The English and Germans own a good many of the sugar plantations. There is one Hollander who owns a large coffee plantation, about the best on the island, or it will be when he gets it shaped up. It has been very difficult for us to classify the people as to who are Puerto Ricans and Spaniards and negroes. The negroes all claim to be Puerto Ricans.

Mr. Nelson. Are there many negroes and mulattoes in that upper class?

Mr. Curtis. There are some. There is a lawyer, or a doctor, rather, in San Juan who is as good as any of them, Dr. Verbosa.

Mr. Nelson. Are there any among the planters?

Mr. Curtis. We did not meet any among the planters. There are not many, although probably some among the merchants. I should think the proportion was probably about as with us, just a few who have come up to the higher standard.

Mr. Gallinger. Perhaps it would facilitate our work on this branch of the inquiry if I should ask Mr. Curtis if he heard the testimony of General Davis on these points, and if, on the whole, he concurs with him on the points made.

Mr. Curtis. I heard most of General Davis's testimony, and I think it agrees with our experience except on the test as to literacy, where I think his judgment was better than ours, as he has had experience and our estimate was but guesswork. Of course there are some matters where our observation was a little different from his, though I could not particularly specify now.

As to quality, I am a great smoker of cigars and I like the Puerto Rican (good cigar) quite as well as the Habana. I understand that only in one province in Cuba, Pinar del Rio, do they grow a better quality than in Puerto Rico. The area of that is very small. There are two or three cigar factories there now which turn out a fine cigar, but generally they make vile cigars—just made out of the tobacco as it comes, without much selection. This can and will soon be remedied. Besides, their methods of curing this leaf are very crude and capable of much improvement. They were not allowed to make cigars under
Spanish rule, but the product all went to Cuba and was there manufactured and exported (not consumed by Cubans) as Habana tobacco and cigars. They say in Habana they mixed it, but I have no doubt much clear Puerto Rican tobacco was made into fine Habana cigars. While the Puerto Rican product is mostly used in Cuba and New York for "fillers," there is a considerable quantity of wrapper leaf grown there that is used for that purpose which, if made duty free, will be used in this country for wrappers and for "binding."

So that the present 4,000 acres cane (the proper inducement given) will be increased two or three times or more; and then you find an area in Puerto Rico in tobacco (if that is the better crop) equal to or exceeding New England's 13,000 acres. However, I think I would not agree with him on the possibility of increasing the acreage in sugar and tobacco. There is considerable sugar land which has been abandoned for that purpose and put into grass for pasturage. But this is the way they recuperate the land instead of by fertilizing. After three or four years in grass it is as good as ever for sugar. Each sugar plantation needs some grass land for pasturage for their oxen. They cut from three to five crops of cane from one planting (some cut it for nine years), and then plow up a field and put in pasture, and plant the pasture to sugar, and so alternate the crops.

Some have been abandoned because the old machinery could not compete with the more modern, and the central factory system is not so fully operated as to be available to all the small planters, and they could not put in expensive modern machinery, so turned their lands to something else or let them lie idle. So sugar planting can be largely increased.

Tobacco can be increased in still greater proportions. Tobacco is grown everywhere over the island, in small patches, some places of an acre or less. It will grow on all varieties of their soil. On the valley lands all sugar land is good for tobacco, and after it has been cropped in sugar and worn out it will raise tobacco. It grows on the second and third class lands, and I have seen it growing from the valley clear to the mountain top, and on sides so steep that to cultivate it one needs to hold on to something. Besides, Mr. Henna, our consul there, claims that only 10 per cent of the arable land of the island is now in cultivation. Dr. Carroll makes the same estimate. We put it at 25 per cent, or one-fourth of the tillable land in cultivation.

Mr. Fairbanks. Has your work been completed?

Mr. Curtis. Yes, sir; and we have submitted our report, together with a brief or argument, sustaining our positions.

The Chairman. We have your report here.

Mr. Curtis. Yes, sir; that is, you have our first report, which I brought with me this morning.

The Chairman. You have filed a final report?

Mr. Curtis. Yes, sir; which has not been printed, and accompanying it are arguments sustaining the recommendations we make and a code of laws.

Mr. Cockrell. Are those recommendations in that report?

Mr. Curtis. Yes, sir; and others in this other one—the last report.

The Chairman. When was that report filed?

Mr. Curtis. The 7th day of June.

The Chairman. The last one?

Mr. Curtis. That was filed the 30th of August.
The Chairman. In the War Department?
Mr. Curtis. Yes, sir.
The Chairman. Never printed?
Mr. Curtis. No, sir.
Mr. Gallinger. Did your commission draft a code of laws for the island which you submitted with that report or at some other time?
Mr. Curtis. Yes, sir; under and by the personal direction of the President.
Mr. Gallinger. What has become of that?
Mr. Curtis. It was filed with the Secretary of War for his examination, and was there for a month or two, in the Secretary's office, and is now in the room occupied by the insular division of the War Department.
Mr. Gallinger. And has never been printed?
Mr. Curtis. No, sir; I do not think anybody has ever examined it fully. They have not had time, perhaps, or the Secretary of War has not thought the time has come. It is in typewriting, and only one copy was made—a full and complete code of laws, civil and criminal, and extending such of the laws of the United States as we thought ought to be extended there, and is one uniform and complete system, embracing so much of the Spanish code as we thought ought to be left in and abolishing the rest. It takes up the school system, the tax system, all complete, with the officials to carry it out, the courts, and a complete judicial system. We gave a great deal of care and attention to it, and General Kennedy and I gave it our personal attention.

The Chairman. Your report is very voluminous?
Mr. Curtis. Not very; the report is about 20 pages. The argument is probably 40 pages, but the code embraces about 5,000 sections.
Mr. Cockrell. How much larger than this preliminary report is it?
Mr. Curtis. It is a big code.
Mr. Cockrell. About what size?
Mr. Curtis. It would probably be a book like the Code of Missouri or Ohio, though not quite as large as the Ohio Code. It is without annotations or anything of that kind, and possibly not quite as large as those volumes. It is a stack of manuscript of three or four piles, possibly a foot high, in sections or subjects, covered with pasteboard covers; about 700 printed pages, perhaps.

The Chairman. What you prepared would amount to a substitution of the common law for the Spanish law?
Mr. Curtis. Yes, sir; with all its details. We took the view that if our Constitution was to go there it was necessary to have the common law go with it to construe it. There is a radical difference between the Roman or civil law and the common law.

Mr. Fairbanks. You formulated a general system of government?
Mr. Curtis. Yes, sir. I understood the reason our last report and the laws were not printed was for lack of funds for printing for the War Department. That was given as the reason at the time.

I understood the reason the laws were not promulgated, or some modification of them, was they were not ready till shortly before Congress would meet, and it was thought best to await the action of Congress, as Congress might prefer to enact laws of its own, as it would have the right to do, and which would displace those if promulgated; and if not, then a civil government could be launched by the President as Commander in Chief; and we supposed if that course was
The Chairman. I have understood the reason the code was not printed was that the recommendation that the common law should take the place of the Spanish law as a basis was not approved by the Secretary of War.

Mr. Fairbanks. That code is in compact form and brief space?

Mr. Curtis. As brief as it was possible to make it.

Mr. Fairbanks. About how many pages, leaving out the code?

Mr. Curtis. I should say that the typewritten report is not over 20 pages. I have a copy of it.

Mr. Fairbanks. With you?

Mr. Curtis. No, sir; it is in my room. I did not bring it as I thought perhaps I had not the right, as it is on file with the Secretary of War.

Mr. Nelson. You can give us the substance of those recommendations now?

Mr. Curtis. Yes, sir. Substantially they will be found in the first report, and then I can give you some details and some additional in final report, and some changes or modifications I jotted down last night. We thought, and I thought, that it would be very unwise, if not impossible, for the United States to govern these islands on the principle of the Spanish law without great modifications. Making one law necessitates another, and so on. I do not know how this country could manage without the writs of injunction and mandamus and certiorari, and those writs are not known to the Spanish law. I do not know how we can get along at all with the present system of criminal law as operated by Spain in all her colonies. I can find no instance in any country we have had to do with, or that any English-speaking nation has taken possession of, where there is not as the first thing proclaimed the common law in its islands or colonies which were conquered, especially as applicable to criminal law, and giving the writ of habeas corpus and injunction. I think the civil procedure of the Spanish law is dilatory and defective.

Mr. Nelson. Is not that establishment of a civil and criminal code for the island an act that ought to be initiated by the insular legislative body, subject of course to ratification by Congress?

Mr. Curtis. It is a proper and legitimate way to do it, either by the island or by Congress when Congress determines to legislate, but I agree with General Davis very positively—perhaps even my ideas are stronger than his—that no legislature is possible or profitable in the island of Puerto Rico now. They do not know anything about our system, they never have studied it, and all that the people ask is that they be given our laws and plenty of American officials to carry them out, and enough to control them and teach them our methods.

Mr. Fairbanks. They request that?

Mr. Curtis. Yes, sir. We asked them this question almost everywhere: “Will you be satisfied if the United States gives you the same system of laws under which it has been living for a hundred years,” and they answered without objection everywhere. “Yes”—except a few who wanted to run the government for themselves, and expected to continue the plan they had been under for years past. We had some instances, under General Henry’s direction, of attempts by them to make American laws—the marriage and divorce laws for instance.
GOVERNMENT FOR THE ISLAND OF PUERTO RICO.

sign d by Herminio Díaz Navarro, secretary of justice, and is Puerto Rico, March 23, 1899, and marked Approved “A” and by General Henry.

NELSON. What is that law?

CURTIS. It is too long to read in full—

FAIRBANKS. Is that whole document you have there in regard

CURTIS. Yes, sir: the first section is all that relates to the legality of marriages or legitimizing children. I will read that:

...this date, and after having been entered in the civil register (as referred to le 10 of this order), all marriages, whether civil or religious, which shall be... under this law are declared to be legal.

equalizes all marriages contracted after this date, but does not matize the children.

NELSON. How was it in Louisiana?

CURTIS. Well, in Louisiana—

GALLINGER. In speaking of Louisiana, we did have a law legitimizing the children there.

CURTIS. Yes, sir; and in our code we have followed that law, that we provide that the parents have to go before a court of law and make proof that they have been, in good faith, living as husband and wife; or, if one of them is dead, the other appears; and, if both are dead, the children may appear and make the same effect. In section 3 of this law, promulgated by General Henry, it is stated that the following are forbidden to marry: sequestrants and ministers, or members of whatever religion, who object to marriage. That gave rise to our sanction, which has caused some criticism, that priests and might be allowed to marry who have renounced their vows, v to repeal this law.

GALLINGER. Read the divorce section if you have it at hand.

CURTIS. Yes, sir; I will read it. It is as follows:

...of marriage the divorce declared by the civil courts after the proceed- a declaratory trial (mayor cuantia) for a strong reason shall cause the dissolution of the tie and the contracting parties shall remain in absolute liberty. (That is... civil marriages.) The divorce to which the preceding article refers shall not be ordered concerning purely civil marriages for the following causes: Adultery of the wife; adultery of the husband, with public scandal, or on account of entire neglect or the part of the wife; bad corporal treatment given by the husband; violence of the husband to the wife to compel her to change her religious beliefs; attempt of the husband to prostitute his wife, or proposition made by the husband to the latter with the same object in view; attempt of the husband or the wife to enter into the children and complicity in their corruption or prostitution; final neglect of either of the consorts to life imprisonment with or without the chain and incurable physical impotency for procreation occurring after the celebra-

American law I think that is a great mistake.

COCKRELL. Is there any statute in the United States of that order?

CURTIS. No, sir.

COCKRELL. Where did they get that?

CURTIS. I do not know. That is their "American law," made he assistance of General Henry and Dr. Carroll.

COCKRELL. Who was Dr. Carroll?

CURTIS. A commissioner sent by the Treasury Department into the finances and customs of the island.
The Chairman. He was appointed by the President?
Mr. Curtis. No, sir; I think not. He was an employee of the Treasury Department, sent to Puerto Rico for this specific purpose, and reports to them. He may have been also appointed by the President with other powers; I do not know.

Mr. Cockrell. You seem to have had a good many spoons in the kettle of legislation down there; your commission was at it, and he was at it, and he seems to have got his in.

Mr. Gallinger. Suppose we proceed, with your permission, of course, Mr. Chairman, and unless other Senators have questions to ask, with the government of the island.

Mr. Curtis. I would like to say one word in regard to one other law. I only presented this matter to show how near, when they have opportunity to do so, they can come to making a law to suit the American idea of what one should be—

Mr. Cockrell. That is not an American law.

Mr. Curtis. I do not think Dr. Carroll knows of those provisions in that law.

Mr. Cockrell. Then why does he utter such things?

Mr. Curtis. I think he only gave them a memorandum of what ought to be done, and they prepared this themselves.

Mr. Fairbanks. You think it is an improvement on the Puerto Rican system, but that it is not American law?

Mr. Curtis. I do not think there is much improvement anywhere.

Mr. Fairbanks. You made recommendations, on page 68 of your report filed June 9, 1899, in regard to marriage and divorce, I observe.

Mr. Curtis. Yes, sir.

Mr. Fairbanks. Have you modified this by a subsequent report?

Mr. Curtis. We have carried it out in law in our code.

Mr. Fairbanks. In detail?

Mr. Curtis. Yes, sir; we found a tax system there, operating under our authority just as it had been under the authority of the crown of Spain. That was modified under General Henry by the suggestion and preparation of a tax system by Mr. Call y Tosti, who was then secretary of finance and now civil secretary, and he came before us and explained it and argued for it. They put the land into three classes and collected a specific tax of a dollar an acre on the best—that in the valleys and fertile parts—of 50 cents an acre on the next, and of 25 cents an acre on the poorest—the sterile lands and the mountain tops; and then provided that all nonresidents should pay twice as much as residents. To that we objected, but it went on.

Mr. Gallinger. Is that the system now?

Mr. Curtis. Yes, sir; unless General Davis has repealed it.

Mr. Gallinger. That is in direct conflict with our American system.

Mr. Curtis. Yes, sir; it is that which was provided against in the ordinance of 1787, and in every Territorial act since. It works against the Americans as well as the Spaniards.

The Chairman. Is that on real estate?

Mr. Curtis. Yes, sir; and all property as well. Mr. Call y Tosti calls it the Henry George system, and I think it is.

Mr. Cockrell. Does he call that an American system?

Mr. Curtis. Yes; sir; the Henry George system.

The Chairman. You found the system of taxation unsatisfactory?

Mr. Curtis. Yes, sir; the poor man was in the entire power of the taxgatherer.
The Chairman. It was very burdensome?
Mr. Curtis. Yes, sir. Each municipality is left untrammeled and uncontrolled. They make their own taxes and fix their own salaries.
Mr. Nelson. The valuation is a mere arbitrary one?
Mr. Curtis. Yes, sir.
Mr. Nelson. Is it not possible to adopt a system such as we have here with an assessment of the property, and base the taxes on such an assessment, made every year or two years or three years?
Mr. Curtis. Just as easily as here, and our code provides that in detail.
Mr. Nelson. You worked it out?
Mr. Curtis. Yes, sir; and we also provide, which has never been done there heretofore, that the fund levied for a specific purpose must be used for that purpose and none other. They have levied a very nice tax for the schools and roads and poor, and it has all gone substantially to pay salaries.
The Chairman. What is your framework?
Mr. Curtis. We make two recommendations. Our first and primary thought was that the executive should be like that of the District of Columbia, with three commissioners, one Puerto Rican and two Americans.
The Chairman. No governor?
Mr. Curtis. No, sir; they would be the governing power, but fearing that probably would not be the thought of the President and the Secretary of War, or, rather, understanding that it was not, we recommended that a civil governor, who should be a civilian well acquainted with affairs, and that he should have such assistants as was necessary, but abolishing this great crowd of secretaries and their clerks. We found the officers of the province costing for salaries $310,000 a year for that little island. We found one subdepartment, that of public works, costing $48,000 a year for its clerks and chief, and we thought that these things ought to be practically wiped out, and General Davis has changed that. How much he has reduced the salaries I am not advised. We thought that twice as much, if not three times as much, as was necessary was paid for salaries. In the town of San Juan we found that they cost $362,000 by the last budget, that for year ending June, 1899. By our plan we will save $148,000 a year and give them a better government. The town of Caguas, having 5,000 population, costs $58,000 to run it for salaries alone, and not to exceed a thousand dollars is spent outside of that. They include in their lists at San Juan pay for royal mace bearers, some of whom are dead and some of whom are living, and for pensions and expenses of "feast days," etc.
Mr. Fairbanks. A species of favoritism?
Mr. Curtis. Yes, sir; kept up because of the official class. In Utuado we found them appropriating money to send three boys to school, and we asked on what authority that was done, and they said they had authority from General Henry, but could not show it, but that they were good boys, and so they sent them.
Mr. Gallinger. Do you mean that amount for San Juan, $363,000, is for salaries? What is the population?
Mr. Curtis. Yes, sir; mostly. The population is not to exceed 25,000 in the city, and in the whole municipality not more than 40,000.
We dispense with $148,000 of it.
The Chairman. What else?
Mr. Curtis. At Caguas we save $35,000 a year by our code. We thought such reduction would help very much in benefiting the finances of the island. They will amount to more than all the duties collected.

Mr. Cockrell. You mean the system you recommended. It has not been adopted?

Mr. Curtis. Yes, sir; the one we recommended. It has not been adopted.

The Chairman. What other departments of government did you recommend? How would the machinery operate?

Mr. Curtis. By and mainly through the governor and the municipal government.

The Chairman. Did you have a legislative department?

Mr. Curtis. No, sir.

The Chairman. Just an arbitrary one-man power?

Mr. Curtis. Yes, sir; just the same as the Territory, except that there was no legislation.

The Chairman. Who would do the legislating; would Congress have to do it?

Mr. Curtis. No, sir.

The Chairman. Who would do it?

Mr. Curtis. The President of the United States, as commander in chief.

The Chairman. The President?

Mr. Curtis. He would sign and promulgate the laws as we have prepared them, after approval of them and such changes as he decided on.

The Chairman. How would he do in the future, as from time to time it will be necessary to legislate?

Mr. Curtis. Then the governor would recommend such legislation as he thought advisable, and the President would make the law.

The Chairman. Do you not think it would be imposing a good deal of labor on the President, which he would not be able to meet?

Mr. Curtis. Undoubtedly; he would have to have some help.

The Chairman. Did you provide any additional help?

Mr. Curtis. No, sir; except that the governor would know what changes should be made, and how the law was operating, and would report such changes as he thought for the best and they could be made at once.

The Chairman. The President would appoint the governor?

Mr. Curtis. Yes, sir; and the President would appoint the supreme court—two natives and three Americans—and the Federal judge, which is not really a Federal court, because we thought they could not have a full Federal court, but as near as we could get it, with authority to try cases between Puerto Ricans and citizens of other countries and citizens of the United States, and other Federal questions, allowing appeals to run in all cases to the supreme court. We let the court of first instance stand, giving them power as committing magistrates with authority to try small cases and to act as courts of probate.

The Chairman. How appointed?

Mr. Curtis. By the governor. We also left the court of audiencia. They have general jurisdiction of matters civil and criminal.

The Chairman. How many of those?

Mr. Curtis. We left the districts as we understood they were—seven, according to that map—with three judges.

Mr. Cockrell. Do those red lines on that map represent municipal districts?
Mr. Curtis. I believe they represent judicial districts.
The Chairman. How many courts of the first instance?
Mr. Curtis. We left them as before—twelve.
The Chairman. The next court would be the supreme court?
Mr. Curtis. No, sir; the audiencia.
The Chairman. I mean the next above. There would be the court
of audiencia and then the supreme court?
Mr. Curtis. Yes, sir; and then the supreme court, and independent
of that, with concurrent jurisdiction, the Federal court, but unless the
island is made a part of the United States no appeal can be had to the
Supreme Court of the United States. No appeal except to the Presi-
dent, who may take advice from the Attorney-General.
The Chairman. Did you proceed on the theory that the island is a
part of the United States?
Mr. Curtis. No, sir; that it is merely a military possession.
The Chairman. It belongs to us.
Mr. Curtis. Yes, sir; as to all the world—like Tampico—but, as
between ourselves, it is not a part of the United States. That is our
theory.
The Chairman. All your recommendations for legislation were based
on that idea?
Mr. Curtis. Yes, sir; yet with a few modifications suitable for Con-
gress to enact into law.
The Chairman. You did not extend the Constitution and laws of
the United States?
Mr. Curtis. Only as locally applicable there. We did not extend
the right of trial by jury for this reason, that we thought the people
were not ready for it. We found that if Congress legislated trial by
jury must take place, even before justices of the peace, where §20 or
more was involved. We found that foreigners were not put on juries
in this country. To make a jury of twelve persons out of those igno-
rant peons, who have lived in a country where bribery is at a premium
and favoritism is a good thing—compelling trial by jury, as the Supreme
Court had held necessary in the case of the District of Columbia and
in all Territories, in such courts would make a trial in the courts
of justice a farce. But in the Federal court we provided for a jury to
be selected largely in the manner I understand General Davis selects a
jury now in the one provisional court. The marshal and the clerks of
the court prepare lists of 200 or 300 men from all over the island, who
are qualified, and they are drawn from a box. In that way, taking the
whole island in, you could get one jury; but to get juries in all cases
is, I think, without any possibility of being mistaken, making a farce
of justice on the island, and the people so regard it. You can not find
a man, hardly, who will not say that they are not ready for the jury
system. If that be true, you have to leave out some of the provisions
of the Constitution of the United States. If Congress legislates for
the island or provides a legislature this can not be done.
Mr. Nelson. You must modify some?
Mr. Curtis. Yes, sir. In Louisiana all that was wiped out—that is,
all Spanish methods in criminal law.
Mr. Nelson. The Spanish system is in putting the criminal through
a course of examinations, considering him guilty when arrested and
endeavoring to make him confess?
Mr. Curtis. Yes, sir; at some times. At other times he does not even go through any examination. There is a woman in the city of San Juan who has been in jail, unless General Davis has liberated her, for four years and some months, without any charges against her whatever, and one man has been five years, and others who have been there since before the Spanish left, six of whom are charged with killing a man, and the witnesses are all gone and nobody knows anything about it. We called the attention of the supreme court to that jail—by the official report there are 149 out of 149 inmates who have never been tried. We visited the jail and found it in a most filthy condition. We went to General Henry and he called the attention of the minister of justice to it, and he denied the matter, and we then called the attention of the supreme court justices and the judge of first instance to it and the alcaldes of San Juan. That is the condition of 149 men there out of 149 who have never been tried. This official report is dated June 6, and received by us here.

Their law is that a judge or fiscal may order anybody under arrest whom he chooses—the same as the French system in Canada for seventy-one years—whether guilty or not guilty. There is no inquiry. You may secure your writ of habeas corpus now, but the writ can only release a man illegally confined and before conviction, and here they are all legally confined. He holds a man there until he gets the evidence, or as long as he pleases. Perhaps the arrest is made from pure enmity or grows out of some business transaction, and he wants him out of the way. And they defend it to-day, some of them, as being better than our system because, they say, criminals escape here. If the criminal can communicate with his lawyers he will get cleared. They do not allow a man to see a lawyer or to know when he is to be tried until twenty-four hours before his trial begins, in many cases. Hence if you are to do away with that you have to provide some other law altogether.

With regard to this civil law, some people have said it ought to be left; that it is a good enough law. I can't agree with them. In the first place, there ought to be a new railroad law. If you will, pass a general railroad law similar to the law in Michigan or Iowa or Indiana. I do not like the New Hampshire or Massachusetts law, where the legislature grants franchises. I would take the whole system of franchises away; I would not have it peddled over the island for favor or barter. Establish corporation laws, and let them build their roads and compete with each other, and be subject to general governmental control and be taxed like other property.

The Chairman. That is, you would have them established under a general statute?

Mr. Curtis. Yes, sir. I would not have the legislature bothered with it, or Congress bothered with it. There is nothing, in my judgment, to sell. We were bothered with that; we were asked if we should put up the franchises at public sale. What would we sell? We examined their applications, many of them which had been referred to us, and we recommended certain routes that ought to be built at once. We found there were several sets of men asking for these franchises. I know of one backed by abundant capital, one by the Vanderbilts, another by Boston men I know are capable of building roads all over the island, and one having behind it a syndicate in Philadelphia and other towns controlling $200,000,000, and New York
Mr. Nelson. You are aware that the term citizen has a double meaning. My wife and my minor children are citizens of the United States, but not in the same sense that I am. I am a voter and a citizen of the United States and have other privileges. Would you deprive these Puerto Ricans of all these rights and privileges, independent of the right of suffrage?

Mr. Curtis. I would not, in the first place, give citizenship to them now, nor the right to sit on juries; they have the right to be protected—do business and must obey our laws—the same as citizens.

Mr. Nelson. That suffrage is not a right of citizenship; that is a local privilege.

Mr. Curtis. The Constitution does not make voting a right; in other words, it prohibits discrimination on account of race, color, etc. But the Constitution does not guarantee the right to vote.

The Chairman. You would deny them the rights and privileges of the bill of rights?

Mr. Curtis. No, sir; I would treat them as permanent residents, as inhabitants. The Supreme Court says with reference to Chinamen that they can not be naturalized. They are domiciled in the United States, but they can not be citizens. These people can be Puerto Ricans, protected in their rights of property and civil and criminal and every other right as residents of the island having permanent domiciles therein.

Mr. Nelson. Do you say we have the same right to exclude the Puerto Ricans as we have in regard to Chinese?

The Chairman. Or as we had in regard to Puerto Ricans before the cession?

Mr. Curtis. So far as the question of power is concerned as a matter of law, yes. Taking the decision of the Supreme Court of the United States in the case of Wong Kim Ark (169, U. S. and 3d Peters, to which they refer), it is announced that the United States has a perfect right to declare any class of people citizens or not citizens who are not already citizens that it may choose. If we may keep these Chinese from ever being citizens, although permitting them to reside here and giving them every other right, you can keep these people on probation for a few years, while giving them other rights, and fix their political status later and make them citizens. I only speak now of the power, and not to class Puerto Ricans with Chinese.

The Chairman. You overlook the vast distinction that in the one case the people come from a territory that is not in any sense a part of the United States, wholly a foreign country, and in the other case it is people from a territory which is in some sense a part of the United States.

Mr. Curtis. I do not see that that changes the legal rule. No doubt the island "pertains to the United States," the same as the Guano Islands or Tampico, while in the military possession of the United States, but it is not a part of the United States. There is that distinction made through all our practice, and I think it is necessary to be kept up. They come to us from a foreign country without this right by treaty. I think the reason the treaty did not make these people citizens was because of these various questions we are discussing, no so much for Puerto Rico, but as the same question might be discussed in connection with other islands—the Philippines and Sulus—and all are embraced in some provision. When a foreigner comes here, he
parties also anxious to invest in railroad building in Puerto Rico. No need for subsidies.

Mr. Nelson. You claim this legislation is necessary, but your idea is that it is not a part of the United States in any sense, and whatever legislation is necessary should be promulgated by the President?

Mr. Curtis. Yes, sir. In one sense the island is a part of the United States as against all the world, but as to the Union it is not a part of it.

Mr. Nelson. That neither Congress nor any local legislature should have power to do it?

Mr. Curtis. Congress has the power to do it, but my judgment is that it should not do so now. There is no question of the power of Congress to legislate, but, under the treaty, the islands are simply purchased possessions under military control, and the people are simply "inhabitants of the island," and if made citizens Congress must do it.

Mr. Gallinger. Is that term in the treaty different from the phraseology of other treaties?

Mr. Curtis. Yes, sir; it is different from every other treaty.

Mr. Gallinger. I mean in reference to this particular item of citizenship.

Mr. Curtis. In Louisiana and New Mexico, and in all the cessions from the States, of course, it is provided that the countries shall be parts of the United States and the people citizens of the United States. In the treaty with Mexico it simply fixed the boundaries between United States and Mexico, and in that is a provision, which is copied in here in part, which provides that in one year the people may have an opportunity to state whether they will preserve their allegiance to their former sovereign. In the treaty with Mexico it was stated that if they did not "they should be deemed citizens of the United States," and in the present treaty they are inhabitants of the island, taking nationality of the grant of the island (but not citizens of United States).

Mr. Nelson. That is a matter for Congress?

Mr. Curtis. Yes, sir.

Mr. Nelson. The treaty was a grant on condition, and under that grant the islands were granted to us with this proviso, that the civil rights and political status of the inhabitants should be fixed by Congress, so that the whole matter is left to the discretion of Congress. You are mistaken in your contention that Congress has no authority to act.

Mr. Curtis. I do not claim that; you misunderstand me. I do think that Congress has the exclusive power "to fix status," but after it has fixed their status as citizens of the United States its legislation must conform to all constitutional provisions; none can be left out or modified.

The Chairman. What is your opinion as to making them citizens of the United States?

Mr. Curtis. I think it would be a calamity to us and to them also at present. I think there should be a probation of five years at least, as in California and New Mexico.

The Chairman. Suppose a Puerto Rican wanted to travel abroad: how would he get a passport?

Mr. Curtis. The governor of the island might give him a passport as an inhabitant of the island of Puerto Rico, and under the jurisdiction and control of the United States.
can become a citizen only by complying with the laws of Congress as to what we call our naturalization laws; till then he has all other rights, all rights not exclusively belonging to citizens.

Since the treaty with Spain does not grant these former subjects of Spain citizenship, but leaves all this matter to Congress, they can not become citizens except in some manner Congress shall provide. Congress can grant this all at once by fixing their status as that of "citizens of the United States," or in some other way it may require an oath of allegiance, or a certain period of residence, or it may decline so long as it pleases to pass a law or do any act which shall fix their status, and in the meantime they will remain only and simply as the treaty leaves them, "inhabitants of the island." But while so remaining they will not be within the jurisdiction of Congressional legislation. They will be still "semiforeigners" on probation and Congressional laws do not extend beyond our actual boundaries and our citizens of the United States.

The laws and civil government there must be launched by the commander in chief. It will be a full civil government, and military only in name. Such a government will be just as satisfactory to those people generally as one by Congress. They only want to be rid of the military governor, and care nothing about our constitutional difficulties.

The Chairman. Do you agree with General Davis's statement as to the present industrial conditions?

Mr. Curtis. They are as bad as he says.

The Chairman. What is your opinion in regard to allowing imports of their products to this country free of duty, and ours there?

Mr. Curtis. I think the regulations and restrictions ought not all to be taken away. I believe there are industries on the island that ought to be protected against the United States for the benefit of the island. I think duties ought to be modified, not abolished.

The Chairman. Which are they?

Mr. Curtis. There is the hat manufactory, and a good many other factories—I have a list of them, but did not think to put it in my pocket this morning—which they claim need protection. There are clothing manufactories, some carriage manufactories, and canned goods, soap factories, chocolate factories, shoe factories, oil refinery, soap-paste factories, sole leather, cigars and cigarettes, and others reported by the industrial commission of Ponce and printed by Dr. Carroll in his first report.

The Chairman. You think we ought to levy taxes to protect those industries?

Mr. Curtis. Yes, sir; or some of them. And I believe the island can not get along without some revenue from customs, unless we furnish it from the United States. I do not believe it wise to borrow money to pay current expenses, but I think they ought to have revenue and taxation. I differ from General Davis in regard to his statement as to change of the market to outside countries. The free entry from United States would turn channel of trade.

The Chairman. You think the trade would be almost exclusively with the United States?

Mr. Curtis. I believe the difference between high duties and no duties would be such as to turn the trade to the United States almost entirely.
Besides, the people wish to rid themselves of the Spanish people and trade, and they will come into the United States to do so. If you will let the railroads, General Stone and these other gentlemen who are interested, cross the public lands and pass over the highways and exercise the right of eminent domain, they will build railroads there and employ every laboring man on the island in doing it, and employ men on the roads when done. This will give impetus to business. Then give the people full credit and remove the difference between 60 cents and $1 by authorizing the Secretary of the Treasury to coin silver money for use there and take up the money there and eventually let the island pay the difference. I would establish some kind of credit. I differ with some others as to the cause of the discredit of the sugar planters. We had some complaints the first thing in regard to General Henry's orders suspending the collection of mortgages on farms. It was in favor of the farmers only, but it was wrong in that respect—a discrimination, which is un-American. It said that they should not be collected for one year, and these people said if it was suspended for one year why not for two years or for five or altogether. That is one cause of poor credit. We recommended that the mortgages be respected and the rights of property maintained and respected. Let the mortgages be foreclosed and land sold at two-thirds appraised price, and then give a year's redemption and you will establish lost credit; others—private parties—will then loan money. I understand from General Davis that they now ask these extensions may be given for two years longer. Cuba has been given two years, extension, and they expect the same thing. Their property is good enough and profit is good enough. These sugar and coffee men are making thousands of dollars profit annually, and so they can also do out of bananas and pineapples and other fruits, as they also can out of tobacco under proper industrial conditions and if they can get money to work their plants.

Mr. Gallinger. Are you clear in your mind—I think you suggested in your report that these people are not fitted at the present time for self-government, and that it would be unwise to give them a legislative body.

Mr. Curtis. Absolutely. I think it would be unwise for us and for them.

The Chairman. And your opinion would be the same even with a restricted suffrage?

Mr. Curtis. Yes, sir. If you restrict the suffrage you put the government in the hands of 6 per cent of the people, which is not an American government or universal suffrage. If you give it to all you give it to a people who are swayed by all sorts of passions—by rum, some of them, and by bribery. I do not think elections could be held at one time on the island without some forces at the polls who would compel recognition by the minority of the will of the majority.

The Chairman. Are they so excitable?

Mr. Curtis. Yes, sir; they get excited over nothing, all at once. They are not warlike, but they get excited. They do not kill people, except as General Davis said in regard to some fights.

Mr. Gallinger. You say you recommended the common law as interpreted by our courts to be extended over Puerto Rico as the basis, instead of the Roman law now there. What are your reasons is a lawyer for this recommendation?
Mr. Curtis. This question was not answered fully, the time being but exhausted, and it has been suggested that I submit my answer by in writing, which I now present as my answer to that question, I we will save the time of the committee.

SPANISH LAW OR COMMON LAW.

In preparing laws for our new possessions, whether by Congress, al legislature, or by the commander in chief, the basis should be common law as interpreted by our courts rather than the Spanish civil law.

If we are to govern these islands and make them a part of ourselves, e prime object will be to pursue such a course as will best and dickest assimilate them to our ways, accustom them to our laws, agnize, and way of thinking, and teach them respect for our laws and r flag, and then will follow love for it and devotion to our country, re are now aliens in race, thought, habits, customs, and language, ver since governments have existed, at least since the dark ages, we ve had two systems struggling for the mastery, producing a diverse ad widely differing civilization. One is the old Roman or civil law, e other the English common law. Spain, France, Italy, Mexico, d all South America hold to the first system. England and the nited States to the latter. The difference in the two civilizations, the progress and advancement in science of government and prosperi, is traceable to the radical differences between the two systems laws. The one tends to development of the rights of the people d respect for the will of the masses; the other enrichment of the overing class and protection for the rights of the few, regardless of e voice of the people.

The common law was a growth from the demands of the people gainst the encroachment of the governing class. The best of the Roman law was selected, and on it was engrafted, first, by the “Magna charta,” the right of trial by jury, then the writ of habeas corpus and release from illegal arrest and imprisonm without just cause, nd a speedy trial and right to be confronted with the witnesses against the accused: then, prohibition of ex post facto laws, none of which were known to the older system.

When our fathers came here, there being no civilized laws, they brought with them the common law, and soon engrafted other and more progressive principles: No taxation without representation, freedom of conscience, and no union with church and state, and many other things now held dear to us, including equal taxation and uniform customs duties, all principles not yet accorded to the people living under the old system. We Americans know and realize that ours is the truest system, and all the world acknowledges our superiory, and that we enjoy greater comforts and happiness among the masses than any other people under the sun. Why, then, should we hesitate in giving our new possessions the benefit of it?

All concede that our Constitution is the finest charter of liberty ever written or enjoyed by any people, and that it must of course be applied in its general features in whatever government is to be adopted.

The Supreme Court in United States v. Wong Kim Ark (169 U. S., 649) say: “The language of the Constitution, as has been well said (Kent, vol. 1, 336), could not be understood without reference to the
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If we are to govern these islands and make them a part of ourselves, the prime object will be to pursue such a course as will best and quickest assimilate them to our ways, accustom them to our laws, language, and way of thinking, and teach them respect for our laws and our flag, and then will follow love for it and devotion to our country. They are now aliens in race, thought, habits, customs, and language. Ever since governments have existed, at least since the dark ages, we have had two systems struggling for the mastery, producing a diverse and widely differing civilization. One is the old Roman or civil law, the other the English common law. Spain, France, Italy, Mexico, and all South America hold to the first system. England and the United States to the latter. The difference in the two civilizations, in the progress and advancement in science of government and prosperity, is traceable to the radical differences between the two systems of laws. The one tends to development of the rights of the people and respect for the will of the masses; the other enrichment of the governing class and protection for the rights of the few, regardless of the voice of the people.

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common law." In 21 Wallace, 167, Chief Justice Waite proceeded to resort to the common law in aid of the construction of the provisions of the Constitution relating to citizenship. The court also says, in the former case:

The interpretation of the Constitution is necessarily influenced by the fact that its provisions are framed in the language of the English common law, and are to be read in the light of its history.

This, then, being true, what is the use of extending the Constitution over these people and withholding that by and through which its meaning can be understood, and by which it must be interpreted? I do not see how a student of the Roman law, a judge, or lawyer, could understand or interpret the Constitution without also knowing the common law. General Davis has given you a sample of this. He is not a lawyer. He says the judicial system now in operation was prepared by native Puerto Ricans, and it provides for a writ of habeas corpus, and a few days before he left the island a native judge, on habeas corpus, released a prisoner who had been convicted in the court and sentenced to penitentiary for fourteen years; that this was the first instance in a Spanish country, etc. Certainly no such instance ever occurred in the United States nor England. Habeas corpus is not an appeal after conviction. It only operates before conviction. If the makers of this law or the judge had possessed a knowledge of the common law this would not happen.

So it would seem to follow, without further argument, that when we extend the Constitution over these people we must also declare the common law as applied in America and interpreted by our courts to be in force there except as we may modify it by statute. This of itself wipes out the Spanish law as a basis for the laws of the island, for the two systems can not successfully exist together. It has been said that the Spanish law is not bad in itself but only in its enforcement. Those who really believe the Spanish law better than the common law ought to seek to have it engrafted on our laws and displace the common law, as America certainly deserves the best. But the execution of the law is a part of the law itself, as it always provides how it should be executed.

Louisiana and Lower Canada have been referred to as examples, signally successful under the Roman law, adopted and enforced by people themselves living under the common law. In the first place, "to keep history straight" and not to destroy a comfortable illusion, it should be known that the enabling act by Congress for Louisiana provided for trial by jury and for the free enforcement of all the provisions of our Constitution. The very first legislative assembly adopted and extended the common law of England to all proceedings for the punishment of crimes and offenses, and that all rules of evidence and procedure must be according to the rules of the common law provided for writs of injunction and habeas corpus and trials by jury, all contrary to the French or Spanish system.

France occupied this territory from 1682, when it first took formal possession, till 1763, when it was ceded to Spain as a reward for assisting France against England, a period of eighty-one years. At this time France ceded Canada, as a result of the war, to England, and Spain ceded Florida to England in exchange for Cuba, which had been conquered and occupied by England. Spain retroceded Louisiana to France by secret treaty in 1800, but Spain continued to occupy
Louisiana till, through Napoleon as First Consul, it was ceded to the United States, and formal possession was not surrendered by Spain to France till it had been ceded to the United States, and only thirty days before formal surrender was made to the United States in 1898. So that just prior to our occupation Spain had held Louisiana for forty years (three years not as owner, but by courtesy of France), so that we found a population of French and Spanish and half-bloods, with a mixture of laws and customs. And, as we have seen, we left but little of the Roman system in force—simply civil forms and procedure, with all their dilatory methods. Yet this was enough to keep alive the two systems, two languages, and two sets of customs, and to enable them to retain their racial distinctions; and we find much of the old still in existence and still leading to much confusion.

Lower Canada has not made such progress in advanced civilization, compared with like portions of the United States, as to encourage us in following the system adopted there. Mr. Garricau, in his History of Canada, written in 1866, says the law abolishing "feudal tenure" in Canada was passed in 1854, at which time there were 220 "fiefs," or feudal estates, possessed by 160 seigneurs, embracing 12,822,503 acres of land, about one-half of which was rented to 72,000 tenants (vol. 1, p. 184). The French system, prior to British occupancy, this author says, was very simple and arbitrary. The Governor-General and the intendant exercised all the civil and military powers of government along with the seigneurs, who had justiceships in their domains, and exercised juridical administration, with Jesuit priests as lawyers. This was the system adopted at the outset in almost all French colonies. The award of the chief or his lieutenant was an oracle that none should question—a redoubtable decree to be obeyed, not examined. These functionaries had the power to inflict or remit, to punish or reward, the right to imprison men without the shadow of culpability on their part, and claiming reverence as an act of justice for every instance of their caprice. Contestants thus preferred to abate their rights rather than go to law.

A very similar condition, especially as to imprisonment of men without charge or a shadow of guilt, was found to exist in Puerto Rico, Cuba, and the Philippines, and doubtless exists in all countries governed by Spanish law.

Taxation was levied by the will of the King, and Canada was never systematically taxed while French domination lasted (p. 191).

So was the Spanish system of taxation in Cuba and Puerto Rico.

Its peculiar system was, perhaps, the best to strive against the ever-growing force of British colonists. Even in our day (1866) it is owing to us (the French) that Canada is not a part of the United States. It is we who prevented it becoming American in manners, language, and institutions. Because of our language, laws, and religion, our people have not been deprived of their identity.

It is a well-known fact that a French Canadian is as much a Frenchman as he was one hundred and forty years ago, and has but little more interest in or sympathy for anything British or American than his ancestors had in the past.

The same author says:

The English went to America to enjoy civil and religious liberty. The Spaniards in search of gold; the French to spread the Catholic religion among the Indians.
Professor Hinsdale, in his history of the "Old Northwest," says:

The English colonies in America began with villages and outlying farms; the French colonies with missionary stations, fortified posts, or trading houses, or with the three combined. The triple alliance of priest, soldier, and trader continued through the period of colonization.

Speaking of the small population in the very garden of the West, he says:

But we must remember the idea on which New France was founded. The trader was opposed to settlements, because they meant the destruction of his trade; the Jesuit was opposed to them, because they meant the destruction of his mission field; the voyager opposed them, because they interfered with his favorite mode of life. Only the soldier was left, and his business was not colonization. In fact, one reason the Frenchman got on so happily with the Indian was he readily became an Indian himself. This peculiar development of wilderness life is pertinent to Dr. Ellis' pregnant remark, that for every Indian converted to Christianity, hundreds of white men have fallen to the level of barbarians (pp. 36-50).

But Canada is not to be cited as a conquered country governed by its former laws, as for the first fourteen years of British occupation it was governed exclusively under British laws. As has been the English practice with her colonies, "The King of England without sanction of Parliament abolished all the laws of olden France to substitute for them the jurisprudence of England" (p. 86, vol. 2, Garriœns history of Canada). In an ordinance September 7, 1764, it was assumed that in the supreme court sitting at Quebec His Britannic Majesty was present in the person of the chief justice, having full power to determine all civil and criminal cases agreeable to the laws of England and to the ordinances of this province. All Canadians were required to take an oath of allegiance to Britain or leave the country. Courts of "King's Bench" and "Common Pleas" were established with same power as courts of same name in England and bound to render decisions based on the laws of England except suit by Canadians commenced before 1764 (p. 96). The ordinance of 1764 was about 1774 modified so that a Canadian was allowed to sit on a jury and Frenchmen allowed to practice law. Some attempt was made in 1774 to give Canada her own laws, and this was promised just before the American Revolution to prevent Canada joining them, but it was not enforced. Some judges held the French law was in force and some judges repudiated it except as between Frenchmen.

In 1792 a charter was granted Canada giving them legislative government and then the French law was restored in civil matters. This constitution divided Canada into two provinces, granted free exercise of religion, retained English jurisprudence in criminal matters, and provided that all officers should be appointed by the Crown. The same author, speaking of this confusion arising from the two systems operating together, says:

Before British domination there were not two coexisting codes struggling for the mastery, or clients addressing themselves by turns to this or that tribunal, French or English, according as they found one or the other would best serve their interests without regard to the equity of the claims put forward or resisted. (P. 194, vol. 1).

So we see practically for thirty-one years Canada was governed through the English system, for the first fourteen years exclusively, and for the balance a mixed system of doubtful legality, and after thirty-one years by a mixture of two sets of laws and two classes of courts. As in Louisiana, by a mixed system in civil matters, yet enough of the French to keep alive the identity and language and customs and hopes of the alien race in each country.
In New Mexico we gave the 70,000 Mexicans, made bodily by the
treaty into full-fledged American citizens, American laws and officers
for five years and then turned the government over to them, and they at
once went back to their first love and are not after fifty-four years of
self-education much improved, at least are not yet regarded fit for
statehood; while in California, governed from the start and ever since
by American law and mostly by Americans as chief officials, we find a
very different state of things existing—as good a civilization as can
be found in any State. California was not intrusted with the govern-
ment for itself till it had a population attached to our American systems
of government. Compare the civilization of California with that of
Louisiana, New Mexico, and lower Canada, and then decide which is
the better plan for the new countries and new people now on our hands.

If these diverging civilizations are to be blended, and if these people
are to be assimilated and wedded to our form of government, and
if they can ever be, it must be begun at the start and our system must
dominate and control. No tolerance to the effete rule of kings must
be allowed. No half-and-half measures will succeed. The people of
the United States are responsible for whatever government is adopted
and not ‘‘the inhabitants of the islands.’’ The world will hold us to
this responsibility. If we experiment by placing control in their
hands and fail it will be no excuse to say the people were not ready
for duties of government; that we must decide now for ourselves.

They are not yet citizens of the United States and will not be till
Congress so determines and voluntarily extends them this boon. Our
Supreme Court held in Inglis v. Snug Harbor (3 Peters, 167) that each
Government had a right to decide for itself who shall be admitted or
deemed citizens. This is quoted with approval in United States v.
Wong Kim Ark (169 U. S., p. 668), and the court says:

Nor can it be doubted that it is the inherent right of every independent nation to
determine for itself and according to its own constitution and laws what classes of
person shall be entitled to its citizenship.

It is true that a Chinaman born in China cannot be naturalized
under our laws. But this is for want of a statute or treaty authoriz-
ing it. Statutes enacted by Congress and treaties made by the Presi-
dent and Senate must yield to the paramount and supreme law of the
Constitution (p. 701). The treaty, therefore, which grants us the
islands and leaves them simply our property and the people simply
‘‘inhabitants of the islands,’’ does not amend our Constitution and
authorize us to legislate for them unless our legislation conforms to
the Constitution. In the same case Justice Harlan and Chief Justice
Fuller dissent, and they say, speaking of the treaty between the United
States and China, referred to in the opinion of the majority, which
admits Chinese to reside here, obtain permanent domicile and engage
in business, and to be protected by and subjected to our laws the same
as our own citizens, but which forbids their being naturalized say:

This Government may make a treaty with another country that will exclude the
citizens of the other country who come here from becoming citizens of this country,
or their children born here from becoming citizens.

If, then, this country can make such a treaty legally, a treaty which
leaves the question of citizenship and political status open for the Con-
gress to determine is surely within the rules and legal. If we can
exclude people permanently domiciled here from ever enjoying the
privilege of citizenship, we surely can take our own time in bestowing citizenship and let final action depend on future developments.

Let this question rest for the present, leave something for the people to look forward to and hope for, and in the meantime give them American laws and civil government promulgated by the commander in chief, which will not carry with it all the technical provisions of the Constitution nor determine the question of citizenship.

STATEMENT MADE BY DR. J. JULIO HENNA, OF NEW YORK CITY, WEDNESDAY, JANUARY 17, 1900.

The Chairman. What is your full name?

Dr. Henna. J. Julio Henna.

The Chairman. Where do you reside?

Dr. Henna. In New York City.

The Chairman. How long have you resided in New York?

Dr. Henna. For thirty years.

The Chairman. You are a native of what country?

Dr. Henna. Of Puerto Rico.

The Chairman. How long did you reside in Puerto Rico before coming to the United States?

Dr. Henna. Eighteen years.

The Chairman. This committee has now under consideration a bill providing a form of civil government for Puerto Rico. If you have any suggestions that you would like to give the committee the benefit of we will be glad if you will proceed in your own way to make them, and if there are any points upon which we want you to touch specially we will bring them up by direct questions.

Mr. Clark. What is your profession?

Dr. Henna. I am a physician—a practicing physician.

The Chairman. In New York?

Dr. Henna. Yes, sir. In legislating as to the form of government to be applied to the island of Puerto Rico, the following standing agreement between the United States and the natives of Puerto Rico should, in my opinion, be taken into consideration. On the landing of General Miles at Ponce on July 28, 1898, he issued the following invitation to the natives and inhabitants of Puerto Rico:

HEADQUARTERS OF THE ARMY,
Ponce, Puerto Rico, July 28, 1898.

To the Inhabitants of Puerto Rico:

In the prosecution of the war against the Kingdom of Spain by the people of the United States in the cause of liberty, justice, and humanity, its military forces have come to occupy the island of Puerto Rico. They come bearing the banner of freedom, inspired by a noble purpose to seek the enemies of our country and yours, and to destroy or capture all who are in armed resistance. They bring you the fostering arm of a nation of free people, whose greatest power is in its justice and humanity to all those living within its fold. Hence, the first effect of this occupation will be the immediate release from your former political relations, and it is hoped a cheerful acceptance of the Government of the United States. The chief object of the American military forces will be to overthrow the armed authority of Spain and to give to the people of your beautiful island the largest measure of liberty consistent with this military occupation. We have not come to make war upon the people of a country that for centuries have been oppressed, but, on the contrary, to bring you protection not only to yourselves but to your property to promote your prosperity, and bestow upon you the immunities and blessings of the liberal institutions of our Government. It is not our purpose to interfere with any existing laws and customs
hat are wholesome and beneficial to your people so long as they conform to the rules of military administration of order and justice. This is not a war of devastation, but one to give to all within the control of its military and naval forces the advantages and blessings of enlightened civilization.

NELSON A. MILES,
Major-General, Commanding United States Army.

This was the invitation of General Miles to the Puerto Rican people. The Chairman. That is his proclamation you were reading?

Dr. HENNA. Yes, sir; and these were the promises to the people of Puerto Rico, and under these promises the Puerto Ricans rallied under the American flag, abandoned the Spaniards, left them isolated to their own fate, and fought together with the American Army to be delivered and to receive the blessings of enlightened civilization, as General Miles had offered.

The Chairman. Did any of the Puerto Ricans fight?

Dr. HENNA. Yes, sir; they served as guides, interpreters, scouts, etc.

The Chairman. For our Army?

Dr. HENNA. Yes, sir.

The Chairman. There was no military force of Puerto Ricans organized?

Dr. HENNA. Not before the invasion.

The Chairman. Before peace was declared?

Dr. HENNA. Yes, sir; while war was going on.

The Chairman. Before the protocol was signed?

Dr. HENNA. Yes, sir.

The Chairman. In the Spanish service?

Dr. HENNA. No, sir. I think it was General Schwan organized them.

The Chairman. After the landing and a truce was agreed upon; after the cessation of hostilities?

Dr. HENNA. No, sir; as above stated.

The Chairman. Did they fight a battle there?

Dr. HENNA. Yes, sir.

The Chairman. But we did not have any troops in San Juan until after the cessation of hostilities.

Dr. HENNA. This was in Hormiguero.

Mr. CLARK. Did they have any engagement?

Dr. HENNA. I think there was one at Hormiguero.

The Chairman. I was not aware that there was any force organized consisting of Puerto Ricans that operated offensively to the Spaniards and with us.

Dr. HENNA. The annexation of Puerto Rico became an accomplished fact the very same day of the ratification of the treaty of peace, on the 11th day of April, 1899. Based on these promises to the people of Puerto Rico, I appeal to you, as a commissioner from the people of Puerto Rico, to ask that these engagements between the United States and Puerto Rico shall be fulfilled.

The Chairman. When you speak of coming in a representative character, what credentials, if any, have you to show that you do represent anybody?

Dr. HENNA. I have been a commissioner of Puerto Rico, representing the district of Ponce, since December, 1898.

The Chairman. Appointed by the people of Ponce?
Dr. Henna. Yes, sir; there were seven delegates from the island, and I was one from that district, and there were two others who came with me from other districts.

The Chairman. Seven from the whole island?

Dr. Henna. Yes, sir.

The Chairman. Where are the other six?

Dr. Henna. Only three qualified, two have gone back, and I remain representing them all. Besides that, the Republican party, on the 2d day of July, indorsed unanimously my representation of the people, and again on the 2d or 3d of this month. I have just received a ratification of those powers by the same party.

The Chairman. In what way did the people of the island make these selections of representatives, including yourself?

Dr. Henna. By public meetings.

The Chairman. Mass meetings, as we call them?

Dr. Henna. Yes, sir; there was very little organization there.

Now, we come to the point of the bill which has been prepared by this committee—

The Chairman. Of which bill do you speak now?

Dr. Henna. Bill No. 2264. If I may be allowed to make some suggestions as to amendments, etc., I will begin by calling attention to section 3, page 2, line 12.

The Chairman. Is it all right down to there?

Dr. Henna. Yes, sir. I would substitute “‘Territory of Puerto Rico” instead of “island of Puerto Rico.”

Mr. Clark. What line?

Dr. Henna. Line 12; and the rest to stand as it is.

Mr. Clark. Insert “‘Territory” instead of “island?”

Dr. Henna. Yes, sir.

The Chairman. I have intended to suggest to the committee to strike out the word “island” and leave it simply “Puerto Rico,” but I have not put in any such word as “Territory” or “district,” because I did not think it was necessary.

Dr. Henna. Section 13 should include the same substitute, “‘Territory” for “island.”

The Chairman. In other words, you think we ought to create Puerto Rico a Territory, and put the word in wherever necessary?

Dr. Henna. Yes, sir. Section 15, lines 5 to 12, to read, after the word “respectively”—

and who, together with the governor and seven other persons of good standing, to be chosen by the house of delegates from the native inhabitants, one from each of the seven army districts of the island, shall constitute the executive council and, in addition to the legislative duties hereinafter imposed upon them as a body, exercise such powers and perform such duties as are hereinafter provided for them, respectively.

The Chairman. In other words, you would give the majority of the executive council to the native inhabitants of the island?

Dr. Henna. In the original bill there were seven. I do not know whether there are seven appointed by the President—

The Chairman. Only six. One of those provided for in the original bill, which provided seven heads of bureaus, was a commissioner of posts and telegraphs, who was solely a United States official and would have no duties except under the laws of the United States and could not be given any duties by the insular government, so I struck him out and cut down the number of native representatives to five, so that the
President would appoint from outside, if he wanted to, six, requiring him only to appoint five from the island, the idea being, to be perfectly frank with you, to let the President give to the native inhabitants of the island only a minority in that body. There would be six appointed, possibly, from here, although he might take them all from the island, and he would have to take five from there, so that it would always have a full minority representation.

Dr. Henna. My idea is to give to each district of the island one member of the upper house.

The Chairman. The reason for making only five is that by this bill is adopted the plan of districting adopted by General Davis. He has divided the island into five judicial districts, and he has stated that that subdivision will answer as well for political as judicial purposes.

Dr. Henna. It would amount to the same thing, provided there were an equal number of Americans and natives.

The Chairman. I do not know how the President would fix it. If he wants to, under this bill he may give to the natives five and to the people appointed from the United States six.

Dr. Henna. The governor will be the president of the executive council.

The Chairman. He might be, of course, made a member of the council in the sense that he could control the majority vote, but they really need six heads of bureaus. The President can adjust that as he may see fit.

Dr. Henna. I would, then, make the suggestion that there should be an equal number of Puerto Ricans and Americans in the council.

Mr. Clark. To be appointed, you say, by the house of delegates?

Dr. Henna. To be chosen by the house of delegates from the native inhabitants. You will see farther on what is my idea of that. Section 23, page 9, line 1, substitute "seven" members instead of "five." Section 25 should read:

That for the purposes of such elections, and for judicial and other governmental purposes, the island shall continue to be divided into seven districts, as heretofore, and each district shall be entitled to the choice of one delegate for every 25,000 inhabitants thereof.

That is more in accordance with American customs, because otherwise a very small district would have equal representation with a very large one. That would be very good for the upper house, but very bad for the lower house.

The Chairman. That would give four members for each 100,000 of population, and 40 members for the whole island, if they have a million inhabitants.

Dr. Henna. I am trying to make it as much an American institution as possible.

The Chairman. You must observe that the requirement of the bill is that the island must be divided into five districts as nearly equal in population as possible.

Dr. Henna. It amounts to the same thing. Section 26, page 10, lines 12 to 25, and page 11, lines 1 to 16, should read:

That the first election for delegates shall be held thirty days after the passage of this act, and under such regulations as to ballots and voting as the acting governor of the island may prescribe, and at such election the voters of each legislative district shall choose one delegate for every 25,000 inhabitants to represent them in the house of delegates until two years from and after the first day of January next ensuing, of
which thirty days’ notice shall be given by publication in the Official Gazette, and by printed notices distributed and posted throughout the district as the governor may prescribe. At such elections all citizens of the island shall be allowed to vote who possess the qualifications of voters under the laws and military orders now in force in the island, subject to such regulations and restrictions as to registration as may be provided or prescribed by the legislative assembly. The house of delegates so—

The Chairman. You would not have any legislative assembly until after this election had been held?

Dr. Henna. Of course.

The house of delegates so chosen shall convene at the capital and organize by the election of a speaker, a clerk, a sergeant-at-arms, and such other officers and assistants as may be required, at such time as may be designated by the governor, and proceed to the election of the seven (or five) members of the executive council aforesaid, who are to serve from the date of their election and qualification until four years from and after the 1st day of January next ensuing, but the assembly shall not continue in session longer than sixty days in any one year, unless called by the governor to meet in extraordinary session. The enacting clause of the laws shall be, “Be it enacted by the legislative assembly of the Territory of Puerto Rico, United States of America; and each member of the house of delegates shall be paid for his services at the rate of $5, United States currency—”

The Chairman. We do not recognize any other kind.

Dr. Henna (continuing):

a day for each day’s attendance while the house is in session, and mileage at the rate of 25 cents per mile. All future elections of delegates and members of the executive council shall be governed by the provisions hereof, so far as they are applicable, until the legislative assembly shall otherwise provide.

Section 27, pages 11 and 12, lines 24 and 1 and 2. substitute “or who has not been a resident of the district for the year previous to his election.”

Mr. Clark. Substitute it for what?

Dr. Henna. For the words “or who is not possessed in his own right of property, real or personal, situated in the island, of the value of at least two thousand dollars.” Add “or who has not been a resident of the district for the year last past and previous to his election.”

Mr. Clark. You would not make any property qualification?

Dr. Henna. In this case, unfortunately, there are people who have means who are not literate, and I do not think they should have more rights than those who are not literate and own no property.

The Chairman. Do you think there is any risk to run of our getting people for this legislative assembly if we do not have this qualification we provide who are not competent?

Dr. Henna. I believe you will run more risk if the qualification stands than otherwise.

The Chairman. Do you think the people who can not either read or write and those who do not own property are less safe to be intrusted with legislation than the other class of people?

Dr. Henna, I think so. I know a great many professional men—physicians and lawyers—that have no property whatever, no property qualification.

The Chairman. Do you think a man would make a good member of a parliamentary body who can not either read or write?

Dr. Henna. No, sir; I believe he should be able to read and write.

The Chairman. You would retain the educational qualification but not have the property qualification?

Dr. Henna. Yes, sir; that is what I meant.
The Chairman. That would still further restrict the suffrage?

Dr. Henna. Yes, sir; but it would put it into the intellectual and intelligent hands; not the illiterate.

The Chairman. You would not allow a man who could not read and write to become a member of this body, no matter how much property he might own?

Dr. Henna. No, sir. Section 29, page 13, lines 11 to 15:

Provided, however, That all grants of franchises, rights, and privileges or concessions of a public or quasi-public nature shall be made as follows: The municipalities to have the right to grant such franchises, rights, and privileges as are limited to the territory covered by their respective municipalities; the legislative assembly to have the right to grant such franchises, rights, and privileges when they extend to more than one municipality and within the limit of the territory of the district, and the legislative council to have the right to grant franchises, rights, and privileges or concessions whenever these shall extend from one district to another or more. But whenever a concession shall extend over one district or more, the same shall be subject to the approval of the governor, and also subject to the approval of the President of the United States.

You understand my idea. My idea is to follow exactly what seems to be the rule in this country. Municipalities attend to municipal affairs, the State government to the State, and the National Government to interstate and other matters.

The Chairman. I get your idea very clearly. The thought in my mind is that these municipal franchises are of as great importance as any that may be granted—those for street lighting, street railways, etc. Especially important are they, as they will extend not only through the town or city proper, but through all the contiguous territory belonging to the municipality, something like our townships here; and I thought that, being so important, if there was any lack of appreciation on the part of the municipality it was well to have them apply to the local governor for his approval, and then they would have the benefit of the knowledge that the governor is supposed to have, and which would, in conjunction with the executive council, be of benefit to them.

Dr. Henna. On the other hand, they ought to have some liberty of action; they ought to have some privileges. If everything is to be taken away from them—

Mr. Clark. Have they had those privileges heretofore, under Spanish rule?

Dr. Henna. Yes, sir; and you can not afford to give them a worse government than they have had under Spanish rule.

The Chairman. Did not the captain-general approve them?

Dr. Henna. Yes, sir; but it was understood that anything that was approved by the municipalities would be accepted by him.

The Chairman. It is the same rule we are seeking to establish.

Dr. Henna. Yes; but we want to better the Spanish.

The Chairman. Yes; but is it better? The idea of having the municipality go to the governor before its franchise was valid was that they should be kept from inconsiderate action. The only idea is to give the people in a little municipality the benefit of the supposed better knowledge of the executive council and the governor of the island; not to restrict them, but to see that they get the full value when they grant a franchise that they ought to have, such as the reservation of a percentage on gross earnings. We may be pardoned, in the light of experience, for thinking in establishing this government
that such matters ought to be looked after carefully, and the idea in drafting this in such a manner was to secure to them and make sure it was secured to them the full benefit they ought to have.

Mr. Clark. We have had so many attempts to foist, in our cities, a perfectly vicious system of franchises for street railways and water-works, etc., granting them long-time franchises—for fifty years, perhaps—establishing a certain rate of fares which probably would be cut in two in ten or twenty years from the time granted, and we have had so much experience in this direction that the chairman naturally feels that there should be some safeguard thrown around these people. Have you many cities incorporated?

Dr. Henna. Yes, sir; I think some seventy municipalities.

The Chairman. Another thought. Say here is a municipality. They may grant a franchise, if they can act independently, to a street railway to go through the town and to the limits of the territory of the municipality in their control, and another municipality may grant something in the same line, and these two railways would not fit together and make a continuous line, and if the matter was under supervision they could make them fit and make a complete system of street railways or roads or highways, and that becomes important when you consider the necessity for bridges, etc. The island is a small one in point of area, and it ought to be easily supervised by a central authority, so as to make all these franchises fit in—one municipality with those that might be authorized in another—to make a complete system, whereas if each one was independent the roads and railways might be zigzagged and altogether unsatisfactory.

Mr. Clark. Your towns will be undoubtedly, as in the United States, connected by means of trolley roads?

Dr. Henna. Yes, sir; that is what we want and need very badly. It would be very easy to have a clause inserted: "Provided it were done in accordance with the plans of the engineers of the island," and that would not take away the right of concession.

The Chairman. Unless the executive council or some central authority could have jurisdiction they could not control it so as to make it a system that would work one part with another. I only give you the idea in my mind, thinking it might possibly have not occurred to yours, and assure you that it was not done to deprive these municipalities of any rights.

Dr. Henna. In the bill as it stands now the executive council has the absolute right of granting all those franchises.

The Chairman. Unless some central authority has it you might have this unsatisfactory result. It is with a view to getting the very best results from the least money, with a system as complete as possible. Roads ought to be constructed all through the island, and that certainly ought to be done according to some general system, to be advised by the central authority, availing itself, of course, of the knowledge of its engineering and every other department that might have to do with it.

Mr. Clark. The law prior to the occupation granted to the governor the right of approval?

Dr. Henna. Yes, sir.

Mr. Clark. Franchises were granted by the municipal council and submitted for his approval. Did he exercise that right often?

Dr. Henna. It was only a question of dollars and cents, and in that
Mr. Clark. How would it be to have these laws passed by the municipal council submitted for approval to the executive council. It is not very probable that eleven men would be venal. They would probably look very carefully into those matters and give the stamp of their approval only to anything that seemed to be equitable or right. How would that suit you and your people?

Dr. Henna. My idea is to give the municipalities the small engineering works, to give to the assembly somewhat larger ones, and to the executive council the largest ones, so as to divide them between the three. It seems to me that that would work very nicely and harmoniously. Suppose a large company should go to Puerto Rico with capital to build the transportation facilities of the island, and water-works, and gas and electric light works: they would go to the municipality and get consent, and go to the assembly and get consent, and wind up with the executive council. To begin with the small concession before getting to the others would give a fair division, so that all would benefit by it.

Mr. Clark. I understood you that the municipal council would have exclusive jurisdiction. It seems to me that your idea would be very dangerous.

The Chairman. It is only a small territory. It is no great matter for anybody engaged in any enterprise to go to San Juan and see the authority. In that way there would be some assurance that anything done would be done in a systematic manner.

Mr. Clark. Do they elect good men in those municipalities, those city councils?

Dr. Henna. I think they compare very favorably with our men here. I have seen in New York aldermen who would not have had the smallest chance of being elected there.

The Chairman. I did not wish to be controversial at all; I only wished to give you my idea in the matter.

Dr. Henna. Section 36, page 18, lines 21 to 25, should be as follows:

Provided, That no person shall be eligible to such election who is not a bona fide inhabitant of the island, and who is not thirty years of age, and does not speak and write the English and Spanish languages.

No qualification except this.

The Chairman. You put in an educational instead of a property qualification?

Dr. Henna. Yes, sir; every time.

The Chairman. I rather assume that they would not think of sending a man as Delegate to Congress who could not read or write the Spanish or English language.

Mr. Clark. English or Spanish?

Dr. Henna. English and Spanish. In the original bill it says:

Provided, That no person shall be eligible to such election who is not a bona fide inhabitant of the island, and who is not thirty years of age and possessed of property in his own right situated in the island of the value of at least two thousand dollars.

Mr. Clark. You would cut out the property qualification?

Dr. Henna. Yes, sir.

The Chairman. Are there plenty of good men down there who read and write both languages?

Dr. Henna. Yes, sir. It is very surprising that the Americans should go to Puerto Rico and do not learn Spanish, although they are in the
minority, and the Puerto Ricans, who are in the majority, are learning English very fast.

Mr. Clark. An American would not have much show to be elected as Delegate?

Dr. Henna. Yes, sir: I think he has a very good chance, but I think he ought to have an equal chance with the Puerto Ricans.

The Chairman. Let me ask you as to your idea about a house of delegates to be elected, whether or not that is a state provision, having in view the good government of the island, or whether the house of delegates should not be dropped out entirely and the legislative power be conferred solely upon the executive council, an appointive body?

Dr. Henna. Well, I believe that the Americans should be the mentors of the Puerto Ricans for some time; but when a child goes to school he should be taught all the things that he can learn in the shortest possible space of time without injuring his health. If we have two legislative bodies they will have the opportunity of preparing themselves in the lower one for the upper one later on, and I take it, just as in a school, the primary department would be the legislative assembly, the secondary department would be the executive council, and Washington would be the high school.

The Chairman. The ultimate ambition of all would be Washington?

Dr. Henna. Yes, sir: and perhaps President when they get to be a State, later on.

Mr. Clark. I would like to ask, with regard to section 26, page 10, where he recommends "as the governor may prescribe," instead of "the executive council," thereby giving plenary power to the governor—and I think in several other cases, on page 11, that he substitutes the governor for the executive council—why do you delegate this power to the governor exclusively?

Dr. Henna. Because I think there is a further provision, that is, until the assembly decides otherwise.

The Chairman. I understand his idea to be that the executive council will not be completed until the legislative assembly has been organized, when they are to select the members of the executive council, and until after this election there would be only the governor to exercise this power.

Dr. Henna. Yes, sir. There was a statement made here by Mr. Curtis which I would not like to have go into print without correction. He spoke about the manufacture of hats in Puerto Rico. I beg to differ with him and I am sure that all the gentlemen from Puerto Rico will also differ with him. In Puerto Rico they make a curiosity which they call a Puerto Rican hat, and which is sold to all who go there, and some here perhaps, more as a memento, than as a manufacturing industry.

The Chairman. What is the extent of that industry?

Dr. Henna. I do not suppose it amounts to more than a few hundred dollars.

Mr. Clark. And would not be the subject of competition?

Dr. Henna. Absolutely none, because made of native straw, somewhat like the straw hats used here, but of a particular straw; it is a curiosity.

Mr. Clark. Please give your ideas as to the imposts placed on imports into Puerto Rico, and also as to admitting the products of Puerto Rico into the United States free of duty.
Dr. Henna. I believe that here there are two points to be considered. One is the legality of the tariff, and the other one the sentimental part. Legally, I am firmly convinced that every dollar that has been paid on duty on merchandise imported to this country from Puerto Rico and imported into Puerto Rico from the United States from April 11, 1899, will have to be returned.

The Chairman. That is your idea of the law of the case; you think all duties paid since the date of the ratification of the treaty should be refunded?

Dr. Henna. Yes, sir.

Mr. Clark. And thereafter everything should be admitted free into our ports?

Dr. Henna. Yes, sir.

Mr. Clark. How about goods imported from other countries?

Dr. Henna. I think the United States tariff ought to be applied to Puerto Rico as it stands in the bill.

The Chairman. To what extent to you think free trade with the United States would interfere with the importation of goods of other countries into Puerto Rico, so as to cut down the revenue from that source?

Dr. Henna. I believe that, according to my knowledge, Spain was the largest exporter to Puerto Rico during her dominion, then came the United States. Spain had 40 per cent and the United States 20 per cent.

Mr. Clark. Previous to the war?

Dr. Henna. Yes, sir: 1897.

The Chairman. Give us the aggregate from the two countries, if you have the figures before you. I understand you are speaking of imports into Puerto Rico?

Dr. Henna. Yes, sir. Foreign commerce with Puerto Rico in 1897: imports from Spain, 7,152,016 pesos; imports from the United States, 3,749,815 pesos.

The Chairman. Can you give us all of it, if you have it there?

Dr. Henna. England, 1,755,754.

Mr. Clark. Those are pesos?

Dr. Henna. Yes, sir. British possessions, 1,445,600.

The Chairman. Are those the adjacent British possessions—the West Indies, etc.?

Dr. Henna. Yes, sir; and Canada and Newfoundland. Germany, 1,314,603; British India, 913,000; Cuba, 692,780; France, 215,474—very little for France.

Mr. Clark. Wines, principally, I suppose?

Dr. Henna. No; they came chiefly from Spain. Belgium, 163,675; Holland, 155,363; Denmark, 124,406. The others are very small items.

The Chairman. What is the grand aggregate, if you have it?

Dr. Henna. The foreign commerce that year was, in value of importations, 17,858,063.29 pesos, and the duty produced from that was 2,841,962.57 pesos.

The Chairman. Do you know how the tariff duties collected on importations from Spain, under the laws of Spain then in force, would compare with the duties levied by the United States law on the same product? Are our tariff higher or lower?

Dr. Henna. Much higher; even higher than during the reciprocity times of Mr. Blaine.
The Chairman. What would be the effect, in your opinion, upon that general revenue of free trade with the United States?

Dr. Henna. I believe that instead of importing from the United States 3,500,000 per year we will import 12,000,000.

The Chairman. And what will they import from other countries?

Dr. Henna. The balance to 17,000,000, if we were to have such good crops as formerly; but this year the importations will not amount to a total of more than 3,500,000.

The Chairman. Because they will have nothing to buy with?

Dr. Henna. They have nothing to export. The storm and bad conditions have left them nothing.

Mr. Clark. Would not that result in a large deficit in their revenue receipts, so as to make it difficult to sustain the government?

Dr. Henna. I believe there would be sufficient for that purpose.

The Chairman. What do you allow for governmental purposes?

Dr. Henna. I think if they had $1,500,000 it would be sufficient.

The Chairman. To pay the expenses of the officials and the different departments and of courts and jails?

Dr. Henna. Yes, sir; because during Spanish dominion the army took out of the revenues 1,200,000 pesos, and out of their budget that amounted to 4,500,000 in all.

The Chairman. Do you make any allowance for schools, or building roads, or any valuable improvements?

Dr. Henna. No, sir. I think we ought to spend at least $800,000 a year for education.

The Chairman. In addition to that $1,500,000?

Dr. Henna. Yes, sir.

The Chairman. How would you raise that money?

Dr. Henna. By direct taxation.

The Chairman. You would tax all property as it is here, according to valuation fixed by assessors?

Dr. Henna. Yes, sir. I differ from General Davis in regard to the land tax; I think that division of General Henry's was a very happy one—to pay on the land values.

Mr. Clark. Do you recollect under the reciprocity treaty the relative number of important articles—not little things, but important products and important articles of consumption—that were admitted free and exported free?

Dr. Henna. I think it is in the pamphlet that I had the pleasure of sending to the chairman. I will be very glad to send you one. It was published by myself.

The Chairman. Can you send to the committee twelve of them, so that each member of the committee can have one?

Dr. Henna. Yes, sir. I wrote an article about the Puerto Rican tariff, which I presented to the Chamber of Commerce of New York, and it is in that pamphlet verbatim. You will find there a comparison of the American tariff with the reciprocity tariff promulgated by Mr. Blaine.

The Chairman. Was sugar admitted free?

Dr. Henna. In this country?

The Chairman. Yes, sir.

Dr. Henna. No, never; but the duties were reduced.

The Chairman. Do you think free sugar—if sugar was admitted free from Puerto Rico to the United States, do you think that it would stimulate its production very largely?
Dr. Henna. I think coffee would be the great product of Puerto Rico.

Mr. Clark. It is very low now.

Dr. Henna. Yes, sir; but they will pay more attention to the production of coffee. The production of sugar is very little, only amounting to about 55,000 tons.

Mr. Clark. General Davis stated the maximum, under favorable conditions, was 170,000 tons, before the soil became depleted. With free sugar and better methods could not this soil be fertilized and brought up?

Dr. Henna. Of course; but not to injure the sugar of the United States.

Mr. Clark. To a couple of hundred thousand tons?

Dr. Henna. I doubt it very much. I have some statistics. The annual consumption in the United States is 2,100,000 tons, of which Puerto Rico furnishes 35,000 tons.

The Chairman. Where do you get those figures?

Dr. Henna. I get them out of the newspaper figures I have here, from the New York Sun of December 10, 1899.

Mr. Clark. Would not tobacco also be an important product if admitted free to the United States; would not that production be largely increased, if admitted free?

Dr. Henna. Never; never to do any harm.

The Chairman. Have you any objections to leaving this statement with the committee?

Dr. Henna. I shall be very glad. The tobacco production in Puerto Rico amounted to 2,843,650 kilograms, valued at 3,128,000 pesos. The United States got from Puerto Rico, as I said before, 35,000 tons of sugar: of tobacco, 80,700 kilograms, valued at 33,906 pesos, which in United States currency would be $20,343, a very small item, which would not injure anybody; of molasses, 8,792,409 kilograms, or 307,784 pesos, in United States currency $184,640. The total imports by the United States from Puerto Rico in 1897 were $1,616,385. That is a very small item. The customs duties on that in this country would amount to very little, only a few hundred thousand dollars. I saw it stated in one paper that it was $2,000,000 at the custom-house. How could the revenues amount to that when the total imports were only $1,600,000. That could not produce $2,000,000.

Mr. Clark. You do not raise any citrus fruits, such as lemons and oranges?

Dr. Henna. Very fine ones.

Mr. Clark. In large quantities?

Dr. Henna. We have not grown them very largely, and that would never injure the raising of oranges in Florida. The climate of Florida has changed in the last few years and they can not raise enough to furnish the market of the United States, and they have to import from Cuba and Africa and other places. All that is in embryo; we have no plantations of small fruits.

Mr. Clark. I understood General Davis to say that lemons are hardly produced at all in the islands.

Dr. Henna. There are a very few lemons.

Mr. McComas. Do you think that free ports for tobacco would stimulate tobacco production? Are there lands enough suitable for tobacco to largely extend the cultivation of that product?
Dr. Henna. Yes, sir; tobacco raising in Puerto Rico is done all over the island on small plots of ground, of course. Only one-twentieth part of the productive zone of Puerto Rico is cultivated, and it produces sufficient for the necessities of the island and for the exportation of $18,000,000 product. So you can calculate that if the twentieth part produces that, there will be a production of $360,000,000 a year in the Territory, consisting of only less than 4,500 square miles.

Mr. Clark. Is the land not cultivated lying idle?

Dr. Henna. Some of it is pasture land, which can be utilized in other things.

Mr. Clark. Is not the interior very mountainous?

Dr. Henna. Very.

Mr. Clark. You are not including that?

Dr. Henna. Of course you can raise things on the mountain; coffee is raised on the high lands.

Mr. Clark. I suppose the twentieth part comprises the most desirable locations—the choicest lands and most easily cultivated; those nearest the ports, etc.?

Dr. Henna. I mean the twentieth part of the productive zone; I did not mean the entire territory.

Mr. Clark. There is a wide field for enterprise there?

Dr. Henna. Yes, sir. The people are very docile; they have stood four hundred years of Spanish dominion, and that shows that they are docile. No other nation would have stood it.

Mr. Clark. Are you subject to earthquakes?

Dr. Henna. Yes, sir; but never to do any damage to the island.

Mr. Clark. How about hurricanes and cyclones?

Dr. Henna. We generally have one every twenty years that does some damage.

Mr. Clark. What is the best map of Puerto Rico of which you have knowledge? This is a Spanish map here apparently, from the Spanish names on it.

Dr. Henna. This is the War Department map of 1898.

Mr. Clark. That is the best we have; do you know of any other better?

Dr. Henna. There is a Spanish map, but that is very unreliable. The men who went there from Spain to do that work did not know anything of their work. There is a harbor called Jobos on the south coast deep enough to admit the largest man of war in this country. In some way they lost the channel. Gen. Roy Stone, I understand, went there in a little rowboat and found the channel in two minutes.

Mr. Clark. A spacious harbor?

Dr. Henna. Yes, sir; a very spacious harbor.

The Chairman. What place is that?

Dr. Henna. Jobos, in the south part of the island.

The Chairman. You have not resided in Puerto Rico for thirty years?

Dr. Henna. No, sir.

The Chairman. Have you, during this period, from time to time visited there; and if so, how often?

Dr. Henna. I have a little political history that perhaps might be interesting to you. When I was quite a boy, 18 years of age, I was one of the men attempting to destroy the Spanish government there, and I was put in jail and would have been shot, had not a par-
don for all political prisoners arrived three days before the sentence was to be pronounced on us. Then I was banished and I came here.

The Chairman. As a condition of your pardon you were banished?
Dr. Henna. Yes, sir.

The Chairman. Have you never been allowed to return?
Dr. Henna. Never. I have always tried to fight the Spanish and bring about the annexation of that island to the United States ever since.

The Chairman. Have you visited there since the war?
Dr. Henna. No, sir; for a very simple reason. When I came to Washington for the first time before the war, to offer to the War Department the plans I had for the revolutionary movement in Puerto Rico, of which I was the president, I offered them with the understanding that the Puerto Rican people should enjoy all the immunities, privileges, and liberties that I had enjoyed in this country. Subsequent events have shown to me that those promises that were made to me, and which I transmitted to my countrymen, have not been fulfilled.

The Chairman. These were promises made by whom?
Dr. Henna. By different people here. In the proper time I will speak about it, in a new pamphlet.

The Chairman. By governmental officials?
Dr. Henna. Yes, sir; by people very high in this Government.

The Chairman. This pamphlet you are to send to us discloses all this?
Dr. Henna. No, sir; that is another one.

Mr. Clark. Did I understand you to say that the promises made by General Miles in his proclamation have not been carried out?
Dr. Henna. They have not been carried out.

The Chairman. They covered a wide scope, and you could not expect immediate carrying out of them.

Dr. Henna. There are others I will make public, but until I get fulfillment of those promises I should not go back there, because the people would say to me: "Where are those promises?"

Saturday, January 20, 1900.

STATEMENT OF GEN. ROY STONE.

The Chairman. Please give us your name in full.

The Chairman. Where do you reside?

The Chairman. What business are you engaged in?
General Stone. I have been for a long time in charge of the Bureau of Good Roads of the Department of Agriculture, but have lately resigned.

The Chairman. State whether or not you have visited Puerto Rico.
General Stone. I have, four times.

The Chairman. When?
General Stone. I was there on General Miles's staff during the war.

The Chairman. And have you been there since?
General Stone. Three times, in connection with private affairs.

The Chairman. What opportunities have you had for seeing the people of the island and the condition of the industries of the island?

General Stone. I have spent all the time, when I have been there (the last time I was there some four or five weeks, the second and third, two or three weeks each), riding through the island north and south and east and west, and consulting with a great number of the principal people.

The Chairman. Please make such statement as you desire to make to the committee, making it as brief as you can to do justice to yourself.

General Stone. It is not necessary for me to go into the condition of the island—

The Chairman. You heard the statement of General Davis in that connection?

General Stone. I read it.

The Chairman. You agree with him?

General Stone. Yes, sir. The thing I specially wish to speak to the committee about is the importance of having some legislation for railroads in the island at once. When the war was over General Miles told me I might stop there a couple of weeks or months if necessary and go through the island and see what could be done for the improvement of roads and the development of a railway system, with a view to the defense of the island in the future. I spent two months there, and went over the island rather thoroughly, and I became satisfied that while there never had been any surveys for railroads, and while they had had the idea that they could only build a belt road around the island, there was an excellent opportunity to build railroads throughout the interior. The island is very mountainous, but there is a system of valleys which can be connected, mainly running north and south, but with branches running east and west, connected largely by passes, or coming so close together that there is a mere knife edge between, so narrow that there is barely room for a horse path on top, but not wide enough for cultivation. These ridges can be tunneled at a depth of some hundreds of feet below the summit with little difficulty and expense. In one case I recall, and I have no doubt there are many others, a tunnel can be cut through at a depth of 300 feet from the summit and be only 1,000 feet long. When I found that something could be done in the way of railroad building I made application under the old Spanish law—in fact I made application before the formal transfer of the island—for the privilege of constructing a system of railroads in the interior.

Regarding the road now constructed in Puerto Rico, I will say that there is comparatively little need of a railway around the coast; the traffic there can be accommodated by steamers; there is but little necessity for coastwise railroad transportation, but what is required is transportation throughout the interior, connecting it from end to end, and from the center to the seaports. After making application I had the Spanish law translated, and I found that it was peculiarly obstructive, and, in fact, almost prohibitive of railroad building; there were so many obstacles thrown in the way that could only apparently be got out of the way by Spanish methods. It appears to be the purpose of their law to make difficulties in the way of railroad building; and the effect of that law has been that there never has been any railroad built in the island except a portion of the coast line or belt road, which was
heavily subsidized by the island government. They have tried a number of times to start other roads, but the difficulty has always been so great that they gave it up. There is one little line of less than 2 feet gauge that extends possibly 10 miles—

The CHAIRMAN. Please proceed to the question of legislation.

General STONE. The people there are very anxious that we should build these roads—and by "we" I do not mean only the people with whom I am associated; there are several parties besides myself and associates who are anxious to build. When I found that interior lines were possible, I put two or three engineering parties at work surveying, and I find it entirely feasible to make a system of railroads through the interior and all parts of the island, and I have a general system laid down here on one of my maps.

Mr. DEPEW. What would be the length of the railroads?

General STONE. About 300 miles would make the foundation of the system, but ultimately there should be about 2,000 miles.

Mr. DEPEW. At what cost?

General STONE. Supposing the roads to be narrow gauge (the only gauge in use there now), the cost would be, for steam roads, about $15,000 a mile at the present low cost of labor; electrically equipped, the cost would run to perhaps $20,000 a mile, and they would naturally be electrical, because water power is very abundant and there is no coal on the island.

Mr. PERKINS. You do not recommend that the Government build these roads?

General STONE. Not at all.

Mr. PERKINS. They are to be built by private enterprise?

General STONE. Yes, sir. All we want is a general railroad law to enable anybody to build railroads.

Mr. PERKINS. What kind of legislation do you want us to provide?

General STONE. Nothing more than to take one of the new State railroad laws, such as that of North Dakota or any of the recent railroad laws, and apply it to Puerto Rico.

Mr. PERKINS. Give them a franchise?

General STONE. Yes, sir. The law gives the franchise.

Mr. PERKINS. You think private capital, private enterprise, would develop them?

General STONE. Yes, sir; I know they would.

Mr. DEPEW. You want a general railroad law. Where would you locate the power to grant franchises?

General STONE. I would copy some State law almost exactly, in that respect, and designate which one of the present officials should exercise the necessary functions, for instance, the Secretary of State—

Mr. PERKINS. Subject to the approval of the President?

General STONE. Yes, sir.

The CHAIRMAN. We have provided in the bill that franchises may be granted by the executive council, subject to the approval of the governor and the President of the United States.

General STONE. What we ask for is this: That legislation in regard to railroads to which there should be no opposition be put in advance of that legislation to which there is opposition; that a good railroad law be enacted directly by Congress without waiting for the passage of a general bill for the government of the island or for free trade.
The Chairman. I have an idea that we could get through the general bill quicker than a special bill.

General Stone. You might, through this committee, but possibly not through the Senate and House.

The Chairman. Is there any other point in this proposed legislation about which you wish to speak?

General Stone. There is one thing I would like to have done. I see a bill has been introduced in the House making Puerto Rico a part of the United States customs system and opening certain ports, and I want to ask for the addition of a port to that list.

Mr. Nelson. That is simply to apply the United States customs and internal revenue laws to the island?

General Stone. Yes, sir; and specifying certain ports of entry.

Mr. Nelson. Making certain customs and internal revenue districts?

General Stone. Yes, sir.

Mr. Nelson. And specifying certain ports in the island?

General Stone. Yes, sir.

The Chairman. What is the name of this port?

General Stone. The one called Port America on this map.

Mr. McComas. What was the old name?

General Stone. It had, as a whole, no name. It is formed of two or three harbors or bays. There had been three bays known which are now connected together. I was fortunate enough to find a new entrance to them, which opens up one of the finest harbors in the world, and one not known to the Spaniards. The Bay of Jobos, as one of these bays was called, was said to be big enough to float the whole British navy, but the entrance to it was named "The Mouth of Hell;" it was only 12 feet deep, and full of rocks. I studied the matter, and asked questions of the fishermen, and found that the Bay of Jobos connected with the Bay of Aguirre, and that with another bay and then with the ocean, and I sounded out a channel connecting the three, which makes altogether a bay 8 miles in length, thoroughly protected by a range of islands and a coral reef. This picture is a view of it looking across from the seaside. I have called it "Port America." There is 40 feet of water at the entrance, which is half a mile wide, with a channel connecting with the other bays half a mile wide and 30 feet deep. Altogether it makes 8 miles of protected harbor, with 40 feet of water at the entrance. I reported this, first to General Miles, and then to the Coast Survey, which spent nearly all of last winter making soundings there, and they confirmed my soundings. During the great hurricane last August that was the only bay on the south coast in which vessels were saved.

Mr. Perkins. How is the surrounding country, from an agricultural standpoint?

General Stone. Very rich. The coastal plain is several miles wide and good sugar lands, and back of that, in the hills, it is very rich.

Mr. Pettigrew. How many miles in length is that strip of sugar lands?

General Stone. All along the south coast, from Guanica to Punto Viento, possibly 50 miles. Some of our friends in Boston and New York are building on this harbor the largest sugar mill on the island, which you will see on the face of the hill in this picture. We shall ask later on the privilege of closing up the small passages that lead
into the bay between the islands, which are damaging the harbor and doing no good to anyone. We want the privilege of running a railroad along the sea side of the harbor to the proper entrance and completely landlocking the harbor. As it is now the waves wash the sand through between the islands into the harbor and tend to fill it.

Mr. Fairbanks. You speak of "we;" whom do you mean?

General Stone. The persons interested with me.

Mr. Fairbanks. Who are they?

General Stone. Mr. W. B. Rankine, of Niagara Falls, who is the vice-president of the Niagara Power Company, is the president. There are others interested, but Mr. Rankine is president.

Mr. Depew. You have formed a construction company?

General Stone. Yes, sir.

Mr. Depew. And you want to get legislation for Puerto Rico so that you can there organize a railroad company, and then this construction company will build for the railroad company?

General Stone. Yes, sir. Part of our project is to bring the La Plata River from the north side of the mountain to the south side to irrigate this plain, and through the same cut we would bring our railroad; and the water falls 1,200 feet after passing through the cut, so that it gives us about 10,000 horsepower for electricity.

Mr. Pettigrew. How much land would this project open to cultivation?

General Stone. About 20,000 acres.

Mr. Pettigrew. You would reclaim that amount?

General Stone. Yes, sir.

Mr. Pettigrew. What good are they?

General Stone. They are excellent sugar lands.

Mr. Cockrell. What would become of the people on the other side?

General Stone. They do not need the water there. They have a very large rainfall on that side and do not need the water. There was a royal grant given some forty or fifty years ago to the people on the south side to take this water, but they have never utilized it.

Mr. Cockrell. They need that water on the south side?

General Stone. Yes, sir: the rainfall is only 16 inches there, while on the other side it is a hundred inches or more.

Mr. Pettigrew. The south coast is drier?

General Stone. Yes, sir; especially toward the east end. There is one thing more that I shall ask the committee, and while I am here I may as well speak of it. I have been studying a plan for the relief of the coffee industry, not immediate relief, but to make a market for the future product, and I have found a great many people who will take it up. It is proposed to organize a benevolent society to introduce the coffee, not to make money. I will hand in a rough draft of the bill we desire.

The Chairman. We will give it consideration if you will send it in.

Mr. Perkins. Coffee is free, of course, in the United States?

General Stone. Yes, sir. There is nothing the Government can do toward making a market for coffee, except to organize a benevolent agency that shall do it, out of interest in behalf of the people of Puerto Rico.

Mr. Pettigrew. Would not the best thing be to levy a duty on it?
General Stone. Outside of Puerto Rico?
Mr. Pettigrew. Yes, sir.
General Stone. Yes, sir; that would be a help, of course, but I don't think it is necessary.
Mr. Gallinger. Did you state the possibilities of the sugar and tobacco lands under better management?
General Stone. I had that question in view in considering possible railroad traffic, and especially the matter of bringing cane from the interior to mills near the seashore. I think the cane production can be much increased. I should say it might be brought to 100,000 acres without any difficulty.
The Chairman. Acres or tons?
General Stone. Acres; there are now about 60,000 acres and the production is about the same number of tons.
Mr. Nelson. That is about a ton an acre?
General Stone. Yes, sir; but all that ground does not produce cane for grinding yearly. From that 60,000 acres I suppose they get some 35,000 or 40,000 acres of cane yearly for grinding.
Mr. Gallinger. What about the possibilities of acreage for tobacco and the increased production under better management?
General Stone. They now do very thorough work in the cultivation of tobacco and get good crops, but I can not see why the area may not be increased materially. They were starting in to cultivate new patches on the slopes of the mountains, when I crossed the island a few days ago; they had some hope of getting free trade and a better market, or of getting the Cuban market restored to them, and they were trying to increase their cultivation. I think the production might be doubled or quadrupled.
Mr. Nelson. Is it not a fact that they have to import their bread-stuffs and most of their meats?
General Stone. Yes, sir; they raise a great many cattle, but the common people do not use meat.
Mr. Nelson. Flour and corn?
General Stone. A little of these, and fish. They do not raise much corn. There is no land fit for corn as we raise it here. It is too steep and rough.
Mr. Nelson. For wheat bread they have to rely on importation?
General Stone. Yes, sir; but the tariff has been so high they could not afford it.
Mr. Pettigrew. What did they eat?
Mr. Nelson. If we give them free trade, will it increase their consumption?
General Stone. Unquestionably—if you give them some means of making money to pay for it.
Mr. Pettigrew. If the commodities are not there, how can they buy what we ship them?
General Stone. If the people are employed and paid, they can buy all we will ship them.
Mr. Depew. The people, you say, have been eating these tubers and bananas; do they grow wild?
General Stone. No, sir; they cultivate these bananas and the roots they eat—cultivate them in small patches throughout the island.
Bananas and plantains are the peculiar food of the people of the island. When I had two or three thousand men at work on the roads during the war, the man who came to work with a small, hard, dry ear of corn for his dinner was a prince; he could put it in the fire and roast it and have a meal. The others brought green bananas or plantains and boiled them.

Mr. DePew. When it takes so little exertion, will they work to get better food?

General Stone. Yes, sir; they are very industrious people. I have never seen better laborers anywhere, and I have employed men in many places.

Mr. Pettigrew. Are they intelligent?

General Stone. Yes, sir; of course, the common people are very ignorant, but the wealthy people who have had opportunities are very intelligent.

Mr. DePew. There is no middle class?

General Stone. No, sir; only the educated and cultivated people and the peasants.

Mr. Pettigrew. Do any of the lower classes become educated and cultivated?

General Stone. They have no chance.

Mr. Pettigrew. What do you think of their possibilities?

General Stone. I find the children are very quick to learn and very bright. The elder people are very willing and would learn if they had an opportunity, but the younger generation will be as bright as any if they have an opportunity to learn.

Mr. Pettigrew. What do you think of their ability to maintain a government of their own?

General Stone. I think it would be better not to have that burden put upon them at present. The less trouble of that kind they have for the next five years the better it would be for them. I think their first need is an opportunity to better their fortunes.

Mr. Pettigrew. Do you think that would fit them for self-government?

General Stone. Yes; it would help.

The Chairman. They are a docile, well-disposed people?

General Stone. Extremely so.

Mr. Pettigrew. How many educated people are there?

General Stone. General Davis had better opportunities to judge than I, and I think he calculated there were about 7 per cent who could read and write, but the great mass of the people are in absolute ignorance.

STATEMENT OF MR. LUCAS AMADEO.

The Chairman. What is your full name?

Mr. Amadeo. Lucas Amadeo, president of the agricultural society of Puerto Rico.

The Chairman. Where do you reside?

Mr. Amadeo. In Barros, P. R., in the interior of the island.

The Chairman. Please make any statement you wish to make.

Mr. Amadeo. I begin by lamenting not being able to express myself in English to this honorable body, and thus make myself better
understood in regard to the situation of the country which I come to represent and defend, confident that I would be listened to by the representatives of the nation to whose bosom Fate has brought it. Limiting myself to general ideas, I desire the gentlemen of this committee to be fully aware of the conditions in the island of Puerto Rico, and that it is very urgent that measures of relief shall be taken immediately, as matters are imperative, so as to prevent the further ruin of the country.

The Chairman. Where were you born, and of what country are you a native, and what is your occupation?

Mr. Amadeo. I am a native of Puerto Rico.

The Chairman. Born there?

Mr. Amadeo. Yes, sir; and I am a coffee planter.

The Chairman. How long have you been president of the agricultural society?

Mr. Amadeo. The agricultural society was founded only a short time ago, and since its foundation I have been its president.

The Chairman. In what capacity did you come—as a member of a commission or representing anybody? Who sent you?

Mr. Amadeo. I came as a delegate from the agriculturists of Puerto Rico, selected by an assembly that was held in San Juan a few days before my departure, and Mr. Gonzales is another delegate.

Mr. Pettigrew. How many people were in the assembly that sent you?

Mr. Amadeo. There were from 50 to 60 delegates to that assembly, representing about 2,000 planters.

The Chairman. How large a coffee plantation have you?

Mr. Amadeo. Five hundred and fourteen acres of coffee, and 250 acres of cacao, timber, and other crops.

The Chairman. Please proceed with your statement.

Mr. Amadeo. I was delegated to come here and get all the advantages we could for the general agricultural interests of Puerto Rico, and foremost among them is free trade with the United States.

The Chairman. Are you not aware that you have free trade already as to coffee with the United States?

Mr. Amadeo. Yes, sir; I am aware of that; but I also come to represent the sugar and other industries of the country.

The Chairman. Please proceed in your own way.

Mr. Amadeo. One of our objects is to secure a loan, in order to assist the agricultural interests and public works of the island, which are absolutely in need of it.

The Chairman. We are now concerned with the legislation of the island and the establishment of a civil government there, and what we want is your views as to the kind of government they should have.

Mr. Amadeo. I shall be very glad to answer any questions.

The Chairman. Have you given any thought to that subject; and, if so, have you any suggestions to make as to the kind of government to be provided?

Mr. Amadeo. We aspire to the territorial form of government as it is applied here to the Territories.

The Chairman. Have you seen the bill under consideration by this committee?

Mr. Amadeo. I have not.
The Chairman. Please give us your opinion as to the capacity of the people of the island for government, and as to their intelligence with respect to the matter of voting and participating in government.

Mr. Amadeo. I have not the least doubt that the Puerto Ricans are capable of governing themselves; and in support of that I bring forward the history of Puerto Rico—that the Puerto Ricans have, during the Spanish dominion, and during that time of oppression, demonstrated the greatest good sense in governing themselves.

The Chairman. How are the people satisfied with the present government conducted by General Davis?

Mr. Amadeo. Personally, they are very well satisfied with General Davis, because he is a very cautious governor, and the country esteems him at his worth, but as to the form of government, it represents an abnormal condition and the country aspires to have a permanent form of government.

The Chairman. They are not satisfied to have the present form of military government continued?

Mr. Amadeo. No; the military government is always an abnormal condition, prejudicial to the credit of nations.

Mr. Pettigrew. Do you think you could conduct an independent government at once?

Mr. Amadeo. Perfectly; but we should prefer to have a joint government in which the Puerto Ricans should have a majority.

Mr. Pettigrew. Why a joint government?

Mr. Amadeo. Because of the inexperience of the Puerto Ricans as regards American legislative systems, and that they might derive some benefit in having it that way.

Mr. Pettigrew. What kind of benefit?

Mr. Amadeo. Largely moral, and because they would be benefited by the experience of the men who have already been in those places; and besides, such a government would better represent the two elements, the United States and the new territory.

Mr. DePew. Your point is, that while your people have the intelligence for self-government, they have not had the experience; but if associated with Americans, who have the experience, they would be capable of taking care of themselves, but they need the education!

Mr. Amadeo. Yes, sir; there exists in Puerto Rico every element for self-government, but of course they would prefer to have somebody more accustomed to it to initiate them—to show them and give them the benefit of their experience—and then the Puerto Ricans could very well govern themselves.

The Chairman. What has been the result of the recent elections? Are they satisfied or not?

Mr. Amadeo. Yes, sir; we are perfectly well satisfied with them.

The Chairman. What would be the character of men selected if you were allowed to elect five, six, or seven representatives from each district to sit in a legislative assembly? What would be the chance of getting good men?

Mr. Amadeo. Very good; only I would be opposed to a very large assembly.

The Chairman. How large would you suggest?

Mr. Amadeo. About twenty-five representatives.

The Chairman. Two houses or one?
Mr. Amadeo. I think one house of representatives of 25 members and a higher house of 10 members.

Mr. Gallinger. Do you think all ought to vote or that suffrage should be restricted?

Mr. Amadeo. That is a question of principle which has not been solved yet in the universal conscience, but I believe in universal suffrage myself, although there is no such thing as universal suffrage.

Mr. Perkins. Do you believe in the property qualification for voting—only those who own property being allowed to vote?

Mr. Amadeo. We did have that in Puerto Rico during one period of the Spanish dominion, and later we had unrestricted suffrage. I believe that everybody ought to have the right to vote who is capable to vote and of age.

The Chairman. Do you think a man has the capacity who can not read or write in any language and has acquired no property?

Mr. Amadeo. I have met with a great many people who could not read or write, but have very good common sense, and understand government a great deal better than a great many who can read and write.

Mr. Depew. Representing the agricultural people of the island, or 2,000 producers there, if you can get the reciprocity or free trade which they want, could they then work out of their present troubles, caused by the hurricane, etc., without any other help?

Mr. Amadeo. I do not think the effect of that measure, although highly beneficial, would of itself be a remedy for the troubles we are passing through.

Mr. Depew. What do you mean?

Mr. Amadeo. That would not be sufficient to restore the lost vitality of the country, which has been drained by so many concurrent causes.

Mr. Depew. What kind of help do you want?

Mr. Amadeo. I think it is absolutely necessary to obtain the authorization here for a loan.

Mr. Depew. How much of a loan?

Mr. Amadeo. At least $10,000,000.

Mr. Perkins. What is this loan for—the authorities, or planters, or municipal government, or how?

Mr. Amadeo. For all: for the planters and municipalities and public works.

Mr. McComas. What is the present condition of the growing coffee crop?

Mr. Amadeo. The total crop for this year will not amount to 7 per cent of that of last year. I should have gathered 1,500 quintals this year, and I only have gathered 50. I also expected to get 200 quintals of cocoa, and I have not any at all.

The Chairman. How should this loan be secured; by legislation in some way to enable the people to get it?

Mr. Amadeo. I would like to have you authorize the country to raise the loan.

The Chairman. The island?

Mr. Amadeo. Yes, sir.

The Chairman. To issue bonds?

Mr. Amadeo. Yes; and negotiate them, distributing such amount as may be set aside for agriculture through an agricultural bank, which would make prudent advances on long terms, and thus mobilize the immense capital sunk in plantations.
It. DEPEW. You would have that money loaned to individual farmers—giving mortgage, or expect the Government, in view of this duty, to apportion among the farmers a certain sum of money to help them to redeem their lands, leaving the island, however, to meet debt subsequently out of general revenues?

It. AMADEO. I want that money to go to the bank, which will make it to agriculturists on 50 per cent of the value of the estates.

It. FAIRBANKS. Are the lands covered by mortgages now to any considerable extent? and if so, to what extent?

It. AMADEO. On the coffee estates the mortgages existing now do amount to ten millions of dollars and the value of the property is a sixty to seventy millions of dollars, so the mortgages amount to at 7 or 8 per cent of the value of the property.

It. FAIRBANKS. Is there a large amount of municipal indebtedness on the island; and if so, what is the amount?

It. AMADEO. I can not give you a satisfactory answer to that, but afterwards I give you a statement; but it is very, very small. The amount is in San Juan, on account of waterworks, and that represents an indebtedness of about $400,000, which were built before American occupation.

It. NELSON. I understand your idea about help is that the help you’ve, in addition to what you call free trade, is authority of the Government to borrow a certain amount of money, to be loaned out through of State bank to the farmers on security? I

It. AMADEO. Exactly.

It. NELSON. Have you such a bank now—such a State institution which the loan could be distributed?

It. AMADEO. There is the Territorial Bank—the Territorial and Agricultural Bank of Puerto Rico—which has done that heretofore.

It. NELSON. A Government or private bank?

It. AMADEO. It is not a Government bank, but we would like to have its capital increased by the Government becoming a shareholder in the extent of the amount of the loan destined for lending to others.

It. NELSON. Is it a responsible bank?

It. AMADEO. Yes, sir; it is a very good bank, but they have not means to extend the help required; but it is a bank in which we have a great deal of confidence.

It. FAIRBANKS. Is the indebtedness against the farmers held in to Rico or in Spain?

It. AMADEO. A great deal is in the hands of the Spaniards.

It. GALLINGER. In regard to the men connected with this bank, capitalists, are they Spaniards or Puerto Ricans?

It. AMADEO. The majority are Spanish. They would, however, not Government intervention and capital, which would make of the a powerful instrument in the reconstruction of agricultural interests. The constitution of that bank is now like the credit foncier, but have not capital enough for the needs of the country.

It. GALLINGER. What rate of interest is paid on mortgages in to Rico?

It. AMADEO. Some mortgages pay 25 per cent per annum.

It. GALLINGER. Give us an idea as to how low it descends; you say gh as 25 per cent—as low as what?
Mr. Amadeo. The cheapest rate they have ever been able to get is 10 per cent in the cities, and in the interior of the island they pay 18, 20, and 25 per cent, but the lowest is 10 per cent, counting the commission. In the interior of the island people leaning money loan it at 25 per cent, discounting interest. In that way if the loan is made for $100, at 25 per cent, they get $75.

Mr. Perkins. There are no taxes—no assessments upon the land?

Mr. Amadeo. Yes, sir; they have the municipal expenses, and they have, too, the provincial tax.

Mr. Perkins. Levied upon the land?

Mr. Amadeo. We paid on the net product of the land.

Mr. Perkins. An income tax, but no fixed tax upon the realty?

Mr. Amadeo. No, sir. General Henry modified that, and they now pay according to the value of the land.

Mr. Pettigrew. What portion of the area of the land will produce sugar if they have free trade with the United States?

Mr. Amadeo. You could never make it more than double the production of to-day, because the land lacks water, and there is not sufficient land suitable to make it more than double.

Mr. Nelson. About 100,000 to 120,000 tons?

Mr. Amadeo. Yes, sir.

Mr. Pettigrew. They did raise 170,000 tons.

Mr. Amadeo. No, sir: 65,000 tons.

Mr. Pettigrew. What is the greatest number of tons ever raised?

Mr. Amadeo. It has never reached 50,000 tons.

The Chairman. The official statistics show that in 1879 they reached 170,000 tons, as we understand it.

Mr. Amadeo. No, sir: that is a mistake. They have produced as high as 1,000,000 bocoyes, but they do not weigh a ton.

The Chairman. What are those?

Mr. Amadeo. A bocoy is a hogshead, amounting to about 1,500 pounds.

The Chairman. Is that the utmost capacity of the island now and for the future?

Mr. Amadeo. The most it could do would be to double its present capacity. It is true they could cultivate a great deal of land in sugar which is not now used for that purpose, but they could cultivate that in other things that would produce more than sugar.

Mr. Pettigrew. What is the area of land that could produce sugar?

Mr. Amadeo. Seventy-four thousand acres is all that is cultivated now.

Mr. Pettigrew. How much more could produce sugar provided it was the most profitable crop?

Mr. Amadeo. I do not think you could cultivate more than 74,000 acres under sugar; it could not be possible.

Mr. Pettigrew. How much more land could be made available for sugar if all the water that could be used for irrigation was utilized?

Mr. Amadeo. In the southern part there could be eight or ten thousand acres used by means of irrigation.

Mr. Pettigrew. Another gentleman has just stated that by the turning of one stream they could redeem 20,000 acres by the use of the waters of the La Plata River.

Mr. Amadeo. The experiment might be tried, but I do not think it
would be successful, and I think that 15,000 acres would be the most that could be irrigated. I do not think that Puerto Rico will pay as much attention to the cultivation of sugar, even with free trade with the United States, as to the production of other things more valuable to them than sugar, such as oranges, bananas, some tobacco, and green vegetables.

Mr. Pettigrew. Are you interested in the production of sugar?

Mr. Amadeo. I have absolutely no interest in it.

Mr. Pettigrew. What is the area now in tobacco, and how much can that be increased if you have free trade?

Mr. Amadeo. There are 14,000 acres of tobacco planted, and the area that could be disposed of for further purposes of the industry would be probably about 7,000 acres more.

Mr. Pettigrew. Seven thousand acres more?

Mr. Amadeo. Yes, sir; in the interior of the island.

Mr. Pettigrew. How many acres are there in the cultivation of coffee?

Mr. Amadeo. Two hundred thousand acres.

Mr. Pettigrew. How much can that be increased?

Mr. Amadeo. In that there is a very large extension possible; we could extend it very largely. It is raised in the mountains.

Mr. Pettigrew. Will coffee land produce sugar?

Mr. Amadeo. It would not pay to plant it in coffee.

Mr. Pettigrew. If sugar will pay better than tobacco, will the land produce it?

Mr. Amadeo. Even if they were to try it, the expense would be so great that it would not pay as well as to continue the cultivation of coffee. I have seen many brilliant accounts of the production of sugar that are all illusory.

Mr. Pettigrew. How much sugar do they produce per acre?

Mr. Amadeo. About 3,000 pounds per acre—two hogsheads.

Mr. Pettigrew. Can they produce oranges and bananas in commercial quantities?

Mr. Amadeo. They would pay better, perhaps, than the production of sugar, because they are of a fine quality.

Mr. Pettigrew. How many acres are there fit for the production of oranges?

Mr. Amadeo. A greater amount of territory in the island could be appropriated to the cultivation of oranges than for any other things.

Mr. Pettigrew. How much could be appropriated to other citrus fruits?

Mr. Amadeo. All the territory could be appropriated.

Mr. Pettigrew. How about bananas?

Mr. Amadeo. Of bananas they have several qualities.

Mr. Pettigrew. Can they produce in great quantities?

Mr. Amadeo. Yes, sir.

Mr. Pettigrew. Can the production of oranges, lemons, and other citrus fruits be profitably extended?

Mr. Amadeo. The basis of my belief is that if this fruit would give them a better revenue they would pay more attention to it.

Mr. Cockrell. How about lemons and limes?

Mr. Amadeo. We have the finest qualities, but they have never been cultivated.
Mr. Pettigrew. Have you ever tried the production of any raisins and grapes?

Mr. Amadeo. Yes, sir.

Mr. Pettigrew. Plenty of them?

Mr. Amadeo. The muscatel grape of Spain is produced in Puerto Rico equal to the Spanish, but its production has always been unimportant.

Mr. Pettigrew. Any walnuts and almonds?

Mr. Amadeo. No, sir.

Mr. Pettigrew. Have you ever produced Zante currants, or grapes to make currants?

Mr. Amadeo. We never have tried it.

Mr. Pettigrew. Have the Puerto Ricans organized a political party called the Republican party of Puerto Rico?

Mr. Amadeo. Yes, sir; that has been the successful party in the last elections.

Mr. Pettigrew. What was it organized for?

Mr. Amadeo. When the American invasion took place, there were two parties, one called the Autonomist and the other the Puros. It is this Puros organization that they call the Republican party; and the other party, which was the one of Sagasta, has also changed its name and is now called the Federal.

Mr. Pettigrew. What does the Federal party advocate?

Mr. Amadeo. The two parties have almost the same American platform with some differences as to detail, but I imagine that the parties will fuse when the new government is implanted, although later they may differ on economic questions as they arise.

Mr. Pettigrew. Is it not a question of men—of leadership?

Mr. Amadeo. Yes, sir.

Mr. Pettigrew. What do the parties advocate?

Mr. Amadeo. Both parties aspire now to the fulfillment of the promises made by General Miles when he landed.

Mr. Pettigrew. What were those promises?

Mr. Amadeo. Moral and material progress, which would be found in forming a part of the United States.

Mr. Pettigrew. Did he promise free trade?

Mr. Amadeo. He could not himself promise this, but it was understood the island would have that from the moment the Constitution of the United States was to cover the island.

Mr. Pettigrew. Is the principal plank, and almost the first one in those platforms, that Puerto Ricans shall hold the offices?

Mr. Amadeo. No, sir; there is no such thing existing in the platforms of those parties. They are willing and disposed and glad to be able to share those places with their brethren, the Americans.

Mr. Pettigrew. Does Puerto Rico manufacture cigars?

Mr. Amadeo. The manufacture is a little larger since the markets of Cuba have been closed.

Mr. Pettigrew. They do manufacture cigars?

Mr. Amadeo. Yes, sir; since the markets of Cuba have been closed. The quantity of tobacco produced in Puerto Rico would never injure the interests of this country in tobacco, because it is small and of a different quality to the one produced here.

Mr. Pettigrew. How about the production of cigars—the making of them—how many factories are there?
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Pettigrew. How about the production of cigars—the making of
how many factories are there?
Mr. Amadeo. There are not more than 12 or 14 factories of tobacco in Puerto Rico, but I cannot say how much they produce.

Mr. Pettigrew. Do they manufacture them in their homes?

Mr. Amadeo. No, sir, in the factories.

Mr. Pettigrew. Do you know how many people are employed in the factories?

Mr. Amadeo. I could not answer that question.

Mr. Pettigrew. What do you ultimately contemplate: admission into the Union as a State?

Mr. Amadeo. We are not so pretentious as that. For the moment we wish to become a Territory, and afterwards, when we have the capacity, to become a State.

Mr. Pettigrew. Do you now have capacity for self-government?

Mr. Amadeo. With an American governor—a good governor—and with other American functionaries to help direct the chief branches of the administration there, the American Union would not have to repent having put the Puerto Ricans into the place of governing themselves, or trying to govern themselves. We would like to have the best governor we could get from this country.

Mr. Cockrell. If you have any other facts, or data, or figures which you can write out for the committee in regard to other propositions, will you please furnish them?

Mr. Amadeo. I will do so.

The Chairman. We are very much obliged to you, Mr. Amadeo, for the testimony you have given, and very much interested in your statements.

Mr. Amadeo. I am very glad to be able to furnish the information, and to give any further statement which I can.

The Chairman. I have here a letter from the attorneys of the New York and Porto Rico Steamship Company, which I will have incorporated in the record. The letter is as follows:

January 20, 1900.

Dear Sir: On behalf of our client, New York and Porto Rico Steamship Company, we beg to present to your committee some facts with regard to commerce and navigation between ports of the United States proper and those of the island of Puerto Rico, and between ports of the island. The fifth paragraph of the bill (S. 2264), which your committee now has under consideration, provides for the extension of the laws of the United States relating to our coasting trade; to commerce and navigation between our ports and those of the island.

Your committee is already informed that the only important industry of Puerto Rico is agriculture. The agricultural production of the island is large, and is capable of great increase, but the products are limited in variety. Manufacturing is practically unknown. Therefore the Puerto Ricans must be supplied with many necessities and most luxuries through the importation of goods through the United States and foreign countries. The exportation and sale of their agricultural products is the only source from which they can obtain money to pay for importations. Hence all Puerto Ricans, whatever their station in life, and in whatever business they may be engaged, are vitally interested in having adequate means for the prompt, safe, and economical transportation of goods to and from their island.

We have yet to find anyone who does not believe that the United States will be benefited by securing the whole of the Puerto Rican trade, and will receive a correspondingly increased benefit as that trade is developed in the future. Hence it is important to encourage the Puerto Ricans to confine their markets of purchase and sale to the United States. Nothing will contribute more surely and speedily to this end than the encouragement of commerce and navigation between this country and Puerto Rico.

Prior to the cession of the island to the United States practically all of its exports and imports were carried by foreign vessels—British, Spanish, and Norwegian—for these could be maintained at a far less cost than vessels of the United States.