

JOURNAL  
OF THE  
PHILIPPINE COMMISSION

BEING THE  
FIRST SESSION AND A SPECIAL SESSION  
OF THE FIRST PHILIPPINE  
LEGISLATURE

FEBRUARY 3, 1908, TO JUNE 19, 1908



MANILA  
BUREAU OF PRINTING  
1908



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JOURNAL  
OF THE  
PHILIPPINE COMMISSION  
BEING THE  
FIRST SESSION OF THE FIRST PHILIPPINE  
LEGISLATURE  
BEGUN AND HELD AT THE CITY OF MANILA  
FEBRUARY 3, 1908

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# First Philippine Legislature.

## First Session.

Begun and held at the city of Manila on Monday, the third day of February, in the year of our Lord nineteen hundred and eight, being the First Session of the First Philippine Legislature, held under the Act of the Congress of the United States approved July first, nineteen hundred and two.<sup>1</sup>

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### JOURNAL OF THE COMMISSION.

**MONDAY, FEBRUARY 3, 1908.**

The Commission met at the call of the President at 10 o'clock antemeridian.

Present: Commissioners Tavera, Luzuriaga, Forbes, Shuster, and the President.

Absent: Commissioner Worcester.

#### MESSAGE FROM THE ASSEMBLY BY THE SECRETARY.

The Secretary of the Assembly appeared and stated that he had been instructed by the Assembly to announce to the Commission that, a quorum of the Assembly being present, the Assembly was ready for the transaction of such business as might come before it, the hour being 10 o'clock and 20 minutes antemeridian.

#### ANNOUNCEMENT TO THE ASSEMBLY.

The President introduced the following resolution:

Commission Resolution No. 36. *Resolved*, That the Secretary inform the Philippine Assembly that a quorum of the Commission is assembled and that the Commission is ready to proceed to business.

The resolution was adopted and the Secretary repaired to the Assembly Hall and notified the Assembly accordingly.

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<sup>1</sup> Journal of the inaugural session of the First Philippine Legislature, which opened on October 16, 1907, and terminated on February 1, 1908, printed in separate volume.

## MESSAGE FROM THE ASSEMBLY BY COMMITTEE.

A special committee of three from the Assembly was announced and, being admitted to the Session Chamber, stated that they had waited on the Commission in accordance with the following resolution of the Assembly:

*Resolved*, That a committee of three, composed of Messrs. Quezon, Agoncillo, and Singson, wait upon the honorable Governor-General and the Philippine Commission and inform them that a quorum of the Assembly is present and that the same is ready to enter upon its work.

*Resolved further*, That a cablegram be sent to the President of the United States, through the honorable Governor-General, stating that, in accordance with the Act of Congress of July first, nineteen hundred and two, this first session of the First Philippine Legislature is opened at the hour of ten o'clock and twenty minutes, to-day, on the first Monday of February, nineteen hundred and eight.

Commissioner Shuster introduced the following resolution:

Commission Resolution No. 37. *Resolved*, That the Governor-General be, and he is hereby, requested to communicate by telegraph to the President of the United States, through the Secretary of War, the information that, in accordance with the Act of Congress of July first, nineteen hundred and two, the first session of the First Philippine Legislature was opened this the first Monday of February, nineteen hundred and eight, at ten o'clock and twenty minutes antemeridian.

The resolution was adopted.

The President introduced the following resolution:

Commission Resolution No. 38. *Resolved*, That, as during the inaugural session of the Philippine Legislature, the Commission meet in accordance with Executive Order Numbered Nineteen, series of nineteen hundred and seven, or at the call of the President: *Provided*, That whenever the Commission shall adjourn to meet at the call of the President, it shall be so stated in the Journal.

The resolution was adopted.

Commissioner Shuster introduced the following resolution, with request for its unanimous adoption:

Commission Resolution No. 39. *Resolved*, That, in the absence of a joint rule to the contrary, all bills passed by the Philippine Commission during the inaugural session of the Philippine Legislature which are now in the hands of the Secretary, or which have been transmitted to the Assembly requesting their concurrence therein and which have not passed that body and hence require reintroduction in the Commission at this session, be read once by their titles and put upon their passage; that the



Secretary be directed to bring the said bills to the attention of the Commission at the earliest practicable date; and that when presented they be considered under the head of urgent business.

*Resolved further.* That all Commission bills now in the hands of the Secretary and all Commission bills transmitted to the Assembly during the inaugural session of this Legislature which have been returned to the Commission and which may be reintroduced in the Commission in accordance with this resolution, shall retain their original numbers.

The resolution was unanimously adopted.

#### MESSAGE FROM THE GOVERNOR-GENERAL.

The following message received from the Governor-General was read:

MANILA, February 3, 1908.

*To the Philippine Commission and the Philippine Assembly:*

The Governor-General desires to announce that the general condition of the country is substantially the same as that which existed at the time of the sending of his message to the Legislature at the opening of its inaugural session.

The hopes of an excellent rice crop in the rice-producing provinces will not be realized, due to the fact that the rains came so late that the grain did not mature, and consequently it is estimated that there will be about 50 per cent less crop than there was last year. in the rice-producing provinces.

Information as to the sugar crop, on the other hand, is more encouraging. and if sugar commanded a good price the loss of rice would be compensated in all probability by the increased output of the former product.

There has been a slight betterment in the price of abacá, and it is hoped that with the renewal of confidence in the United States there will be a greater demand for that product.

During the month of December the Chief Executive requested that the provincial boards forward at once information as to whether there was any danger of suffering from hunger within their respective jurisdictions. In general the information received is to the effect that there is no danger of suffering from hunger. In some few provinces the opinion was expressed that while there was no immediate danger of hunger there might be suffering later on during the year. Instructions have been given to provincial boards to warn the people to plant camotes and other quick maturing crops in order to furnish a food supply in case of a shortage of rice. Moreover the provincial boards were instructed to begin immediately the construction of public works in order to furnish poor people with the means of purchasing rice and other food supplies.

With this exception the Governor-General has nothing to add to his previous message and desires to renew the recommendations for legislation made by him in his message to the Legislature at the opening of its

inaugural session, in so far as such recommendations have not already been met by appropriate legislation.

Respectfully submitted.

JAMES F. SMITH, *Governor-General*.

On motion by Commissioner Shuster,

The message was ordered spread upon the Journal of the Commission.

MESSAGE FROM THE ASSEMBLY RETURNED.

FEBRUARY 1, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the following resolution (A. J. R. No. 15), entitled "Joint Resolution providing for the appointment of a committee for studying a plan to carry into effect the establishment of an agricultural bank in the Philippine Islands," passed the Assembly on February 1, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered*, That the Secretary return all papers to the Assembly with the information that the same were received by him after the adjournment of the Commission *sine die* in conformity with Concurrent Resolution No. 3, and therefore no action could be taken thereon.

RECESS.

At 11 o'clock and 30 minutes antemeridian,

On motion by Commissioner Shuster,

The President declared the Commission at recess until 12 o'clock meridian.

RECONVENED.

At 12 o'clock meridian the Commission reconvened,

The President in the chair.

ADJOURNMENT.

Thereupon, at 12 o'clock and 2 minutes postmeridian,

On motion,

The Commission adjourned to meet again on Tuesday, February 4, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DONOVAN, *Secretary*.

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

TUESDAY, FEBRUARY 4, 1908.

The Commission met at the call of the President at 10 o'clock and 30 minutes antemeridian.

There being no objection, the calling of the roll was dispensed with.

#### URGENT BUSINESS.

In accordance with the provisions of Commission Resolution No. 39 the following Commission bill, which failed to reach the Assembly in time for passage before the termination of the inaugural session of the Philippine Legislature, was reintroduced with its original number, read once by its title, and unanimously passed:

Commission Bill No. 25. An Act to amend Act Numbered Eleven hundred and forty-seven, as amended, regulating the registration, branding, conveyance, and slaughter of large cattle, and providing for the disposition, care, custody, and sale of estrays or large cattle captured or seized by the Philippines Constabulary or other peace officers.

The Secretary was directed to request the concurrence of the Assembly therein.

#### READING OF COMMUNICATION.

Commissioner Shuster presented a communication, dated Manila, January 22, 1908, and signed by José Santamaria, in which the writer states that he has decided to establish an "Hotel Infantil," to rear and educate children, with special regard to their health, the "hotel" to be established on a site designated by the Government or in one of the municipal buildings in Meisic, where the children can avail themselves of the schools, and in which he further states

that he trusts that the children in his "hotel" will not be required by the Government to be vaccinated or inoculated against cholera, bubonic plague, or smallpox.

On motion by Commissioner Shuster,

Referred to the Committee on Matters Pertaining to the Department of the Interior.

#### MORO PROVINCE.

The Secretary stated that in accordance with an order of the Commission of January 4, 1908, he had referred to the Attorney-General Act No. 196 of the legislative council of the Moro Province, for an opinion as to the validity of the provisions of the act, and was now in receipt of such opinion.

At the direction of the President, the opinion was read, the conclusion of the Attorney-General being that—

The erection of buildings of light materials may be prohibited in the municipality of Zamboanga within certain prescribed limits, and that the act may provide that any building erected after the passage of such act in violation of the terms thereof shall be deemed and declared to be a nuisance, and may be summarily removed by the authorities after notice to the owner to remove the same and his failure to do so; but any provision of such act which prohibits the repairing of such light-material buildings as are already erected at the time of the passage of the act, or requires the removal thereof after a given date, unless such building be a public nuisance, is invalid, because it tends to deprive the owner of his property without due process of law.

*Resolved*, That it is the sense of the Commission that approval of Act Numbered One hundred and ninety-six of the legislative council of the Moro Province be suspended.

*Ordered*, That the Secretary inform the legislative council of the Moro Province of the action taken, and transmit to the said council the opinion of the Attorney-General, with the statement that the Commission is disposed to concur therein.

#### QUARTERLY REPORT ON FRIAR ESTATES.

The Secretary submitted for the information of the Commission, report of the Director of Lands, forwarded in accordance with the provisions of section 22 of Act No. 1120, covering the operations on the various friar estates during the quarter ending December 31, 1907.

Ordered filed.

## EXECUTIVE SESSION.

On motion by Commissioner Tavera,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 363.)

## ADJOURNMENT.

Thereupon, at 12 o'clock meridian,

On motion,

The Commission adjourned to meet again on Wednesday, February 5, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DOXOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

WEDNESDAY, FEBRUARY 5, 1908.

The Commission met at the call of the President at 10 o'clock and 30 minutes antemeridian.

There being no objection, the calling of the roll was dispensed with.

#### READING OF JOURNALS.

The Journals of Monday, February 3, 1908, and Tuesday, February 4, 1908, were read and approved.

#### MESSAGE FROM THE ASSEMBLY.

FEBRUARY 4, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the following Commission bills and resolutions, transmitted to the Assembly during the inaugural session of the Philippine Legislature, had not been acted upon at the adjournment of the session *sine die*, at 7 o'clock and 8 minutes postmeridian, Saturday, February 1, 1908, due to lack of time, and to return the same to the Commission for reintroduction and return to this House as new bills and resolutions, should that be the desire of the Commission:

#### COMMISSION BILLS.

No. 6. To amend Act Numbered Fourteen hundred and ninety-three, entitled "An Act to encourage economy and saving among the people of the Philippine Islands, and to that end to provide for the establishment of postal savings banks and their administration through the organization of a postal savings bank division in the Bureau of Posts, and for other purposes," by making provision for deposits made under Act Numbered

Seventeen hundred and eighty. (Passed by the Commission, January 11, 1908.)

No. 9. To punish the unlawful acquirement of public property used by the Army or Navy of the United States. (Passed by the Commission, January 11, 1908.)

No. 11. Amending section fourteen of Act Numbered Sixteen hundred and twenty-seven. (Passed by the Commission, January 11, 1908.)

No. 14. To provide for the granting of a franchise to construct, maintain, and operate telephone and telegraph systems, and to carry on other electrical transmission business in and between the Provinces of Albay and Ambos Camarines and in and between the municipalities thereof. (Passed by the Commission, January 20, 1908.)

No. 17. To provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams. (Passed by the Commission, January 18, 1908.)

No. 19. To authorize Gregorio Caubang and Filomena Laurora to contract marriage. (Passed by the Commission, January 11, 1908.)

No. 20. To fix the time for making annual reports by the directors of Bureaus and heads of Offices of the Insular Government, provincial governors, and the Municipal Board of the city of Manila, and for other purposes. (Passed by the Commission, January 15, 1908.)

No. 26. Authorizing the Governor-General to convey, under certain conditions and restrictions, Insular property to provinces and municipalities of the Philippine Islands, to be used for public school purposes. (Passed by the Commission, January 23, 1908.)

No. 27. To further amend section eleven of Act Numbered Six hundred and nineteen, in order to avoid the long delays that are frequently attendant upon summary court trials in the Constabulary. (Passed by the Commission, January 27, 1908.)

No. 31. Providing for the filing with the division of archives, patents, copyrights, and trade-marks of the Executive Bureau of the contracts of mortgage executed by the Manila Railroad Company as security for the issuance of bonds and other obligations, creating and fixing upon the property covered by said instruments a lien at and from the time of filing the same, and exempting said instruments from the payment of stamp taxes, and for other purposes. (Passed by the Commission, January 30, 1908.)

#### COMMISSION JOINT RESOLUTIONS.

None.

#### COMMISSION CONCURRENT RESOLUTIONS.

No. 1. Approving the action of the provincial board of Bulacan in constructing the dormitory for the provincial high school without first applying for bids. (Passed by the Commission, January 2, 1908.)

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

In accordance with the provisions of Commission Resolution No. 39, the following Commission bills and resolution, referred to in the foregoing message, which failed to pass the Assembly before the termination of the inaugural session of the Philippine Legislature, were reintroduced with their original numbers, read once by their titles, and unanimously passed:

Commission Bills Nos. 6, 9, 11, 14, 17, 19, 20, 26, 27, 31; and Commission Concurrent Resolution No. 1.

The Secretary was directed to request the concurrence of the Assembly in the bills and resolution as passed.

READING OF COMMUNICATION.

At the direction of the President, the Secretary read the following resolution of the provincial board of Cebu:

[Translation.]

THE PROVINCIAL GOVERNMENT OF CEBU, CEBU, P. I.

The provincial board of Cebu, at its session of February 1, 1908, resolved, among other things, the following:

"2. Whereas the unhappy notice of the demise of the Hon. Arthur W. Fergusson, Executive Secretary of the Philippine Islands, whose services to the Government have been and were becoming so valuable and important, was received yesterday in this city: therefore be it

*Resolved*, That the profound grief of the provincial government of Cebu at the irreparable loss of one of the principal members of the Government of these Islands be spread upon the journal of the board, and

*Resolved further*, That an expression of sympathy from this provincial board be conveyed to the honorable Governor-General, to the Philippine Commission, and to the widow of the deceased, sending immediately to the first named, by telegraph, a true copy of the present resolution, with the request that the message be conveyed to the widow and to the Commission."

I certify that the foregoing is a true and correct copy.

Cebu, Cebu, P. I., February 1, 1908.

JOSÉ AVILA,

*Recorder, Provincial Board of Cebu.*

Ordered filed.

EXECUTIVE SESSION.

On motion by Commissioner Shuster,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.



ADJOURNMENT.

Thereupon, at 12 o'clock meridian,

On motion,

The Commission adjourned to meet again at 9 o'clock ante-meridian, Saturday, February 8, 1908, or at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

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# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

SATURDAY, FEBRUARY 8, 1908.

The Commission met at the call of the President at 10 o'clock and 20 minutes antemeridian.

There being no objection, the calling of the roll was dispensed with.

#### READING OF JOURNAL.

The Journal of Wednesday, February 5, 1908, was read and approved.

#### MESSAGE FROM THE ASSEMBLY.

FEBRUARY 8, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly desires to have a conference with the Commission regarding our bill No. 117, entitled "An Act to extend the period within which provincial boards organized under the Provincial Government Act may remit the collection of the land tax in their respective provinces," which has been rejected by the Commission, and that Delegates Quezon, Hernandez, de Veyra, Roco, and Orense have been appointed managers of the conference.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

#### RESOLUTION.

The President introduced the following resolution:

Commission Resolution No. 41. *Resolved*, That Assembly Bill Numbered One hundred and seventeen having been regularly submitted to the Commission, duly considered by that body, and refused passage on January thirtieth, nineteen hundred and eight, during the inaugural session of the Legislature, it is the sense of the Commission that it should not at this,

a new session, be made a subject of consideration by a conference committee; nevertheless, as the reintroduction of the bill at this session merely for the purposes of securing a conference thereon might result in a considerable loss of time, the Commission is of the opinion that a conference committee should be appointed to meet the conference committee appointed by the Assembly for the purpose of discussing the advisability of reintroducing the subject-matter of Assembly Bill Numbered One hundred and seventeen in a new bill and making report and recommendation to the Commission as to whether it should maintain or recede from the position taken by it during the consideration of Assembly Bill Numbered One hundred and seventeen; and

*Resolved further*, That the President of the Commission, Commissioner Luzuriaga, and Commissioner Shuster compose such committee.

The resolution was adopted.

#### READING OF COMMUNICATIONS.

At the direction of the President, the Secretary read the following resolutions:

A resolution of the municipal council of Silay, Occidental Negros, adopted on January 12, 1908, protesting against the law increasing the per diems of Delegates and the salary of the Speaker of the Philippine Assembly.

Referred to the President, on his own motion.

A resolution of the municipal council of Talisay, Occidental Negros, adopted on January 31, 1908, protesting against the law increasing the per diems of the Delegates and the salary of the Speaker of the Philippine Assembly.

Referred to the President, on his own motion.

A resolution of the provincial board of Iloilo, adopted on January 29, 1908, expressing the profound sorrow of the board in the death of the late governor of the province, Honorable Benito Lopez.

*Ordered*, That the resolution be filed, after proper acknowledgment thereof by the Secretary.

#### SPECIAL ORDER SET.

On motion by Commissioner Shuster,

The consideration of a bill for the purpose of founding a university for the Philippine Islands, giving it corporate existence, providing for a board of regents, defining the board's responsibilities and duties, providing higher and professional instruction, and for other purposes, was made a special order for Tuesday, February 11, 1908, at 10 o'clock antemeridian.

## EXECUTIVE SESSION.

On motion by the President,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business the Commission returned to regular session.

(For appointments confirmed in executive session see p. 363.)

## ADJOURNMENT.

Thereupon, at 11 o'clock and 30 minutes antemeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

TUESDAY, FEBRUARY 11, 1908.

The Commission met at the call of the President at 9 o'clock and 30 minutes antemeridian.

There being no objection, the calling of the roll was dispensed with.

#### READING OF JOURNAL.

The Journal of Saturday, February 8, 1908, was read and approved.

#### MESSAGE FROM THE GOVERNOR-GENERAL.

MANILA, *February 5, 1908.*

*To the Philippine Commission and the Philippine Assembly:*

In accordance with Concurrent Resolution No. 4, and House resolutions of the Philippine Commission and Philippine Assembly of February 3, 1908, the President of the United States was informed by cable to the Secretary of War that the inaugural session of the First Philippine Legislature closed at 7 o'clock and 8 minutes postmeridian, February 1, 1908, and that the first session, First Philippine Legislature, opened at 10 o'clock and 20 minutes antemeridian, February 3, 1908.

Respectfully,

JAMES F. SMITH, *Governor-General.*

Ordered filed.

#### MESSAGES FROM THE ASSEMBLY.

FEBRUARY 5, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the following Assembly bills, forwarded to the Commission and returned to the Assembly with amendments, were not acted upon by the latter, due to lack of time, at the adjournment *sine die* of the inaugural session of this Legislature, at 7 o'clock and 8 minutes post-

meridian, Saturday, February 1, 1908, and to return the same to the Commission for such action as it may deem proper:

ASSEMBLY BILLS.

No. 1. Providing for the cancellation, under certain conditions, of the unpaid balances remaining on loans made to certain provincial and municipal governments prior to the fifteenth of October, nineteen hundred and seven, out of the general funds of the Insular Treasury and of the United States Congressional relief fund. (Amended by the Commission, January 30, 1908.)

No. 88. Extending until December thirty-first, nineteen hundred and eight, the time within which real property which has been forfeited to municipalities for nonpayment of taxes may be redeemed. (Amended by the Commission, January 3, 1908.)

No. 115. Abolishing the special tax of one per centum on the assessed value of undeclared property. (Amended by the Commission, February 1, 1908.)

No. 121. Appropriating the sum of one hundred thousand pesos from Insular funds for the relief of sufferers from public calamities. (Amended by the Commission, February 1, 1908.)

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

In accordance with the provisions of Commission Resolution No. 39, the following Assembly bills, referred to in the foregoing message, heretofore passed by the Commission with amendments, which amendments failed to receive the concurrence of the Assembly before the termination of the inaugural session of the Philippine Legislature, were reintroduced with their original numbers, read once as amended, and unanimously passed:

Assembly Bills Nos. 1, 88, 115, and 121.

The Secretary was directed to request the concurrence of the Assembly in the amendments.

FEBRUARY 6, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the following resolution (A. J. R. No. 15.), entitled "Joint Resolution providing for the appointment of a committee for studying a plan to carry into effect the establishment of an agricultural bank in the Philippine Islands," was reintroduced in the Assembly on February 4, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, the resolution was read once and put upon its passage.

Assembly Joint Resolution No. 15 was unanimously adopted, and the preamble and title were agreed to.

The Secretary was directed to notify the Assembly thereof.

#### CONSIDERATION OF SPECIAL ORDER.

Commissioner Shuster introduced the following bill: Commission Bill No. 33, "An Act for the purpose of founding a university for the Philippine Islands, giving it corporate existence, providing for a board of regents, defining the board's responsibilities and duties, providing higher and professional instruction, and for other purposes," heretofore set as a Special Order for 10 o'clock antemeridian of this date, and the hour having arrived for its consideration,

On motion by Commissioner Shuster and by unanimous consent,

The bill was read the first and second times, and was referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the recommendation that it pass with the following amendments:

Section 3, page 1, line 14, after the words "ex officio" and before the word "and" insert the words "who shall be the president thereof."

Section 4, subsection (a), page 2, in lines 26, 27, and 28, strike out the words "of; to hold, manage, invest, or make sale of the same, according to any conditions thereto prescribed, or any incumbrance placed thereon;" and insert in lieu thereof the words "of, and to hold, manage, invest, or make sale of the same, subject to the conditions of any such endowment, grant, bequest, or other gift;" line 29, strike out after the word "have" and before the word "also" the word "as" and insert in lieu thereof the word "and."

Section 4, subsection (b), page 3, line 15, strike out the word "be."

Section 4, subsection (c), in lines 16 and 19, strike out the word "degree" and insert in lieu thereof the word "degrees" in each instance.

Section 4, subsection (f), page 4, line 1, insert the word "and" before the words "to remit."

Section 4, subsection (h), strike out in its entirety and insert in lieu thereof the following:

"(h) To prescribe rules for its own government and to enact for the government of the university such general ordinances and regulations, not contrary to law, as are consistent with the purposes of the university as defined in section two of this Act."

Section 5, page 4, line 12, strike out the word "of" at the beginning of the line, and strike out the word "processes" and insert in lieu thereof the word "process."

Section 8, page 5, line 14, insert after the word "attempt" and before the words "under penalty" the words "either directly or indirectly."

Section 12, page 6, line 4, strike out the word "of" and insert in lieu thereof the word "to."

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Shuster moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 33, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

#### RESOLUTION.

The President introduced the following resolution:

Commission Resolution No. 42. *Resolved*, That the Secretary of the Commission be, and he is hereby, authorized to have printed and bound five hundred copies in English and five hundred copies in Spanish of the Journal of the Commission for the inaugural session of the Philippine Legislature, instead of two hundred copies in each language as authorized by Commission Resolution Numbered Twenty-nine, fifty copies in English and fifty copies in Spanish to be bound in full sheep and the remainder in full cloth.

The resolution was adopted.

#### MORO PROVINCE.

The President introduced the following bill:

Commission Bill No. 34. An Act to empower the Governor-General to suspend Act Numbered Seventeen hundred and eighty, entitled "An Act to regulate the importation, acquisition, possession, use, and transfer of firearms, and to prohibit the possession of same except in compliance with the provisions of this Act" within the Moro Province.

The enactment of this bill into law being within the exclusive general legislative jurisdiction of the Commission over all that part of the Philippine Islands inhabited by Moros or other non-Christian tribes, and its immediate passage being desirable, the regular order of procedure for the enactment of laws was dispensed with.



The bill was read the first time, and submitted to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass with the following amendment:

Section 1, in lines 1 and 2, strike out the words "The Governor-General is hereby empowered in his discretion to suspend the application" and insert in lieu thereof the words "The Governor-General is hereby empowered to suspend, in his discretion, by proclamation or executive order the application."

The report and recommendation of the Committee of the Whole were adopted.

The bill was thereupon passed to its second and third readings.

The question then being upon its passage, Commission Bill No. 34, as amended, was unanimously passed.

The President moved to amend the title to read as follows:

An Act to empower the Governor-General to suspend within the Moro Province Act Numbered Seventeen hundred and eighty, entitled "An Act to regulate the importation, acquisition, possession, use, and transfer of firearms, and to prohibit the possession of same except in compliance with the provisions of this Act."

The motion prevailed.

The Secretary was directed to forward a copy of the Act as passed to the legislative council of the Moro Province.

#### READING OF COMMUNICATIONS.

At the direction of the President, the Secretary read the following communications:

A resolution of the municipal council of Calasiao, Pangasinan, protesting against the increase of the per diems of the Delegates and the salary of the Speaker of the Philippine Assembly.

Referred to the President, on his own motion.

A resolution of the municipal council of La Carlota, Occidental Negros, protesting against the increase of the per diems of the Delegates and the salary of the Speaker of the Philippine Assembly.

Referred to the President, on his own motion.

A letter, signed by Juan G. Carteciano, municipal president, and fifty other residents of the municipality of Naguilian, Province of Isabela, protesting against the seating by the Assembly of Dimas Guzman, stating that in the municipality of Gamu, where he obtained a majority of votes, the electors were registered on an

improper day, and asking that a new election be ordered in order that the people may have an opportunity properly to express their will at the polls.

*Ordered,* That the Secretary inform the municipal president of Naguilian, and the other signers of the foregoing communication, that under the provisions of the Act of Congress of July 1, 1902, authorizing the organization of the Philippine Assembly, the Assembly is made the sole judge of elections, returns, and qualifications of its members, and that the Philippine Commission has no jurisdiction and no right whatever to intervene in the matter, so that any determination that may be reached by the Assembly on such questions is final; and

*Ordered further,* That the communication of the residents of Naguilian be transmitted to the Assembly, together with a copy of this order, for such action as the Assembly may deem proper.

#### REPORTS OF COMMITTEES.

##### CONFERENCE REPORT NO. 1.

The committee of conference on the advisability of reintroducing in a new bill the subject-matter of Assembly Bill No. 117, entitled "An Act to extend the period within which provincial boards organized under the Provincial Government Act may remit the collection of the land tax in their respective provinces," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses that further consideration of the matter be indefinitely postponed.

JAMES F. SMITH,  
 JOSÉ R. DE LUZURIAGA,  
 W. MORGAN SHUSTER,

*Managers on the part of the Commission.*

MANUEL L. QUEZON,  
 ADR. HERNÁNDEZ,  
 ANGEL ROCO,  
 JAIME DE VEYRA,

*Managers on the part of the Assembly.*

The report of the committee of conference on the advisability of reintroducing in a new bill the subject-matter of Assembly Bill No. 117 was unanimously adopted.

(For discussion in conference committee see pp. 421-431.)

[Committee Report No. 16.]

FEBRUARY 7, 1908.

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of Commerce and Police, to whom was referred, informally, on January 29, 1908, Commission Bill No. 30, to grant to the Insular Coal

Company, Incorporated, a franchise to construct, maintain, and operate a railway line from the shore line at the port of Danao to the coal district of Camansi, Province of Cebu, with instructions to amend same in certain particulars, has the honor to report the bill back to the Commission amended in accordance with instructions.

Very respectfully,

W. CAMERON FORBES,  
*Committee on Matters Pertaining to the  
Department of Commerce and Police.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

Commission Bill No. 30 was thereupon read the third time.

By unanimous consent, the President moved the adoption of the following amendments:

Section 2, subsection (a), page 2, line 5, after the words "any part of the" and before the words "public domain" insert the word "unoccupied."

Section 3, subsection (b), line 14, after the words "between the" and before the word "municipal" insert the words "provincial or"; add a new subsection, as follows:

"(c) It shall be the duty of the grantee to operate said railway, and his failure to operate the same for a period of six months shall operate as a forfeiture of this franchise, unless such failure was directly or primarily caused by an act of God, the public enemy, usurped or military power, martial law, riot, civil commotion, or inevitable cause."

Section 6, page 3, line 31, strike out the word "and" and insert in lieu thereof the word "or."

Section 10, page 4, line 33, strike out the word "the" at the end of the line and insert in lieu thereof the word "this."

The motion prevailed.

The question then being upon its passage, Commission Bill No. 30, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the bill as passed.

#### REINTRODUCTION AND PASSAGE OF BILL.

In accordance with the provisions of Commission Resolution No. 39, the following Commission bill, which failed to reach the Assembly in time for passage before the termination of the inaugural session of the Philippine Legislature, was reintroduced with its original number, read once by its title, and unanimously passed:

Commission Bill No. 23. An Act authorizing and directing the Treasurer of the Philippine Islands, as the representative of the Government of the Philippine Islands, to demand, bring suit to recover, receive and receipt

for funds belonging to the subscription for the relief of those damaged by the earthquake of June third, eighteen hundred and sixty-three, and to distribute the same in accordance with allotments duly made, and for other purposes.

The Secretary was directed to request the concurrence of the Assembly therein.

#### INTRODUCTION OF BILL.

Commissioner Forbes introduced the following bill:

Commission Bill No. 35. An Act granting an extension of time until June first, nineteen hundred and eight, for the completion by the Manila Suburban Railways Company of that portion of its line east of Fort William McKinley to the town of Pasig.

By unanimous consent, Commission Bill No. 35 was read the first and second times, and was referred to Commissioner Forbes, on his own motion.

#### EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 364.)

#### ADJOURNMENT.

Thereupon, at 11 o'clock and 50 minutes antemeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

SATURDAY, FEBRUARY 15, 1908.

The Commission met at the call of the President at 11 o'clock and 20 minutes antemeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster.

The President explained that on February 11, 1908, Commissioner Shuster had left Manila on his six months' leave of absence authorized by the Secretary of War.

#### READING OF JOURNAL.

The Journal of Tuesday, February 11, 1908, was read and approved:

#### MESSAGE FROM THE ASSEMBLY.

FEBRUARY 14, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 127), entitled "An Act adding to the first paragraph of section four of Act Numbered Fifteen hundred and eighty-two certain provisions for cases of void elections of provincial officers and of the death of the same," passed the Assembly on February 13, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Assembly Bill No. 127 was read the first and second times and was then considered by the Commission as in Committee of the Whole.

It was reported to the Commission with the recommendation that it pass.

It was thereupon

Ordered on file for third reading.

MORO AND OTHER NON-CHRISTIAN PROVINCES.

The Secretary submitted to the Commission Act No. 204 of the legislative council of the Moro Province, which act had been forwarded to the Commission in accordance with the provisions of section 32 of Act of the Philippine Commission No. 787.

On motion by Commissioner Tavera, it was

*Resolved*, That under and by virtue of the provisions of the Act of Congress of July first, nineteen hundred and two, and in accordance with the provisions of section thirty-two of Act of the Philippine Commission Numbered Seven hundred and eighty-seven, Act Numbered Two hundred and four of the legislative council of the Moro Province, passed January thirtieth, nineteen hundred and eight, entitled "An act making sundry additional appropriations for the service of the Moro Province for the fiscal year nineteen hundred and eight, and for other purposes," be, and the same is hereby, approved.

At the direction of the President, the Secretary read the following communication from Tasker H. Bliss, brigadier-general, United States Army, governor of the Moro Province, in reply to the communication of the Secretary of the Commission transmitting to the legislative council of the Moro Province for comment, in accordance with the direction of the Commission of January 14, 1908, a communication from the La Concha Button Factory complaining of the inadequacy of Act No. 51 of the said legislative council and suggesting certain amendments thereto:

[Second indorsement.]

ZAMBOANGA, P. I., February 6, 1908.

Respectfully returned to the Secretary, Philippine Commission, after consideration by the legislative council.

Act No. 51, legislative council, with slight amendments, has been in force for nearly four years. The records here do not show any dissatisfaction with the law until the Philippine Commission approved Act. No. 200 which revoked a temporary privilege in regard to the admission of foreign-built boats. Since that time there appears to be a concerted movement to cause the annulment of every essential feature of the original law.

First. Act No. 131, legislative council, reduced the license tax from ₱500 to ₱300, payable in quarterly installments. The difference between this amount and that suggested by the within writer is not sufficient to warrant amendment of the law. The typhoons and bad weather in the Visayas, to which the petitioner refers, do not operate to embarrass the business in the Moro Province.

Second. The petitioner recommends the insertion in subhead (b) of section 2 of Act No. 51 of the words "firms or corporations duly organized under the laws of the Philippine Islands." The original act was passed, as the records here show, after several months' careful consideration and after prolonged correspondence with the authorities of other countries in which it had been found necessary to put the pearl-shell industry under restrictions. I judge, from some of the correspondence, that various drafts of the law were under consideration by the Philippine Commission prior to enactment here. It seems certain that it was deliberately intended to restrict the right to this class of fishing to those classes of persons now defined in subhead (b), section 2, of the Act and not to throw it open to all the world. That being the case, the clause "firms or corporations duly organized under the laws of the Philippine Islands" must have been omitted deliberately and with intent. It would be absurd to impose a restriction by one clause and remove it by another. I have recently reported to the Commission that certain foreign subjects who were intentionally prohibited by the Public Land Act from taking up such land are now doing so in large and rapidly increasing numbers under the guise of working for a corporation "duly organized under the laws of the Philippine Islands." The insertion of such a clause in the pearl-fishing law will practically remove the restrictions intended to be imposed. If the members of the firm or corporation known as "La Concha Fabrica de Botones" are of the permitted classes of section 2, Act No. 51, it is believed they can accomplish what they desire without an amendment of the law.

Third. In regard to the taking of shells of illegal size, I had some correspondence with the La Concha factory some seventeen months ago. I asked them to give me the names of their purchasing agents in the Moro Province. It is of course understood that the buyers and shippers in large quantities are the ones that we must rely on in the enforcement of the law, and if it were an actual fact that these parties were shipping illegal shells in any noticeable quantity it was intended to apply the law to them. In reply I received a letter from the La Concha factory, dated September 26, 1906, in which they said, "Our agents are in a difficult position and if they were to refuse small shells, they would not get any at all, and we earnestly request you not to cause them any inconvenience, because it may possibly mean the closing up of our factory. As soon as they find trouble they will cease buying shells and we would be the losers."

The above underscoring is mine, and it illustrates the absolute insincerity of many persons who seek changes in the law for their personal benefit. A year and a half ago this firm seemed to have no interest in the

law except to secure its nonenforcement in respect to themselves. Notwithstanding their request, stringent orders were sent to all district and custom officials to enforce the law. Now, when they want the law radically changed, they make very sweeping assertions as to the quantities of illegal shells being taken.

Before speaking further on this point I will say that I have offered a reward of ₱500 in Zamboanga and Jolo for information leading to the arrest and conviction of persons guilty under the provisions of Act No. 43 or Act No. 51.

Fourth. In regard to the samples of shells of illegal size submitted by the petitioners to the Commission, it must be noted the La Concha factory receives many shells taken from waters not subject to jurisdiction here. There is no assertion in the petitioner's letter that these samples came from the Moro Province. If he means that they do come from here, I request that the Commission call upon him for the name of his buyer or shipper in the Moro Province; upon receipt of this, together with the identified samples now before the Commission, the case will at once be prosecuted to the full extent of the law.

Fifth. It is believed that the minimum of illegal shells is shipped from this province. The principal shippers are Behn, Meyer & Co.; they ship direct to Singapore. At the time of my first correspondence with the La Concha factory, Behn, Meyer & Co. were their agents here. They inform me that their last shipment to Manila was early in September of 1906. They have seen the petitioner's letter and disapprove his recommendations. They advocate the strictest enforcement of the law as it now stands and I have every reason to believe that they do not attempt or desire to evade it.

Of course there must be, sometimes, violations of such a law, through ignorance or carelessness as well as with intent. If the La Concha factory will now make good their statements to the Commission and give me the information necessary to prosecute the violators of the law (which information they must have in their possession if their statements are true and if they have illegal shells from this province) it will be more effective than a score of amendments.

Pending receipt of this information and observation of the results that will be obtained, the legislative council recommends no present change in the law.

TASKER H. BLISS,

*Brigadier-General, U. S. Army, Governor, Moro Province.*

Referred to the Committee on Matters Pertaining to the Department of the Interior, with the suggestion that said committee take the matter up with the La Concha Button Factory, inviting such comment as the said factory may desire to make prior to the final submission of the question to the Commission.

On motion by the President,

Commission Bill No. 28, entitled "An Act to amend Act Numbered Thirteen hundred and ninety-six, entitled 'The Special Pro-



vincial Government Act,' so as to authorize courts of justices of the peace to try violations of township ordinances and to provide that the fees of justices of the peace in such cases shall be payable from township funds," was taken from the table and referred to the Committee on non-Christian Tribes, with the suggestion that the bill be amended so as to apply only to the so-called non-Christian Provinces of Lepanto-Bontoc, Benguet, Nueva Vizcaya, and Agusan.

## MISCELLANEOUS COMMUNICATIONS.

The President presented the following communications :

A communication from Pascual H. Poblete, dated February 13, 1908, inviting the Commission to a meeting to be held at the Grand Opera House on Sunday morning, February 16, 1908, at 8 o'clock, for the purpose of discussing a proposition with regard to the establishment of a mortgage and agricultural bank.

*Ordered*, That the Secretary inform Mr. Poblete that unfortunately the hour set for the meeting was such that it would be impracticable for the Commission to be present, but that it would be very glad to receive any recommendations which those taking part in the meeting might agree to make, and would give them most careful consideration.

A telegraphic communication, dated Echague, February 11, 1908, and signed by Eugenio Angoluan, president, Perfecto Angoluan and Samon Balauag, requesting that a new election for Delegate to the Philippine Assembly be ordered in Isabela Province.

*Ordered*, That the Secretary inform the signers that under the provisions of the Act of Congress of July 1, 1902, authorizing the organization of the Philippine Assembly, the Assembly is made the sole judge of elections, returns, and qualifications of its members, and that the Philippine Commission has no jurisdiction and no right whatever to intervene in the matter, so that any determination that may be reached by the Assembly on such questions is final.

*Ordered further*, That the telegram received from Echague be transmitted to the Assembly, together with a copy of this order, for such action as it may deem proper.

A communication dated February 10, 1908, and signed by José M. Acasio, of the barrio of Baras, municipality of Tanay, Province of Rizal, renewing in his own behalf and that of the other residents of said barrio their petition for the establishment of Baras as an independent municipality.

*Ordered*, That the communication be referred to the Committee on Municipal and Provincial Governments, inviting attention to the provisions of Act No. 1748 and suggesting that the committee make its recommendations to the Governor-General, who may, under the law, act on the matter administratively.

A communication from Carlos Gsell, through Haussermann, Cohn & Williams, attorneys at law, repeating his petition for an increase in the duties on untrimmed felt hats, in order to protect his factory in competition with the imported article, stating that such relief was on a previous occasion denied by the Commission on the ground that it would involve making similar changes on behalf of the button factory and others, and calling attention to the recent action of the Commission in recommending an increase in the tariff on shell buttons, with the request that such recommendation be made to include the increase of duties heretofore proposed on untrimmed felt hats.

The President moved that consideration of the question presented by Messrs. Haussermann, Cohn & Williams be made a special order for Tuesday, February 18, 1908, at 9 o'clock antemeridian.

The motion prevailed.

*Ordered*, That the Secretary inform Messrs. Haussermann, Cohn & Williams that the Commission will be pleased to hear them on this question in Committee of the Whole, at the date and hour set.

#### REPORT OF COMMITTEE.

[Committee Report No. 18.]

MANILA, *February 15, 1908.*

GENTLEMEN: Your select committee of one, to whom was referred on January 20, 1908, a communication from Honorable J. M. Lerma, Assembly Delegate from Bataan Province, presenting a petition made in his own name and on behalf of Messrs. Ceferino Tiangco, Julian Calimbos, Pedro Paguio, and Felipe de los Reyes, requesting the authorization of a concession to reconstruct under certain conditions an irrigation ditch in the town of Pilar, Province of Bataan, has examined the same and finds, in accordance with an opinion of the Attorney-General rendered on March 8, 1907, that a franchise will be necessary.

It is impossible for your committee to draft the franchise, in view of the fact that the terms and conditions of the proposed franchise are unknown to the undersigned. It is recommended, therefore, that the papers be returned to the petitioner with the statement that it is the opinion of the Commission that a draft of a franchise or concession should be submitted in the names of the parties desiring it and should contain a provision as

to the term of years it is to run, a description of the land upon which it is proposed to construct the irrigation dam, the line or course to be taken by the irrigation ditches, the total amount of water and the amount per hectare which it is proposed to furnish, together with an agreement on the part of the concessionaires to irrigate a certain area of land and to furnish to each hectare thereof a specified quantity of water at a reasonable charge which shall be subject to regulation in accordance with the provisions of Act No. 1779, and a general description of the irrigation system. The franchise should also contain the provisions of section 74 of the Act of Congress of July 1, 1902, relating to franchises.

Your committee recommends that the petitioners be informed that all private property taken for the purpose in question must be paid for and that the concession will not grant the right to take possession of any private property without proper expropriation proceedings and payment therefor as required by law.

Very respectfully,

JAMES F. SMITH,  
*Committee.*

The Honorable, the PHILIPPINE COMMISSION.

The report and recommendations of the committee were adopted.

REFERENCE OF COMMISSION BILL NO. 7.

On motion by the President,

Commission Bill No. 7, "An Act amending section two of Act Numbered Six hundred and twenty-four of the Philippine Commission, designating who shall perform the duties of mining recorder, and adding a new section to said Act by providing the manner in which patents for mining claims shall issue," read the first and second times and upon recommendation of the Committee of the Whole passed on file on January 4, 1908, was referred to the Committee on Matters Pertaining to the Department of the Interior, with the suggestion that the said committee take up the matter informally with the committee of the Assembly having in charge a similar bill.

COMMISSION BILL NO. 23 ORDERED RECALLED FROM THE ASSEMBLY.

The President read the following communication for the information of the Commission:

[Translation.]

CONSULATE GENERAL OF SPAIN IN MANILA. No. 170.

HONORABLE SIR:

MY DEAR SIR: I hasten respectfully to state to Your Excellency that, having read in last night's press that at the session held yesterday morning by the Philippine Commission an Act was passed authorizing and directing the Insular Treasurer to demand and receive the funds pertaining to the

subscription made for the purpose of collecting money for the sufferers from the earthquake of June 3, 1863, this consulate general reserves the rights which may correspond to His Majesty's Government in the ownership, application, and distribution of said funds.

These latter being the proceeds of a national subscription made in Spain, and therefore formed by voluntary *donations* from that of the August Lady who sat on the throne of Spain to that of the humblest Spaniard, who then, as always, hastened to the relief of the Filipinos in that awful catastrophe, are not comprehended, being personal property of entirely private origin, by Article VIII of the treaty of Paris. There being well-defined antecedents on so important a matter, and royal orders of my Government which were definitive, I must report to His Majesty's Government. Which, in compliance with my duty and in defense of the Spanish interests committed to me, I communicate to Your Excellency with all respect, adding that this consulate general considers itself the representative, with power to act when it deems proper, of the "central relief board" which no longer exists and can not carry out the duties for which it was organized by royal order dated October 6, 1863; and to the nonexistence of which the Act passed yesterday by the Commission over which you so worthily preside refers.

May God guard Your Excellency many years.

Manila, February 12, 1908.

ARTURO BALDASANO.

The Honorable,

the GOVERNOR-GENERAL OF THE PHILIPPINE ISLANDS.

The President then stated that it had been suggested to him also that it might be possible to settle administratively the question of the collection from the Monte de Piedad of the funds belonging to the subscription for the relief of those damaged by the earthquake of 1863 and that no law should be passed authorizing the bringing of a suit until an opportunity had been given for the administrative disposition of the matter. He therefore asked and was granted unanimous consent to have Commission Bill No. 23, "An Act authorizing and directing the Treasurer of the Philippine Islands, as the representative of the Government of the Philippine Islands, to demand, bring suit to recover, receive, and receipt for funds belonging to the subscription for the relief of those damaged by the earthquake of June third, eighteen hundred and sixty-three," recalled from the Assembly pending a motion to reconsider the vote whereby said bill was passed.

The Secretary was directed to request the return of the bill from the Assembly, and in the meantime to refer to the Attorney-General for an opinion the letter of the Spanish consul-general.

EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,  
The Commission proceeded to the consideration of executive business.

After the consideration of executive business the Commission returned to regular session.

(For appointments confirmed in executive session see p. 364.)

ADJOURNMENT.

Thereupon, at 12 o'clock and 50 minutes postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

TUESDAY, FEBRUARY 18, 1908.

The Commission met at the call of the President at 10 o'clock and 10 minutes antemeridian.

There being no objection, the calling of the roll was dispensed with.

#### READING OF JOURNAL.

The Journal of Saturday, February 15, 1908, was read and approved.

#### CONSIDERATION OF SPECIAL ORDER.

Mr. Carlos Gsell and Mr. Charles Ott and Charles C. Cohn, esquire, of the firm of Haussermann, Cohn & Williams, attorneys at law, being present at the invitation of the Commission, and the hour having already passed for the consideration of the communication of Mr. Gsell, repeating his petition for an increase in the duties on untrimmed felt hats, heretore set as a special order for 9 o'clock antemeridian of this date,

On motion by the President,

The Commission resolved itself into the Committee of the Whole for the purpose of taking up the subject.

After some time spent therein, the committee rose and reported to the Commission with the recommendation that the Insular Collector of Customs, the several chambers of commerce, and wholesale hatters in Manila be informed of the petition of Mr. Carlos Gsell, made through his attorneys, Messrs. Haussermann, Cohn & Williams, that paragraph 356 (a) and (c) of the Tariff Revision Law of 1905 be amended to read—

- (a) Complete, not trimmed, eighteen cents each;
- (c) Crowns for (untrimmed), eighteen cents each;

increasing the duties on imported hats of materials other than straw from six cents each, complete, not trimmed, to 18 cents each, and from 5 cents each, for crowns (untrimmed), to 18 cents each, and that the said Insular Collector of Customs, chamber of commerce, and wholesale hatters be invited to make such comment with respect to such petition as they may deem advisable before final action thereon is taken by the Commission.

The report and recommendation of the Committee of the Whole were adopted.

MESSAGES FROM THE ASSEMBLY.

FEBRUARY 17, 1908.

MR. PRESIDENT: I have been directed to return to your honorable body Assembly Bill No. 121, entitled "An Act appropriating the sum of one hundred thousand pesos from Insular funds for the relief of sufferers from public calamities," together with the attached communication of the Secretary of the Commission, advising the Speaker of the amendments made by the Commission to said bill, in which the Assembly concurred on February 14, 1908.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered filed.

FEBRUARY 17, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 135), entitled "An Act extending the provisions of section nine (b) of Act Numbered Fourteen hundred and seven to the cutting of timber of the first group," passed the Assembly on February 15, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 135 was read the first time, and

On motion by the President was

Referred to the Committee on Matters Pertaining to the Department of the Interior.

THIRD READING AND PASSAGE OF BILL.

Assembly Bill No. 127. An Act adding to the first paragraph of section four of Act Numbered Fifteen hundred and eighty-two certain provisions for cases of void elections of provincial officers and of the death of the same.

The bill was read the third time.

The question then being upon its passage, Assembly Bill No. 127 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

#### MORO PROVINCE.

The Secretary submitted to the Commission Act No. 205 of the legislative council of the Moro Province, which act had been forwarded to the Commission in accordance with the provisions of section 32 of Act of the Philippine Commission No. 787.

On motion by Commissioner Worcester, it was

*Resolved*, That under and by virtue of the provisions of the Act of Congress of July first, nineteen hundred and two, and in accordance with the provisions of section thirty-two of Act of the Philippine Commission Numbered Seven hundred and eighty-seven, Act Numbered Two hundred and five of the legislative council of the Moro Province, passed February tenth, nineteen hundred and eight, entitled, "An Act creating the office of deputy district governor of Basilan, fixing the compensation therefor, and prescribing its powers and duties, and for other purposes" be, and the same is hereby, approved.

#### MISCELLANEOUS COMMUNICATIONS.

The President presented the following communications:

A communication, dated Laoag, Ilocos Norte, January 13, 1908, and signed by Pancracio Adiarte, third member of the provincial board, and three hundred and fifty-five others, petitioning the Philippine Legislature to declare "that the property acquired or constructed at the expense of the general, provincial, and municipal appropriations for expenses of the State in the Philippine Islands during the late Spanish Government" (referring to cathedrals, parochial churches, parochial parsonages, and public or parochial cemeteries administered by the Roman Catholic clergy) "as well as the public plazas used in combination with such property, were of the public domain and the exclusive property of the Spanish State at the moment when its sovereignty was substituted in the Philippine Islands by the sovereignty of the United States of America by virtue of the treaty of peace with Spain; second, that a speedy investigation be made to ascertain such property of the State; third, that until a law be passed defining the administration and use of such property, local committees be appointed to take immediate possession of such property."



In connection with this petition, the President introduced the following resolution :

Commission Resolution No. 44. Whereas there has been presented to the Commission a communication, dated Laoag, Ilocos Norte, January thirteenth, nineteen hundred and eight, signed by Pancracio Adiarte, third member of the provincial board, and three hundred and fifty-five others, petitioning the Philippine Legislature to declare that the property acquired or constructed at the expense of the general, provincial, or municipal appropriations for expenses of the State in the Philippine Islands during the late Spanish Government, as well as public plazas used in combination with such property, were of the public domain and the exclusive property of the Spanish State at the moment when its sovereignty was substituted in the Philippine Islands by the sovereignty of the United States of America by virtue of the treaty of peace with Spain; that a speedy investigation be made to ascertain such property of the State; and that until a law be passed defining the administration and use of such property, local committees be appointed to take immediate possession of the same; and

Whereas the powers of government in the Philippine Islands are exercised by three departments—to wit, the executive, legislative, and judicial—and each of said departments is independent of the others while exercising the powers conceded to it; and

Whereas the question of the right of possession of property, or title thereto, is a judicial question and one of which neither the executive nor legislative department can take cognizance; and

Whereas no person can be deprived of the possession of property by legislative enactment, and no property can be taken by the Government except after proper judicial proceedings by way of expropriation have been had and just compensation has been paid therefor; and

Whereas it appears from the petition that the right of the possession of this property, and the question of title thereto, is now a subject of judicial investigation: Now, therefore be it

*Resolved*, That the Secretary of the Commission be, and he is hereby, instructed to inform the petitioners that the subject-matter of their petition can not be determined by the Legislature and that the questions arising thereunder are for the exclusive cognizance of the courts.

The resolution was adopted.

A communication from the municipal president of Himamaylan, Occidental Negros, embodying a resolution of the municipal council protesting against the increase of the per diems of the Delegates and the salary of the Speaker of the Philippine Assembly.

Referred to the President, on his own motion.

A communication from the president pro tempore of the municipality of Isabela, Occidental Negros, protesting against the increase of the per diems of the Delegates and the salary of the Speaker of the Philippine Assembly.

Referred to the President, on his own motion.

A communication from the secretary of the municipality of Polo, Province of Bulacan, embodying a resolution expressive of the sorrow of the municipality in the death of Executive Secretary Arthur W. Fergusson, extending its sympathy, and requesting that a copy of the resolution be sent to his family.

*Ordered*, That the communication be filed and that the Secretary comply with the request of the municipality.

#### INTRODUCTION OF BILL.

Commissioner Forbes introduced the following bill:

Commission Bill No. 36. An Act to amend sections seven and one hundred and thirty of Act Numbered Fourteen hundred and fifty-nine, known as "The Corporation Law."

Commission Bill No. 36 was read the first time, and

On motion by Commissioner Forbes was

Referred to the Committee on Matters Pertaining to the Department of Commerce and Police.

#### EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see pp. 364, 365.)

#### ADJOURNMENT.

Thereupon, at 12 o'clock and 30 minutes postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

WEDNESDAY, FEBRUARY 19, 1908.

The Commission met at the call of the President at 11 o'clock antemeridian.

There being no objection, the calling of the roll was dispensed with.

#### READING OF JOURNAL.

The Journal of Tuesday, February 18, 1908, was read and approved.

#### MESSAGE FROM THE ASSEMBLY.

FEBRUARY 19, 1908.

MR. PRESIDENT: I am directed, pursuant to the request of your honorable body of the 17th instant, to return herewith bill No. 23 of the Commission, entitled "A Bill authorizing and directing the Treasurer of the Philippine Islands, as the representative of the Government of the Philippine Islands, to demand, bring suit to recover, receive, and receipt for funds belonging to the subscription for the relief of those damaged by the earthquake of June third, eighteen hundred and sixty-three, and to distribute the same in accordance with allotments duly made, and for other purposes."

Very respectfully,

GREGORIO NIEVA,  
*Secretary, Philippine Assembly.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

#### MISCELLANEOUS COMMUNICATIONS.

The President presented a communication, dated Ilagan, Province of Isabela, January 21, 1908, and signed by Gabriel Maramag, municipal president, inclosing copy of a protest to the Philippine Assembly, signed by himself and three hundred and ninety-two

others, against the seating of Dimas Guzman in the Philippine Assembly as the representative of that province, and petitioning that a new election be ordered, either in Ilagan alone or in the entire province, if it was found by the Assembly that the regular elections were illegally conducted.

Ordered filed, after proper acknowledgment by the Secretary.

EXECUTIVE SESSION.

On motion by the President,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see pp. 365, 366.)

ADJOURNMENT.

Thereupon, at 12 o'clock meridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

---

### JOURNAL OF THE COMMISSION.

FRIDAY, FEBRUARY 21, 1908.

The Commission met at the call of the President at 10 o'clock antemeridian.

There being no objection, the calling of the roll was dispensed with.

#### READING OF JOURNAL.

The Journal of Wednesday, February 19, 1908, was read and approved.

#### RESOLUTION.

Commissioner Worcester introduced the following resolution:

Commission Resolution No. 45. Whereas, in view of the limited funds available for the payment of a medical officer in the Provinces of Agusan, Surigao, and Misamis, the provincial authorities of said provinces are in favor of their consolidation as one health district, and the Director of Health and the Secretary of the Interior, under the circumstances, recommend such consolidation: Now, therefore, be it

*Resolved*, That the consolidation of the Provinces of Agusan, Surigao, and Misamis as one health district be, and is hereby, approved.

The resolution was adopted.

#### MISCELLANEOUS COMMUNICATIONS.

The President presented the following communications:

A communication from Major-General Leonard Wood, commanding Philippines Division, United States Army, dated February 18, 1908, inclosing a map of Camp John Hay at Baguio, Benguet, and proposed additions, surveyed under the direction of General Wood by R. P. Howell, junior, first lieutenant, Corps of Engineers, in June

and July, 1906, and requesting information as to whether there was any objection to the small increase indicated on the map, the same being made for the purpose of including the old Benguet Road, now only partially within the reservation, and stating that the Secretary of War, during his recent visit to the Islands, suggested that it would be wise to do this, and further stating that the amount of land included was very small, consisting principally of a deep ravine, and that the proposed changes would greatly simplify the borders of the reservation.

Referred to the Committee on Baguio Improvements appointed by resolution of the Commission of March 30, 1907.

A communication from E. Desnouée, superintendent of the Commercial Pacific Cable Company, dated February 20, 1908, stating that the continuous and rapid recession of the beach at Malate, where their cables land and where their cable house is situated, seriously endangers the cables, and that under the existing conditions, a combination of severe typhoon and high tide might result in the loss of their cable house and cause the total interruption of the cable system, requesting information with regard to the projected sea wall at Ermita and Malate, and suggesting that if the Philippine Commission could take any action which would lessen the danger which threatens the company's cables at Malate, such action would be of material benefit to the entire community.

Referred to the Committee on Matters Pertaining to the Department of Commerce and Police, with the request that said committee take the question up with the Commercial Pacific Cable Company and report back to the Commission with such recommendation as may be deemed proper.

A communication from the recorder of the provincial board of Bulacan, dated February 15, 1908, embodying a resolution adopted by the provincial board of said province on February 8, 1908, approving and concurring in a resolution adopted by the convention of municipal presidents of Bulacan on January 10, 1908, recommending the repeal of those provisions of the law requiring a bond in the penal sum of ₱200 from municipal councilors for each fire-arm furnished to the municipal police, and the passage of an Act to provide that such police may be equipped with firearms without security, such arms to be furnished by the Philippines Constabulary by order of the provincial governor, subject to the approval of the Governor-General, the provincial board recommending

further that on order of the Governor-General the Philippines Constabulary deliver the firearms to be furnished to the municipal police of any province to the provincial treasurer thereof, who in turn shall deliver them to the municipal treasurers, and they to the municipal presidents, taking the receipts of the latter therefor, the provincial and municipal treasurers to be responsible on their official bonds for the safe-keeping of such firearms while in their hands.

Referred to the Committee on Matters Pertaining to the Department of Commerce and Police.

## EXECUTIVE SESSION.

On motion by the President,

The Commission proceeded to the consideration of executive business.

After consideration of executive business the Commission returned to regular session.

(For appointments confirmed in executive session see p. 366.)

## ADJOURNMENT.

Thereupon, at 11 o'clock and 40 minutes antemeridian, the Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

MONDAY, FEBRUARY 24, 1908.

The Commission met at the call of the President at 10 o'clock and 30 minutes antemeridian.

There being no objection, the calling of the roll was dispensed with.

#### READING OF JOURNAL.

The Journal of Friday, February 21, 1908, was read and approved.

#### MISCELLANEOUS COMMUNICATIONS.

The President presented the following communications:

HEADQUARTERS PHILIPPINES DIVISION,  
*Manila, February 19, 1908.*

YOUR EXCELLENCY: Upon my departure from these Islands I desire to express to you, and through you to the Philippine Commission, my high appreciation of the cordial coöperation which I have always received from the Governor-General and the Philippine Commission; a coöperation which has done much to lighten my labors here. I shall always remember my service here with much pleasure.

With best wishes for a large measure of success in the conduct of the Islands' affairs, I am, with great respect,

Very sincerely,

LEONARD WOOD,  
*Major-General, United States Army, Commanding.*

His Excellency,

THE GOVERNOR-GENERAL OF THE PHILIPPINE ISLANDS,  
*Manila, P. I.*

Ordered filed.

A resolution of the municipal council of Bucay, Ilocos Sur, adopted on February 12, 1908, protesting against the law increasing



the per diems of the Delegates and the salary of the Speaker of the Philippine Assembly.

Referred to the President, on his own motion.

A resolution of the municipal council of Goa, Ambos Camarines, adopted on February 5, 1908, protesting against the law increasing the per diems of the Delegates and the salary of the Speaker of the Philippine Assembly.

Referred to the President, on his own motion,

ADJOURNMENT.

Thereupon, at 11 o'clock and 10 minutes antemeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DOXOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

TUESDAY, FEBRUARY 25, 1908.

The Commission met at the call of the President at 10 o'clock and 10 minutes antemeridian.

There being no objection, the calling of the roll was dispensed with.

#### READING OF JOURNAL.

The Journal of Monday, February 24, 1908, was read and approved.

#### MESSAGE FROM THE ASSEMBLY.

FEBRUARY 25, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed on the 24th instant Commission Bill No. 6, entitled "An Act to amend Act Numbered Fourteen hundred and ninety-three, entitled 'An Act to encourage economy and saving among the people of the Philippine Islands, and to that end to provide for the establishment of postal savings banks and their administration through the organization of a postal savings bank division in the Bureau of Posts, and for other purposes,' by making provision for deposits made under Act Numbered Seventeen hundred and eighty," without amendment.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered,* That Commission Bill No. 6 be enrolled and printed as an Act of the Legislature.

#### ADJOURNMENT.

Thereupon, at 10 o'clock and 15 minutes antemeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

THURSDAY, FEBRUARY 27, 1908.

The Commission met at the call of the President at 10 o'clock and 30 minutes antemeridian.

Present: Commissioner Luzuriaga and the President.

Absent: Commissioners Worcester, Tavera, Forbes, and Shuster.

#### ADJOURNMENT.

It appearing that a quorum was not present,

On motion,

The Commission adjourned at 10 o'clock and 35 minutes antemeridian to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

TUESDAY, MARCH 3, 1908.

The Commission met at the call of the President at 11 o'clock antemeridian.

Present: Commissioners Worcester, Luzuriaga, and the President.

Absent: Commissioners Tavera, Forbes, and Shuster.

#### ADJOURNMENT.

It appearing that a quorum was not present,

On motion,

The Commission adjourned at 11 o'clock and 5 minutes antemeridian to meet at the call of the President.

Attest:

Wm. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

THURSDAY, MARCH 5, 1908.

The Commission met at the call of the President at 10 o'clock antemeridian.

There being no objection, the calling of the roll was dispensed with.

#### READING OF JOURNALS.

The Journals of Tuesday, February 25, Thursday, February 27, and Tuesday, March 3, 1908, were read and approved.

#### MISCELLANEOUS COMMUNICATIONS.

At the direction of the President, the Secretary read the following communication for the information of the Commission, stating that a copy had been sent to each person concerned:

Whereas, the Philippine Legislature, on February 11, 1908, adopted the following joint resolution:

*"Be it resolved by the Philippine Commission and the Philippine Assembly, That it is the opinion of both Houses that the Government should organize, as soon as possible, an agricultural bank with a capital of one million pesos, and that for the operation of said bank such funds of the public treasury as may be necessary, and the services of the Insular Treasurer and of the provincial treasurers should be utilized; and*

*"Resolved further, That the Presidents of both Houses be, and hereby are, authorized to appoint a committee composed of members of one of the two Houses, or of both Houses, or of members of either and private citizens, for the purposes of studying the feasibility of this project, preparing a plan for carrying it into execution, and making a report of their work to the President of the Commission and the Speaker of the Assembly."*

Now, therefore, in pursuance of said resolution, the Honorable Alberto Barretto, chairman of the Committee on Banks and Banking; Mr. Frank A. Branagan, Insular Treasurer; Mr. A. G. Stephen, manager Hongkong and Shanghai Banking Corporation; Honorable Manuel Quezon, chairman of the Committee on Appropriations; Mr. C. D. Palmer, manager International Banking Corporation; Honorable Pedro Rodriguez, chairman of the Committee on Agriculture; Mr. F. Bennett, manager Chartered Bank of India, Australia, and China; Señor José Rosales, manager Compañía General de Tabacos de Filipinas; Honorable Monico Mercado, member of the Committee on Agriculture; Señor D. Eugenio del Saz Orozco, manager Banco Español Filipino; Mr. M. F. Loewenstein, manager Castle Brothers-Wolf & Sons, are hereby appointed a committee for the purposes of said resolution.

Said committee is hereby called to meet at the hour of 4 o'clock on the 9th day of March at the office of the Secretary of Public Instruction in the Ayuntamiento for the purpose of organization and the taking of preliminary steps to carry into effect the purposes for which said committee is appointed.

Said committee is respectfully requested to make report of its findings and recommendations to the President of the Commission and to the Speaker of the Assembly as soon as practicable.

Dated February 29, 1908.

JAMES F. SMITH,  
*President of the Commission.*

SERGIO OSMEÑA,  
*Speaker of the Philippine Assembly.*

Ordered filed.

The President stated that, in accordance with the order of the Commission of January 28, 1908, the Secretary of the Commission had requested information of the commanding general of the Philippines Division as to whether the statement of the adjutant-general, made in his indorsement of January 23, 1908, to the Executive Secretary, that the Division commander would be glad to discontinue sales of commissary supplies to the Civil Hospital, and that it was the policy of the military authorities to prohibit sales of commissary supplies to civilians, was intended to cover the sale of surplus rations in the open market without the payment of duties, and that the Governor-General had, by indorsement dated February 14, 1908, received information that an order would be issued, and that on February 18, 1908, an order was issued by Headquarters, Philippines Division, prohibiting the sale in said division of savings of rations, except to the subsistence department of the Army.

*Ordered,* That the Secretary of the Interior and the manager of Castle Brothers-Wolf & Sons be informed of the action taken by the military authorities, and that the papers in the case be filed.

The President presented the following communications:

A communication from the recorder of the provincial board of Occidental Negros, informing the Commission of the adoption of resolutions by the municipal councils of La Carlota, Victorias, Manapla, Talisay, and Himamaylan of that province, protesting against the law increasing the per diems of the Delegates and the salary of the Speaker of the Philippine Assembly.

Referred to the President, on his own motion.

A communication from the municipal president of Bago, Occidental Negros, inclosing a resolution of the municipal council of Bago, adopted on February 15, 1908, protesting against the law increasing the per diems of the Delegates and the salary of the Speaker of the Philippine Assembly.

Referred to the President, on his own motion.

A communication, dated Tumauni, Province of Isabela, January 22, 1908, and signed by the municipal president, vice-president, and one hundred and five others, protesting against the seating of Dimas Guzman in the Philippine Assembly as the representative of that province, and petitioning that the question of the election of Nicasio P. Claravall be reconsidered on the ground of illegality in the registration of voters in the towns of Gamu and Palanan, which were carried by Guzman.

It appearing that the original of this communication was forwarded to the Philippine Assembly by the petitioners, the papers were ordered filed, after proper acknowledgment by the Secretary.

A communication from Vicente Castillo, one of the volunteers to whom the Insular Government granted a gratuity of ₱400, on account of injuries received by him at the hands of ladrones while he was in the service of the Government, praying that the remainder of said amount be paid to him in a lump sum, instead of at the rate of ₱5 a month.

In presenting this petition, the President recommended favorable action.

On motion,

Referred to the Committee on Appropriations, with instructions to incorporate in the next appropriation bill such provision as will

permit the payment to Vicente Castillo of the entire balance of the gratuity of ₱400 allowed him by resolution of the Commission of July 3, 1906.

A communication, signed by Gregorio C. Arreola and dated Sinait, Ilocos Sur, February 24, 1908, requesting information on behalf of Juan Ramirez, Tita Galinato, Trinidad Benites, and Benita Banes, natives of Santa, Ilocos Sur, as to whether there is any law or regulation permitting the exception of certain lepers from the necessity of going to the Leper Colony at Culion, and if not, requesting that the bodies of Martin de Peralta and Eliseo Galinato, believed to be lepers, be examined by an American doctor, the said persons having been saved from going to Culion by the president of the municipal board of health.

On motion,

Referred to the Committee on Matters Pertaining to the Department of the Interior, with the suggestion that the matter be attended to by the said Department.

A communication from the municipal president of Pototan, Iloilo, embodying a resolution of the municipal council of said municipality expressing its sympathy in the death of the late Executive Secretary, Arthur W. Fergusson.

*Ordered*, That the Secretary forward a copy of the said resolution to the family of the deceased, and that the communication be filed.

A communication from the municipal secretary of Pandan, Province of Antique, inclosing a resolution of the council of the said municipality, expressing the sympathy of the municipality in the death of the late Executive Secretary, Arthur W. Fergusson.

*Ordered*, That the Secretary forward a copy of said resolution to the family of the deceased, and that the papers be filed.

#### SPECIAL ORDER SET.

On motion by the President,

The consideration of the question of the withdrawal by the Government of its appeal to the United States Supreme Court in the so-called Casanovas mine case was made a special order for Tuesday, March 10, 1908, at 10 o'clock antemeridian.



EXECUTIVE SESSION.

On motion by the President,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

ADJOURNMENT.

Thereupon, at 12 o'clock meridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

TUESDAY, MARCH 10, 1908.

The Commission met at the call of the President at 10 o'clock antemeridian.

There being no objection, the calling of the roll was dispensed with.

#### CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the question of the withdrawal by the Government of its appeal to the United States Supreme Court in the so-called Casanovas mine case, heretofore made a special order for 10 o'clock of this date,

On motion by the President,

The Commission resolved itself into the Committee of the Whole for the purpose of taking up the subject.

After some time spent therein, the committee rose and reported to the Commission with the recommendation that it take under advisement the proposition of entering into an agreement with the Compostela mine owners and Carman & Co. that the Government will dismiss its appeal in the so-called Casanovas mine case upon the condition that they will extract from their concession an average of at least 200 tons of coal per day on each year's run, and in case of the cancellation of the contract between the Compostela mine owners and the Insular Coal Company, that upon the expiration of two years after the annulment or termination of the said contract the Compostela mine owners, their successors or assigns, shall be bound by the same conditions, namely, to extract an average of 200 tons of coal per day on each year's run or forfeit

the mines to the Government; and that the attorney for the said Compostela mine owners and the Insular Coal Company be invited to prepare and submit to the Commission, through the Governor-General, a written instrument covering such agreement if the said proposition is acceptable to them; and that upon the execution of an agreement satisfactory to the Secretary of the Interior for the exploitation of the said mines the Governor-General be requested to instruct the Attorney-General to dismiss the appeal taken by him to the Supreme Court of the United States from the decision of the Supreme Court of the Philippine Islands in the said so-called Casanovas mine case.

The report and recommendation of the Committee of the Whole were adopted.

(For discussion in Committee of the Whole, see pp. 387-417.)

## ADJOURNMENT.

Thereupon, at 1 o'clock postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

THURSDAY, MARCH 12, 1908.

The Commission met at the call of the President at 10 o'clock antemeridian.

There being no objection, the calling of the roll was dispensed with.

#### READING OF JOURNAL.

The Journal of Thursday, March 5, 1908, was read and approved.

#### MESSAGES FROM THE ASSEMBLY.

FEBRUARY 29, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly disagreed on the 26th instant to the amendment of the Commission to Assembly Bill No. 1, entitled "A Bill providing for the cancellation, under certain conditions, of the unpaid balances remaining on loans made to certain provincial and municipal governments prior to the fifteenth of October, nineteen hundred and seven, out of the general funds of the Insular Treasury and of the United States Congressional relief fund," with the exception of that part thereof which refers to the city of Manila.

It asks a conference with the Commission on the disagreeing votes of the two Houses thereon, and has appointed as managers at the same on its part, Delegates Barretto, Quezon, and Orense.

The record of the discussion had by the Assembly in the premises is being translated and will be forwarded to you as soon as practicable.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

On motion, it was

*Resolved*, That the Commission insist upon its amendment to Assembly Bill Numbered One, entitled "A Bill providing for the cancellation, under certain conditions, of the unpaid balances remaining on loans made to certain provincial and municipal governments prior to the fifteenth of October, nineteen hundred and seven, out of the general funds of the Insular Treasury and of the United States Congressional relief fund," disagreed to by the Assembly, and agree to the conference asked by the Assembly on the disagreeing vote of the two Houses thereon.

*Ordered*, That Commissioners Forbes, Luzuriaga, and the President be the conferees on the part of the Commission.

MARCH 12, 1908.

MR. PRESIDENT: Referring to my communication of the 29th ultimo, I have the honor to forward herewith the records of the discussion had in the Assembly in re Assembly Bill No. 1, entitled "A Bill providing for the cancellation, under certain conditions, of the unpaid balances remaining on loans made to certain provincial and municipal governments prior to the fifteenth of October, nineteen hundred and seven, out of the general funds of the Insular Treasury and of the United States Congressional relief fund."

Very respectfully,

GREGORIO NIEVA, *Secretary*.

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered*, That the record of the discussion of the Assembly on the subject of the amendment made by the Commission to Assembly Bill No. 1 be referred to the committee of conference on said bill.

ADJOURNMENT.

Thereupon, at 10 o'clock and 20 minutes antemeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

MONDAY, MARCH 16, 1908.

The Commission met at the call of the President at 10 o'clock antemeridian.

There being no objection, the calling of the roll was dispensed with.

#### EXECUTIVE SESSION.

On motion by the President,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

#### ADJOURNMENT.

Thereupon, at 10 o'clock and 20 minutes antemeridian, the Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

THURSDAY, MARCH 19, 1908.

The Commission met at the call of the President at 10 o'clock and 30 minutes antemeridian.

Present: Commissioner Luzuriaga and the President.

Absent: Commissioners Worcester, Tavera, Forbes, and Shuster.

#### ADJOURNMENT.

It appearing that a quorum was not present,

On motion,

The Commission adjourned at 10 o'clock and 35 minutes antemeridian to meet at the call of the President.

Attest:

WM. H. DOXOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

**BAGUIO, BENGUET, TUESDAY, MARCH 24, 1908.**

The Commission met at the call of the President at 9 o'clock ante-meridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### READING OF JOURNALS.

The Journal of Tuesday, March 10, 1908, was read, corrected, and approved.

The Journals of Thursday, March 12, Monday, March 16, and Thursday, March 19, 1908, were read and approved.

#### REPORT OF COMMITTEE OF CONFERENCE (OUT OF ORDER.)

##### CONFERENCE REPORT NO 2.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Commission to Assembly Bill No. 1, entitled "An Act providing for the cancellation, under certain conditions, of the unpaid balances remaining on loans made to certain provincial and municipal governments prior to the fifteenth of October, nineteen hundred and seven, out of the general funds of the Insular Treasury and of the United States Congressional relief fund," having met, after a full and free conference, report to their respective Houses as follows:

The committee has agreed to recommend, and do recommend to their respective Houses, that the Commission recede from its amendment and that the Commission and Assembly agree to the following substitute amendment:



Strike out all after the enacting clause, and insert in lieu thereof the following:

"SECTION 1. The unpaid balances of loans or parts of loans made to the provincial and municipal governments of the Philippine Islands (except the city of Manila) prior to October fifteenth, nineteen hundred and seven, from the general funds of the Insular Treasury, or the Congressional relief fund, are hereby canceled: *Provided*, That each provincial and municipal government whose indebtedness is canceled in accordance with the provisions of this Act, shall set aside, as a special fund of the province or of the municipality, as the case may be, from its general funds, a sum not less than the total of its indebtedness canceled in accordance with this Act, which sum shall be expended in the construction of public schools, roads, bridges, or other public works, in the discretion of the respective provincial boards, subject to the approval of the Governor-General: *And provided further*, That the period or periods within which shall be set aside as a special fund the sums provided for in this section, which it is hereby declared necessary to do to secure the benefits of this Act, shall not exceed ten years: *And provided further*, That within ninety days following the passage of this Act the provincial boards and municipalities affected thereby shall adopt, by a majority vote of all their members, resolutions accepting this Act and fixing such obligations on the province or the municipality, as the case may be, as shall assure the carrying out on the part of said province or said municipality of the purposes of this Act that the unpaid balances or parts of loans made and hereby canceled shall be set aside for the purposes and within the time above specified, which resolutions shall not go into effect until they shall have been approved by the Governor-General; and upon approval they shall not be altered nor repealed; any resolution providing for such alteration or repeal being hereby declared null and void.

"SEC. 2. The provisions of this law shall also apply to provincial debts canceled by Acts Numbered Fifteen hundred and sixty, Sixteen hundred and one, Sixteen hundred and three, Sixteen hundred and twenty-two, and Sixteen hundred and seventy-nine; and the said Acts Numbered Fifteen hundred and sixty, Sixteen hundred and one, Sixteen hundred and three, and Sixteen hundred and twenty-two, and that part of Act Numbered Sixteen hundred and seventy-nine which cancels under certain conditions a loan of ten thousand pesos made to the provincial government of Bulacan, are hereby repealed.

"SEC. 3. This Act shall take effect on its passage."

JAMES F. SMITH,  
 JOSÉ R. DE LUZURIAGA,  
 W. CAMERON FORBES,

*Managers on the part of the Commission.*

ALBERTO BARRETTO,  
 EUSEBIO ORENSE,

*Managers on the part of the Assembly.*

By unanimous consent, the Commission proceeded to consider the above report of the committee of conference; and

On motion by Commissioner Tavera, it was

*Resolved.* That the Commission agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Commission to Assembly Bill Numbered One, entitled "An Act providing for the cancellation, under certain conditions, of the unpaid balances remaining on loans made to certain provincial and municipal governments prior to the fifteenth of October, nineteen hundred and seven, out of the general funds of the Insular Treasury and of the United States Congressional relief fund."

*Ordered.* That the Secretary notify the Assembly thereof.

(For discussion in conference committee see pp. 432-453.)

MESSAGES FROM THE ASSEMBLY.

FEBRUARY 21, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed on the 19th instant Commission Bill No. 26, entitled "A Bill authorizing the Governor-General to convey, under certain conditions and restrictions, Insular property to provinces and municipalities of the Philippine Islands, to be used for public school purposes," with the following amendment:

In the fourth and fifth lines, strike out the words "to convey, with or without money or other consideration," and in lieu thereof insert the following: "to convey, for a valuable consideration or as a gift," in which the concurrence of the Commission is requested.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

The question being, "Shall the Commission concur in the Assembly amendment to Commission Bill No. 26?" the amendment was concurred in by unanimous vote.

The Secretary was directed to notify the Assembly thereof.

Commission Bill No. 26 was thereupon ordered enrolled and printed as an Act of the Legislature.

FEBRUARY 28, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 125), entitled "An Act to amend Act Numbered Eleven hundred and twenty, entitled 'An Act providing for the administration and temporary leasing and sale of certain haciendas and parcels of land, commonly known as friar lands,' by adding

to section seventeen of said Act a new paragraph providing that in cases of loss of crops by public calamities the payment of the rent or purchase price on such lands shall be suspended for one year." passed the Assembly on February 24, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 125 was read the first time, and

On motion by the President, was

Referred to the Committee on Matters Pertaining to the Department of the Interior.

MARCH 2, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 151), entitled "An Act to amend section one hundred and thirty-six of Act Numbered Three hundred and fifty-five, known as the Philippine Customs Administrative Act, as amended by Act Numbered Thirteen hundred and forty-one, and authorizing the Insular Collector of Customs, with the approval of the Secretary of Finance and Justice to regulate the manifesting of coastwise cargoes in certain particulars," passed the Assembly on February 27, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Assembly Bill No. 151 was read the first and second times, and was then considered by the Commission in Committee of the Whole. It was reported to the Commission with the recommendation that it pass.

Commissioner Forbes moved the immediate third reading of the bill.

The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Assembly Bill No. 151 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

MARCH 2, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 104), entitled "An Act

amending Act Numbered Fifteen hundred and thirty-seven of the Philippine Commission on horse races in the Philippine Islands," passed the Assembly on February 28, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Assembly Bill No. 104 was read the first and second times, and was then considered by the Commission in Committee of the Whole. It was reported to the Commission with the recommendation that it be indefinitely postponed.

The report and recommendation of the Committee of the Whole were adopted.

MARCH 3, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 148), entitled "An Act amending section fourteen of Act Numbered Seventy-four, by providing that along with the teaching given in the English language in the public primary schools, instruction also be given in the language most generalized in the region to which they may belong; authorizing the Director of Education to expend from the funds appropriated for his Bureau the sum necessary to carry this Act into effect, and for other purposes," passed the Assembly on February 27, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 148 was read the first time, and  
On motion by the President, was

Referred to the Committee on Matters Pertaining to the Department of Public Instruction.

MARCH 5, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 77), entitled "An Act appropriating the sum of two hundred thousand pesos for the construction of a customs-house and the installation of an arrastre plant in the port of Cebu," passed the Assembly on February 28, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 77 was read the first time, and

On motion by Commissioner Forbes, was

Referred to the Committee on Matters Pertaining to the Department of Finance and Justice.

MARCH 7, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the Assembly rejected on the 4th instant Commission Bill No. 9, entitled "An Act to punish the unlawful acquirement of public property used by the Army or Navy of the United States." The record of the discussion had by the Assembly in the premises is being translated and will be forwarded to you as soon as practicable.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

MARCH 7, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the Assembly rejected on the 3d instant Commission Bill No. 19, entitled "An Act to authorize Gregorio Caubang and Filomena Laurora to contract marriage." The record of the discussion had by the Assembly in the premises is being translated and will be forwarded to you as soon as practicable.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

MARCH 5, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the following resolution (A. C. R. No. 4), entitled "Concurrent Resolution authorizing the Executive Secretary to make contracts with several newspapers for the publication of the Acts, Joint and Concurrent Resolutions, and Advertisements of the Philippine Legislature, the executive orders of the Governor-General, and other official notices of the Government of the Philippines," passed the Assembly on February 21, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Concurrent Resolution No. 4 was read the first time, and

On motion by Commissioner Forbes, was

Referred to the Committee on Matters Pertaining to Bureaus under the Executive Control of the Governor-General, with instructions to prepare and bring in a bill making a deficiency appropriation for the required advertising during the fiscal year nineteen hundred and eight.

FEBRUARY 24, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the following resolution (A. J. R. No. 18) entitled "Joint Resolution giving instructions to the Resident Commissioners in the United States representing the Philippine Legislature, to secure from Congress the amendment of section seven of the Act of July first, nineteen hundred and two, as provided in this Joint Resolution," passed the Assembly on February 20, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Joint Resolution No. 18 was read the first time, and

On motion by the President, was

Referred to the Committee on non-Christian Tribes.

#### ENROLLED ACTS SIGNED.

The following Acts and resolution, in Spanish and English, having been found properly enrolled and signed by the President and Secretary of the Commission and the Speaker and Secretary of the Assembly, the same were ordered filed with the custodian of legislative records, in accordance with law:

Act No. 1809 (A. B. No. 121). An Act appropriating the sum of one hundred thousand pesos from Insular funds for the relief of sufferers from public calamities;

Act No. 1810 (A. B. No. 127). An Act adding to the first paragraph of section four of Act Numbered Fifteen hundred and eighty-two certain provisions for cases of void elections of provincial officers and of the death of the same;

Joint Resolution No. 9 (A. J. R. No. 15). Providing for the appointment of a committee for studying a plan to carry into effect the establishment of an agricultural bank in the Philippine Islands.

The following Act of the Commission, in Spanish and English, having been found properly enrolled and signed by the President and Secretary of the Commission, was ordered filed with the custodian of legislative records, in accordance with law.

Act No. 1808 (C. B. No. 34). An Act to empower the Governor-General to suspend within the Moro Province Act Numbered Seventeen hundred and eighty, entitled "An Act to regulate the importation, acquisition, possession, use, and transfer of firearms, and to prohibit the possession of same except in compliance with the provisions of this Act."

## EXECUTIVE SESSION.

On motion by the President,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 366.)

## ADJOURNMENT.

Thereupon, at 12 o'clock meridian,

On motion,

The Commission adjourned to meet again at 3 o'clock post-meridian, Wednesday, March 25, 1908.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

**BAGUIO, BENGUET, WEDNESDAY, MARCH 25, 1908.**

The Commission met pursuant to adjournment.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### READING OF JOURNAL.

The Journal of Tuesday, March 24, 1908, was read and approved.

#### CONCURRENT RESOLUTION RECALLED FROM COMMITTEE.

On motion by Commissioner Forbes,

Assembly Concurrent Resolution No. 4, entitled "Concurrent Resolution authorizing the Executive Secretary to make contracts with several newspapers for the publication of the Acts, Joint and Concurrent resolutions, and advertisements of the Philippine Legislature, the executive orders of the Governor-General, and other official notices of the Government of the Philippines," was recalled from the Committee on Matters Pertaining to Bureaus under the Executive Control of the Governor-General and ordered to second reading.

By unanimous consent, the resolution was thereupon read the second time and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass with the following amendment:

Page 2, line 25, change the comma after the word "Bureau" to a period, and strike out the following words contained in the last five lines



of the resolution: "and that an appropriation shall be made before the end of the fiscal year of nineteen hundred and eight, in order to cover the deficiency which the Executive Secretary certifies will result in the appropriation for the Executive Bureau by compliance with this resolution."

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Forbes moved the immediate third reading of the resolution.

The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the resolution was thereupon read the third time, by its title only.

The question then being on the adoption of the resolution as amended,

On motion by Commissioner Worcester,

The roll was called, with the following result:

Yeas: Commissioners Tavera, Luzuriaga, Forbes, and the President:

Nays: Commissioner Worcester.

A majority having voted in favor of the adoption of Assembly Concurrent Resolution No. 4, as amended, the President declared the resolution adopted, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendment.

#### EXPLANATIONS OF VOTES.

Commissioner Worcester stated that he had no objection whatever to the newspapers selected; that on the contrary if the Government advertising was to be done through the daily papers he thought perhaps the four papers mentioned in the resolution were the best that could be selected. He was of the opinion, however, that it would be much more satisfactory and cheaper in the end for the Government to publish its own advertisements in an official organ, where people would always know where to look for them. He called attention to the fact that this method prevailed during the Spanish régime and that the Government has now an Official Gazette and he believed that it should either be made the official organ of the Government or that its publication should terminate.

The President concurred in the views of Commissioner Worcester.

He was of the opinion that it would be better to let out the Government advertising after public bidding or for the Government to do its own advertising, but he called attention to the fact that last year the Commission appropriated for this advertising up to December 31, and it was stated to the newspapers at that time that they should take up the question of further appropriations for advertising with the Philippine Assembly, and as they had done this and secured the favorable action of the Assembly he did not believe the Commission should now refuse to concur in the action of the Assembly. He stated, however, that he had no desire to commit himself to the proposition that this system shall continue after the appropriation now made available shall have been exhausted.

## MESSAGES FROM THE ASSEMBLY.

MARCH 16, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 136), entitled "An Act amending Act Numbered Fourteen hundred and eighty-seven, entitled 'An Act abolishing provincial boards of health, substituting therefor district health officers and defining their powers and duties, and repealing Act Numbered Three hundred and seven, entitled 'An Act providing for the establishment of provincial boards of health and fixing their powers and duties,'" by authorizing the Director of Health, on recommendation of the provincial boards, to increase the number of district health officers or place two or more provinces under one officer," passed the Assembly on March 13, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 136 was read the first time, and referred to the Committee on Matters Pertaining to the Department of the Interior.

MARCH 20, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed on the 18th instant Commission Bill No. 31, entitled "A Bill providing for the filing with the division of archives, patents, copyrights, and trade-marks of the Executive Bureau of the contracts of mortgage executed by the Manila Railroad Company as security for the issuance of bonds and other obligations, creating and fixing upon the property covered by said instruments a lien at and from the time of filing

the same, and exempting said instruments from the payment of stamp taxes, and for other purposes," without amendment.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered*, That Commission Bill No. 31 be enrolled and printed as an Act of the Legislature.

MISCELLANEOUS COMMUNICATIONS.

The President presented the following communication :

SPECIAL REPORT.

MANILA, *March 10, 1908.*

To the PRESIDENT OF THE COMMISSION:

Whereas, The Philippine Commission and the Philippine Assembly have passed the following resolution:

*"Be it resolved by the Philippine Commission and the Philippine Assembly*, That it is the opinion of both Houses that the Government *should* organize, as soon as possible, an agricultural bank with a capital of one million pesos, and that for the operation of said bank such funds of the public treasury as may be necessary, and the services of the Insular Treasurer and of the provincial treasurers should be utilized; and

*"Resolved further*, That the Presidents of both Houses be, and hereby are, authorized to appoint a committee composed of members of one of the two Houses, or of both Houses, or of members of either and private citizens, for the purposes of studying the feasibility of this project, preparing a plan for carrying it into execution, and making a report of their work to the President of the Commission and the Speaker of the Assembly;" and

Whereas the undersigned committee has been organized in accordance with such resolution; and

Whereas, in the special report of the honorable the Secretary of War to the President of the United States, dated January twenty-third, nineteen hundred and eight, he recommends that further legislation be enacted authorizing the Philippine Government, if it chooses, to open and conduct an agricultural bank, with a capital not exceeding two million dollars: Therefore, be it

*Resolved*, That this committee unanimously concurs in the opinion expressed in the resolution above quoted, that the Government should organize as soon as possible an agricultural bank, and that for the operation of such bank, such funds of the Public Treasury as may be deemed necessary, and the services of the Insular Treasurer, should be utilized; and be it further

*Resolved*, That in view of the depressed condition of business in these Islands, largely due to the state of their agricultural resources, there is

great need for immediate action in the premises; and, therefore, be it further

*Resolved*, that this opinion be at once communicated to the President of the Commission and the Speaker of the Assembly as a preliminary report for such action as may be deemed advisable.

ALBERTO BARRETTO,

*Chairman of the Committee on Banks and Banking.*

MANUEL L. QUEZON,

*Chairman of Committee on Appropriations.*

A. STEPHEN,

*Manager, Hongkong and Shanghai Banking Corporation.*

FRANK A. BRANAGAN,

*Insular Treasurer.*

CHAS. D. PALMER,

*Manager, International Banking Corporation.*

PEDRO RODRIGUEZ,

*Chairman of the Committee on Agriculture.*

JOSÉ ROSALES,

*Manager, Compañía General de Tabacos de Filipinas.*

MÓNICO R. MERCADO,

*Member of the Committee on Agriculture.*

EUGENIO DEL SAZ OROZCO,

*Manager, Banco Español-Filipino.*

M. F. LOEWENSTEIN,

*Manager, Castle Bros.-Wolf & Sons.*

#### STATEMENT BY THE PRESIDENT.

Upon the reading of the report, the President made the following statement:

In view of the fact that the session of Congress is approaching a close, and that there was at the time no quorum of the Commission to take action on this report, I took it upon myself to send a telegram to the Secretary of War, as follows:

MANILA, *March 19, 1908.*

SECRETARY OF WAR, *Washington.*

Committee composed of representatives of Assembly, commercial houses, representatives of agricultural interests, and all banking institutions, strongly approve your recommendation that further legislation be enacted authorizing Philippine Government to open and conduct agricultural bank with capital not exceeding \$2,000,000. Would it be safe for Philippine Legislature to enact suitable legislation without enabling Act from Congress? The agricultural bank will be conducted by the Government and could not be considered as a concession. There has been an average loss of 50 per cent in the rice crop. Some provinces have lost more than 50 per cent. This and the tightness of money demand that we should establish as soon as possible an agricultural bank. We have not yet begun to feel the

full effect of the panic which began in New York. Hope we will not have to buy much rice, though bankers assure me that our outlay for rice will not be less than ₱10,000,000. Value of hemp crop has fallen from ₱31,000,000 to ₱18,000,000 and no demand to speak of.

SMITH.

I have received a telegram from the Secretary of War, dated March 23, 1908, of which the following is an extract:

Secretary of War submitted to the Attorney-General question of power of your Legislature to establish such agricultural banks as he has recommended, and if the answer is favorable to the power he will approve it. Benito Legarda and Ocampo believe it most important that some definite action should be taken promptly by the Assembly to enable small farmers at least cost to them, and if possible free, to perfect their titles. They believe the success of agricultural bank depends on some such action, and suggest consulting Araneta and Ortigas in this matter. Secretary of War indorses this view.

Commissioner Forbes thereupon moved that the report be received and placed on file, and that the action of the Governor-General in telegraphing to the Secretary of War in reference to the matter and the contents of the telegram as read be approved.

The motion prevailed.

Commissioner Tavera thereupon moved that the Secretary be directed to furnish the Speaker of the Assembly with a copy of the Governor-General's telegram to the Secretary of War and an extract copy of the reply of the Secretary of War thereto.

The motion prevailed, and the Secretary was directed to furnish the copies accordingly.

The President also presented the following communications:

A communication from the municipal president of Noveleta, Cavite, dated March 6, 1908, expressing the sympathy of the municipality in the illness of Commissioner Tavera.

*Ordered.* That a copy thereof be furnished to Commissioner Tavera and that the original be filed after proper acknowledgment by the Secretary.

A communication from the recorder of the provincial board of Cebu, embodying a resolution of the said board, adopted on March 6, 1908, notifying the Governor-General and the Legislature of the new organization of the board, extending its greetings, and pledging its loyalty to the Central Government.

*Ordered* filed after proper acknowledgment by the Secretary.

A communication from Florentino Luna and thirty others of the municipality of Cauayan, Province of Isabela, protesting against the decision of the Assembly in unseating Nicasio P. Claravall, Delegate-elect for Isabela, and declaring Dimas Guzman elected Delegate for that province, stating that the grounds on which the Assembly based its action were not well taken, and requesting that a new election be declared.

*Ordered,* That the Secretary inform the petitioners that under the provisions of the Act of Congress of July 1, 1902, authorizing the organization of the Philippine Assembly, the Assembly is made the sole judge of elections, returns, and qualifications of its members, and that the Philippine Commission has no right and no jurisdiction whatever to intervene in the matter, so that any determination that may be reached by the Assembly on such questions is final.

*Ordered further,* That the petition thereupon be filed, the petitioners having stated that a copy thereof had been sent to the Philippine Assembly.

A communication from Laureano Guzman and ninety others of the municipality of Cabagan Nuevo, Province of Isabela, dated January 29, 1908, requesting the Philippine Commission and the Philippine Assembly to declare that the election for Delegate from that province held on July 30, 1907, was a failure and order a new election.

*Ordered,* That the Secretary inform the petitioners that under the provisions of the Act of Congress of July 1, 1902, authorizing the organization of the Philippine Assembly, the Assembly is made the sole judge of elections, returns, and qualifications of its members, and that the Philippine Commission has no right and no jurisdiction whatever to intervene in the matter, so that any determination that may be reached by the Assembly on such questions is final.

*Ordered further,* That the communication be transmitted to the Assembly, together with a copy of this order, for such action as it may deem proper.

Communications embodying resolutions of the municipal councils of Pilar and Bucay, Ilocos Sur, and Laoang, Samar, adopted on March 2, March 12, and March 9, 1908, respectively, protesting against the law increasing the salary of the Speaker and the per diems of the members of the Philippine Assembly.

Referred to the President, on his own motion.

A communication, unsigned, from an ex-municipal president of Camalig, Albay, submitting a plan for voting by means of colored checks.

Referred to the President, on his own motion.

A communication from Major Frank McIntyre, United States Army, Acting Chief of the Bureau of Insular Affairs, dated January 7, 1908, inclosing copy of a letter from the Attorney-General of the United States in which he recommends a change in the Criminal Code of the Philippine Islands, together with a copy of the reply of the Secretary of War thereto.

*Ordered,* That a copy of the said correspondence be furnished the Speaker of the Philippine Assembly, and that the original thereupon be filed.

A communication from Teogenes Quiaoit, of the municipality of Batac, Province of Ilocos Norte, proposing the passage of a bill appropriating several thousand pesos for the purchase of fire and irrigating pumps, for the sinking of artesian wells, or the adoption of other suitable means of fertilizing the fields, and for conducting experiments on model farms and in the industrial school of his province.

Referred to the Committee on Appropriations.

#### REPORTS OF STANDING COMMITTEES.

[Committee Report No. 19.]

FEBRUARY 14, 1908.

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of Commerce and Police, to whom was referred, on the 14th day of January, 1908, Commission Bill No. 15, entitled "A Bill to provide for the granting of a franchise to construct, maintain, and operate telephone and telegraph systems, and to carry on other electrical transmission business in and between the provinces and municipalities of the Island of Panay," has the honor to report it back to the Philippine Commission with the recommendation that it pass with the following amendments:

Add a new section, numbered one, as follows:

"SECTION 1. Authority is hereby granted and given for the location, construction, equipment, maintenance, and operation of a telephone and telegraph system on the Island of Panay, and the Governor-General is hereby authorized on behalf of the Government of the Philippine Islands to offer for public bidding the franchise set forth in this Act, and to grant said franchise to the best bidder upon such terms as to percentage of gross receipts to be paid in lieu of all taxes on the franchise or earn-

ings thereof and the highest rates to be charged by the grantees of said franchise for (his) their services to subscribers, and under such conditions as to time of advertisement and manner of bidding as he may deem fit."

Section 15, page 11, line 23, after the words "nineteen hundred and two" and before the words "are incorporated into" insert the words "which are applicable to grantees of franchises or concessions, or to their successors or assigns."

Very respectfully,

W. CAMERON FORBES,  
*Committee on Matters Pertaining to the  
Department of Commerce and Police.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

On motion by the President,

The Commission went into Committee of the Whole for the purpose of considering the report and the bill.

After some time spent therein, the Committee rose and reported to the Commission with the recommendation that the report be accepted and that the bill be passed, with the following additional amendments:

Section 2, page 1, lines 15 to 17, strike out the words "SEC. 2. There is hereby granted for a period of fifty years from and after the passage of this Act, upon the considerations and conditions herein contained," and insert in lieu thereof the following:

"SEC. 2. The franchise referred to in section one hereof shall be substantially in the following form:

"FRANCHISE.

"ARTICLE I. There is hereby granted for a period of fifty years from and after the date of the acceptance of this franchise, upon the considerations and conditions herein contained."

Section 6, page 6, line 17, strike out the words "section four of this Act" and insert in lieu thereof the words "Article IV of this franchise"; same section, line 21, near the end of the line, strike out the word "the" and insert in lieu thereof the word "this".

Section 7, page 6, line 23, strike out the word "the" and insert in lieu thereof the word "this"; same section, line 25, strike out the words "passage of this Act" and insert in lieu thereof the words "acceptance hereof".

Section 7, page 7, line 19, strike out the words "passage of this Act" and insert in lieu thereof the words "acceptance of this franchise"; same section, lines 22 and 224, strike out the words "passage of this Act" and insert in lieu thereof the words "acceptance of this franchise"; same section, line 23, strike out the word "section" and insert in lieu thereof the word "article".



Section 7, page 8, lines 7 and 8, strike out the words "passage of this Act" and insert in lieu thereof the words "acceptance of this franchise"; same section, line 9, strike out the word "section" and insert in lieu thereof the word "article".

Section 9, page 9, line 5, strike out the word "Act" and insert in lieu thereof the word "franchise".

Section 12, page 10, lines 9 and 10, strike out the words "passage of this Act" and insert in lieu thereof the words "acceptance of the bid of the grantees"; same section, line 11, strike out the word "the" and insert in lieu thereof the word "this"; same section, line 12, strike out the words "granted by this Act"; same section, line 15, strike out the words "such acceptance" and insert in lieu thereof the words "(his) their acceptance of this franchise"; same section, line 19, strike out the words "the passage of this Act" and insert in lieu thereof the words "(his) their acceptance of this franchise"; same section, line 24, after the word "required" and before the words "of the grantees" insert the words "by this franchise"; same section, line 25, strike out the words "by this Act".

Section 13, page 11, line 12, strike out the word "sixty-five"; same section, insert a new paragraph (*d*), following the word "circuits" in line 15, as follows:

"(*d*) Subscribers for telephones, residence or otherwise, having a party wire with more than two subscribers on the same line and unlimited exchange switching, shall pay in advance monthly rates as follows: (Bidder to insert.)"

Section 13, page 11, line 18, strike out the word "Act" and insert in lieu thereof the word "franchise".

Section 14, page 11, line 21, after the words "Sec. 14" and before the words "The rights" insert the following:

"The rates charged by the grantees, (his) their successors or assigns, shall be subject to regulation by the Board of Rate Regulation, and".

Change section numbers 3 to 16 to article numbers II to XV, inclusive.

Insert a new section 3, immediately following the new article 15, as follows:

"SEC. 3. The blank spaces left in the franchise set out in section two of this Act shall be filled in by the bidders, and each bid shall be accompanied by a certified check for one thousand pesos, as a guarantee of good faith and that the successful bidder will accept the franchise within the time prescribed therein."

Section 17, page 13, change section number to 4.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Forbes thereupon moved the immediate third reading of the bill.

The motion was seconded by Commissioner Worcester, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 15 was unanimously passed, as amended, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the bill as passed.

[Committee Report No. 20.]

MARCH 20, 1908.

MR. PRESIDENT: Your committee to whom was referred Commission Bill No. 7, amending section two of Act No. 624 of the Philippine Commission, designating who shall perform the duties of mining recorder, and adding a new section to said Act by providing the manner in which patents for mining claims shall issue, with the suggestion that said committee take up the matter informally with the committee of the Assembly in charge of a similar bill, has the honor to report that this matter was taken up with Señor Arejola, chairman of the committee having in charge a similar bill in the Philippine Assembly; but it was found that the Assembly had already passed its bill and that it would, therefore, be necessary to await its transmission to the Commission and then make such amendments as might be necessary.

Respectfully submitted.

DEAN C. WORCESTER,  
*Committee on Matters Pertaining  
to the Department of the Interior.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report was accepted.

[Committee Report No. 21.]

MARCH 4, 1908.

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of the Interior, to whom was referred on February 5, 1908, the communication from Señor José Santamaria requesting that inmates of an "Hotel Infantil" to be established by him be excepted from vaccinations or inoculations against cholera, bubonic plague, and smallpox, has examined the same and has the honor to report it back to the Commission with the statement that Señor José Santamaria has been informed by your committee as to existing provisions of law relative to inoculation and vaccination, and with the recommendation that this communication be filed.

Very respectfully,

DEAN C. WORCESTER,  
*Committee on Matters Pertaining  
to the Department of the Interior.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the committee was accepted and ordered filed.

[Committee Report No. 22.]

FEBRUARY 27, 1908.

MR. PRESIDENT: Your Committee on Non-Christian Tribes, to whom was referred on February 15, 1908, Commission Bill No. 28, entitled "An Act to amend Act Numbered Thirteen hundred and ninety-six, entitled 'The Special Provincial Government Act,' so as to authorize courts of justices of the peace to try violations of township ordinances and to provide that the fees of justices of the peace in such cases shall be payable from township funds," has examined the same, and has the honor to report it back to the Commission with the recommendation that it pass with the following amendments:

Section 1, page 2, lines 3 to 11, inclusive, strike out the words "the manner prescribed by Act Numbered Sixteen hundred and twenty-seven and with like powers, jurisdiction, and duties in such townships as are prescribed by said Acts for courts of justices of the peace established in municipalities organized under the Municipal Code: *Provided, however,* That the jurisdiction of courts of justices of the peace in prosecutions for infractions of township ordinances shall be concurrent with that of township courts as provided by subsection (g) of section eighteen of The Township Government Act" and insert in lieu thereof the words "*Provided, however,* That in the Provinces of Benguet, Lepanto-Bontoc, Nueva Vizcaya, and Agusan the jurisdiction of courts of justices of the peace in prosecutions for infractions of township ordinances shall be concurrent with that of township courts as provided by subsection (g) of section eighteen of The Township Government Act."

Amend the title to read as follows:

"An Act to amend Act Numbered Thirteen hundred and ninety-six, entitled 'The Special Provincial Government Act,' so as to authorize courts of justices of the peace in the Provinces of Benguet, Lepanto-Bontoc, Nueva Vizcaya, and Agusan to try violations of township ordinances and to provide that the fees of justices of the peace in such cases shall be payable from township funds."

Very respectfully,

DEAN C. WORCESTER,

*Chairman Committee on Non-Christian Tribes.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report and recommendation of the committee were adopted, and Commission Bill No. 28 was ordered on file for third reading.

Commissioner Worcester moved that Committee Report No. 14, being report of Standing Committee on Matters Pertaining to the Department of Public Instruction, on a communication from the Director of Lands to the Secretary of the Interior objecting to the transfer to the Province of Cebu of certain lands pertaining to the Banilad friar estate, be taken from the table.

The motion prevailed.

Commissioner Worcester thereupon explained that he was opposed to the transfer of the property in question for reasons stated by the Director of Lands, and for the further reason that in his opinion the assistance which it is desired to give to provinces should be given directly by appropriation and not indirectly under the guise of loans, transfers of property, etc., and moved that the report of the Committee on Matters Pertaining to the Department of Public Instruction be not adopted and that the written statement of the Director of Lands be spread upon the Journal.

The motion prevailed.

The statement is as follows:

FEBRUARY 25, 1908.

After due consideration of the within report it is the desire of this Bureau to reaffirm its position in this matter and to suggest the advisability of continued opposition to the action requested by the Province of Cebu, indorsed by the Committee on Matters Pertaining to the Department of Public Instruction. In support of this contention the following comments are respectfully submitted for your information and consideration.

In the next to the last paragraph of the report of the committee it is stated that it is a principle which has long been realized by public land owners that the donation of lands for public streets, parks, and other civic improvements has been found to be actually profitable. The truth of this assertion is not denied nor has this fact been lost sight of at any stage in the proceedings in this matter.

However, it would seem that the committee has entirely disregarded the provisions of Act No. 1120 relating to the disposal of land of the friar estates. Section 11 of Act No. 1120 clearly provides that "should any person who is the actual and bona fide settler upon and occupant of any portion of said land at the time the same is conveyed to the Government of the Philippine Islands desire to purchase the land so occupied by him he shall be entitled to do so at the actual cost thereof to the Government."

From the foregoing it would seem patent that the Government has been estopped from adopting those measures by which private-land owners increase the value of their holdings. Were it the object of the Government to retain possession of these lands for a number of years until such time as the same had enhanced materially in value, by reason of the erection of buildings and the establishment of enterprises as stated in the report of the committee, not only could the Government reimburse itself for the value of any land donated for a school center but in addition thereto could unquestionably reap a handsome profit on the transaction.

But the lands of the Banilad estate should be placed on sale in the near future, and therefore none of the benefits above mentioned will by any possibility accrue to the Government. It could not reasonably be

expected that the occupants of the lands adjoining any such reservation would acquiesce in an arbitrary increase in the amounts which they would be required to pay for their holdings, such increase to be made prior to the erection of those buildings and the establishment of those enterprises to which reference has been made. Therefore it can not be understood how the Government is to be reimbursed for the donation of these lands for school purposes.

Attention is further invited to the fact that the proposed reservation embraces lands lying within the limits of the city of Cebu itself. The location of this land is such that the Government requires no incentive in order to secure lessees and purchasers for every square meter of land in this vicinity. It is the most advantageously located and the most valuable on the entire estate, and each hectare in this locality is unquestionably worth not less than 10 hectares of the land of this estate situated in other localities.

Attention is further invited to the fact that a temporary reservation has been made of surrounding lands, adjoining the proposed school center, for the use of the Philippines Constabulary. By the same process of reasoning pursued by the committee the donation of the lands required for the Constabulary reservation would also prove beneficial for the Government in that the erection of barracks and the establishment of parade grounds would prove highly attractive, and concerts and drills would prove irresistible and be an incentive to the erection of fine residences and the establishment of enterprises which thrive in all localities where troops are stationed.

Even more advantageous would be the donation of the land applied for by the municipality of Cebu for a market site, as the establishment of a market center immediately enhances the value of the surrounding property. The provincial jail is also located on the estate, and there would appear no reason why this land should not be donated; also two cemeteries for municipalities located on the estate.

In addition it may be stated that the military authorities are very desirous of obtaining about 1,500 hectares of the 1,925 hectares belonging to the Banilad estate for a military post. A committee of prominent citizens of Cebu have agreed to assist the military authorities and have obtained the approximate value of the rights of the occupants. This post would occupy all the northwestern part of the estate, and undoubtedly its establishment would greatly enhance the balance of the estate, even more so than the other improvements mentioned. But it does not appear that it would be good policy to donate this portion of the estate to the military authorities, although for police purposes and the maintenance of good order the writer believes the establishment of a military post in Cebu essential. If all the requested donations were to be made there would be very little of the Banilad estate left for the actual occupants and settlers. It may be stated in reference to the military reservation that a proposition is now under way to reimburse the Friar Lands fund for the amount of land taken for this military reservation, the Insular Government being asked merely for a small donation.

Attention is invited to the last paragraph of the report of the committee which sets forth that the Commission has recently passed a bill authorizing the Governor-General to reserve public lands for school purposes. It is not understood how this fact affects friar lands inasmuch as section 21 of Act No. 1120 clearly defines the procedure by virtue of which lands of any friar estates may be reserved by the Governor-General for public use, and, so far as is known to this Bureau, the provisions of this section have been in no wise abridged or amended. It follows, therefore, that if the lands in question are to be reserved by the Governor-General, a resolution of the Philippine Commission must first be had if the provisions of the existing law are to be complied with.

In closing it may be stated that it would not seem equitable that the tenants of the Banilad estate, or the Insular Government, should be called upon to defray the expenses of a benefit accruing to the people of the Province of Cebu as a whole, and it would seem no more than just that the burden of expense in acquiring this land should be distributed among those who are to reap the benefits to be derived from the establishment of a school center such as is proposed, namely, all of the inhabitants of the Province of Cebu.

I inclose herewith a blueprint showing the outline of the Banilad estate, indicating approximately the proposed military reservation, the Constabulary reservation, and the school reservation, for your information.

C. H. SLEEPER, *Director of Lands.*

#### EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see pp. 367-374.)

#### ADJOURNMENT.

Thereupon, at 5 o'clock and 30 minutes postmeridian,

On motion,

The Commission adjourned to meet again on Friday, March 27, 1908, at 2 o'clock postmeridian.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

BAGUIO, BENGUET, FRIDAY, MARCH 27, 1908.

The Commission met pursuant to adjournment.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### READING OF JOURNAL.

The Journal of Wednesday, March 25, 1908, was read and approved.

#### RESOLUTION.

Commissioner Worcester introduced the following resolution:

Commission Resolution No. 46. Whereas the second section of Act Numbered Fifty-one of the legislative council of the Moro Province contains certain restrictions and prohibitions against the use, in the pearl fishery, of foreign and other vessels in the waters surrounding Moro Province; and

Whereas Act Numbered One hundred and seventy-six of said council amended said section of said Act Numbered Fifty-one; and

Whereas Act Numbered Two hundred of said council repealing said Act Numbered One hundred and seventy-six operated as a repeal of said second section of said Act Fifty-one, the effect of which was to remove the prohibition against licensing foreign vessels or vessels belonging to foreign owners for use in the pearl fishery: Now, therefore, be it

*Resolved*, That it is the sense of this Commission that the said council of the Moro Province should pass an act amending said Act Fifty-one by inserting therein a new section to be numbered section two, and to read as follows:

"SEC. 2. No license to engage in the fishing for or the gathering of shells of marine mollusca within the waters described in section one of this Act shall be issued to any vessel not wholly owned by citizens of the

United States, honorably discharged soldiers or sailors of the Army or Navy of the United States, natives of the Philippine Islands, or persons who have, under and by virtue of the treaty of Paris, acquired the political rights of natives of the Philippine Islands."

Referred to the Committee on Matters Pertaining to the Department of Finance and Justice, with instructions to take up with the Collector of Customs and the Attorney-General the question of whether the Commission has power, under the laws of Congress affecting the Philippine Islands, to issue licenses to vessels other than those built in the United States or the Philippine Islands and owned by citizens of the United States or the Philippine Islands.

#### EXPLANATORY STATEMENT.

In presenting Commission Resolution No. 46, Commissioner Worcester explained that it appeared that the action of the legislative council of the Moro Province in passing Act No. 200 left no legislation on the subject of vessels owned by foreigners engaging in pearl fishing in Moro waters, and as the matter stood anybody could go into those waters and fish. This condition, he stated, should be remedied, but he did not believe the original provision as contained in Act No. 51 of the legislative council requiring that boats operating in those waters be built in the United States or in the Philippine Islands by any means a good one, for the reason that it practically put an end to the pearling industry in the Philippines, as there were no vessels in the Islands suitable for the work, and under existing conditions it was apparently impracticable to construct them here.

He expressed the opinion that the principal aim of the Government should be to protect the industry, and stated that he was in receipt of reliable information which showed that it was not being protected, but that on the contrary the pearling beds in the Moro waters were being rapidly destroyed by the removal from them of shells which have not reached the proper size, these shells being sold in the shops of the towns of Jolo and Zamboanga. He was of the opinion that there should be a provision of law making it a penal offense for any person to have in his possession a pearl shell below a certain size, allowing a reasonable time, of course, for those having such shells in their possession at the time of the passage of the law to dispose of them. He called attention to the fact that the pearling industry in these Islands is only in its inception



while the pearling beds of other tropical countries are nearing exhaustion, and that a general law should be enacted looking to the proper protection of the industry over all that portion of the Archipelago other than the Moro Province and that a more complete and comprehensive law should be passed covering the industry in that province.

He thereupon gave notice that he would prepare and bring in such bills at a later date.

## MISCELLANEOUS COMMUNICATIONS.

The President presented a resolution of the municipal council of Binalbagan, Occidental Negros, protesting against the law increasing the salary of the Speaker and the per diems of members of the Philippine Assembly.

Referred to the President, on his own motion.

## EXECUTIVE SESSION.

On motion by Commissioner Tavera,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see pp. 374, 375.)

## ADJOURNMENT.

Thereupon, at 4 o'clock postmeridian,

On motion,

The Commission adjourned to meet again on Monday, March 30, 1908, at 3 o'clock and 30 minutes postmeridian.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

**BAGUIO, BENGUET, MONDAY, MARCH 30, 1908.**

The Commission met pursuant to adjournment.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### READING OF JOURNAL.

The Journal of Friday, March 27, 1908, was read and approved.

#### URGENT BUSINESS.

The President asked and was granted unanimous consent to have Assembly Joint Resolution No. 6, entitled "Joint resolution giving instructions to the Resident Commissioners in the United States as regards the abolition of the Dingley Tariff and other matters," taken up out of order as a matter of urgent business.

The resolution was read the second time, and was then considered by the Commission in Committee of the Whole. It was reported to the Commission with the recommendation that it be passed with the following amendments:

Paragraph 1, subparagraph (*b*), strike out in its entirety and insert in lieu thereof the following:

"On unmanufactured tobacco, restricting importation, for the purposes of the abolition of said tariff, to seven million pounds."

Paragraph 1, subparagraph (*d*), strike out in its entirety.

Paragraph 3, strike out in its entirety and insert in lieu thereof the following:

"That the said Commissioners shall also endeavor to secure the removal of customs duties on agricultural machinery, apparatus, and implements.

machinery and apparatus for making or repairing roads, and on steam plows, and that their attention be called to the fact that this may be accomplished by amending paragraph two hundred and forty-five of the Philippine Tariff Revision Law of Nineteen hundred and five to read as follows:

“‘245. Machinery and apparatus for pile driving, dredging and hoisting, for refrigerating and ice making, sawmill machinery, machinery and apparatus for extracting vegetable oils and for converting the same into other products, for making sugar, for preparing rice, hemp, and other vegetable products of the Islands for the markets, and detached parts therefor; also traction and portable engines and their boilers adapted to and imported for and with rice-thrashing machines, five per centum ad valorem.’ (The note to paragraph 245 would not be changed by this amendment), and inserting in the unconditional free list (section twelve) an additional paragraph to read as follows:

“‘Agricultural machinery, apparatus, and implements, machinery and apparatus for making or repairing roads, and steam and other motor plows.’

“Also, that they endeavor to secure a reduction of the customs duties on mining, smelting, and reduction machinery and apparatus, by including them under paragraph two hundred and forty-five of the Philippine Tariff Revision Law of Nineteen hundred and five, further amending the paragraph to read as follows:

“‘245. Machinery and apparatus for mining and the reduction and smelting of ores, for pile driving, dredging and hoisting, for refrigerating and ice making, sawmill machinery, machinery and apparatus for extracting vegetable oils and for converting the same into other products, for making sugar, for preparing rice, hemp, and other vegetable products of the Islands for the markets, and detached parts therefor; also traction and portable engines and their boilers adapted to and imported for and with rice-thrashing machines, five per centum ad valorem.’”

Paragraph 5, strike out in its entirety.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera thereupon moved the immediate third reading of the resolution. The motion was seconded by Commissioner Luzuriaga, and being put to a vote was unanimously carried.

At the direction of the President, the resolution was thereupon read the third time, in full, as amended.

The question then being upon its passage, the roll was called, and Assembly Joint Resolution No. 6, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendments.

## JOINT RESOLUTION.

The President introduced the following:

Commission Joint Resolution No. 3. Joint resolution giving further instructions to the Resident Commissioners in the United States.

*Resolved by the Philippine Commission and the Philippine Assembly, That the Resident Commissioners in the United States be and are hereby further instructed to make an effort to secure from the Congress of the United States, the following:*

(a) The repeal of that portion of section two of the Act of Congress approved March eighth, nineteen hundred and two, entitled "An Act temporarily to provide revenue for the Philippine Islands, and for other purposes," which requires that all export duties upon articles exported from the Philippine Islands and consumed in the United States be refunded.

(b) The removal of the customs duties on materials for the construction and repair, in the Philippine Islands, of vessels of all kinds.

(This may be accomplished by amending paragraph three hundred and ninety-seven (conditional free list, section twelve), Philippine Tariff Revision Law of Nineteen hundred and five, to read as follows:

"397. All materials for exclusive use in the construction and repair, in the Philippine Islands, of vessels of all kinds.")

(c) The amendment of paragraph three hundred and eight so that each and every gauge or wine liter of measurement of spirits dutiable under letter (a) shall be counted as at least one proof liter.

(This may be accomplished by amending clause (a) of paragraph three hundred and eight of the Philippine Tariff Revision Law of Nineteen hundred and five to conform to the wording of the corresponding tariff revision in the United States, as follows:

"308. (a) Whisky, rum, gin, and brandy, per proof liter, thirty-five cents: *Provided*, That each and every gauge or wine liter of measurement shall be counted as at least one proof liter.")

(d) The repeal of section twenty-two of the Philippine Tariff Revision Law of Nineteen hundred and five, providing that importations exceeding one hundred dollars in value shall be accompanied by a consular invoice, and so forth.

(e) In order to place the local button manufacturing industry on a fair and competitive basis with the imported article, the amendment of paragraphs twenty-nine and three hundred and forty-five of the Philippine Tariff Revision Law of Nineteen hundred and five to read as follows:

"29. Gold and silver plated wares:

"(a) Gold and silver plated jewelry, N. W., kilo, two dollars and forty cents;

"(b) Gold and silver plated wares other than jewelry, N. W., kilo, two dollars;

"(c) Silvered copper foil, N. W., kilo, fifty cents;

*Provided*, That none of the articles classified under paragraphs twenty-seven, twenty-eight, and twenty-nine shall pay a less rate of duty than

twenty-five per centum ad valorem: *And provided further*, That all articles classified for duty under paragraphs twenty-seven, twenty-eight, and twenty-nine shall pay the prescribed rates on the net weight of the articles themselves, and that the immediate packing in which they are contained shall be assessed for duty under the paragraph covering the article of which it is manufactured."

"345. Buttons:

"(a) Bone, porcelain, composition, wood, steel, iron, and similar materials, N. W., kilo, thirty cents;

"(b) Rubber, copper and its alloys, N. W., kilo, fifty cents;

"(c) Mother-of-pearl, and others not specially provided for, except of gold or silver, or gold or silver plated, N. W., kilo, one dollar and thirty cents:

"*Provided*, That none of the articles classified under letter (c) of this paragraph shall pay a less rate of duty than fifty per centum ad valorem."

(f) The enactment into law of the following bill:

"AN ACT to authorize the Treasurer of the Philippine Islands and the Postal Savings Bank Investment Board to make loans to the provinces of the Philippine Islands, under certain conditions, and for other purposes.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the purpose of providing funds for the construction and improvement of port works, harbor works, bridges, roads, school buildings, court-houses, penal institutions, and other public buildings and improvements in the Philippine Islands, the Treasurer of the Philippine Islands, with the approval of the Governor-General, is authorized, from time to time, to make loans to any province or provinces from any sinking funds now established or to be established for the payment of any bonds lawfully issued by the Government of the Philippine Islands; and for the same purpose, the Postal Savings Bank Investment Board, created by Act Numbered Fourteen hundred and ninety-three of the Philippine Commission, entitled 'An Act to encourage economy and saving among the people of the Philippine Islands, and to that end to provide for the establishment of postal savings banks and their administration through the organization of a postal savings bank division in the Bureau of Posts, and for other purposes,' may, with the approval of the Governor-General, make loans to any province or provinces from any Postal Savings Bank funds under the control of said Board for investment. Any loan made under authority of this Act shall be a lawful charge and lien upon the revenues and property, real and personal, of the province to which it is made, and may be collected in accordance with the terms of said loan, administratively or by proper judicial proceedings."

(g) The amendment of section seven of the Act of Congress of July first, nineteen hundred and two, so as to provide that the qualifications of electors in elections for Delegates to the Philippine Assembly shall be the same as those required of electors in elections of municipal officers by the laws of the Philippine Islands now in force or which may hereafter be enacted and that no person shall be eligible to election as an Assembly

Delegate unless he has the qualifications prescribed by law for municipal officers, is a resident of his election district, owes allegiance to the United States, and is twenty-five years of age.

By unanimous consent, the resolution was read once and put upon its passage.

The roll was called, and Commission Joint Resolution No. 3 was formally adopted by unanimous vote, and the title was agreed to.

The Secretary was directed to request the concurrence of the Assembly in the resolution.

ADJOURNMENT.

Thereupon, at 5 o'clock and 30 minutes postmeridian,

On motion,

The Commission adjourned to meet again on Tuesday, March 31, 1908, at such hour as may be fixed by the President.

Attest:

WM. H. DOXOVAN, *Secretary*.

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

**BAGUIO, BENGUET, TUESDAY, MARCH 31, 1908.**

The Commission met at the call of the President at 3 o'clock postmeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### READING OF JOURNAL.

The Journal of Monday, March 30, 1908, was read and approved.

#### MESSAGES FROM THE ASSEMBLY.

MARCH 25, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the following resolution (A. C. R. No. 8), entitled "Concurrent Resolution providing for the appointment of a committee of fifteen members which shall have charge of the drafting of new Civil, Commercial, Penal, and Procedure Codes," passed the Assembly on March 24, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

Assembly Concurrent Resolution No. 8. Concurrent Resolution providing for the appointment of a committee of fifteen members which shall have charge of the drafting of new Civil, Commercial, Penal, and Procedure Codes.

Whereas the change of sovereignty and in the institutions of this country has brought with it great reforms and modifications in the Civil, Penal, Commercial, and Procedure Codes in force in the Philippine Islands before

the American occupation, and the provisions with regard to the said subjects are now disseminated throughout different legal bodies; and

Whereas a necessity is felt for the revision and reform of the said codes and for the formation of new codes covering the said subjects, giving them the unity and harmony required by the progress of science, in accord with the new institutions of, and the customs peculiar to, this country and to facilitate the study and application of the said laws: Now, therefore, be it

*Resolved by the Philippine Assembly, the Philippine Commission concurring,* That a committee be, and hereby is, appointed which shall be composed of fifteen members, seven of whom shall be appointed by the President of the Commission, seven by the Speaker of the Assembly, and one of whom shall be designated by the fourteen thus appointed, to revise and reform the Civil, Commercial, Penal, and Procedure Codes now in force in the Philippine Islands, and to prepare new codes on said subjects which shall be in accord with the circumstances brought about by the change in institutions and with the customs peculiar to this country.

The members of the committee, upon their appointment, shall organize as they may deem most convenient, and shall present the result of their labors to the Philippine Legislature on or before the first day of the regular session for nineteen hundred and nine.

The actual and necessary expenses of this committee shall be included in the next appropriation bill.

The resolution was read the first time, and ordered on file for second reading.

MARCH 26, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 175), entitled "An Act amending Act Numbered Eighty-two, known as The Municipal Code, and all Acts amendatory thereof, relating to the tax on carts and sledges and the use of same on the roads of the Philippine Islands," passed the Assembly on March 19, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

Assembly Bill No. 175 was read the first time, and ordered on file for second reading.

MARCH 26, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the Commission Bill No. 17, entitled "A Bill to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams," passed the Assembly on March 24, 1908, with the following amendments:



Amend section 3 to read as follows:

"Sec. 3. Every telegraphic message, in respect to which the protection of this Act may be claimed, shall be published with the heading 'By telegraph,' together with the name of the person, association, or corporation claiming such protection, and the notations on the original telegram as to the hour and date of receipt, the address, the place from which received, and the number of words in the telegram, and the hour of its publication shall be *prima facie* evidence that the original telegram was received by the addressee from the place therein mentioned at such hour and date, and also of the number of words received."

Amend section 4 to read as follows:

"Sec. 4. Any person who willfully forges or substantially alters a telegram or who utters a telegram knowing the same to be forged, or who utters as a telegram any message or communication which he knows to be not a telegram, shall, upon conviction, be punished by a fine not exceeding one hundred pesos."

Amend section 7 to read as follows:

"Sec. 7. Any officer or employee of a telegraph company who shall improperly divulge to any person the contents or purport of any telegram received or transmitted by such company, upon conviction, shall be punished by imprisonment not exceeding six months or by a fine not exceeding two hundred pesos or by both such fine and imprisonment, in the discretion of the court."

Amend section 8 to read as follows:

"Sec. 8. If any person, association, or corporation shall print or publish, or cause to be printed or published, the contents or purport of any telegram contrary to the provisions of this Act, such person or the member or members of such association or corporation shall, upon conviction thereof, be punished by a fine in a sum not exceeding two hundred pesos for each offense, or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court."

In which the concurrence of the Commission is requested.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

The question being, Shall the Commission concur in Assembly amendments to Commission Bill No. 17?

Commissioner Forbes moved to amend the amendment of the Assembly to section 8, so that the section should read as follows:

SEC. 8. If any person, association, or corporation, shall print or publish, or cause to be printed or published, the contents or purport of any telegram contrary to the provisions of this Act, such person, association, or corporation shall, upon conviction thereof, be punished by a fine of not exceeding five hundred pesos for each offense, and any person or any

member or employee of the association or corporation aiding, abetting, or assisting such printing and publication, or willfully permitting the same, shall, upon conviction thereof, be punished by a fine not exceeding two hundred pesos for each offense, or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

The motion prevailed.

The question then being on concurrence, in the Assembly amendments as amended, the roll was called and the amendments of the Assembly, as amended, were unanimously concurred in.

The Secretary was directed to request the concurrence of the Assembly in the amendment to the amendment.

#### EXPLANATION OF THE AMENDMENT TO THE AMENDMENT.

The President directed that the following statement be sent to the Assembly:

The Commission found that it could not concur in the amendment of the Assembly to section 8 of Commission Bill No. 17, for the reason that under the amendment as adopted by the Assembly any member of an association or corporation might be punished for the publication of a telegram contrary to law without any knowledge of such publication on his part, and even in face of the fact that he might have objected to such publication; that is to say, stockholders of a newspaper corporation who knew nothing of what was to be published would nevertheless be subject to punishment under the section as amended by the Assembly. Moreover, even if at a meeting of the directors of the corporation one or two of the directors objected to the publication and declined to consent to it, such objection on their part would not save them from punishment under the amendment proposed by the Assembly. The Commission is of the opinion that if members of an association or corporation are to be punished for the illegal publication of a telegram by the association or corporation it should be shown that they had some knowledge of such publication and assisted it in some way, or, having the power to prevent it, nevertheless permitted it.

The Commission believes that if the amendment of the Commission to the Assembly amendment to section 8 is accepted all objections will be obviated and the object sought by the Assembly obtained.

## THIRD READING OF BILL.

Commission Bill No. 28. An Act to amend Act Numbered Thirteen hundred and ninety-six, entitled "The Special Provincial Government Act," so as to authorize courts of justices of the peace in the Provinces of Benguet, Lepanto-Bontoc, Nueva Vizcaya, and Agusan to try violations of township ordinances and to provide that the fees of justices of the peace in such cases shall be payable from township funds.

The immediate passage of this bill being desirable, the regular order of procedure for the enactment of laws prescribed by Act No. 6 was dispensed with by the Commission.

The bill was read the third time.

The question then being upon its passage, the roll was called and Commission Bill No. 28, as amended, was unanimously passed, and the title was read and approved.

*Ordered,* That Commission Bill No. 28 be enrolled and printed as an Act, the enactment of said bill into law being within the exclusive general legislative jurisdiction of the Commission over all that part of the Philippine Islands inhabited by Moros or other non-Christian tribes.

## MISCELLANEOUS COMMUNICATIONS.

The President presented the following communications:

A communication from the Executive Secretary, embodying a resolution adopted by the convention of municipal presidents held at Dumaguete, Province of Oriental Negros, on February 3, 1908, requesting the amendment of section 4 of the Election Law, so that vacancies occurring in municipal positions shall be filled by the municipal council instead of by the provincial board, and the amendment of section 22 of said law so that ballots of electors who are unable to write shall be filled out by a person selected by such elector instead of by one of the election inspectors.

Referred to the President, on his own motion.

A communication from Felix Ponce and one hundred and thirty-six others of the barrio of Tunasancillo, municipality of Taguig, Province of Rizal, requesting the enactment of a law, retroactive in effect, annulling the decision of the Court of Land Registration granting to Mendezona & Co. title to certain lands situated in said barrio, or that the Government purchase the said lands and sell the same to the petitioners.

Referred to the President, on his own motion.

A communication, signed by Vicente Canan, municipal president of Cauayan, Province of Isabela, and four others, residents of the Province of Isabela, dated March 4, 1908, protesting against the seating in the Assembly of Dimas Guzman as the representative of that province, and requesting that a new election be declared.

Ordered filed, after proper acknowledgment by the Secretary, the petitioners having stated that a copy of the petition had been furnished the Philippine Assembly.

A communication from the secretary of the municipal council of Jamindan, Province of Capiz, dated March 13, 1908, embodying a resolution of the municipal council of Jamindan, protesting against the law increasing the salary of the Speaker and the per diems of the members of the Philippine Assembly.

Referred to the President on his own motion, for reply.

At the direction of the President, the Secretary read communications from Juan Landahl, wholesale hat dealer, the Chinese Chamber of Commerce, the Insular Collector of Customs, the Insular Deputy Collector of Customs, and the appraiser of the port of Manila, being the only communications received by him in reply to the invitation extended to the Collector of Customs, the hat manufacturers and wholesale dealers of Manila, by direction of the Commission of February 18, 1908, for such comment as they might desire to make with reference to the petition of Carlos Gsell, through his attorneys, Hausermann, Cohn & Williams, that paragraph 356 (a) and (c) of the Tariff Revision Law of 1905 be so amended as to increase the duties on imported hats of materials other than straw from 6 cents each, complete, not trimmed, to 18 cents each, and from 5 cents each for crowns (untrimmed) to 18 cents each.

It appeared that Mr. Landahl had no objection to the amendment, but that the Chinese Chamber of Commerce was opposed to it on the ground that it would aid a few *industrials* to the prejudice of the public in general, and that the customs authorities were opposed to it on the ground that a careful and exhaustive investigation of the subject demonstrated that the local industry was amply protected by natural conditions and the existing tariff.

On motion by the President, it was

*Resolved*, That the Commission concur in the views of the Insular Collector of Customs, the Insular Deputy Collector of Customs, the appraiser of the port of Manila and the Chinese Chamber of Commerce, and that the consideration of the petition

of Carlos Gsell for the amendment of the Tariff Revision Law of 1905, with reference to the duty on imported hats of materials other than straw, and on crowns for hats (untrimmed) be indefinitely postponed.

*Ordered.* That the correspondence on the subject be placed on the confidential files, and that Haussermann, Cohn & Williams, attorneys, be furnished with a copy of the foregoing resolution and with a copy of such portion of the correspondence of the customs authorities as may not be confidential in character.

#### INTRODUCTION OF BILLS.

Commissioner Worcester introduced the following bill:

Commission Bill No. 37. An Act to relieve sheriffs in provinces inhabited by Moros and other non-Christian tribes from the provisions of section twenty-three of Act Numbered One hundred and thirty-six, and providing for the giving of bonds by the sheriffs of such provinces.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it be passed with the following amendments:

Section 1, page 1, line 10, strike out the period after the word "thereof", and add the words "during the term of office for which the bond was given".

Section 2, page 2, line 1, strike out the word "qualify" and insert in lieu thereof the word "justify"; line 10, after the words "First Instance" and before the words "shall attach" insert the words "if satisfied that such is the fact", and strike out the word "thereto" in said line and insert in lieu thereof the words "to the bond"; line 15, strike out the comma after the word "approval"; line 16, strike out the words "who shall approve it", insert immediately following the words "as to form and" the words "upon approval the Auditor shall transmit said bond and said certificate," and strike out the words "forward it"; line 18, strike out the words "fully qualified" and insert in lieu thereof the words "justify on the bond"; line 21, strike out the word "qualify", and insert after the word "further" and before the words "or that" the word "justify".

The report and recommendation of the Committee of the Whole were adopted.

Commission Bill No. 37 was ordered on file for third reading.

The President introduced the following bills (by request):

Commission Bill No. 38. An Act to amend the Special Provincial Government Act by increasing the power of provinces in the matter of appropriation of provincial funds.

Commission Bill No. 38 was read the first time, and  
 On motion by Commissioner Worcester, was  
 Referred to the Committee on Non-Christian Tribes.

Commission Bill No. 39. An Act to provide for the establishment of a Bureau to be known as "Bureau of Labor of the Philippine Islands," for the purposes of preparing legislation on labor in the most ample sense, especially agricultural and rural, of putting the same into execution, and of organizing the necessary inspection and statistical services, and for other purposes related with labor in these Islands.

Referred to the special committee to be appointed by the President of the Commission and the Speaker of the Assembly under the provisions of Joint Resolution No. 8, entitled "Joint Resolution providing for the appointment of a committee for making recommendations regarding the enactment of a law on labor accidents."

#### EXECUTIVE SESSION.

On motion by Commissioner Forbes,  
 The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 375.)

#### ADJOURNMENT.

Thereupon, at 5 o'clock and 30 minutes postmeridian,  
 On motion,  
 The Commission adjourned to meet at the call of the President.  
 Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

### JOURNAL OF THE COMMISSION.

**BAGUIO, BENGUET, WEDNESDAY, APRIL 1, 1908.**

The Commission met at the call of the President at 11 o'clock and 30 minutes antemeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### MESSAGE FROM THE ASSEMBLY.

MARCH 28, 1908.

MR. PRESIDENT: I am directed by the Assembly to inform your honorable body that the following resolution (A. C. R. No. 9), entitled "Concurrent Resolution providing for the adjournment of the Assembly on Saturday, April fourth, nineteen hundred and eight, to meet again on Monday, April twenty-seventh, nineteen hundred and eight," passed the Assembly on March 28, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

By unanimous consent the resolution was read once and put upon its passage.

Assembly Concurrent Resolution No. 9 was unanimously adopted and the title agreed to.

The Secretary was directed to notify the Assembly thereof.

#### ADJOURNMENT.

Thereupon, at 11 o'clock and 35 minutes antemeridian.

On motion,

The Commission adjourned to meet again at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

**BAGUIO, BENGUET, FRIDAY, APRIL 3, 1908.**

The Commission met at the call of the President at 2 o'clock and 30 minutes postmeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### READING OF JOURNALS.

The Journals of Tuesday, March 31, and Wednesday, April 1, 1908, were read and approved.

#### MESSAGES FROM THE ASSEMBLY.

MARCH 28, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly has agreed to-day to the report of the committee of conference on the disagreeing votes of the two Houses to the amendment of the Commission to Assembly Bill No. 1, entitled "An Act providing for the cancellation, under certain conditions, of the unpaid balances remaining on loans made to certain provincial and municipal governments prior to the fifteenth of October, nineteen hundred and seven, out of the general funds of the Insular Treasury and of the United States Congressional relief fund."

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

Ordered filed.

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MARCH 30, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the following resolution (A. J. R. No. 22), entitled



“Joint Resolution requiring the Honorable Benito Legarda and the Honorable Pablo Ocampo to report to the Philippine Legislature with regard to certain declarations that the press has attributed to the said gentlemen.” passed the Assembly on March 21, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

Assembly Joint Resolution No. 22. Joint Resolution requiring the Honorable Benito Legarda and the Honorable Pablo Ocampo to report to the Philippine Legislature with regard to certain declarations that the press has attributed to the said gentlemen.

Whereas the newspaper The San Francisco Examiner, of the United States, in its edition of January twentieth, nineteen hundred and eight, published a news article stating that the Honorable Benito Legarda had declared, among other things, in the United States, that the Filipino people are not yet capable of ruling their own destinies, and that independence, at the present time, would be harmful to the Philippine Islands; and

Whereas on February twenty-seventh, nineteen hundred and eight, a proposed resolution, signed by Honorables Fenoy, Lerma, and Aréjola, was introduced in the Philippine Assembly protesting against the declarations attributed by the press to the Honorable Benito Legarda, and stating that the declaration alleged to have been made in the United States by the Honorable Pablo Ocampo as regards the capacity and aspirations of the Filipino people coincides in every respect with the sentiment of the majority of the Filipinos; and

Whereas the Legislature, up to the present time, is in ignorance as to the veracity and correctness of the said declarations; and

Whereas even though it is the sense of the Philippine Assembly, as the genuine representative of the Filipino people, that they are now absolutely capable of self-government—which is their firm and constant aspiration—no appropriate action can be taken by the Assembly in this matter owing to the lack of true and accurate information: Now, therefore, be it

*Resolved*, That the Speaker of the Assembly and the President of the Commission, in representation of the Philippine Legislature, shall cable to the Honorable Benito Legarda and the Honorable Pablo Ocampo requiring them immediately categorically to answer by cablegram the following questions:

(1) If it is or is not true that the Honorable Benito Legarda and the Honorable Pablo Ocampo have made declarations in the United States regarding the present political capacity of the Filipino people and their aspirations to independence, as published in the newspaper The San Francisco Examiner, of the United States, on January twentieth, nineteen hundred and eight;

(2) If so, what were these declarations;

(3) If the Honorables Legarda and Ocampo in the latter case made these declarations merely as their personal opinions or, on the contrary, made them in their capacity as Delegates of the Philippine Legislature, attributing the said opinions to the entire Legislature or only to the Philippine Assembly; and

*Resolved, further,* That so soon as the answer from the Honorables Benito Legarda and Pablo Ocampo shall be received the same be reported to the Legislature.

Assembly Joint Resolution No. 22 was read the first time, and was

Referred to the President, on his own motion.

#### THIRD READING AND PASSAGE OF BILL.

Commission Bill No. 37. An Act to relieve sheriffs in provinces inhabited by Moros and other non-Christian tribes from the provisions of section twenty-three of Act Numbered One hundred and thirty-six, and providing for the giving of bonds by the sheriffs of such provinces.

The immediate passage of this bill being desirable, the regular order of procedure for the enactment of laws prescribed by Act No. 6 was dispensed with by the Commission.

The bill was read the third time.

The question then being upon its passage, the roll was called and Commission Bill No. 37, as amended, was unanimously passed, and the title was read and approved.

*Ordered,* That Commission Bill No. 37 be enrolled and printed as an Act, the enactment of said bill into law being within the exclusive general legislative jurisdiction of the Commission over all that part of the Philippine Islands inhabited by Moros or other non-Christian tribes.

#### READING OF COMMUNICATIONS.

The President presented the following communications:

A communication from the acting municipal secretary of Cauayan, Province of Occidental Negros, dated March 17, 1908, expressing the opinion of the municipal council with respect to the proposed law on the land tax, personal cedula, etc., submitted to the judgment of the municipality by Honorable Alejandro Ruiz, Delegate for the Fourth District of Cebu.

*Ordered* filed, until such time as the bill referred to shall be received from the Assembly for consideration by the Commission.

A communication from the recorder of the provincial board of Pampanga, inclosing a resolution of the municipal council of Candaba, of February 24, 1908, requesting that the period for the collection of the cedula tax without delinquency be extended to July 30, 1908, and a communication from the municipal president of Cagayan, Province of Misamis, embodying a similar resolution of the municipal council of Cagayan, of March 16, 1908.

Referred to the President.

REPORTS OF SELECT COMMITTEES.

[Committee Report No. 23.]

BAGUIO, BENGUET, *April 1, 1908.*

GENTLEMEN: Your select committee to whom was referred on March 31, 1908, a communication from the Executive Secretary embodying a resolution adopted by the convention of municipal presidents held at Dumaguete, Province of Oriental Negros, on February 3, 1908, requesting the amendment of section 4 of the Election Law, so that vacancies occurring in municipal positions shall be filled by the municipal council instead of by the provincial board, and the amendment of section 22 of said law, so that ballots of electors who are unable to write shall be filled out by a person selected by such elector instead of by one of the election inspectors, has examined the same and has the honor to report it back to the Commission with the following remarks:

Referring to the proposed amendment to section 4 of the Election Law, your committee finds that the power to make nominations to fill vacancies in the municipal council is one of the faculties exercised by the provincial board, a majority of which is elected by the people of the province, and that the power to fill vacancies is usually exercised by executive authority and not by the body in which the vacancy occurs. It would appear that to give to the municipal council power to fill vacancies occurring therein might serve to establish the power of a weak majority in the council as opposed to the will of a strong minority.

Referring to the proposed amendment to section 22, it seems to your committee that the granting to an illiterate elector the right to name the person who shall fill out his ballot would make simple and easy the corruption of illiterate voters.

It is therefore recommended that no further consideration of this petition be had at this time.

Respectfully submitted.

JAMES F. SMITH,

*President of the Commission, Committee.*

The PHILIPPINE COMMISSION.

The report was unanimously adopted.

*Ordered*, That the petitioners be furnished with a copy of the report and notified of the action taken.

[Committee Report No. 24.]

BAGUIO, BENGUET. *April 1, 1908.*

GENTLEMEN: Your select committee to whom was referred on March 31, 1908, a communication signed by Felix Ponce and one hundred and thirty-six others of the barrio of Tunasancillo, municipality of Taguig, Province of Rizal, requesting the enactment of a law, retroactive in effect, annulling the decision of the Court of Land Registration granting to Mendezona & Co. title to certain lands situated in said barrio, or that the Government purchase the said lands and sell them to the petitioners, has examined the same and has the honor to report it back to the Commission with the following remarks:

The powers of the Philippine Government are exercised by three departments, namely, the executive, the judicial, and the legislative, in exact accordance with the Government of the United States. Each of these departments is absolutely free and independent of the other while exercising the authority within its own sphere of influence and jurisdiction. The executive and legislative departments have no power to render judgments, make decrees, or determine the rights of property or of the possession thereof. The judicial and the legislative departments, on the other hand, have no power to execute the laws or to carry into effect the decrees or orders of the courts—that is a power which belongs exclusively to the executive; and the judicial and executive have no power to make laws—that is a power vested exclusively in the legislative. In brief, the legislative department has power only to make laws, the executive department to execute them and carry them into effect, and the judicial department to interpret them and to determine the rights which may have accrued by virtue of them.

Should the Legislature in this case attempt to pass a bill modifying, changing, repealing, reversing, or altering the decision of the Court of Land Registration in any way, such an attempt would be absolutely without effect; and any Act passed by the Legislature with that object in view would be null and void from the beginning. No person can be deprived of his property, or the right of possession thereto as determined by the courts, by any retroactive Act of the Legislature, nor can private property be taken for any purpose by the Legislature unless due compensation is paid therefor as fixed by the courts.

With reference to the purchase of land by the Government and the sale of the same to the tenants, your committee is compelled to report that there is no money available for such purpose; and in view of the fact that the income from the friar lands, which were purchased by the Government out of moneys received from the sale of bonds issued for that purpose, does not at the present time pay one-half the interest accruing on such bonds, it is very evident that the Government would not be justified, in its present financial condition, in making an appropriation for any such purpose.

In view of all these circumstances, your committee recommends that the further consideration of this petition be indefinitely postponed.

Respectfully submitted.

JAMES F. SMITH,

*President of the Commission, Committee.*

The PHILIPPINE COMMISSION.

The report of the committee was unanimously adopted.

*Ordered,* That copies of the report, together with notice of the action taken thereon, be furnished the petitioners, the Official Gazette for printing therein, and the Philippine Assembly for its information, it appearing that a copy of the petition was forwarded to the Assembly by the petitioners.

REPORTS OF STANDING COMMITTEES.

[Committee Report No. 25.]

BAGUIO, BENGUET, *March 26, 1908.*

MR. PRESIDENT: Your Committee on Non-Christian Tribes, to whom was referred on March 24, 1908, Assembly Joint Resolution No. 18, entitled "Joint Resolution giving instructions to the Resident Commissioners in the United States representing the Philippine Legislature to secure from Congress the amendment of section seven of the Act of July first, nineteen hundred and two, as provided in this Joint Resolution," has examined the same and has the honor to report it back to the Commission, with the following remarks:

The proposed Joint Resolution instructs the Philippine Resident Commissioners in the United States to secure from Congress the repeal of that provision of Act of Congress of July 1, 1902, which, in effect, continues in the Philippine Commission the sole power to legislate, subject to the approval of the Secretary of War and of Congress, for that part of the Philippine Islands inhabited by Moros or other non-Christian tribes.

Three reasons why, in the opinion of the Assembly, this should be done are given in the preamble to the proposed resolution.

That portion of the Act of Congress which it is proposed to amend reads as follows:

"SEC. 7. \* \* \* After said Assembly shall have convened and organized, all the legislative power heretofore conferred on the Philippine Commission in all that part of said Islands not inhabited by Moros or other non-Christian tribes shall be vested in a legislature consisting of two Houses—the Philippine Commission and the Philippine Assembly. \* \* \*"

From this language, it is apparent that this restriction upon the power of the Philippine Legislature was not due to accident or oversight, but was imposed deliberately by Congress. The briefest consideration of the policy heretofore followed by the United States in dealing with primitive peoples will show that in imposing this restriction the Congress of the United States was merely following out the policy which it has invariably pursued.

In no instance has the power to legislate for non-Christian tribes resident in the United States been turned over to the legislature of any State. Congress has invariably retained this power for itself as the central legislative body of the United States Government. In imposing the above restriction it has done precisely the same thing with reference to the non-Christian tribes of its most recently acquired possession, and, doubtless after due deliberation, and certainly without any suggestion from the Philippine Commission, has seen fit to vest in that body, rather than in the Philippine Legislature, the power to legislate for that portion of the Philippine Islands inhabited by Moros or other non-Christian tribes.

As this action has obviously been taken deliberately and is in complete accord with the policy heretofore invariably followed by the Congress of the United States in dealing with non-Christian peoples, it would seem useless to recommend that it be revoked, unless very strong reasons can be assigned for such recommendation.

A further fact which may have influenced Congress in the present instance is that in dealing with the Moros, the head-hunting tribes of northern Luzon, and not infrequently in dealing with other non-Christian tribes, emergencies not infrequently arise which require prompt and vigorous action, and oftentimes legislation is necessary in order to furnish executive administrative officials with the necessary powers. Under ordinary circumstances the Philippine Legislature will be in session only three months during the year, but the Philippine Commission may hold sessions at any time that the exigencies of the case require.

Referring now to the three reasons given in favor of this resolution, in the order of their occurrence:

The first cites the fact that it is the duty of the Philippine Assembly to watch out for the integrity of the territory known as the Philippine Archipelago.

The assignment of this reason for the adoption of the proposed Joint Resolution is not understood by your committee, as, so far as is known, the question of whether the Philippine Commission or the Philippine Legislature is to legislate for that part of the Philippines inhabited by Moros or other non-Christian tribes has nothing whatever to do with the integrity of the territory known as the Philippine Archipelago, in view of the fact that said territory is at present the property of the United States and that neither the Philippine Legislature nor the Philippine Commission has any authority whatsoever to alienate any portion of it.

The second reason assigned is that the Assembly, as the genuine representative of the people, best knows the needs of the inhabitants, their habits, customs, and other ethnical conditions, and is under the obligation of working to the end that all and each of the inhabitants of the Philippine Archipelago shall avail themselves of the benefits of wise and adequate legislation.

On this subject it must be said that, while the Assembly is doubtless genuinely representative of the Christian inhabitants of the several provinces which have elected its members, it is not, and could not be, in any sense representative of the non-Christian inhabitants of these provinces nor

of the Provinces of Benguet, Nueva Vizcaya, Lepanto-Bontoc, Agusan, and the Moro Province, for the reason that the non-Christians have not, and could not have, any voice in the election of representatives to the Assembly, on account of their inability to qualify as electors. While a few of them, like some of the Moros and Tinguians, are possessed of a considerable degree of civilization, others have so little that they still lead nomadic lives. Were Congress to make the modification in existing law suggested by the proposed Joint Resolution the practical result would be that only the qualified electors among the Christian inhabitants of the provinces organized under the Special Provincial Government Act would vote for members of the Philippine Assembly, and that the non-Christian inhabitants, who are in the immense majority in five of these provinces, would be left, as are the non-Christian inhabitants throughout all other portions of the Archipelago, without any voice whatever in the election of members of the Assembly. This body could not, therefore, be in any sense representative of them. The Christian and non-Christian peoples of the Philippines have up to the present time had little, if anything, in common; indeed, the relations between them have too often been those of active warfare. And, due to these facts, your committee thinks it must be admitted that very little interest has been taken in the non-Christian tribes by the civilized and Christian inhabitants; indeed, it may be said without fear of contradiction that in those cases in which the law has imposed upon provincial officials the duty of visiting the non-Christian inhabitants of their provinces, it has been, as a rule, only with the greatest difficulty, if at all, that they could be persuaded to perform their duty in this regard. Considerable sums have been made available by the Commission for use in improving the condition of the non-Christian tribes in the provinces organized under the Provincial Government Act. These sums were expendable under resolutions of provincial boards, said resolutions being subject to the approval of the Secretary of the Interior. In very few instances have provincial boards taken any action relative to these sums save to endeavor to ascertain how they might be expended for general provincial purposes rather than for the benefit of the non-Christian inhabitants of the several provinces.

The third reason assigned for the approval of the resolution is that the funds of the Philippine Treasury ought not to be employed in the administration of the Moro Province and non-Christian tribes without their first being appropriated by the Philippine Assembly as a co-legislative body.

Your committee finds more force in this reason than in either of the others. The Secretary of War has been interrogated upon this point, and has explicitly ruled that the Philippine Commission may, under existing legislation, appropriate such portion of the Insular funds as it may see fit for the benefit of the non-Christian inhabitants of the Archipelago. This clearly makes *theoretically* possible a grave abuse, as the Commission, under this authority, might devote an unfair share of the Insular funds to this work. This danger is, however, theoretical rather than real. Until within a short time the Philippine Commission has been vested with and has exercised control over *all* Insular funds, whether used for the benefit of the non-Christian or the Christian inhabitants of the Archipelago, and

it would therefore not seem unsafe to allow it to *continue* to determine what portion of these funds shall be expended for non-Christians and to control the expenditure thereof.

Certainly its action in this regard has thus far been sufficiently conservative. It is a well-known fact that the figures given in the last census as to the non-Christian population of a number of the provinces are grossly in error and that the non-Christian inhabitants constitute approximately one-eighth of the total population of the Archipelago; yet nothing remotely approaching one-eighth of the total funds expended has ever been appropriated for their benefit.

Finally, there is a thoroughly satisfactory safeguard over the acts of the Commission in this, as in all other particulars, since they are subject to the approval of the Secretary of War and of the Congress of the United States, and any improper diversion of Insular funds by the Commission for the benefit of the non-Christian inhabitants of the Archipelago would of course be disapproved.

Your committee therefore recommends that further consideration of this proposed Joint Resolution be indefinitely postponed.

DEAN C. WORCESTER,

*Chairman, Committee on Non-Christian Tribes.*

T. H. PARDO DE TAVERA,

*Member.*

JOSÉ R. DE LUZURIAGA,

*Member.*

THE PRESIDENT OF THE PHILIPPINE COMMISSION.

The report was unanimously adopted.

*Ordered.* That the Assembly be furnished with a copy of the report and notified of the action taken thereon.

[Committee Report No. 26.]

BAGUIO, BENGUET, *April 3, 1908.*

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of Finance and Justice, to which was referred on March 24, 1908, Assembly Bill No. 77, entitled "An Act appropriating the sum of two hundred thousand pesos for the construction of a customs-house and the installation of an arrastre plant in the port of Cebu," has examined the same and has the honor to report that the Executive Secretary has informed your committee that the probable balance available for appropriation on July 1, 1908, will be ₱2,500,000 and that the estimates submitted for next year's appropriation exceed the estimated revenues by more than ₱6,000,000, which increase is largely for public works. The Executive Secretary is of opinion that the appropriation for the Cebu custom-house can be made without prejudice to equally urgent projects.

Your committee is of the opinion that more than a fair share of the public moneys has been expended for public improvements in the Province of Cebu and that as a matter of justice to other provinces no further moneys should be expended at this time in the Province of Cebu. The Assembly, however, which is elected from the various provinces interested,



has considered that the expenditure of this money for the erection of a custom-house in the municipality of Cebu is in the public interest and that the matter of facilities for the transaction of customs business in Cebu will be of advantage not only to the Province of Cebu, but also to the majority of the provinces constituting the Visayan group.

In view of the fact that the majority of the representatives from the provinces are in favor of the erection of this building in the city of Cebu, your committee recommends that this bill pass with the following amendments:

1. Insert after the words "Secretary of Commerce and Police," line 1, page 2, the words "and the Secretary of Finance and Justice," so that section 2, when amended, shall read as follows:

"SEC. 2. The plans and specifications for the building, the construction of which is hereby authorized, shall be prepared by the Consulting Architect and approved by the Secretary of Commerce and Police and the Secretary of Finance and Justice, and the construction of said building shall be carried out, in accordance with existing provisions of law."

2. Strike out the whole of section 3 and insert in lieu thereof the following:

"SEC. 3. The site on which the building referred to in the preceding sections shall be constructed shall be on land of the Insular Government on the water front of said port of Cebu, and shall be selected by the Insular Collector of Customs subject to the approval of the Secretary of Commerce and Police, the Secretary of Finance and Justice, and the Secretary of the Interior."

Very respectfully,

JAMES F. SMITH,

*Committee on Matters Pertaining to the  
Department of Finance and Justice.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Commissioner Forbes moved that in view of the possible demands on Insular funds for the establishment of an agricultural bank, and for more exigent purposes, no immediate action be taken on the report by the Commission, but that the same be referred to the Committee on Appropriations, to be considered by said committee at the time of the consideration of the general appropriation for public improvements.

The motion prevailed.

*Ordered,* That the Assembly be notified of the action taken thereon.

#### SECOND READING OF BILLS.

Assembly Concurrent Resolution No. 8. Concurrent Resolution providing for the appointment of a committee of fifteen members which shall have

charge of the drafting of new Civil, Commercial, Penal, and Procedure Codes.

On motion by the President,  
Passed on file.

Assembly Bill No. 175. An Act amending Act Numbered Eighty-two, known as The Municipal Code, and all Acts amendatory thereof, relating to the tax on carts and sledges and the use of same on the roads of the Philippine Islands.

On motion by the President,  
Passed on file.

#### INTRODUCTION AND PASSAGE OF BILL.

Commissioner Worcester introduced the following bill:

Commission Bill No. 40. An Act amending sections nine and eleven of Act Numbered Eleven hundred and twenty, entitled "The Friar Lands Act," providing for the manner of sale of unoccupied lands and the time within which deferred payments by purchasers of friar lands may be made.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass with the following amendments:

Section 1, page 1, line 12, strike out the words "as amended."

Section 2, page 2, strike out in lines 2 to 6, inclusive, the words "arranged to cover such period, not exceeding thirty years from the date of purchase, as may be agreed upon between the purchaser and the Director of Lands, with the approval of the Secretary of the Interior, all deferred payments to bear interest at the rate of four per centum per annum", and insert in lieu thereof the words "*Provided, however,* That payment by installments shall be in such amounts and at such time that the entire amount of the purchase price, with interest accrued, shall be paid at least one year before the maturity of what are known as the friar lands bonds issued under the provisions of Act Numbered One thousand and thirty-four; that is, on or before February first, nineteen hundred and thirty-three. The terms of purchase shall be agreed upon between the purchaser and the Director of Lands, subject to the approval of the Secretary of the Interior, and all deferred payments on the purchase price shall bear interest at the rate of four per centum per annum."

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 40 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

## ENROLLED ACT SIGNED.

The following Act, in Spanish and English, having been found properly enrolled and signed by the President and Secretary of the Commission and the Speaker and Secretary of the Assembly, the same was ordered filed with the custodian of legislative records, in accordance with law:

Act No. 1811 (C. B. No. 6). An Act to amend Act Numbered Fourteen hundred and ninety-three, entitled "An Act to encourage economy and saving among the people of the Philippine Islands, and to that end to provide for the establishment of postal savings banks and their administration through the organization of a postal savings bank division in the Bureau of Posts, and for other purposes," by making provision for deposits made under Act Numbered Seventeen hundred and eighty.

## EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 376.)

## ADJOURNMENT.

Thereupon, at 5 o'clock postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

Wm. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

**BAGUIO, BENGUET, SATURDAY, APRIL 4, 1908.**

The Commission met at the call of the President at 10 o'clock antemeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### READING OF JOURNAL.

The Journal of Friday, April 3, 1908, was read and approved.

#### MISCELLANEOUS COMMUNICATIONS.

The President presented a communication from the Advisory Board of the city of Manila, addressed to the acting secretary of the Municipal Board, stating that the Advisory Board had resolved to recommend to the Philippine Legislature the repeal of section 48 of Act No. 183, exempting certain properties in the city of Manila from taxation, and requesting that the Municipal Board forward same to the Legislature with such recommendations as it might deem proper. In forwarding the communication to the Commission the Municipal Board stated that it did not concur in the recommendation of the Advisory Board.

On motion by Commissioner Forbes,

The communication was laid on the table.

#### REPORT OF SELECT COMMITTEE.

[Committee Report No. 27.]

BAGUIO, BENGUET, *April 4, 1908.*

GENTLEMEN: Your select committee to whom was referred on April 3, 1908, a communication from the recorder of the provincial board of Pampanga, inclosing a resolution of the municipal council of Candaba, of February 24, 1908, requesting that the period for the collection of the

cedula tax without delinquency be extended to July 30, 1908, and a communication from the municipal president of Cagayan, Province of Misamis, embodying a similar resolution of the municipal council of Cagayan, of March 16, 1908, has examined the same and has the honor to report them back to the Commission with the following remarks:

In the opinion of your select committee a suspension of the cedula tax would mean simply that the expenses of the provincial and municipal governments could not be met, and would result in the failure of provincial and municipal autonomy just at a time when the Filipino people are endeavoring to show that they may be safely intrusted with the power of exercising the responsibilities of local government. The cedula tax is insignificant in amount, and even when doubled does not reach the amount exacted under the former régime and cheerfully paid. The moneys collected from the cedula tax find their way almost immediately into the hands of the poor people, and through public works and public improvements a poor laborer, if he so desires, may secure through his labor six or seven times the amount of the cedula tax paid by him.

Your committee recommends that both petitions be denied.

Very respectfully,

JAMES F. SMITH,

*President of the Commission, Committee.*

The PHILIPPINE COMMISSION.

The report of the committee was unanimously adopted.

*Ordered.* That the Secretary forward a copy of the same through the provincial boards to the municipal councils concerned.

#### EXECUTIVE SESSION.

On motion by Commissioner Tavera,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 376.)

#### READING OF JOURNAL.

There being no objection, the Journal of Saturday, April 4, 1908, was read and approved.

#### ADJOURNMENT.

Thereupon, at 10 o'clock and 15 minutes antemeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

**BAGUIO, BENGUET, THURSDAY, APRIL 30, 1908.**

The Commission met at the call of the President at 3 o'clock and 30 minutes postmeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### MESSAGES FROM THE ASSEMBLY.

APRIL 3, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 192), entitled "An Act empowering the provincial boards of the provinces that have adopted the double cedula tax to postpone the period for the payment of the land and cedula taxes for the year nineteen hundred and eight to September thirtieth of said year," passed the Assembly on April 2, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,

*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Baguio, Benguet.*

Assembly Bill No. 192 was read the first time, and referred to the Committee on Municipal and Provincial Governments.

APRIL 30, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 205), entitled "An Act amending Act Numbered Three hundred and forty-five, entitled 'An Act designating the days which shall be observed as public holidays in the Philippine Islands,' as amended, among others, by Act Numbered Sixteen hundred and seventy-one, so as to make the first day of May an official holiday and to empower the Governor-General to make any working day

an official holiday, under certain conditions," passed the Assembly on April 30, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

By unanimous consent, Assembly Bill No. 205 was read the first and second times, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

The President moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Assembly Bill No. 205 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

#### RESOLUTIONS

The President introduced the following resolution:

Commission Resolution No. 48. *Resolved*, That Commission Resolution Numbered Forty-seven, adopted on April fourteenth, nineteen hundred and eight, with respect to the amendment of the plan of the Baguio town site of May fifteenth, nineteen hundred and six, be and the same is hereby confirmed.

The resolution was adopted.

Commissioner Forbes introduced the following resolution:

Commission Resolution No. 49. Whereas the Director of Navigation reports that Earl Smith, an employee of the custom-house, while in the act of boarding a customs launch in the Pasig River, accidentally fell into the river and would probably have drowned were it not for the gallant act of Martin Mallou, a sailor on the Bureau of Navigation launch *Tagalog*, who entered the water at the risk of his life and rescued Mr. Smith, which act was witnessed by the Assistant Director of Navigation; and

Whereas the Director of Navigation recommends that the said Martin Mallou be presented by the Government with a suitable medal as a reward for his bravery, such medal to cost not more than fifty pesos; and

Whereas it is provided by Act Numbered Sixteen hundred and seventy-nine that funds appropriated by said Act under the head of "Contingent

expenses, Bureau of Navigation," shall be available for the purchase of medals or other rewards, when authorized by resolution of the Philippine Commission, for officers or employees of the Bureau who display especial bravery or render distinguished service in saving life and property; and

Whereas it is the sense of the Commission that the act of Mr. Mallou is deserving of recognition: Now, therefore, be it

*Resolved*, That in accordance with the provisions of Act Numbered Sixteen hundred and seventy-nine the Director of Navigation be, and is hereby, authorized to purchase a medal and have the same suitably inscribed at a cost not to exceed fifty pesos and present the same to the said Martin Mallou in recognition of the bravery displayed by him in saving the life of a fellow employee in the service on March thirteenth, nineteen hundred and eight.

The resolution was adopted.

#### INTRODUCTION OF BILLS (OUT OF ORDER).

The President introduced the following bill:

Commission Bill No. 41. An Act amending sections seventy-four and one hundred and seven of Act Numbered Eleven hundred and eighty-nine, as amended.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 41 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

The President also introduced the following bill:

Commission Bill No. 42. An Act to amend Act Numbered Fifteen hundred and nineteen, entitled "An Act to provide for inspecting and sealing weights and measures and to regulate their use," so as to authorize the continued use of the English system of weights and measures in the purchase and sale of manufactured lumber.



By unanimous consent, the bill was read the first and second times and referred to the Committee of the Whole. It was considered in committee and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Forbes, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 42 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

The President also introduced the following bill:

Commission Bill No. 43. An Act to amend Act Numbered Sixteen hundred and ninety-eight, entitled "An Act for the regulation of the Philippine Civil Service," with regard to the conditions of service of teachers appointed shortly after the beginning of a school year.

Commission Bill No. 43 was read the first time, and referred to the Committee on Matters Pertaining to Bureaus under the Executive Control of the Governor-General.

Commissioner Worcester introduced the following bill:

Commission Bill No. 44. An Act to amend Act Numbered One hundred and thirty-one, entitled "An Act providing for the establishment of a weather bureau for the Philippine Islands and appropriating eight thousand and sixty-six dollars and fifty cents, in money of the United States, for the purchase of meteorological instruments and apparatus and the installation of the same.

Commission Bill No. 44 was read the first time, and referred to the Committee on Matters Pertaining to the Department of the Interior.

#### REPORTS OF STANDING COMMITTEES.

[Committee Report No. 28.]

APRIL 30, 1908.

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of Commerce and Police, to whom was referred on February 21, 1908, the resolution of the provincial board of Bulacan of February 8, 1908, regarding change in the system of arming the municipal police, has examined the same and has the honor to report that many requests have

been received from municipalities for the arming of their police with rifles, and, formerly, in view of the troublous times, the presence of ladrones, and the number of scattered municipalities in which the Constabulary could not personally protect the lives and property of the inhabitants, such issuance was deemed justifiable. In spite of the fact that every reasonable precaution has been taken to prevent abuses, the municipal police frequently lose their firearms, often through mere carelessness; in fact, since 1902 the following towns have lost the arms confided to municipal police:

*Arms lost by municipal police.*

Town.	Date.	Shot-guns.	Rifles.	Revolvers.
Guiguinto, Bulacan	Feb., 1902			1
Malolos, Bulacan	Feb., 1902			1
Tacloban, Leyte	Sept., 1902	8		
Dumaguete, Oriental Negros	Sept. 25, 1902			1
Nuigan, Rizal	Oct. 19, 1902	All municipal arms.		
Biliran, Cebu	Nov., 1902		2	
Taytay, Rizal	Dec. 6, 1902		20	9
San Francisco de Malabon, Cavite	May, 1903	Three (3) arms.		
Bato, Camarines	July 13, 1903	3	3	
Taysan, Batangas	Sept. 19, 1903	9		
Gumaca, Tayabas	Sept. 26, 1903	7	5	1
Catanauan, Tayabas	Oct. 12, 1903	14	4	
Ragay, Camarines	Oct. 19, 1903		7	2
Natividad, Pangasinan	Oct. 23, 1903	2		
Macalelon, Tayabas	Oct. 31, 1903	12		
Navotas, Rizal	Dec. 26, 1903			7
Moncada, Tarlac	Jan., 1904		1	
Taal, Batangas	Jan. 5, 1905	15	20	
Burauen, Leyte	June 19, 1906		14	1
Licab, Nueva Ecija	Nov. 20, 1906		4	4
Tarlac, Tarlac	Nov. 26, 1906		1	
Camiling, Tarlac	Feb. 2, 1907		1	1

The cost to the Insular Government in recovering such firearms has amounted to hundreds of thousands of dollars, not taking into account the destruction of life and property by reason of the falling of these arms into the hands of ladrones and other evildoers.

In view of this it became necessary to pass a law exacting some sort of security for the firearms so issued, placing the responsibility for any such arms that might be lost on the authorities who desired the issuance of these firearms, and it was deemed a wise measure to issue firearms to municipal police only when the presidents or *concejales* of the towns were willing to guarantee the efficiency of their police and to go on bonds for the security of the firearms confided to them.

In peaceful countries, rifles, carbines, and shotguns are not the ordinary weapons of the policeman. A firearm in his hands presents a constant temptation to use it instead of closing with the lawbreaker and endeavoring to preserve order without danger to the lives of others. In fact, except when in the hands of an expert, a firearm presents a real danger to the peaceful citizen it is meant to protect, and this is especially true in the Philippine Islands, where the police have but little practice in marksmanship and where the houses are usually of the most flimsy materials, offering but little if any protection from the stray bullet.

The arming of municipal police with rifles in time of peace is almost unheard of in civilized countries, and there is no sound argument to support any such practice. As a matter of fact, a rifle in the hands of an undisciplined police untrained in the use of firearms is more of a danger to the peaceful and honorable citizen than it is to the lawbreaker or evildoer.

It is the opinion of your committee, in view of the present peaceful condition of the Islands, that there is less reason than ever before for the municipal police having firearms, and that the present law requiring bonds from municipalities as security for firearms in the possession of municipal police should not be changed.

If the *concejales* of a town, who are thoroughly acquainted with the police of the town, have not sufficient confidence in them to go on their bonds, it would seem ill advised to equip such police with firearms. In fact, it is ridiculous to expect that the Legislature would cause the issuance of firearms to the police of a municipality, the officials of which frankly declare that they have so little confidence in the efficiency of the police that they are afraid to go on their bonds.

Your committee therefore recommends that the law requiring bonds from municipalities for the security of firearms given into the possession of municipal police be not changed.

Very respectfully,

W. CAMERON FORBES,

*Committee on Matters Pertaining to the  
Department of Commerce and Police.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the committee was unanimously adopted.

*Ordered,* That the Secretary furnish the provincial board of Bulacan with a copy thereof.

[Committee Report No. 29.]

BAGUIO, BENGUET, *April 22, 1908.*

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of the Interior, to whom was referred, on March 25, 1908, Assembly Bill No. 136, entitled "An Act amending Act Numbered Fourteen hundred and eighty-seven, entitled 'An Act abolishing provincial boards of health, substituting therefor district health officers and defining their powers and duties, and repealing Act Numbered Three hundred and seven, entitled 'An Act providing for the establishment of provincial boards of health and fixing their powers and duties,'" by authorizing the Director of Health, on recommendation of the provincial boards, to increase the number of district health officers or place two or more provinces under one officer," has examined the same, and has the honor to report as follows:

Act No. 1487 provides that each province *may* have a district health officer, while the amendatory Act provides that there *shall* be in each province a district health officer.

Act No. 1487 leaves it discretionary with the Director of Health, subject to the approval of the Commission, to increase the number of district health

officers assigned to a province or to unite two or more provinces in a single district. The proposed amendatory Act removes from the Director of Health, who is nevertheless left responsible as heretofore for health conditions in the Islands, any authority whatever in the premises, and confers upon provincial boards authority in effect to decide, subject only to the approval of the Commission, when the number of health officers stationed in a province shall be increased, and when two or more provinces shall be joined into a single health district, although the latter change may be made only when lack of funds requires it and would not be possible if lack of sufficient work properly to occupy a health officer existed.

The provinces of the Philippine Islands are at present divided between 22 health districts; of these, 10 contain a single province each, 9 contain two provinces each, and 3 contain three provinces each.

The only provinces not included within any health district are Palawan, Benguet, and the Moro Province. In the Province of Benguet there is a hospital established, which is open to, and is extensively used by, the inhabitants of the province, and the hospital steward and the medical officer in charge of the hospital make trips to the settlements from time to time as occasion requires.

In Palawan a health officer is assigned to the Iwahig penal colony and another is stationed at the Culion leper colony.

The Moro Province has its own health service, so that under the existing arrangement no province in the Islands is left without medical supervision.

At the outset a practical and seemingly insurmountable difficulty to the carrying out of the proposed amendment presents itself. There are at present only three eligibles on the list of district health officers, and each of these is eligible not because he has taken an examination and qualified, but by virtue of the provision of the last paragraph of section 2 of Act No. 1487, to the effect that any regularly appointed person holding the office of president of the provincial board of health at the time of the passage of this Act shall be eligible for appointment, without examination, to the position of district health officer during a period of two years from the date on which this Act becomes effective. The amendatory Act, which strikes out this provision of section 2, removes these three men from the eligible list, and if adopted would leave us facing the necessity of appointing eighteen new district health officers without a single man on the eligible list. It is hardly to be anticipated that any such number of men could or would qualify by examination for these positions, while the scouring of them from the United States would involve very heavy expense and very long delay, if indeed it were to prove practicable to secure them at all.

It should be remembered that Act No. 307 provided in effect for a president of a provincial board of health of each province of the Archipelago. It was, however, never found practicable to appoint health officers to all the provinces for the reason that a number of provinces were too poor to pay the salaries and traveling expenses of such officers. It was, furthermore, determined by actual experience that in a number of instances

greater economy and efficiency could be secured by fusing two or more provinces into a single health district. However, before Act No. 1487, which abolished provincial boards of health and substituted therefor district health officers, was passed, the provincial boards of all provinces were communicated with and requested to express their views on the desirability or undesirability of the proposed change. The sentiment of the provinces was very decided for it, seventeen provinces being in favor of the establishment of such districts, eight opposed to such establishment, and the remainder either failing to answer or returning noncommittal replies.

Since the original districts were established in accordance with Act No. 1487, fusions and changes have been made as follows: Masbate has been made a part of the twelfth district instead of a part of the fourteenth district, at the suggestion of the provincial board of Romblon; a district has been established consisting of the Provinces of Capiz, Antique and Hoilo, with the approval of the governors of each of these provinces; a district has been established consisting of Cagayan and Isabela, with the approval of the provincial board of Cagayan.

It is evident, therefore, that if this Act were to be passed and a district health officer were to be assigned to each province, this action would be in opposition to the expressed and recorded opinion of the large majority of the provinces.

It is needless to go at this time fully into the reasons which influenced the Commission in passing Act No. 1487. They were similar to those which led to the abandonment of the attempt to keep a supervisor in each province and to the establishment of engineering districts, as well as those which led to the establishment of judicial districts and auditor's districts.

The proposed Act is, furthermore, open to the serious objection that, while not relieving the Director of Health of responsibility for health conditions throughout the Islands, it would deprive him of authority; and no officer would be justified in accepting such responsibility without due authority. It is inconceivable that the Director of Health could attempt to control health conditions in the provinces without being empowered to so much as recommend to the Commission the number or the stations of his most important assistants for the performance of sanitary work.

A summary statement of the opinions of provincial boards so far as received is transmitted herewith.

For these reasons it is recommended that further consideration of this bill be indefinitely postponed.

Very respectfully,

DEAN C. WORCESTER,  
*Committee on Matters Pertaining  
to the Department of the Interior.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

SUMMARY OF COMMENTS OF THE DIFFERENT PROVINCIAL BOARDS ON PROPOSED LAW ABOLISHING PROVINCIAL BOARDS OF HEALTH AND SUBSTITUTING THEREFOR DISTRICT HEALTH OFFICERS, ETC. (ACT NO. 1487).

*Antique*.—Offers no comment.

*Albay*.—Recommends passage of bill with slight modifications for convenience in administration. Suggests that health districts be coincident with engineer districts.

*Bataan*.—Renders unfavorable recommendation, and thinks that one doctor is insufficient for the service of a health district.

*Benguet*.—Offers no suggestions.

*Bohol*.—Not heard from.

*Bulacan*.—States that if the only object of the proposed law is to secure economy and such end will be attained thereby it sees no objection to its going into effect, but if more satisfactory health conditions are sought to be obtained through it, in order that the towns may undergo a real transformation in their sanitary life, it is of the opinion that the provincial boards of health should be continued, granting them, however, the ample powers which the proposed law confers upon the district health officers. In conclusion it says: "On any sanitary regulation that hereafter may be issued under this law, the opinion of the municipal councils and the provincial board, respectively, should be heard before same goes into effect."

*Cagayan*.—Recommends passage of bill, with the suggestion that expenses of the office of the district health officer be paid from Insular funds in the event of the abolition of the land tax in that province.

*Capiz*.—Recommends passage of bill for the reason that the expenses of the province would be reduced somewhat, although, viewing the matter from a sanitary standpoint, it does not think the change advantageous, as the district in which that province would be included would probably embrace several provinces.

*Cavite*.—Recommends passage of bill on the ground of economy, and states that "under the present system there are more administrative sanitary officers than are necessary, and the work now being done by each is scarcely commensurate with the amount expended in maintaining it."

*Cebu*.—Feels that section 8 should be amended in the sense that all the expenses of the central office of a health district should be paid out of the funds set aside for the maintenance of the Health Office; that section 9 presents a difficulty as to the president of a municipal board of health acting as district health officer, for the reason that during the time he is so acting he will have to abandon his duties in the municipality if circumstances require him to visit the provinces of his district; that section 14 should require presidents of municipal boards of health at places where there are provincial jails and leper hospitals to furnish gratuitous medical treatment to the persons confined in said establishments during the absence or incapacity of the district health officer.

*Ilocos Norte*.—Agrees to passage of bill on the ground of economy. No further recommendations are made.

*Ilocos Sur.*—Recommends speedy enactment of bill, with no further suggestions.

*Hoilo.*—Approves proposed law. Feels that section 21 should be limited to providing that the district health officer or his deputy shall be a member of all health boards in the district with right to recommend to the municipal president such health reforms as he may deem advisable and to appeal to the provincial board in case of disagreement, this recommendation being made for the preservation of the autonomy of the municipalities.

*Isabela.*—Recommends passage of bill, with no further suggestions.

*La Laguna.*—Opposes passage of the bill, stating that no economy would result therefrom as, in addition to the health officers and other agents and employees that the Director of Health is empowered to appoint, each of the district health officers may appoint sanitary inspectors; that boards of health have proven to be a necessity, and that, considering the increased area, the long distances between the several points of inspection, the traveling expenses entailed by the change into health districts, and the fact that one district health officer would have to attend to two or three provinces, the sanitary condition of the pueblos could not be better attended to.

*La Union.*—Provincial board makes no comment. An unfavorable report on this matter, however, was received from the provincial board of health.

*Lepanto-Bontoc.*—Thinks that the work of the health official if he were placed in charge of a larger territory would be rendered ineffective because of the difficulties of communication; states that there are no municipal boards of health or local officials who act in that capacity, the health official being the only physician in the province, and is of the opinion that one non-Christian province is enough territory for him to cover.

*Leyte.*—After consideration, the provincial board indorsed the passage of the proposed law, with the request that that province be declared a district by itself on account of the vast territorial area of the same, which comprises thirty-four municipalities and has only three municipal physicians.

*Masbate.*—Opposes the passage of the proposed law due to the fact that in the entire province there is not a single physician available in cases of emergency, and that in the event of an epidemic it will be impossible to obtain medical supplies and assistance with the required rapidity considering the great distance between the pueblos of the province and the station of the district health officer. Feels that the province should be furnished with a physician to give his undivided care to the health of its 43,675 inhabitants.

*Mindoro.*—Offers no comment other than its approval of the passage of the proposed law.

*Misamis.*—Suggests that each province in which there is no physician be considered a health district, and that the capital of a province in which there is no licentiate or doctor of medicine be made the headquarters of the health district; that provincial boards and municipal councils be

empowered to act with reference to applications for investigations, plans and appropriations for provincial or municipal public works of a sanitary character, in order that there may be no delay in the construction of a hospital or pest house at the time of an epidemic in a locality distant from the location of the district health office; and that the Director of Health in the organization or change of health districts hear the opinion of the provincial boards interested before deciding the matter.

*Nueva Ecija.*—Approves of passage of bill, but feels that the expense of the salaries of the district health officers and other officials and employees under them should be borne by the Insular Government and not by the provinces, fines collected under section 21 being turned into the treasury of the province in which collected to be used as part reimbursement for the expenses advanced by the Insular Government.

*Nueva Vizcaya.*—States that there is not a single physician in the province, except the surgeon in charge of the Constabulary hospital at Bayombong, who is now acting president of the provincial board of health, this arrangement being economical and efficient; that if the services of a district health officer stationed outside the province were required in an emergency he could not reach Bayombong under five days and to reach some of the remote stations of the province would require three days more hard travel; that the Constabulary hospital will continue to be a necessity there and the surgeon in charge should be given additional compensation and placed in charge of the provincial health work.

*Occidental Negros.*—Cables approval of proposed law on the ground of economy. No suggestions offered.

*Oriental Negros.*—Opposes the proposed legislation, and believes that ambulant medical inspectors of the health districts could not discharge their duties as promptly and diligently as the present presidents of the various provincial boards of health, an almost continuous inspection by a person interested in the public health of the province being required in view of the topographical conditions of the country and the customs and mode of life of a large number of the inhabitants of the Philippines.

*Pampanga.*—Indorses proposed law, recommending that the province designated as headquarters be required to furnish office room only and that all other expenses for clerical assistance, supplies, etc., be furnished and paid for by the Insular Government and charged against the various provinces constituting the district.

*Pangasinan.*—Is of the opinion that the passage of the proposed legislation would be beneficial to the provinces and the municipalities, and render the service more economical and efficient.

*Rizal.*—Wires full approval of the proposed legislation, without other comment.

*Romblon.*—Thinks that the proposed legislation would work well in the case of provinces where there are practicing physicians, but that in the case of Romblon, where there is not a single physician, it would be different, and the continuance of the provincial board of health is necessary. Provincial board asks that a special law be passed for their province in the event of the passage of the proposed legislation.



*Samar*.—Is opposed to proposed law and recommends the following: That all salaries of such district health officers, together with office supplies, etc., and all other expenses be paid by the Insular Government, that all district health officers be attached to the Insular Board of Health regardless of districts, they to be sent only to the provinces in cases of necessity, and that expenses in connection therewith be paid by the Insular Government.

*Sorsogon*.—Provincial secretary (without mentioning the provincial board) expresses his views in opposition to the proposed law, giving as his reasons therefor the fact that the services of the presidents of the provincial boards of health are inefficient enough at present, although they attend to only one province, and so much more would the district health officers be unable to properly perform their duties, considering that their activity extends over a larger territory, and that through the abolishment of the provincial boards of health the attendance to the prisoners in certain jails would be completely neglected.

*Surigao*.—"Finds the provisions contained in the proposed law very advantageous for the economic interests of the province and adaptable to present circumstances." However, it recommends in the event of abolition of provincial boards of health that Dr. Antonio Fernando, president of the board of health, be appointed district health officer.

*Tarlac*.—Provincial board not heard from.

*Tagabas*.—Provincial board not heard from.

*Zabales*.—Is in open opposition to the proposed law as curtailing the powers of the provincial board and creating more expenditures for the treasury. Thinks the law is rigorous and autocratic, and believes that the provincial board would be able to take charge of the sanitary affairs of the province, and asks for the abolishment of the provincial board of health as unnecessary. States that during the last years the provincial and municipal boards of health, with no president of the provincial board of health and presidents of the municipal boards of health, have been able to look after the sanitation of the province with more efficiency than when they had these officials.

The report of the committee was unanimously adopted.

*Ordered*, That the Secretary transmit a copy of the same to the Assembly, with notification of the action taken thereon.

[Committee Report No. 30.]

BAGUIO, BENGUET, April 22, 1908.

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of the Interior, to whom was referred, on February 18, 1908, Assembly Bill No. 135, entitled "An Act extending the provisions of section nine (b) of Act Numbered Fourteen hundred and seven to the cutting of timber of the first group," has examined the same, and has the honor to report as follows:

The object of this Act is doubtless to facilitate and encourage the construction of buildings of strong materials. This is a most worthy object,

with which your committee is in full sympathy; but on an examination of the Act intended to secure it, the following facts are noted:

1. Assembly Bill No. 135 does not embody the proposed amendment in exact language which might be incorporated into the Act which it is proposed to amend in compiling the laws of the Philippine Islands, but merely states the objects which it is proposed to attain. Your committee is of the opinion that the enactment of legislation in this form would needlessly complicate the labors of any committee to whom might be intrusted the work of compiling the laws of the Philippine Islands, and that all amendments to existing Acts should be stated in language which may be incorporated into the Acts themselves.

2. Not all timbers of the first group are suitable for house construction, ebony and camagon being of value for cabinet work only, and lanete being commonly used only for carving and ornamental work. It is thought that the provisions of this Act should apply specifically to the woods which are commonly desired for use in the construction of substantial buildings.

3. The quantity of timber that may be taken out is stated in cubic feet. It should be stated in cubic meters, in order to conform to the terminology of the Act which it is proposed to amend and to the provisions of existing law relative to the use of the metric system of weights and measures.

4. The proposed Act imposes no limitations as to the kind of buildings for the construction of which the free use of timber of the first group may be granted, and there is therefore nothing to prevent a man from pitting molave *harigues* into a house made of bamboo and cogon or nipa. It can not be said that there is no danger of such practices, for the undersigned has, in hundreds of instances, seen left standing *harigues* of first-group wood marking the positions of abandoned houses which have been otherwise constructed of the lightest materials. As the life of the remaining portions of houses constructed of such materials is at the most but a few years, it would be wasteful and wrong to allow the putting into them of *harigues* or framing timbers of timber like molave, which under favorable circumstances will last a century. There are large quantities of second-group timbers which are quite good enough to put in houses of this sort and which will outlast the other materials commonly used in such houses. Your committee is therefore strongly of the opinion that the free use of timber of the first group should be strictly confined to buildings of strong materials.

5. As is well known to the Commission, very grave abuses of the free-use privilege granted by Act No. 1407 have been detected in the provinces, and furthermore, serious difficulty has been created for the administrative officials of the Bureau of Forestry in connection with the inspection of the commercial cuttings of regular licensees, including companies holding large concessions. Not only have private persons cut timber of the lower groups in amounts enormously in excess of any possible private needs, but the general use of the forests in this way has made it possible for regular licensees and holders of important concessions to claim that unlawful cuttings of undersized trees and other failures to comply with forest regulations detected by officers of the Bureau of Forestry are made and committed by persons working under the free-use privilege. In order to remedy this

difficulty, it was deemed best ultimately to limit the exercise of the free-use privilege to communal forests, where it could be more closely watched and where these abuses could be prevented, and the Commission accordingly passed Act No. 1800 providing for the establishment of such communal forests and restricting the free-use privilege to these forests after they were established. This Act further provided regulations for the free use of first group timbers in such communal forests. It is believed that these latter provisions would be sufficient to meet the needs of the case were it practicable immediately to establish communal forests for every municipality of the Islands; but as the number of municipalities is very large and as the establishment of communal forests for them must necessarily proceed slowly, it seems to your committee that an amendment to existing legislation should be enacted so as to provide a way in which the first-group woods ordinarily used for structural purposes may be secured free of charge by persons who desire to erect for their own use buildings of strong materials.

It is not believed, however, that this privilege should be extended, except upon a certificate of the person who proposes to erect a building of strong materials that he will erect such building, or without a definite permit for the taking of the first-group wood desired, as otherwise it would be entirely impossible for the Bureau of Forestry to exercise any satisfactory check upon those who take advantage of this privilege, and the result which would naturally follow would be that first-group timber would rapidly disappear from accessible portions of many of the provinces where it is already becoming dangerously scarce.

The Act as passed by the Assembly limits the amount of timber which may be taken out under the provisions of the Act to a maximum of 500 cubic feet for each edifice. While this amount would doubtless be sufficient in most cases, it might not suffice in the case of very large buildings, while in the case of very small buildings it would be excessive. It seems desirable to your committee therefore to provide for the granting of the amount of timber which is *reasonably necessary* for the construction of the building proposed. This would certainly work no hardship on builders and would, on the contrary, make it possible for them to obtain free of cost the full amount necessary for the construction of a very large building.

Your committee therefore recommends that Assembly Bill No. 135 be amended as follows:

(1) By striking out all after the enacting clause and inserting in lieu thereof the following:

"SECTION 1. Paragraph (b) of section nine of Act Numbered Fourteen hundred and seven, entitled 'The Reorganization Act,' as amended by Act Numbered Eighteen hundred, is hereby amended to read as follows:

"(b) For the period of five years from the date of the passage of this Act any resident of the Philippine Islands may cut or take, or hire cut or taken, for himself from the public forests, without license and free of charge, such timber, other than timber of the first group, and such firewood, resins, other forest products, and stone or earth, as he may require

for house building, fencing, boat building, or other personal use of himself or his family. Timber thus cut without license shall not be sold nor shall it be exported from the province where cut, except as hereinafter authorized: *Provided*, That the Director of Forestry, with the approval of the Secretary of the Interior, may set aside for the use of the inhabitants of any municipality, township, or settlement a suitable tract of forest, which shall be known as a communal forest, and the privilege of cutting, taking, or hiring cut or taken from the public forest without license and free of charge such timber other than timber of the first group, and such firewood, resins, other forest products, and stone or earth, as any resident of the municipality may require for house building, fencing, boat building, or other personal use of himself or his family, shall then be exercised only within the communal forest thus set aside. Such communal forests shall be on lands more suitable for forestry than for agriculture. They shall be administered by the Director of Forestry, subject to the approval of the Secretary of the Interior, in such a way as to assure the people having rights therein of a continued supply of forest products necessary for their home use, and to this end the Director of Forestry may prescribe the species and sizes of trees that may be cut and the manner of removal of such trees or other forest products, stone, or earth. When there is no public forest land conveniently situated within the limits of a province to which any municipality, township, or settlement belongs, and when such public forest land exists in a neighboring province, it may be set aside as a communal forest for such municipality, township, or settlement, and timber cut in it without a license may then be exported from such communal forest to the municipality, township, or settlement in question. Exploitation of a communal forest for revenue shall be allowed only when the best interest of such forest demands cutting in excess of local needs. Such exploitation for revenue shall be carried on under license in the same manner and subject to the same conditions as in public forests. On satisfactory showing that a resident of any municipality, township, or settlement for which a communal forest has been set aside will erect a house of strong materials the Director of Forestry may issue or cause to be issued to such resident a written permit for the cutting within such communal forest of the requisite amount of first-group timber without charge, and such cutting shall then be lawful. Subject to the approval of the Secretary of the Interior, the Director of Forestry may issue rules for carrying out the provisions of this paragraph, and such rules may provide for the suspension or withdrawal from any person of the free-use privilege herein provided as a punishment for the violation of the Forest Act, as amended, the forest rules, or of the provisions of this paragraph and the rules promulgated hereunder: *And provided further*, That when a communal forest has not been set aside for the use of the inhabitants of any municipality, township, or settlement, any adult inhabitant of such municipality, township, or settlement may secure a permit to cut and use, free of charge, timber of the first group other than ebony, camagon, or lanete, under the following conditions: (1) He shall forward to the Director of Forestry, or to his duly authorized agent, a guaranty that he will construct

a building or buildings of strong materials for the personal use of himself or his family, stating the nature and size of such building or buildings and the character and approximate amounts of the materials which will enter into their construction. The guaranty shall bear upon it a statement from the president of the municipality or township or the headman of the settlement, as the case may be, to the effect that the applicant is a responsible resident of his municipality, township, or settlement, and that there is reason to believe that he is financially able to construct the proposed building or buildings and that he will do so. The applicant will state the amount and kind of first-group timber which he requests to be allowed to use for the building or buildings which he guarantees to erect, and the amount of timber requested shall not be in excess of that reasonably necessary for the construction of such building or buildings. Upon the receipt of such application the Director of Forestry, or his duly authorized agent, shall issue a free permit to cut the first-group timber reasonably necessary for the construction of such building or buildings. (2) The provisions of this section relative to the free use of timber of the first group shall be made applicable to any province by order of the Secretary of the Interior upon receipt by him of a resolution of the provincial board of such province requesting that they be made applicable to such province.

“Dealers in forest products, stone, or earth taken from the public forests shall pay the charges prescribed in article fourteen of Act Numbered Eleven hundred and eighty-nine, entitled “The Internal Revenue Law of Nineteen hundred and four,” on all such products taken by them. Every person, firm, or company whose business it is to sell timber or other forest products, stone, or earth shall be regarded as a dealer in such products within the meaning of this Act.”

“SEC. 2. This Act shall take effect on its passage.”

(2) By amending the title to read as follows:

“An Act amending Act Numbered Fourteen hundred and seven, entitled ‘The Reorganization Act,’ by providing for the free cutting and use of certain first-group timbers in buildings of strong materials.”

Very respectfully,

DEAN C. WORCESTER,  
*Committee on Matters Pertaining  
to the Department of the Interior.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the committee was accepted, and the amendments to assembly Bill No. 135 therein recommended were unanimously adopted.

On motion by Commissioner Forbes,

The bill was thereupon read the second time, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Forbes thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Worcester, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Assembly Bill No. 135, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendments.

ADJOURNMENT.

Thereupon, at 6 o'clock postmeridian,

On motion,

The Commission adjourned to meet at 3 o'clock and 30 minutes postmeridian, Friday, May 1, 1908.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

**BAGUIO, BENGUET, FRIDAY, MAY 1, 1908.**

The Commission met pursuant to adjournment.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### MORO PROVINCE.

The Secretary submitted to the Commission Acts Nos. 206 and 207 of the legislative council of the Moro Province, which acts had been forwarded to the Commission in accordance with the provisions of section 32 of Act No. 787 of the Philippine Commission.

On motion by Commissioner Worcester, it was

*Resolved*, That under and by virtue of the provisions of the Act of Congress of July first, nineteen hundred and two, and in accordance with the provisions of section thirty-two of Act of the Philippine Commission Numbered Seven hundred and eighty-seven, Act Numbered Two hundred and six of the legislative council of the Moro Province, passed March twenty-fourth, nineteen hundred and eight, entitled "An act appropriating the sum of thirty-four thousand and fifty-three pesos and nineteen centavos, Philippine currency, for sundry additional expenses of the government of the Moro Province, for the fiscal year ending June thirtieth, nineteen hundred and eight," and Act Numbered Two hundred and seven of the legislative council of the Moro Province, passed April seventh, nineteen hundred and eight, entitled "An act

further regulating the fishing for shells of marine mollusca in the Moro Province," be and the same are hereby approved.

At the direction of the President, the Secretary read a communication from the governor of the Moro Province, dated April 7, 1908, in which he questions the advisability of amending Act No. 51 of the legislative council of the Moro Province, relating to pearl fishing, and explains that Act No. 207 was passed by the legislative council solely because it was believed to be in accordance with the general wish of the Philippine Commission, provided no Act of Congress intervenes to make it null and void.

Referred to the Committee on Matters Pertaining to the Department of the Interior, for report.

[Committee Report No. 31.]

BAGUIO, BENGUET, *April 18, 1908.*

GENTLEMEN: Your Committee on Matters Pertaining to the Department of Finance and Justice, to whom was referred, on March 27, 1908, Commission Resolution No. 46, with reference to the amendment of section 2 of Act No. 51 of the Moro Province relating to pearl fishing, with instructions to take up with the Collector of Customs and the Attorney-General the question of whether the Commission has power, under the laws of Congress affecting the Philippine Islands, to issue licenses to vessels other than those built in the United States or in the Philippine Islands and owned by citizens of the United States or the Philippine Islands, having complied with the instructions of the Commission, has the honor to report that the Collector of Customs and the Attorney-General are apparently of the opinion that the Commission has power to grant licenses to vessels other than those built in the United States or the Philippine Islands and owned by citizens of the United States or the Philippine Islands to engage in pearl fishing in the Moro Province.

Your committee has the honor to report further that, since this proposed resolution was referred to him, the legislative council of the Moro Province has passed Act No. 207, entitled "An act further regulating the fishing for shells of marine mollusca in the Moro Province," which act accomplishes the purpose contemplated by said resolution.

It is, therefore, recommended that Commission Resolution No. 46 be not adopted.

Respectfully submitted.

JAMES F. SMITH,

*Committee on Matters Pertaining to the  
Department of Finance and Justice.*

The PHILIPPINE COMMISSION.

The report of the committee was unanimously adopted.



## MISCELLANEOUS COMMUNICATIONS.

The President presented the following communications:

A copy of the minutes of the proceedings of the session of the municipal council of Jamindan, Capiz, of March 30, 1908, embodying a resolution to reconsider and withdraw their resolution of recent date protesting against the increase in the salary of the Speaker and the per diems of the Delegates of the Philippine Assembly.

Ordered filed.

A letter from the municipal secretary of Aparri, Province of Cagayan, dated March 28, 1908, embodying a resolution of the municipal council of Aparri, requesting the Philippine Legislature to pass a law extending to August 31, 1908, the time for the payment of the cedula tax.

Referred to the Committee on Municipal and Provincial Governments, in connection with Assembly Bill No. 192.

A letter from the recorder of the provincial board of Occidental Negros, dated March 31, 1908, embodying a resolution adopted by the provincial board asking the passage of a bill introduced in the Assembly by Delegate Montilla, appropriating ₱250,000 for the purchase of agricultural machinery for distribution among the provinces, and requesting that the Province of Occidental Negros be given preferential treatment in such distribution, in view of the great loss of work animals in the province, due to disease which has not yet been eradicated.

Ordered filed, a copy of the same having been sent by the petitioners to the Assembly.

Letters from the municipal secretary of Calasiao, Pangasinan, and the municipal president of Malolos, Bulacan, dated April 18, and April 22, 1908, respectively, embodying resolutions of the municipal councils of said municipalities requesting the Philippine Legislature to pass the bill introduced in the Assembly by Delegate Rovira, of Oriental Negros, providing for a tax on friars entering the Philippine Islands.

Ordered filed.

A communication from the municipal secretary of Santa Barbara, Pangasinan, embodying a resolution of the municipal council, of

April 1, 1908, requesting the passage of a bill prepared by Commissioner Forbes, appropriating ₱1,500,000 from the Insular Treasury for the establishment of an irrigation system in the Philippine Islands.

Referred to the Committee on Matters Pertaining to the Department of Commerce and Police.

A communication from the Executive Secretary, informing the Commission of the receipt from Mr. Pedro Respall, artist, of a framed, large size, oil portrait of the late Honorable Arthur W. Fergusson, dedicated by the artist to the Philippine Commission.

*Ordered*, That the Secretary of the Commission make proper acknowledgment of the painting and the courtesy of the artist in dedicating the same to the Commission.

A communication from Emilio D. San Luis, third member of the provincial board of Surigao, dated March 14, 1908, complaining that the said provincial board has reduced the per diem of the third member from ₱15 to ₱7.50 and requesting that a law be passed limiting the action of provincial boards in such matters, fixing the per diems of third members in all provinces according to class, and defining their powers and duties.

*Ordered*, That the Secretary inform the petitioner that Act No. 1545 in its present form was passed upon the recommendation of all of the provincial governors and that the Commission has no power by itself to change the law as it stands, but that any change in its provisions must be brought about by the concurrent action of the Assembly and the Commission, and that in this connection it be suggested to the third member of the provincial board of Surigao that the fixing of the per diem of the position he occupies is part of the provincial autonomy and that ordinarily any injustice imposed by a provincial board in the exercise of the authority conferred upon it by law may be corrected at the next election by an appeal to the people, who, if they are capable of exercising local autonomy, will see that justice is done.

#### ENROLLED ACTS SIGNED.

The following Acts and resolution, in Spanish and English, having been found properly enrolled and signed by the President and Secretary of the Commission and the Speaker and Secretary

of the Assembly, the same were ordered filed with the custodian of legislative records, in accordance with law :

Act No. 1812 (C. B. No. 31). An Act providing for the filing with the division of archives, patents, copyrights, and trade-marks of the Executive Bureau of the contracts of mortgage executed by the Manila Railroad Company as security for the issuance of bonds and other obligations, creating and fixing upon the property covered by said instruments a lien at and from the time of filing the same, and exempting said instruments from the payment of stamp taxes, and for other purposes.

Act No. 1813 (C. B. No. 26). An Act authorizing the Governor-General to convey, under certain conditions and restrictions, insular property to provinces and municipalities of the Philippine Islands, to be used for public school purposes.

Act No. 1814 (A. B. No. 151). An Act to amend section one hundred and thirty-six of Act Numbered Three hundred and fifty-five, known as "The Philippine Customs Administrative Act," as amended by Act Numbered Thirteen hundred and forty-one, and authorizing the Insular Collector of Customs, with the approval of the Secretary of Finance and Justice, to regulate the manifesting of coastwise cargoes in certain particulars.

Act No. 1815 (A. B. No. 1). An Act providing for the cancellation, under certain conditions, of the unpaid balances remaining on loans made to certain provincial and municipal governments prior to the fifteenth of October, nineteen hundred and seven, out of the general funds of the Insular Treasury and of the United States Congressional relief fund.

Concurrent Resolution No. 5 (A. C. R. No. 9). Providing for the adjournment of the Assembly on Saturday, April fourth, nineteen hundred and eight, to meet again on Monday, April twenty-seventh, nineteen hundred and eight.

The following Acts of the Commission, in Spanish and English, having been found properly enrolled and signed by the President and Secretary of the Commission, were ordered filed with the custodian of legislative records, in accordance with law :

Act No. 1816 (C. B. No. 28). An Act to amend Act Numbered Thirteen hundred and ninety-six, entitled "The Special Provincial Government Act," so as to authorize courts of justices of the peace in the Provinces of Benguet, Lepanto-Bontoc, Nueva Vizcaya, and Agusan to try violations of township ordinances and to provide that the fees of justices of the peace in such cases shall be payable from township funds.

Act No. 1817 (C. B. No. 37). An Act to relieve sheriffs in provinces inhabited by Moros and other non-Christian tribes from the provisions of section twenty-three of Act Numbered One hundred and thirty-six, and providing for the giving of bonds by the sheriffs of such provinces.

## EXECUTIVE SESSION.

On motion by Commissioner Tavera,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see pp. 376-380.)

## ADJOURNMENT.

Thereupon, at 5 o'clock and 30 minutes postmeridian,

On motion,

The Commission adjourned to meet again on Monday, May 4, 1908, at 3 o'clock and 30 minutes postmeridian.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

**BAGUIO, BENGUET, TUESDAY, MAY 5, 1908.**

The Commission met pursuant to adjournment.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### RESOLUTION.

The President introduced the following resolution:

Commission Resolution No. 50. *Resolved*. That all action taken by the Commission on Friday, May first, nineteen hundred and eight, declared by a law enacted April thirtieth, nineteen hundred and eight, to be a public holiday, be and the same is hereby confirmed.

The resolution was unanimously adopted.

#### MISCELLANEOUS COMMUNICATIONS.

The President presented the following communications:

A communication from Florentino Alvarez and three hundred and six others of the municipality of San Pedro Tunasan, Province of La Laguna, advocating the passage of the bill introduced in the Assembly by Delegate Rovira providing for a tax on friars entering the Philippine Islands.

Ordered filed.

A communication from the municipal president of Dolores, Province of Ilocos Sur, requesting in the name of the municipal council of Dolores the passage by the Commission of the bill introduced in the Assembly by Delegate Rovira providing for a tax on friars entering the Philippine Islands and the bill introduced by Delegate

Paterno providing for the confiscation by the Government of all property of the Roman Catholic Church in the Islands.

Ordered filed.

EXECUTIVE SESSION.

On motion by Commissioner Forbes,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

ADJOURNMENT.

Thereupon, at 5 o'clock postmeridian.

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

**BAGUIO, BENGUET, SATURDAY, MAY 9, 1908.**

The Commission met at the call of the President, at 3 o'clock and 30 minutes postmeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### READING OF JOURNALS.

The Journals of Thursday, April 30, Friday, May 1, and Tuesday, May 5, 1908, were read and approved.

#### MESSAGE FROM THE ASSEMBLY.

MAY 5, 1908.

MR. PRESIDENT: I am directed to inform your honorable body that Commission Bill No. 40, entitled "An Act amending sections nine and eleven of Act Numbered Eleven hundred and twenty, entitled 'The Friar Lands Act,' providing for the manner of sale of unoccupied lands and the time within which deferred payments by purchasers of friar lands may be made," has been referred to the Committee on Friar Lands.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

Ordered filed.

#### MISCELLANEOUS COMMUNICATIONS.

The President presented the following communications:

A written announcement by the President of the Commission and the Speaker of the Assembly of the appointment of the committee provided for by Joint Resolution No. 8, as follows:

Whereas on February first, nineteen hundred and eight, the Philippine Legislature adopted the following joint resolution, to wit:

"Joint Resolution No. 8. Providing for the appointment of a committee for making recommendations regarding the enactment of a law on labor accidents.

*"Be it Resolved by the Philippine Commission and the Philippine Assembly, That they must state and hereby do state that it is their intention to pass, as soon as possible, an act regarding labor accidents, with such guaranties and just limitations as the principles generally accepted in the premises and local conditions may advise, and that for this purpose the Presidents of both Houses be authorized and directed to appoint a committee composed of members of one of the two Houses, or of both Houses, or of members of either of the two Houses and private citizens, the said committee to prepare and submit to the President of the Commission and the Speaker of the Assembly its recommendations on the Labor Accident Bill presented by the Representative for the Second District of Manila, Honorable Fernando Ma. Guerrero, and the said committee to study, prepare, and submit also any other recommendations deemed pertinent in the premises."*

Now, therefore, we, James F. Smith, President of the Philippine Commission, and Sergio Osmeña, Speaker of the Philippine Assembly, do hereby appoint Honorable W. Cameron Forbes, Secretary of Commerce and Police; Honorable Adriano Hernandez, chairman, Committee on Industry and Commerce; Honorable Fernando Ma. Guerrero, chairman, Committee on City of Manila; Honorable Matias Gonzales, chairman, Committee on Interior Government; Honorable Agustin Montilla, member, Philippine Assembly; Honorable Rafael Palma chairman Committee on Railroads and Franchises; Honorable Irineo Javier, member, Philippine Assembly; Mr. Vicente D. Fernandez, president, Filipino Chamber of Commerce; Mr. José Rosales, president, Spanish Chamber of Commerce; Mr. John Gibson, president, Manila Chamber of Commerce and of the Merchants' Association; Mr. José Robles Lahesa; Mr. T. C. Kinney; Mr. Charles B. Graves, vice-president and general manager, Manila Electric Railroad and Light Company; Mr. Ramon Diokno, president, Union del Trabajo de Filipinas; Mr. Victor Martinez, president, Asociación de Maquinistas Navales y Terrestres; Mr. Felipe G. Calderon; Mr. Lope K. Santos; Mr. Wickham Quinan, general manager, Atlantic, Gulf and Pacific Company; Dr. Ariston Bautista Lin; Mr. Hermenegildo Cruz, and the chairman of the Committee on Labor, Philippine Assembly, when appointed, a committee for the purpose of submitting to the President of the Commission and the Speaker of the Assembly its recommendations on the Labor Accident Bill presented by the Delegate from the Second Assembly District of Manila, Honorable Fernando Ma. Guerrero, and also to study, prepare, and submit any other recommendation deemed pertinent in the premises.

Given under our own hands at the city of Manila this thirtieth day of April, nineteen hundred and eight.

JAMES F. SMITH,

*President, Philippine Commission.*

SERGIO OSMEÑA,

*Speaker, Philippine Assembly.*



Ordered filed, after each member of the committee has been furnished with a copy thereof, together with a copy of the Labor Accident Bill introduced in the Assembly by the Representative for the Second District of Manila, Honorable Fernando Ma. Guerrero.

A communication from the municipal president of Victoria, Province of Tarlac, inclosing a copy of a resolution adopted by the municipal council of Victoria, requesting the passage without discussion of the bill introduced in the Assembly by Delegate Ruiz, providing for the partial suspension of the cedula tax for ten years and the amendment of the Internal Revenue Law.

Ordered filed, after proper acknowledgment by the Secretary.

A communication from the municipal presidents of Laoag, Province of Ilocos Norte, and Pasig, Province of Rizal, dated April 28, and April 30, 1908, respectively, inclosing resolutions of the municipal councils of the said municipalities, advocating the passage of the Rovira bill and the Paterno bill introduced in the Assembly, placing a tax on friars entering the Philippine Islands, and confiscating to the Government all property of the Roman Catholic Church in the Islands, respectively.

Ordered filed, after proper acknowledgment by the Secretary.

A communication, signed by Gertrudo de los Reyes and one hundred and twenty-four others of the municipality of Santa Cruz, Province of La Laguna, stating that at a public meeting held in that municipality on April 12, 1908, resolutions were adopted approving the statements made by the Resident Commissioners in the United States regarding the capacity of the Filipino people for self-government, and requesting that the bill introduced in the Assembly by Delegate Rovira, entitled "The Religious Corporations Act," be passed.

Ordered filed, after proper acknowledgment by the Secretary.

A communication from the municipal secretary of Ilog, Province of Occidental Negros, dated April 22, 1908, embodying a resolution of the municipal council of Ilog advocating the passage of the bill introduced in the Assembly by Delegate Montilla appropriating ₱250,000 for the purchase of machinery to be distributed throughout the provinces.

Ordered filed, after proper acknowledgment by the Secretary.

A communication from the municipal president of Libmanan, Province of Ambos Camarines, embodying a resolution adopted

by the municipal council of Libmanan protesting against the increase in the per diems of the Delegates to the Philippine Assembly.

Referred to the President, on his own motion.

A communication from the president of the Labor Union of the Philippines, as follows:

[Translation.]

CITY OF MANILA, P. I., *May 3, 1908.*

*The Honorable Philippine Assembly and the Honorable Philippine Commission.*

ILLUSTRIOUS AND HONORABLE GENTLEMEN: The laboring class of the Islands, having met on this date in a grand general assembly in the Rizal Theater, at the call of the Philippine Labor Union, for the celebration of the Labor Day holiday of this year, fully appreciating the benefit which it has just received from the Philippine Legislature by the prompt enactment of the Labor Day Bill, have resolved to send a message of acknowledgment and profound gratitude to that high power. The laborers desire to make known that the Act referred to is one which has been desired and longed for by the class to which they belong ever since they have been conscious of collective life and have been familiar with the history of their comrades across the seas. The passage of the said bill fills one of the greatest and most pressing necessities which the Filipino proletariat has felt in its soul and for this reason the action of the Legislature fills its soul with immense satisfaction. The Act of the Legislature in recognizing the right of the laborers to glorify labor is considered by them as an indication of the sympathy of the legislators of the fatherland for this suffering and unredeemed class, and they have and will retain engraved in their hearts a warm appreciation of that sympathy. We are deeply thankful for the concession of the new law, and we assure the Legislature that the laborers will not be unthankful and never will fail to properly observe the legal holiday which has been granted them. For the laborers, Labor Day is not merely a day of gayety and dissipation; rather than that, it is a day of study and general meditation, and of struggle and campaign in the conquest of the rights of the sons of labor.

The laborers hope in this way to contribute to the felicity and well-being of the Filipino people.

The first part of the message having been stated, the laborers also desire to present several petitions to the Legislature, which were formulated after careful study on their part.

The petitions are as follows:

1. The passage of the Guerrero Labor Accident Bill, as soon as may be within the present period of the regular session of the Legislature, extending its provisions so as to cover cases of sickness and old age.

2. The passage of a law creating a Bureau or Division of Labor, similar to the one which exists in nearly all the States of the United States, to

secure the strict enforcement of the laws in favor of the working class and for the due and adequate protection of the rights and interests of the proletariat.

3. The passage of a law regulating the hours of labor of laborers in general, and of women and children in particular, so that the maximum hours of labor for the former shall not exceed eight; so that women may be given an opportunity to attend to their maternal duties without being exposed to loss of employment, and so that there shall be a school for children which they must attend at the expense of the employer, a less number of hours of work being fixed for the two latter. The law should fix the hours of the day during which work may be required to be done during the hot season, the obligation of the employer to pay for overtime, and a penalty for employers who dismiss or threaten to dismiss laborers to make them work more than the time fixed by law.

4. The passage of a law compelling employers to put up a bond in favor of their laborers for the amount of their wages for three months, depositing the bond in the Bureau of Labor (or in its absence with the executive chief of the locality), and ordering justices of the peace to accept and register complaints without the payment in advance of the court's fees, and to permit and accept appeals to the proper Court of First Instance in cases of actions for the collection of wages, if the plaintiff laborer or laborers swear in legal form that they can not pay in advance. A penalty should be fixed for each infraction of the law.

5. Reduction of the personal cedula and road taxes.

6. The absolute burial in the proper committee of the Philippine Assembly, or its total rejection by this or by both Houses, of the Paterno Bill on Chinese immigration, the most unpopular and most unjust bill which has been introduced in the Philippine Assembly, and which, if passed, would accentuate the crisis and misery of the working class and (Oh, that it may not happen!) would increase the number of vagrants and criminals.

7. The repeal of section 543 of the present Penal Code which penalizes agreements to raise the price of labor or to regulate its conditions.

The laborers believe that the grounds on which the foregoing petitions are based will not be hidden from the clear penetration of the Legislature, and for that reason, and for the sake of brevity, refrain from stating them in the present document. We confidently expect that we shall merit from that high power the laws which in justice and equity we solicit.

Receive, illustrious and honorable gentlemen, the testimony of the most distinguished consideration of the working class.

Very respectfully,

RAMON DIOKNO,

*President of the Labor Union of the Philippines.*

Ordered referred to the Special Labor Committee appointed by the President of the Commission and the Speaker of the Assembly in accordance with the provisions of Joint Resolution No. 8.

## REPORTS OF STANDING COMMITTEES.

[Committee Report No. 32.]

BAGUIO, BENGUET, *May 5, 1908.*

MR. PRESIDENT: Your Committee on Municipal and Provincial Governments, to whom was referred, on April 30, 1908, Assembly Bill No. 192, entitled "An Act empowering the provincial boards of the provinces that have adopted the double cedula tax to postpone the period for the payment of the land and cedula taxes for the year nineteen hundred and eight to September thirtieth of said year," has the honor to report the same back to the Commission with the recommendation that it pass with the amendments agreed upon by the Commission and the committee of the Assembly in conference on Monday, May 4, 1908, viz:

Section 1, page 1, lines 4 and 5, strike out the words "to September thirtieth, nineteen hundred and eight, inclusive," and insert in lieu thereof the words "to and including June thirtieth, nineteen hundred and eight."

Amend the title to read as follows:

"An Act to empower the Provincial Boards of the Provinces that have adopted the double cedula tax to postpone the period for the payment without penalty of the cedula tax for the year nineteen hundred and eight to June thirtieth, nineteen hundred and eight, and empowering the provincial boards of all provinces, with the exception of Cagayan and Isabela, to postpone the payment without penalty of the land tax for the year nineteen hundred and eight to September thirtieth of said year."

Very respectfully,

T. H. PARDO DE TAVERA,  
*Chairman of Committee.*

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the Committee on Municipal and Provincial Governments on Assembly Bill No. 192 was accepted, and the amendments therein recommended were adopted.

By unanimous consent, the bill as amended was thereupon read the second time, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

Commissioner Tavera moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, the roll was called, and Assembly Bill No. 192, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendments.

## EXECUTIVE SESSION.

On motion by Commissioner Forbes,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

## ADJOURNMENT.

Thereupon, at 5 o'clock postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

**BAGUIO, BENGUET, MONDAY, MAY 11, 1908.**

The Commission met at the call of the President at 3 o'clock and 30 minutes postmeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### READING OF JOURNAL.

The Journal of Saturday, May 9, 1908, was read and approved.

#### MESSAGES FROM THE ASSEMBLY.

MAY 7, 1908.

MR. PRESIDENT: I am directed by the Assembly to inform your honorable body that Commission Bill No. 17, entitled "An Act to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams," with the amendments of the Commission to those of the Assembly, was referred to the Committee on Posts and Telegraphs.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

Ordered filed.

MAY 8, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 211), entitled "An Act providing for the expenditure of seventeen thousand dollars, United States currency, for salary and traveling expenses of a Delegate from the Philippine Islands and subordinate personnel to attend the International Navigation Conference to be held from the twenty-eighth of May, nineteen hundred and eight, in Saint Petersburg, Russia, and for other purposes,"

passed the Assembly on May 8, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,

*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

By unanimous consent, Assembly Bill No. 211 was read the first and second times, and was then considered by the Commission in Committee of the Whole. It was reported to the Commission with the recommendation that it pass.

Commissioner Worcester moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was carried as follows:

Yeas: Commissioners Worcester, Tavera, Luzuriaga, and the President;

Nays: Commissioner Forbes.

At the direction of the President, the bill was read the third time.

Commissioner Forbes thereupon moved the adoption of the following amendment:

Section 1, page 1, lines 1 and 2, strike out the words "seventeen thousand dollars, United States currency," and insert in lieu thereof the words "four thousand pesos;" same section, same page, lines 6 and 7, strike out the words "and of subordinate personnel";

Section 2, page 1, lines 12 and 13, strike out the words "one thousand five hundred dollars, United States currency," and insert in lieu thereof the words "three hundred pesos";

Section 3, strike out in its entirety;

Section 4, lines 16 and 17, strike out the words "of his own salary and that of his subordinate personnel" and insert in lieu thereof the words "of his salary."

There being no second to the motion, the President declared the same lost.

The question then being upon the passage of the bill,

On motion by Commissioner Forbes,

The roll was called, with the following result:

Yeas: Commissioners Worcester, Tavera, Luzuriaga, and the President;

Nays: Commissioner Forbes.

A majority having voted in favor of Assembly Bill No. 211, the

President declared the bill passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

EXPLANATIONS OF VOTES.

Commissioner FORBES. I voted "no" on the bill appropriating the sum of \$17,000, gold, to send a delegate to the International Navigation Conference at St. Petersburg.

I voted "no" because the amount is altogether too high to accomplish the purpose sought, which could perfectly well be accomplished with a fraction of that amount. I believe \$4,000 would be ample for this purpose.

I believe delegates, worthy in every way to represent the interests of the country, could be found who would be willing to go for their expenses only, as the mission is a very dignified one.

I gather that members of the Commission believe that this amount is too high but that they are voting for its passage for some effect which this will have upon further relations with the Assembly.

The undersigned does not believe that the position thus reached will prove to be of the least value for the purposes sought, but, on the other hand, will prove to be a source of weakness rather than one of strength.

If the Assembly have erred in voting this large sum of money for this purpose, the Commission by voting the same way will have erred equally, and possibly even more than the Assembly, because the Commission have had experience in matters of this kind and know better, whereas the Assembly is new and not experienced in proportions and values. It seems that a dignified position for the Commission to take in this matter would be to set the Assembly right by standing between them and their making the error of an improper expenditure of public funds, rather than put themselves in the position of supporting this measure and therefore leading the Assembly to believe that the Commission agree with them as to the propriety of this use of public funds.

To pass such a measure in the belief that by permitting the Assembly to put themselves in a wrong position we have gained something I believe to be wholly unjustifiable, and think the results will not be what are expected.

It is also the custom in our legislation to express the values in



pesos, which custom has been uniformly maintained for several years. The only possible reason for expressing the values in this appropriation in dollars is to give an appearance of a smaller amount.

The PRESIDENT. I am inclined to believe that the amount appropriated by the Assembly is altogether too large. I think that about ₱1,500 per month would have been sufficient compensation for the delegate, and that the appropriation for subordinate personnel is entirely unnecessary. A secretary for the delegate might have some work to do in preparing a report of what had been accomplished by the Congress, but as the International Conference on Navigation will probably print its proceedings and furnish a copy thereof to all governments represented it is doubtful if the secretary's position would be little better than a sinecure. What amount should be allowed is not a question of right or wrong, but rather one of taste and the disposition of the people to be represented. As a rule, the people of the United States do not desire that their representatives should devote themselves to making a show or that the importance of the Government should be manifested by the amount spent in representation. Unfortunately, the Filipino people have a different taste in these matters, and I think they should have their way with this first delegate to an international conference, hoping, however, that the oriental taste for show will undergo a change as time passes. This is the first time that the Filipino people have had an opportunity, at least under the American régime, of sending a delegate to an international affair, and any modification of the bill upon the part of the Commission, especially in the way of reducing what the Assembly thought was a proper amount to allow the delegate for his services and expenses, would bear the appearance of an attempt upon the part of the Commission to hinder and hamper the sending of any representative to the conference. This interpretation of the action of the Commission would be strengthened by reason of the fact that the bill would have to be returned to the Assembly for concurrence in the amendment, which would so delay matters as to wholly defeat the desire of the people to send a delegate. The Congress meets on the 28th of May, and evil-minded persons, who are not few in number in the Philippine Islands, would say that there was never any intention to send a delegate and that the invitation to participate was accepted for appearance's sake and with the set

purpose of nullifying the acceptance by indirection. As I have said before, it seems to me that it is worth ₱17,000 not to create so erroneous an impression among the body and mass of the Filipino people, especially as this is the first session of the Philippine Legislature. Some members of the Appropriation Committee spoke with me at the time this bill was under consideration by them, and they stated that several of the members were in favor of fixing a salary of ₱1,500 per month, and asked me whether I thought that that was too much of an allowance for the delegate to this Congress. I considered that 1,500 *pesos* would properly compensate him for his services, and I expressed my opinion that that was not an unreasonable amount to allow. There was nothing, however, said about fixing \$1,500, *gold*, per month. I admit that I derive some comfort from the compensation fixed by the Assembly for its delegate to the St. Petersburg conference. I began to doubt as to whether the salaries fixed by the Commission for its officers and employees, who work some seven, eight, nine, or even ten hours a day in a tropical climate might not be too high. In view of the compensation for this delegate, however, I am certain that the Commission has not been unwise or at all extravagant in fixing the salaries of the various officers and employees of the Philippine Government. As I said before, however, I think that even the sum that has been appropriated is worth more to the situation than the creation of a false impression among the body of the people as to the designs of the Commission. I have always been convinced, ever since definite steps were taken for the organization of the Philippine Assembly, that the upper Chamber could not accomplish anything by constant opposition to every measure that was adopted by the lower House, representatives to which are elected by the people, and that in the interests of important results to be achieved the Commission should cede something to the Assembly in minor matters and in matters not vital to the situation. To create in the minds of the Assemblymen, and consequently in the minds of the people who elected them, the impression that the Commission is an opposing body instead of a coöperative one would be most unfortunate. It will be necessary, and has been necessary, during the first two sessions of the Legislature to defeat some bills that were passed in the Assembly, which if enacted into law would have resulted badly for the people or would have been in violation of interests which the Government is bound to conserve.

If in every case of difference of opinion between the two Chambers the Commission adopts the policy of yielding nothing to the lower House relations will become so constrained that effective coöperation between the two Houses will become impossible, and such condition would certainly not conduce greatly to the public welfare.

Commissioner WORCESTER. I cast my vote in favor of this bill because, in view of the fact that the time was exceedingly short before the convening of the International Navigation Congress, it seemed to me that the sending back of the bill would in itself involve delay of a very embarrassing nature, and that it was not worth while to return the bill for the reason that it expressed a certain sum of money in dollars when it was customary for us in our legislation to express money values in pesos. So far as the amount is concerned, I am frank in saying that my vote in favor of the bill was influenced by the fact that there seemed to be a disposition on the part of the Assembly to do things which while inadvisable would receive popular approval, leaving to the Commission the unpopular but necessary action of defeating such measures. Therefore, I was willing to take my share of the responsibility of allowing one of these measures of the Assembly to go before the public, so that it may see what the exact attitude of the Assembly itself was on some propositions of this sort, and I felt willing to do this especially in view of the fact that there was at the time an opportunity for the Commission to originate a measure of its own providing for the sending of two delegates to the International Congress on Tuberculosis, a much more important Congress for the Filipino people than the Navigation Congress, in connection with which measure it was possible for us to put ourselves on record as to our ideas relative to the compensation and expenses which are fitting under such circumstances; so that it would remain for the Assembly to concur in the allowances we provided or to increase the amount if it saw fit. We shall, therefore, have an opportunity to see whether the Assembly is really convinced that these very large allowances, such as they have provided for the delegate to the Navigation Congress, should be made, when on *it* must rest the responsibility of the final action.

Commissioner TAVERA. It appears to me that the amount of \$17,000, United States currency, is a very large sum for the sending of a representative to the International Navigation Congress at St. Petersburg. However, I agreed to this amount, because it

appeared to me that it was the intention of the Assembly to offer a good salary, in order that the Government would be enabled to send to that conference a navigator or a Filipino merchant perfectly familiar with the subject of navigation. Most persons capable of filling this position are chiefs of important shipping or commercial houses, and it is certain that they would not accept the position without a very high remuneration. For that reason I voted for this bill, that is, in order that a representative truly capable of speaking confidently on questions of navigation could be induced to go to this Congress, in view of the honor of the position and in consideration of the salary allowed.

Commissioner LUZURIAGA. After the consideration presented to the Commission by Commissioner Forbes to explain his voting against the Assembly bill appropriating \$17,000, gold, for the salary and expenses of the delegate, and his secretary, who is to represent the Government of these Islands at the International Navigation Conference which will take place at St. Petersburg, I wish to state that I voted with the majority, not only for reasons similar to those stated here by the Governor-General and by Commissioner Pardo de Tavera, but also because, this being the first time that opportunity is given the Filipino people to have a representative in an International Congress of such importance as that, I believed, and I still believe, that it is not opportune in this case to consider too seriously the above-mentioned sum of \$17,000 voted by the Assembly, and that from a patriotic point of view I ought not to oppose the passage of said bill as it stands, since its purpose is inspired by the natural desire to put the dignity and prestige of the Filipino people in their proper place.

MAY 6, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 204), entitled "An Act abolishing the Bureaus of Lands and of Forestry, and creating instead thereof one single Bureau to be known as the Bureau of Forests and Lands," passed the Assembly on May 2, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

Assembly Bill No. 204 was read the first time, and referred to the Committee on Matters Pertaining to the Department of the Interior.

MAY 6, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 106), entitled "An Act temporarily to provide an appropriation of one hundred and ninety thousand eight hundred pesos for salaries of teachers in barrio schools, under certain conditions," passed the Assembly on May 2, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Baguio, Benguet.*

Assembly Bill No. 106 was read the first time, whereupon the President, by unanimous consent, introduced the following resolution:

Whereas Assembly Bill Numbered One hundred and six, entitled "An Act temporarily to provide an appropriation of one hundred and ninety thousand eight hundred pesos for salaries of teachers in barrio schools, under certain conditions," is really an appropriation for the Bureau of Education; and

Whereas the advisability of making such an appropriation can only be determined upon consideration of the entire appropriation bill and after a knowledge of the wants and necessities of other Departments of the Government and of the funds on hand available for appropriation: Now, therefore, be it

*Resolved*, That Assembly Bill Numbered One hundred and six be, and is hereby, referred to the Committee on Appropriations of the Commission for presentation by said committee to the Commission at the time of the consideration of the regular annual appropriation bill.

The resolution was unanimously adopted.

*Ordered*. That the Secretary furnish a copy thereof to the Assembly.

#### MISCELLANEOUS COMMUNICATIONS.

At the direction of the President, the Secretary read the following indorsement from the Attorney-General on a letter from the Spanish consul-general, dated February 12, 1908, notifying the Governor-General that, as the representative of the Spanish Government in the Philippines, he reserved the right to intervene in the suit which it was proposed to bring against the Monte de Piedad for the recovery of the funds belonging to the subscription raised

for the sufferers in the earthquake of 1863, deposited with said institution:

[Second indorsement.]

THE GOVERNMENT OF THE PHILIPPINE ISLANDS,  
OFFICE OF THE ATTORNEY-GENERAL,  
*Manila, May 7, 1908.*

Respectfully returned to the Secretary of the Philippine Commission.

The money raised by subscription for the sufferers from the earthquake in 1863 certainly has not passed to the ownership of the United States Government by virtue of the treaty of Paris. Said money is a trust fund which should be distributed to the sufferers whose names are given on a list published in the *Gaceta Oficial de Manila* of April 7, 1870. The Spanish Government was not the owner of said funds; it only provided for the administration of the same by a central relief committee, which can no longer perform its duty. The persons entitled to said funds being residents of these Islands, and the residue thereof being deposited with the Monte de Piedad here, it is evident that the appointment of a trustee to take charge of the funds on behalf of the beneficiaries and distribute the same among them is incumbent upon the Government of the United States and not upon that of Spain.

For the foregoing reasons, I believe it is within the power of the Legislature to pass the law objected to by the Spanish consul-general in Manila.

GREGORIO ARANETA, *Attorney-General.*

*Ordered,* That a copy of the indorsement be furnished the Spanish consul-general, for his information.

At the direction of the President, the Secretary read a summary of a verbatim report of the proceedings of a meeting held by the special committee on the organization of an agricultural bank in the Philippine Islands, on March 10, 1908.

Ordered filed.

The President presented a claim by Dr. Clarence L. Miner, formerly an officer in the Philippines Constabulary, for reimbursement for the loss in the fire which destroyed the Constabulary Hospital at Tuguegarao, Cagayan, on August 19, 1907, of certain instruments and books, valued by him at ₱4,887, in which he stated that he was willing to accept ₱2,000 in full settlement of his claim rather than incur the delay which the presentation of the case to the Philippine Legislature would necessarily entail.

Referred to the Committee on Matters Pertaining to the Department of Commerce and Police.

At the direction of the President, the Secretary read a communication from Honorable Carlos A. Imperial, Delegate in the Philippine Assembly from the Province of Albay, requesting that if the

Commission is not ready to decide definitely the claim of the late Ramon F. Santos for reimbursement in the sum of ₱11,592.23, the value of certain hemp alleged to have been his property confiscated by the military authorities during the late insurrection, a competent person in whom the Government has confidence be appointed to investigate the case further, with a view of securing such additional evidence as may be required.

*Ordered,* That the Secretary inform Mr. Imperial that the Commission, no longer being the sole legislative body of the Islands, would have no right to allow the claim in question, and that if the claim is allowed at all it should be provided for in the pending appropriation bill.

The President presented the following communications:

Two certified copies of resolutions of the municipal council of Tabaco, Province of Albay, of May 4, 1908, one recommending the passage of the bill introduced in the Assembly by Delegate Rovira, of Oriental Negros, imposing a tax on friars, and the other recommending the passage of the bill introduced in the Assembly by Delegate Paterno, declaring all property used and occupied by the Roman Catholic Church in the Islands to be the property of the Philippine Government.

Ordered filed, after proper acknowledgment by the Secretary.

A letter from the municipal secretary of Paombong, Province of Bulacan, inclosing a certified copy of a resolution of the municipal council of Paombong, requesting the passage of the so-called Rovira Bill, placing a tax on friars entering the Philippine Islands.

Ordered filed, after proper acknowledgment by the Secretary.

A communication from the municipal secretary of Indan, Cavite, embodying a resolution of the municipal council of Indan, congratulating Delegate Leopoldo Rovira for his happy idea in drafting the bill with reference to the regulation of religious corporations, and advocating its immediate passage by the Legislature.

Ordered filed, after proper acknowledgment by the Secretary.

#### INTRODUCTION AND PASSAGE OF BILL.

Commissioner Worcester introduced the following bill:

Commission Bill No. 45. An Act providing for the expenditure of four thousand pesos for traveling expenses and subsistence of two delegates from the Philippine Islands to the International Congress on Tuberculosis, to be held at Washington, District of Columbia, from September twenty-ninth to October twelfth, nineteen hundred and eight.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 45 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

#### INTRODUCTION OF BILL.

The President introduced the following bill:

Commission Bill No. 46. An Act amending subsections four and five of section five hundred and eighteen and subsection one of section five hundred and thirty-four of the Penal Code, prescribing the penalties to be imposed for the violation of said section.

Commission Bill No. 46 was read the first time, and referred to the Committee on Matters Pertaining to the Department of Finance and Justice.

#### EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 380.)

#### ADJOURNMENT.

Thereupon, at 6 o'clock postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*



# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

**BAGUIO, BENGUET, FRIDAY, MAY 15, 1908.**

The Commission met at the call of the President at 3 o'clock postmeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### MESSAGES FROM THE ASSEMBLY.

MAY 12, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the amendments made by the Commission to Assembly Concurrent Resolution No. 4, entitled "Concurrent Resolution authorizing the Executive Secretary to make contracts with several newspapers for the publication of the Acts, Joint and Concurrent Resolutions, and advertisements of the Philippine Legislature, the executive orders of the Governor-General, and other official notices of the Government of the Philippines," passed the Assembly on May 11, 1908, without amendment.

Very respectfully,

GREGORIO NIEVA,

*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

*Ordered,* That the message be filed with the resolution.

MAY 6, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 197), entitled "An Act abolishing the Bureau of Civil Service and organizing in its stead a division which shall be known by the name of "division of civil service"

and which shall be attached to the Bureau of Audits," passed the Assembly on May 2, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

Assembly Bill No. 197 was read the first time, and referred to the Committee on Matters Pertaining to Bureaus under the Executive Control of the Governor-General.

MAY 9, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 210), entitled "An Act providing for the construction of the national capitol of the Philippines," passed the Assembly on May 6, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

Assembly Bill No. 210 was read the first time, and referred to the Committee on Matters Pertaining to the Department of Commerce and Police, the Bureau of Public Works being under the executive control of the Department of Commerce and Police.

MAY 9, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 213), entitled "An Act providing for the establishment of the national library of the Philippines, creating a library bureau, and for other purposes," passed the Assembly on May 5, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

Assembly Bill No. 213 was read the first time, and referred to the Committee on Matters Pertaining to the Department of Public Instruction.

#### THIRD READING OF BILL.

Commissioner Luzuriaga moved that Commission Bill No. 10, entitled "A Bill to provide that on and after January first, nineteen hundred and eight, all notices, announcements, and advertisements

of the Insular Government shall be published in the Official Gazette," read the first and second times and passed on file on January 4, 1908, be taken up and disposed of.

The motion prevailed.

Commission Bill No. 10 was thereupon read the third time.

Commissioner Luzuriaga thereupon moved that further consideration of the bill be indefinitely postponed.

The motion prevailed.

#### MISCELLANEOUS COMMUNICATIONS.

The President presented the following communication:

A letter from S. Adriano Villa, dated Manila, May 2, 1908, inclosing a copy of a petition which he states was signed by sixty thousand residents of Manila and Cavite and presented to the Philippine Assembly, advocating the passage of the so-called Rovira Bill, placing a tax on friars entering the Philippine Islands, and the so-called Paterno Bill, providing for the confiscation of all property in the Islands belonging to the Roman Catholic Church.

Ordered filed, after proper acknowledgment by the Secretary.

Also, communications from the municipal presidents of Pontevedra, Occidental Negros, Narvacan, Ilocos Sur, and Polo, Bulacan, inclosing copies of resolutions adopted by the municipal councils of said municipalities on April 18, 1908, April 25, 1908, and May 7, 1908, respectively, and a copy of a resolution of the municipal council of Bayambang, Province of Pangasinan, adopted on May 13, 1908, advocating the passage of the so-called Rovira and Paterno Bills, placing a tax on friars, and confiscating all property of the Roman Catholic Church in the Islands, respectively.

Ordered filed, after proper acknowledgment by the Secretary.

Also, a communication from J. W. Beardsley, Director of Public Works, dated April 24, 1908, calling attention to the difficulties experienced in securing a competent Assistant Director of Public Works.

Referred to the Committee on Appropriations.

Also, a communication from the Acting Director of the Philippines Constabulary, forwarding for consideration, in connection with the recommendation of the Committee on Appropriations of the Assembly reducing the Constabulary force by eleven companies and twenty-two officers, a communication from Senior Inspector

Henry Knauber, Constabulary of the Province of Cagayan, dated February 28, 1908, calling attention to the urgent necessity for an additional company of Constabulary in his district, which with its present force the Bureau of Constabulary is unable to supply.

Referred to the Committee on Appropriations.

Also, a communication signed by Felipe G. Calderon, president of the Merchant Marine Association of the Philippines, dated May 11, 1908, commending the work of the Bureau of Navigation in the establishment of light-houses throughout the Islands, and requesting that appropriation be made for the placing of additional lights and buoys in different waters of the Archipelago.

Referred to the Committee on Appropriations.

#### REPORTS OF STANDING COMMITTEES.

[Committee Report No. 33.]

BAGUIO, BENGUET, *April 6, 1908.*

MR. PRESIDENT: Your Committee on Non-Christian Tribes, to whom was referred, on March 31, 1908, Commission Bill No. 38, entitled "An Act to amend the Special Provincial Government Act, by increasing the power of provinces in the matter of appropriation of provincial funds," has examined the same, and has the honor to report as follows:

The necessity for the amendment of this Act has arisen through the fact that in amending the Provincial Government Act by Act No. 1548 the mistake so frequently made in amending the Provincial Government Act and the Municipal Code has been repeated, and the probable necessity for amending at the same time the Special Provincial Government Act or the Township Government Act has once more been overlookd. Your committee urges that when an amendment of fundamental importance to the Provincial Government Act or the Municipal Code is proposed, the question be considered as to whether a similar amendment should not be made to the Special Provincial Government Act or the Township Government Act as the case may be, and the expense and loss of time incident to the passage of additional amendatory Acts be thus avoided.

In the present instance your committee finds that there is the same reason for increasing the powers of provincial boards of provinces organized under the Special Provincial Government Act as in provinces organized under the Regular Provincial Government Act, and recommends that this be done.

It would, however, seem necessary to pass two Acts, as the Assembly is without authority to legislate for the Provinces of Benguet, Lepanto-Bontoc, Nueva Vizcaya, and Agusan; so that the Commission should pass an Act covering these provinces and the Legislature should pass an Act covering Mindoro and Palawan.

It is therefore recommended that Commission Bill No. 38 be amended as follows:

Section 1, page 1, line 7, before the words "to appropriate," insert the words "In the Provinces of Benguet, Lepanto-Bontoc, Nueva Vizcaya, and Agusan;" line 11, after the word "municipalities," insert the words "townships or settlements;" lines 15 and 18, after the word "municipality," in each case insert the words "township or settlement;" page 2, line 10, change "Bureau of Port Works" to "Bureau of Navigation."

Also amend the title to read as follows:

"An Act to amend the Special Provincial Government Act by increasing the powers of the Provinces of Benguet, Lepanto-Bontoc, Nueva Vizcaya, and Agusan in the matter of appropriation of provincial funds."

Another bill should then be passed by the Commission and sent to the Assembly for concurrence, increasing the power of the provincial boards of Palawan and Mindoro in like manner, a draft of which bill is inclosed with this report.

There would seem to be no necessity for additional legislation in the case of the Moro Province, which enjoys practical autonomy in the expenditure of its own funds, subject to the approval of the Commission.

Very respectfully,

DEAN C. WORCESTER,

*Chairman, Committee on Non-Christian Tribes.*

T. H. PARDO DE TAVERA,

*Member.*

JOSE R. DE LUZURIAGA,

*Member.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the Committee on Non-Christian Tribes on Commission Bill No. 38 was accepted.

The immediate passage of this bill being desirable, the regular order of procedure for the enactment of laws, prescribed by Act No. 6, was dispensed with by the Commission.

The bill was read the second time, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass with the amendment recommended by the Committee on Non-Christian Tribes.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, the roll was called and Commission Bill No. 38, as amended, was unanimously passed, and the title was read and approved.

*Ordered*, That Commission Bill No. 38 be enrolled and printed as an Act, the enactment of said bill into law being within the exclusive general legislative jurisdiction of the Commission over all that part of the Philippine Islands inhabited by Moros or other non-Christian tribes.

[Committee Report No. 34.]

BAGUIO, BENGUET, *May 8, 1908.*

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of the Interior, to whom was referred, on March 24, 1908, Assembly Bill No. 125, has the honor to report as follows:

The object of this bill is evidently to extend assistance to tenants of friar lands, relieving them from the necessity of immediate payment of rent or annual installments of the purchase price of such lands during periods of general calamity. This object is in itself highly desirable, but its attainment in the manner proposed in the bill is thought to be open to serious objection for the following reasons:

The Act of Congress approved July 1, 1902, determines that there shall be secured an income from the friar lands for the payment of interest when the same becomes due and the payment of principal on the maturity of the bonds. It was clearly the intention of Congress that this property should be so managed as to secure to the holders of these bonds the payment of the principal and interest due thereon, or that such payments should be made from funds derived from other sources.

Act No. 1284, which was passed to the end that interest on the bonds might be paid when due and that the principal might be paid on the maturity of the bonds, makes provision for payment by the Insular Government of any deficiency between the interest on the bonds and the income derived from the estates. This Act makes no provision for the postponement, for any reason whatsoever, of the payment by the tenants of the estates of the rentals and installments of the purchase price, when due.

If Assembly Bill No. 125 were to pass, it would impose upon the Insular Treasury during years of calamity additional burdens not contemplated when Act No. 1284 was passed. In other words, the Assembly Bill No. 125 would, in effect, be a new appropriation bill providing for payment from the Philippine Treasury of the additional deficit which might arise during any given year as the result of the occurrence of general calamities, such as droughts, locusts, floods, etc., and the resultant failure on the part of tenants to meet their obligations. This would, in effect, be an appropriation of Insular funds to pay, during certain years,

the debts of private persons. The Government would have to take its chances of being able to reimburse itself at some indefinite future time by collecting from the delinquent tenants, the provision of the proposed Act in this regard being "that such lessees or purchasers shall not be relieved from the payment of interest due for such years, which shall be due and collectible, together with the rental and the installments of the purchase price so suspended during the next year *or subsequently*."

It is not seen how, with such a very loose provision as to the time within which these payments would be collectible, the Government could have any assurance of reimbursing itself at all. Certainly under such an arrangement there would be heavy losses, and the Government would thus be put in a position of having appropriated money to pay the private indebtedness of citizens of these Islands. It is self-evident that the debts of private citizens should, under no circumstances, be paid out of the public funds, and inasmuch as the Act of Congress clearly contemplates that the bondholders shall be paid their interest and principal when due, it seems evident that this bill should not pass, and your committee recommends that further consideration of it be indefinitely postponed, especially in view of the Act recently passed by the Commission extending from ten to thirty years the period during which payments of installments of the purchase price of the friar lands may be made. It is believed that if it passes this latter bill the Philippine Legislature will have gone as far as it possibly can go in relieving the difficulties which beset tenants and would-be purchasers of friar lands.

Very respectfully,

DEAN C. WORCESTER,  
*Committee on Matters Pertaining to  
the Department of the Interior.*

The report was unanimously adopted.

*Ordered.* That the Assembly be furnished with a copy of the report and notified of the action taken thereon.

#### INTRODUCTION AND PASSAGE OF BILLS.

The President introduced the following bill:

Commission Bill No. 47. An Act creating the entry port of Davao.

The immediate passage of this bill being desirable, the regular order of procedure for the enactment of laws, prescribed by Act No. 6, was dispensed with by the Commission.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass with the following amendment:

Section 6, page 2, line 9, strike out the words "its passage" and insert in lieu thereof the words "July first, nineteen hundred and eight."

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, the roll was called and Commission Bill No. 47, as amended, was unanimously passed, and the title was read and approved.

*Ordered*, That Commission Bill No. 47 be enrolled and printed as an Act, the enactment of said bill into law being within the exclusive general legislative jurisdiction of the Commission over all that part of the Philippine Islands inhabited by Moros or other non-Christian tribes.

The President also introduced the following bill:

Commission Bill No. 48. An Act to amend section three hundred and one of Act Numbered Three hundred and fifty-five of the Philippine Commission, known as "An Act to constitute the Customs Service of the Philippine Archipelago and to provide for the administration thereof," as amended, in such manner as to prohibit the importation of merchandise into any port in the Philippine Islands other than an entry port, or in vessels of less than thirty tons burden.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass with the following amendment:

Section 2, page 2, line 1, strike out the words "its passage" and insert in lieu thereof the words "August fifteenth, nineteen hundred and eight."

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, the roll was called and Commission Bill No. 48, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.



Commissioner Worcester introduced the following bill :

Commission Bill No. 49. An Act to amend the Special Provincial Government Act, as amended by Act Numbered Eighteen hundred and twenty-two, by increasing the power of the Provinces of Palawan and Mindoro in the matter of appropriation of provincial funds.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass with the following amendments :

Section 1, page 1, strike out lines 1 to 20, inclusive, and insert in lieu thereof the following :

"SECTION 1. It shall be the duty of the provincial boards of the Provinces of Palawan and Mindoro—

"(a) To appropriate, in their discretion, moneys from any of their funds in excess of all just debts and liabilities falling due within the fiscal year, except those funds the use of which is otherwise specifically fixed by law, for loans to municipalities, townships, or settlements of said provinces, under such conditions as to the use of the funds loaned and as to the repayment of the loans with interest at three per centum per annum, as may be fixed by the provincial boards: *Provided*, That the entire indebtedness of any municipality, township, or settlement to which a loan is made shall not, inclusive of such loan, exceed five per centum of the assessed valuation of the property in said municipality, township, or settlement."

Same page, same section, line 21, amend to read as follows :

"(b) To provide, in their discretion, for the payment";

Same section, page 2, line 2, strike out the word "government" and insert in lieu thereof the word "governments";

Same section, same page, line 8, strike out the word "board" and insert in lieu thereof the word "boards";

Same section, same page, line 9, amend to read as follows :

"(c) To appropriate moneys accruing to their provincial road";

Same section, same page, line 10, strike out the word "fund" and insert in lieu thereof the word "funds";

Same section, same page, line 14, strike out the word "province" and insert in lieu thereof the word "provinces";

Same section, same page, line 15, amend to read as follows :

"(d) To appropriate moneys from any of their funds, except";

Same section, same page, line 18, strike out the word "province" and insert in lieu thereof the word "provinces", and strike out the word "its" and insert in lieu thereof the word "their";

Same section, same page, line 19, strike out the quotation mark at the beginning of the line.

Amend the title to read as follows :

"An Act to increase the power of the Provinces of Palawan and Mindoro in the matter of appropriation of provincial funds."

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 49 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

The President introduced the following bill (by request) :

Commission Bill No. 50. An Act providing for fees and expenses of witnesses in criminal proceedings and appropriating funds therefor, and amending section two of Act Numbered Sixteen hundred and ninety-seven.

The bill was read the first time, whereupon Commissioner Forbes moved that it be referred to the Committee on Matters Pertaining to the Department of Finance and Justice, with instructions to forward a copy of the same to each of the judges of First Instance, for comment.

The motion prevailed.

#### INTRODUCTION AND ADOPTION OF JOINT RESOLUTION.

Commissioner Forbes introduced the following joint resolution :

Commission Joint Resolution No. 4. Joint Resolution providing for the appointment of a committee to investigate the road problem in the Philippine Islands, and to report thereon to the Philippine Legislature at its next regular session.

*Resolved by the Philippine Commission and the Philippine Assembly,* That a committee, to be composed of four members to be selected as follows—one member of the Philippine Commission to be appointed by the President thereof, two members of the Philippine Assembly to be appointed by the Speaker thereof, and the Director of Public Works—be, and is hereby, authorized for the purpose of investigating the road problem in the Philippine Islands, and making report and recommendation on the subject to the Philippine Legislature at its next regular session, with particular reference to the following points:

1. The extent and present condition of existing roads and their mileage in proportion to the population in the different provinces.
2. An estimate of new roads or repairs of old roads necessary to meet actual present requirements.
3. The funds now available for roads and the necessary number of years required to complete above system of construction and repairs.

4. The most advantageous system of road maintenance and the best method for securing its adoption.

5. The effect on roads of the use of sledges, narrow-tired carts, and carts with fixed axles, and the best method of Government assistance to carabao owners in the matter of substituting broad tired carts for the same if necessary.

By unanimous consent, the resolution was read once, and put upon its passage.

The roll was called, and Commission Joint Resolution No. 4 was formally adopted by unanimous vote, and the title was agreed to.

The Secretary was directed to request the concurrence of the Assembly in the resolution.

#### EXECUTIVE SESSION.

On motion by Commissioner Tavera,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see pp. 380-381.)

#### ADJOURNMENT.

Thereupon, at 6 o'clock and 20 minutes postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

**BAGUIO, BENGUET, MONDAY, MAY 18, 1908.**

The Commission met at the call of the President at 3 o'clock and 30 minutes postmeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### READING OF JOURNALS.

The Journals of Monday, May 11, 1908, and Friday, May 15, 1908, were read and approved.

#### MESSAGES FROM THE ASSEMBLY.

MAY 8, 1908.

MR. PRESIDENT: I am directed by the Assembly to inform your honorable body that the papers relating to correspondence had between the Assistant Secretary of War and the Attorney-General of the United States, relative to changes desired in the Penal Code and Code of Criminal Procedure at present in force in the Islands, were referred to our Committee on Law Revision.

Very respectfully.

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

*Ordered,* That the message be filed.

MAY 11, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 134), entitled "An Act amending subsection (c) of section one of Act Numbered Thirteen hundred and thirty-eight amending section seventy-four of Act Numbered Eleven

hundred and eighty-nine," passed the Assembly on May 4, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

Assembly Bill No. 134 was read the first time, and referred to the Committee on Matters Pertaining to the Department of Finance and Justice.

MAY 14, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the amendments made by the Commission to Assembly Bill No. 192 (A. B. No. 192), entitled "An Act empowering the provincial boards of the provinces that have adopted the double cedula tax to postpone the period for the payment of the land and cedula taxes for the year nineteen hundred and eight to September thirtieth of said year," passed the Assembly on May 13, 1908, without amendment.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

*Ordered,* That the message be filed.

MAY 16, 1908.

MR. PRESIDENT: I have been instructed to inform your honorable body that the amendments proposed by the Commission to Bill No. 135 of the Assembly, entitled "An Act extending the provisions of section nine (b) of Act Numbered Fourteen hundred and seven to the cutting of timber of the first group," was referred to the Committee on Public Lands.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

*Ordered,* That the message be filed.

#### MISCELLANEOUS COMMUNICATIONS.

The President presented the following communications:

Resolutions of the municipal councils of Iba, Province of Zambales, and Tayug, Province of Pangasinan, of April 30, 1908, and May 10, 1908, respectively, advocating the passage of the so-called Rovira Bill, imposing a tax on friars, and the so-called Paterno Bill, providing for the confiscation of all property of the Roman Catholic Church in the Islands, and also a resolution of the municipal

council of Albay, Province of Albay, of April 27, 1908, advocating the passage of the Rovira Bill.

Ordered filed, after proper acknowledgment by the Secretary.

REPORTS OF STANDING COMMITTEES.

[Committee Report No. 35.]

BAGUIO, BENGUET, *May 11, 1908.*

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of Commerce and Police, to whom was referred, on February 18, 1908, Commission Bill No. 36, entitled "An Act to amend sections seven and one hundred and thirty of Act Numbered Fourteen hundred and fifty-nine, known as 'The Corporation Law,'" has examined the same and has the honor to report it back to the Commission with the recommendation that it pass with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"SECTION 1. That portion of section seven of Act Numbered Fourteen hundred and fifty-nine, prescribing the form of the treasurer's oath in the articles of incorporation of a stock corporation, is hereby amended to read as follows:

" 'CITY OR MUNICIPALITY OF..... }  
 " 'Province of..... } ss.  
 " ' 'Philippine Islands.

" ..... being duly

(Here insert name of treasurer elected by subscribers.)

sworn, deposes and says that on the ..... day of ....., A. D. 19...., he was duly elected by the subscribers named in the foregoing articles of incorporation as treasurer of the corporation to act as such until his successor has been duly elected and qualified in accordance with the by-laws of the corporation, and that as such treasurer he has been authorized by the subscribers to receive for the corporation all subscriptions paid in by subscribers for the capital stock; that.....

(Here insert amount.)

pesos worth of stock has been actually subscribed and that of said subscription ..... pesos,

(Here insert amount.)

.....  
 (Or if property has been transferred in lieu of cash, a description of the property and

.....  
 a statement of its fair valuation.)

has been actually transferred to him in trust and received by him for the benefit and to the credit of the corporation, and that at least twenty per centum of the entire capital stock has been subscribed and at least twenty-five per centum of the subscription has been actually paid to him (or that property described as follows: .....

.....  
 of the fair valuation of twenty-five per centum of the subscription has been

actually transferred to him in trust and received by him) for the benefit and to the credit of the corporation.

“Subscribed and sworn to before me this .....  
day of ....., A. D. 19.....

“.....”

“SEC. 2. Section nine of Act Numbered Fourteen hundred and fifty-nine is hereby amended to read as follows:

“SEC. 9. The chief of the said division of archives, patents, copyrights, and trade-marks shall not file the articles of incorporation of any stock corporation unless accompanied by a sworn statement of a treasurer elected by the subscribers showing that at least twenty per centum of the entire capital stock has been subscribed, and that at least twenty-five per centum of the subscription has been either paid to him in actual cash for the benefit and to the credit of the corporation, or that there has been transferred to him in trust and received by him for the benefit and to the credit of the corporation property the fair valuation of which is equal to twenty-five per centum of the subscription.’

“SEC. 3. Section one hundred and thirty of Act Numbered Fourteen hundred and fifty-nine is hereby amended to read as follows:

“SEC. 130. Any banking corporation when advertising the amount of its capital stock shall in the advertisement state the specific amount of such capital which has actually been paid in in cash. After July first, nineteen hundred and eight, no person, association, or corporation not conducting a general banking business in the Philippine Islands within the meaning of sections one hundred and sixteen and one hundred and seventeen of this Act shall advertise or hold itself out as being engaged in a banking business, or use in connection with its business title the word or words “bank,” “banking,” “banker,” or “trust company,” or words of similar import, or solicit or receive deposits of money, for deposit, disbursement, safekeeping or otherwise, or transact any kind of banking business without having first complied with the provisions of this Act in so far as it relates to savings and mortgage banks, banking corporations, or trust corporations, as the case may be. For any violation of the provisions of this section by a corporation, the officers and directors thereof shall be jointly and severally liable. Any violation of the provisions of this section shall be punished by a fine of five hundred pesos for each day during which such violation is permitted or repeated, and in default of the payment thereof subsidiary imprisonment as prescribed by law.’

“SEC. 4. This Act shall take effect on its passage.”

Amend the title to read as follows:

“An Act to amend sections seven, nine, and one hundred and thirty of Act Numbered Fourteen hundred and fifty-nine, known as ‘The Corporation Law.’”

Very respectfully,

W. CAMERON FORBES,  
*Committee on Matters Pertaining to the  
Department of Commerce and Police.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to the Department of Commerce and Police was accepted, and the amendment therein recommended was adopted.

On motion by Commissioner Forbes,

The bill was thereupon read the second time, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Forbes thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 36, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

[Committee Report No. 36.]

BAGUIO, BENGUET, *May 18, 1908.*

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of the Interior, to whom was referred, on April 30, 1908, Commission Bill No. 44, entitled "An Act to amend Act Numbered One hundred and thirty-one, entitled 'An Act providing for the establishment of a Weather Bureau for the Philippine Islands and appropriating eight thousand and sixty-six dollars and fifty cents, in money of the United States, for the purchase of meteorological instruments and apparatus and the installation of the same,'" with instructions to amend the same in certain particulars, having examined the same, has the honor to report the following amendments:

Section 1, page 1, line 1, strike out the words "Section four," and insert in lieu thereof the words "Sections four, eight, nine, ten, and eleven;" line 7, strike out the word "is" and insert in lieu thereof the word "are."

Same section, page 3, add at the end of the section the following:

"SEC. 8. At all first-class stations hourly meteorological records shall be kept and compiled, and they shall be forwarded to the central station by mail at regular intervals, to be prescribed by the Director. Such daily telegraphic reports of the state of the weather shall be forwarded to the central station as the Director may require.

"SEC. 9. At all second-class stations six daily meteorological observations



shall be made at times to be specified by the Director, and the results for each month shall be compiled and forwarded to the central station before the end of the next succeeding month. Such daily telegraphic reports of the state of the weather shall be forwarded to the central station as the Director may require.

"SEC. 10. At all third-class stations two daily meteorological observations shall be made, at hours to be fixed by the Director. They shall be forwarded to Manila by wire, if possible, otherwise by mail.

"SEC. 11. At all rain stations there shall be recorded the daily maximum and minimum temperature, barometric readings at six antemeridian and two postmeridian, and daily rainfall. Reports from rain stations shall be forwarded by mail to the central station."

Respectfully submitted.

DEAN C. WORCESTER,  
*Committee on Matters Pertaining  
to the Department of the Interior.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to the Department of the Interior was accepted, and the amendments therein recommended were adopted.

The bill was thereupon read the second time, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 44, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

[Committee Report No. 37.]

BAGUIO, May 14, 1908.

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of the Interior, to whom was referred, on May 11, 1908, Assembly

Bill No. 204, entitled "An Act abolishing the Bureaus of Lands and of Forestry and creating instead thereof one single bureau, to be known as the Bureau of Forests and Lands," has examined this bill and has the honor to report as follows:

The idea of fusing the Bureau of Forestry with the Bureau of Lands, or the Bureau of Agriculture, is by no means a new one. It was suggested in the report of the Reorganization Committee, and this suggestion at the outset met with quite favorable consideration by the Commission, but upon further examination the conclusion was reached that there existed provisions in the Congressional legislation relative to these Islands which made it absolutely necessary to retain the Bureau of Forestry as a separate entity, and that in the event of its fusion with the Bureau of Agriculture, or the Bureau of Lands, a cloud would rest upon the titles to all timbered public lands which might thereafter be sold.

Section 18 of the Act of Congress of July 1, 1902, reads in part as follows:

"SEC. 18. That the forest laws and regulations now in force in the Philippine Islands, with such modifications and amendments as may be made by the Government of said Islands, are hereby continued in force, and no timber lands forming part of the public domain shall be sold, leased, or entered until the Government of said Islands, *upon the certification of the Forestry Bureau* that said lands are more valuable for agriculture than for forest uses, shall declare such lands so certified to be agricultural in character."

It is not apparent how, in view of these provisions, the Forestry Bureau could be abolished or fused with another Bureau. It must be retained as a separate entity in order that the certificates required by Act of Congress may be issued.

Furthermore, it was clearly the intention of Congress that there should be concurrent action by two Bureaus in connection with the disposal of timbered public lands. Were the Bureau of Lands and the Bureau of Forestry to be fused, the effect would be that the whole matter would be controlled by the Chief of a single Bureau. Similarly sections 36, 37, 39, 40, 46, and 47 of the Act of Congress of July 1, 1902, imposed specific duties upon the Chief of the Philippine Insular Bureau of Public Lands. The Philippine Legislature has no authority to set these provisions aside either directly, by imposing upon any other official the duties assigned to the Chief of the Bureau of Public Lands by Act of Congress, or indirectly by abolishing the Bureau of Public Lands.

The question of consolidating the Bureau of Forestry with some other Bureau was considered by the Commission at the time of the submission of the report of the Reorganization Committee, and the Commission actually had in view such consolidation; but after a careful reading of the Act of Congress of July 1, 1902, it came to the conclusion that such consolidation could not be made, and therefore it was not made.

For these reasons it seems necessary indefinitely to postpone further consideration of Assembly Bill No. 204, and your committee recommends that this be done.

Very respectfully,

DEAN C. WORCESTER,  
*Committee on Matters Pertaining  
to the Department of the Interior.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to the Department of the Interior was unanimously adopted.

*Ordered*, That the Assembly be furnished with a copy of the report and notified of the action taken thereon.

[Committee Report No. 38.]

BAGUIO, *May 13, 1908.*

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of the Interior, to whom was referred, on May 1, 1908, Act No. 207 of the legislative council of the Moro Province, together with a communication under date of April 7, 1908, addressed to the Executive Secretary at Manila by the governor of the Moro Province, has examined the same, and has the honor to report as follows:

The Secretary of the Interior was absent from Manila at the time the question of the desirability of closing the pearl-shell fishing industry to foreign-built vessels was discussed in the Commission, and therefore had no opportunity to be heard in the matter, nor in fact did he know that it had been under discussion until he received a complaint from Mr. J. T. Maddy, a citizen of the United States, who stated that a vessel owned by him which had been engaged in pearl-fishing in the Philippine Islands for some time and another vessel which he had just purchased would, under the provisions of Act No. 200 of the Moro council, be prevented from engaging in pearl fishing in the waters of the Moro Province. About this time also Captain Charles Lindbergh called at his office and stated in effect that, his attention having been called to the possibilities of the pearl-fishing industry in the Moro Province, he had conferred with the authorities of that province in order to ascertain, among other things, whether there would be any difficulty in connection with the use of foreign-built vessels in the waters of the Moro Province, and had been informed that there would not be, which was of course true under the provisions of the law as it then stood. He further stated that after having secured this information he had incurred considerable expense in the construction of four vessels specially designed for this work, and that the unexpected passage of Act No. 200 had rendered these vessels useless for the purpose for which they were intended.

The undersigned happened to know personally that Captain Maddy, before buying his second vessel abroad, had made a strong effort to find

a suitable boat in the Philippine Islands and had failed to do so, Captain Maddy having applied for and been granted transportation on a vessel which was carrying the undersigned through the central and southern islands on an inspection trip, in order that he might search for a suitable vessel.

It seemed to the undersigned that a hardship had been worked on both of these men and that the question of *where* vessels were constructed was one of insignificant importance in connection with the proper development and preservation of the Philippine pearl fisheries. He therefore took up with the Governor-General the question of the practicability of passing an Act for the relief of these two gentlemen.

The Governor-General and other members of the Commission having expressed a willingness to approve such an Act, the undersigned for the first time carefully examined the provisions of Act No. 200 of the Moro council, in order properly to adapt the provisions of the proposed relieving Act to those of existing law. A brief examination of Act No. 200 seemed to make it plain that its effect was to repeal section 2 of Act No. 51 of the Moro council as amended and to leave no legislation in force on the subjects treated in said section.

The undersigned called the attention of the Governor-General to the provisions of Act No. 200 of the Moro council, and the Governor-General concurred in the opinion that its effect was to repeal section 2 of Act No. 51 as amended. The question was then submitted to the Attorney-General, who rendered a strong opinion that this was its effect and that there was no provision of law then in force which prevented foreign-built vessels from engaging in the pearl-fishing industry in the Moro Province; and when the subject was pursued further it became evident that there was very grave doubt as to the authority of the Moro Province to exclude such vessels from its waters, provided they satisfied the conditions imposed by general provisions of existing law covering the subject of what vessels may engage in the coastwise trade. As it seemed quite evident to the undersigned that the question as to where vessels which engaged in the pearl fisheries were built had nothing to do with the protection of the pearl fisheries and that such protection must be secured in other ways, and as a communication had been received at Manila from the secretary of the Moro Province which seemed to make it plain that the Moro council would not pass any Act for the relief of special cases unless compelled to do so by superior authority, the undersigned deemed it desirable to bring about the reënactment of the essential provisions of section 2 of Act No. 51 except in so far as concerned foreign-built vessels. The Commission concurred in this idea provided there were no legal obstacles, and deemed it desirable that the attention of the governor of the Moro Province should be called to the condition in which existing legislation had been left by Act No. 200 of the legislative council of the Moro Province. At the suggestion of the Governor-General the undersigned therefore sent to the Executive Secretary the telegram quoted by him in his telegram of April 4, 1908, to the governor of the Moro Province. The Moro council, in passing Act No. 207, met the desires of the Commission relative to the

immediate legislation on this subject, and it only remained for your committee to recommend that this Act be approved, which he did on May 1, 1908, and in this connection to comment upon certain of the statements in the letter of the governor of the Moro Province dated April 7, 1908.

At the time Act No. 200 of the Moro council was approved, it was undoubtedly the opinion of the members of the Philippine Commission then present that for certain special reasons it was desirable to close the pearl fisheries of the Moro Province to foreign-built vessels.

The approval by the Philippine Commission of Act No. 200 did *not* indicate that after a careful examination of the Act it was the opinion that it accomplished the desired end. The Commission doubtless took it for granted that this Act, passed in accordance with its desires at that time, accomplished the end sought and did not check it back; otherwise the fact that it served in effect to repeal all existing legislation on the subject could hardly have escaped detection. The opinion on this subject of the well-informed lawyer referred to in the letter of the governor of the Moro Province is not shared by the highest legal authorities of the Archipelago and further comment thereon would therefore seem superfluous.

Your committee does not know what bearing the statements of Captain Lindbergh as to promises made to him has upon the advisability of the approval by the Commission of Act No. 207 of the legislative council of the Moro Province; but since these statements have been made and are quoted by the governor of the Moro Province, it is perhaps proper to state that Captain Lindbergh, who would seem to have had an entire right to know what action was proposed in his case, was informed by the undersigned that he would prepare and submit to the Commission an Act for his relief and for the relief of Captain Maddy, but that no definite assurance could be given as to the action which the Commission would take.

The undersigned does not understand that the statement of the governor of the Moro Province that a corporation may not engage in the pearling industry in that province is correct. A corporation authorized to do business in the Philippine Islands of course has all of the rights of a citizen of the Philippine Islands.

It would seem entirely evident, in the case of Captain Lindbergh, that, as pointed out by the Governor of the Moro Province—

“It is *his* capital as a British subject which is invested in the business and that it is *he* who will be ruined by unfavorable legislation,” as it would obviously be impossible for him to dispose of his boats to a corporation legally entitled to engage in pearl fishing if the boats themselves were debarred from use for this purpose. However, so far as your committee is able to see, no special benefit would accrue to the Philippine pearl fisheries, the Moro Province, or the Insular Government from the financial ruin of Captain Lindbergh, British subject though he may be; and in view of all the facts in the case, your committee is decidedly of the opinion that legislation which makes it possible for him to dispose of his boats to a corporation lawfully entitled to engage in the pearl fishing

industry is, from every point of view, desirable. If the corporation organized is not lawfully entitled to engage in this business, or if the ownership of the boats should continue to be vested in a British subject, there are, of course, ample provisions of law under which the case may be dealt with.

In closing, your committee invites the attention of the Commission to the fact that the proper protection of the pearl fisheries of the Philippine Islands is not to be brought about by limiting, directly or indirectly, the number of boats which are allowed to engage in fishing for pearl oysters, for the very simple reason that a hundred boats which conform to proper rules relative to the size of pearl oysters which may be taken will do less damage than one which systematically violates these rules and takes undersized shell in large quantity. It is a fact that such shell has been taken in large quantity in the Moro Province and has been exposed for sale quite publicly in at least one of the principal markets of that province. In the opinion of the undersigned, proper protection of the pearl oyster beds of these Islands may be secured only by the enactment of satisfactory legislation which will make it unlawful to take shells the smallest external diameter of which is less than 7 inches and will make it possible to proceed against any person having shell of a smaller size in his possession.

This will allow abundant reproduction. The taking of large shell can work no serious harm to the beds. In fact, tons of *dead* shell have recently been found in a number of places in the Islands, and it is evident that nothing is gained by allowing the pearl oysters to die of old age and their shells to decompose.

We have no provisions which prohibit foreigners from owning land in these Islands, or from engaging in agriculture or in the manufacture or exportation of any of our native products, and your committee sees not the slightest reason for debarring foreigners from engaging in the pearl-fishing business, provided that, as is believed, the proper protection of the pearling beds may be achieved by legislation directly designed to that end.

As soon as practicable, and after consultation with Mr. Alvin Seale and with some of the experts on the U. S. fisheries vessel *Albatross* has been practicable, the undersigned will submit to the Commission a draft of an Act designed to protect the pearl fisheries in the waters of the Moro Province and the draft of another Act embodying identical restrictions covering the remaining waters of the Archipelago, in the hope that in this way the enactment of uniform legislation protecting the pearl fisheries of the Philippine Islands may be brought about. The undersigned will endeavor at the same time to submit legislation for the protection of sponge fisheries, concerning which a number of perplexing questions are now arising.

Very respectfully,

DEAN C. WORCESTER,  
*Committee on Matters Pertaining  
to the Department of the Interior.*

The report of the Committee on Matters Pertaining to the Department of the Interior was accepted.

*Ordered*, That a copy thereof be furnished the governor of the Moro Province.

## INTRODUCTION AND PASSAGE OF BILL.

The President introduced the following bill:

Commission Bill No. 51. An Act to amend Act Numbered Sixteen hundred and seventy-nine, entitled "An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and other designated periods," by making provision for the carrying into effect of the Act of Congress approved May eleventh, nineteen hundred and eight.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 51 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

## ADJOURNMENT.

Thereupon, at 5 o'clock and 30 minutes postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

# First Philippine Legislature.

## First Session.

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### JOURNAL OF THE COMMISSION.

BAGUIO, BENGUET, THURSDAY, MAY 21, 1908.

The Commission met at the call of the President at 9 o'clock and 30 minutes antemeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### READING OF JOURNAL.

The Journal of Monday, May 18, 1908, was read and approved.

#### MESSAGES FROM THE ASSEMBLY.

MAY 12, 1908.

MR. PRESIDENT: I have received instructions to inform your honorable body that Commission Bill No. 42, entitled "An Act to amend Act Numbered Fifteen hundred and nineteen, entitled 'An Act to provide for inspecting and sealing weights and measures and to regulate their use,' so as to authorize the continued use of the English system of weights and measures in the purchase and sale of manufactured lumber," has been referred to the Committee on Industry, Commerce, and Labor.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

*Ordered,* That the message be filed.

MAY 18, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that Commission Bill No. 45, entitled "An Act providing for the expenditure of



four thousand pesos for traveling expenses and subsistence of two delegates from the Philippine Islands to the International Congress on Tuberculosis to be held at Washington, District of Columbia, from September twenty-ninth to October twelfth, nineteen hundred and eight," has been referred to the Committee on Appropriations of the Assembly.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

*Ordered,* That the message be filed.

MAY 18, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the Assembly passed on the 18th instant Commission Bill No. 20, entitled "An Act to fix the time for making annual reports by the Directors of Bureaus and heads of Offices of the Insular Government, provincial governors, and the Municipal Board of the city of Manila, and for other purposes," without amendment.

Very respectfully,

GREGORIO NIEVA,

*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

*Ordered,* That Commission Bill No. 20 be enrolled and printed as an Act of the Legislature.

MAY 18, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that Commission Bill No. 27, entitled "An Act to further amend section eleven of Act Numbered Six hundred and nineteen, in order to avoid the long delays that are frequently attendant upon summary court trials in the Constabulary," passed the Assembly the 18th instant, without amendment.

Very respectfully,

GREGORIO NIEVA,

*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

*Ordered,* That Commission Bill No. 27 be enrolled and printed as an Act of the Legislature.

MAY 20, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed on the 20th instant Commission Bill No. 14, entitled "An Act to provide for the granting of a franchise to construct, maintain, and operate telephone and telegraph systems, and to carry on other electrical transmission business in and between the Provinces of

Albay and Ambos Camarines and in and between the municipalities thereof," without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

*Ordered,* That Commission Bill No. 14 be enrolled and printed as an Act of the Legislature.

MAY 18, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the amendments made by the Commission to Assembly Bill No. 88, entitled "An Act extending to December thirty-first, nineteen hundred and eight, the time within which real estate which has been forfeited to municipalities for nonpayment of taxes may be redeemed," passed the Assembly on April 30, 1908, without amendment.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

*Ordered,* That the message be filed.

MAY 19, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that Commission Joint Resolution No. 3, entitled "Joint Resolution giving further instructions to the Resident Commissioners in the United States," passed the Assembly the 19th instant, without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

*Ordered,* That Commission Joint Resolution No. 3 be enrolled and printed as a resolution of the Legislature.

MAY 19, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the amendments made by the Commission to Assembly Joint Resolution No. 6 (A. J. R. No. 6), entitled "Joint Resolution giving instructions to the Resident Commissioners in the United States as regards

the abolition of the Dingley tariff and other matters," passed the Assembly on May 19, 1908, without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

*Ordered,* That the message be filed.

MAY 18, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 199), entitled "An Act appropriating the sum of one hundred thousand pesos, Philippine currency, to be expended in the discretion of the Bureau of Agriculture, under the supervision of the Secretary of the Interior, for the purpose of combating and exterminating cattle diseases in the Islands," passed the Assembly on May 12, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

By unanimous consent, Assembly Bill No. 199 was read the first and second times, and was then considered by the Commission as in Committee of the Whole. It was reported to the Commission with the recommendation that it pass.

Commissioner Worcester moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Assembly Bill No. 199 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

MAY 19, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 234), entitled "An Act to amend Act Numbered Sixteen hundred and seventy-nine, entitled 'An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and other designated periods,' by making provisions for the carrying into effect

of the Act of Congress approved May eleventh, nineteen hundred and eight," passed the Assembly on May 19, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

By unanimous consent, Assembly Bill No. 234 was read the first and second times, and was then considered by the Commission as in Committee of the Whole. It was reported to the Commission with the recommendation that it pass.

Commissioner Forbes moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Assembly Bill No. 234 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

MAY 18, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 112), entitled "An Act providing for popular civico-educational lectures in the municipalities and principally in the barrios of the Philippine Islands," passed the Assembly on May 13, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

By unanimous consent, Assembly Bill No. 112 was read the first and second times, and was then considered by the Commission as in Committee of the Whole. It was reported to the Commission with the recommendation that it pass.

Commissioner Worcester moved the immediate third reading of the bill. The motion was seconded by Commissioner Forbes, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Assembly Bill No. 112 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

MAY 19, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the following resolution (A. C. R. No. 12), entitled "Concurrent Resolution providing for the adjournment of the first session of the Legislature on Thursday, May twenty-first, nineteen hundred and eight, at twelve o'clock postmeridian, and for other purposes," passed the Assembly on May 19, 1908, and to request that the Commission concur therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Baguio, Benguet.*

By unanimous consent, the resolution was read once and put upon its passage.

Assembly Concurrent Resolution No. 12 was unanimously passed, and the title was agreed to.

The Secretary was directed to notify the Assembly thereof.

MAY 19, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the annexed bill (A. B. No. 201), entitled "An Act to prohibit the employment of foreigners as engineers or assistant engineers in vessels of the Philippine Islands, and repealing certain sections of Acts Numbered Seven hundred and eighty and One thousand and twenty-five," passed the Assembly on May 19, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

Assembly Bill No. 201 was read the first time, and referred to the Committee on Matters Pertaining to the Department of Commerce and Police.

MAY 18, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the attached bill (A. B. No. 23), entitled "An Act providing for the creation and employment of jurors (jueces de hecho) in criminal matters in the Courts of First Instance and municipal courts in the city of Manila, and in the Courts of First Instance and justice of the

peace courts in the provinces and municipalities of the Philippine Islands," passed the Assembly on April 28, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

Assembly Bill No. 23 was read the first time, and referred to the Committee on Matters Pertaining to the Department of Finance and Justice.

MAY 19, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 191), entitled "An Act to amend section eighteen, paragraph two, of subsection (1) of Act Numbered Eighty-two, known as the Municipal Code, as amended by Act Numbered Nine hundred and ninety-nine," was passed by the Assembly on May 19, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

Assembly Bill No. 191 was read the first time, and referred to the President of the Commission, as a select committee of one, for report.

MAY 18, 1908.

MR. PRESIDENT: I have been instructed to inform your honorable body that the Assembly has disagreed to the amendment of the Commission to the Assembly amendments to Commission Bill No. 17, entitled "An Act to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams."

It asks a conference with the Commission on the disagreeing votes of the two Houses thereon, and has appointed as managers at the same on its part Delegates Jalandoni, Oben, and Zandueta.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

On motion by Commissioner Forbes, it was

*Resolved,* That the Commission insist upon its amendment to the Assembly amendments to Commission Bill No. 17, entitled "An

Act to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams," disagreed to by the Assembly, and agree to the conference asked by the Assembly on the disagreeing votes of the two Houses thereon.

*Ordered*, That the conferees on the part of the Commission be appointed by the President.

The President appointed Commissioners Forbes, Tavera, and Luzuriaga.

*Ordered*, That the Secretary notify the Assembly thereof.

MAY 18, 1908.

MR. PRESIDENT: I have been instructed to inform your honorable body that the Assembly, on the 18th instant, passed Commission Bill No. 11, entitled "An Act amending section fourteen of Act Numbered Sixteen hundred and twenty-seven," with the following amendments:

Strike out all the words from line 6 to line 23 and insert in lieu thereof the following words:

"SEC. 14. *Of Jurisdiction*.—Forcible entry and detainer actions regarding real property shall be brought in the municipality in which the subject-matter thereof may be situated. If the property be found in two or more municipalities action may be brought in any of them, at the option of the plaintiff.

"All other civil actions in justice of the peace courts shall be begun:

"(a) At the place specified by the parties by means of a written agreement, whenever the justice of the peace shall have jurisdiction to try the action by reason of its nature or the amount involved;

"(b) In default of an agreement, at the place of the contract;

"(c) When the place of the contract does not appear, in the municipality where the defendant resides or may be served with summons.

"The territorial jurisdiction of a justice of the peace, except in the case of ex officio justices and in other special cases provided by existing law, shall be coextensive with his municipality, and the civil process of his court shall not be served outside the boundaries of said municipality, except in the following cases:

"1. When an order for the delivery of personal property lying outside the jurisdiction of the justice of the peace court is to be complied with;

"2. When an attachment of real or personal property lying outside the jurisdiction of the justice of the peace court is to be made;

"3. When the action is against two or more defendants residing in different municipalities;

"4. In case of the enforcement of the judgment in accordance with the provisions of section fifteen next following;

"5. In general, when an order or decision of the justice of the peace court can not be complied with in any other manner,"  
in which the concurrence of the Commission is requested.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

The question being, Shall the Commission concur in the Assembly amendments to Commission Bill No. 11 the roll was called, with the following result:

Yeas: Commissioner Luzuriaga;

Nays: Commissioners Worcester, Tavera, Forbes, and the President.

On motion by the President, it was

*Resolved*, That the Assembly be informed that the Commission disagrees to the amendments of the Assembly to Commission Bill No. 11, entitled "An Act amending section fourteen of Act Numbered Sixteen hundred and twenty-seven," and asks for a conference on the disagreeing votes of the two Houses thereon.

*Ordered*, That the President and Commissioners Tavera and Luzuriaga be the conferees on the part of the Commission, and that the Secretary notify the Assembly thereof.

#### RECONSIDERATION OF BILL.

On motion by the President, it was unanimously

*Resolved*, That in view of the passage by the Commission at this morning's session of Assembly Bill No. 234, containing the identical provisions of Commission Bill No. 51, entitled "An Act to amend Act Numbered Sixteen hundred and seventy-nine, entitled 'An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and other designated periods,' by making provision for the carrying into effect of the Act of Congress approved May eleventh, nineteen hundred and eight," the vote whereby the latter bill was passed be reconsidered.

#### WITHDRAWAL OF BILL.

The President asked for and was granted unanimous consent to withdraw Commission Bill No. 51, entitled "An Act to amend Act Numbered Sixteen hundred and seventy-nine, entitled 'An Act



making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and other designated periods,' by making provision for the carrying into effect of the Act of Congress approved May eleventh, nineteen hundred and eight."

Commission Bill No. 51 was withdrawn and ordered stricken from the file.

REPORTS OF COMMITTEES.

[Committee Report No. 39.]

BAGUIO, *May 21, 1908.*

GENTLEMEN: Your select committee of one, to whom was referred on this date Assembly Bill No. 191, entitled "An Act to amend section eighteen, paragraph two, of subsection (1) of Act Numbered Eighty-two, known as the 'Municipal Code,' as amended by Act Numbered Nine hundred and ninety-nine," has examined the same and has the honor to report it back to the Commission with the following remarks:

This bill takes away from the provincial boards the power to remove municipal treasurers for cause, and having deprived the provincial boards of that power it does not seem to have conferred it on anyone else.

The bill further amends existing law by providing that the appointment of municipal treasurers shall be upon the nomination of the municipal councils made from a list of eligibles secured in accordance with the Civil Service Law and Rules. Your committee is of opinion that this amendment of the law is a wise one and that the municipal councils might very properly be vested with the right to name their municipal treasurers in the manner indicated.

Your committee, therefore, has the honor to report against the bill in so far as it deprives the provincial boards of the power to remove municipal treasurers for cause, and in favor of the bill in so far as it confers upon municipal councils power to nominate municipal treasurers from a list of eligibles in accordance with the Civil Service Law and Rules, and it is recommended that the bill be passed with the following amendment:

Strike out the second paragraph of subsection (1) as it is proposed to be amended by the Assembly and insert in lieu thereof the following:

"The municipal treasurer shall be appointed by the provincial treasurer, subject to the approval of the provincial board and upon the nomination of the municipal council, which nomination shall be made from a list of eligibles in accordance with the Civil Service Law and Rules. The municipal treasurer may be removed from office by the provincial board for cause. Each municipal treasurer shall render a monthly account, accompanied by vouchers covering all his transactions, to the treasurer of his province and shall submit to the Insular Auditor such reports as that officer may require of him: *Provided*, That all municipal treasurers holding office on the date of the passage of this Act shall continue to discharge the duties of their respective offices until a new appointment is made in accordance with the

provisions of this Act: *And provided further*, That the position of municipal treasurer shall be classified and subject to all the provisions of the Civil Service Act and Rules.”

Respectfully submitted.

JAMES F. SMITH,

*President of the Commission, Select Committee.*

The Honorable, the PHILIPPINE COMMISSION.

The report of the select committee on Assembly Bill No. 191 was accepted and the amendment therein recommended was adopted.

By unanimous consent, the bill was thereupon read the second time, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera moved the immediate third reading of the bill. The motion was seconded by Commissioner Worcester, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, in full, as amended.

The question then being upon its passage, the roll was called, and Assembly Bill No. 191, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendment.

[Committee Report No. 40.]

BAGUIO, BENGUET, *May 21, 1908.*

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of Commerce and Police, to whom was referred, on May 15, 1908, Assembly Bill No. 210, entitled “An Act providing for the construction of the National Capitol of the Philippines,” has examined the same and has the honor to report it back to the Commission with the following remarks:

It is the opinion of your committee that—

(1) The construction of a capitol building, the main object of the bill, should be authorized in section one, and the location of the same should be substantially in accordance with the Burnham plan;

(2) The committee should consist of seven members, instead of fifteen, as a committee of seven is a more efficient working body than one as large as fifteen, and the Consulting Architect should be a member of said committee; of the other six members three should be appointed by the President of the Commission and three by the Speaker of the Assembly;

(3) The Bureau of Public Works and the Consulting Architect should

give such aid to the committee as they can furnish within the limits of their appropriations. The original bill takes the control of the expenditure of their appropriations out of the hands of the Director of Public Works and the Consulting Architect.

Your committee has the honor to recommend that the bill pass with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"SECTION 1. The construction is hereby authorized of a capitol building or buildings in the city of Manila, to be known as the capitol of the Philippine Islands, for the use of the Governor-General, the Philippine Legislature, the Supreme Court, the Executive Departments, the Executive Bureau, and for such other uses as may be authorized by joint resolution of the Philippine Legislature.

"The said building or buildings shall be located substantially in accordance with the Burnham plan for improvement of the city of Manila.

"SEC. 2. A committee is hereby created for the purpose of preparing plans for such capitol building or buildings, which committee shall be composed of seven members, three to be appointed by the President of the Commission, three to be appointed by the Speaker of the Assembly, and the seventh to be the Consulting Architect.

"It shall be the duty of the said committee to investigate all questions relative to the site, design, extent, construction, method of selection of final designs and estimates of cost of such building or buildings, and make a detailed report to the Philippine Legislature containing their recommendations on these matters.

"SEC. 3. The Bureau of Public Works and the Consulting Architect shall give such engineering, architectural, and other technical assistance as may be requested in writing by the said committee and as may be furnished within the limits of the appropriation for the said Bureau or the said Office.

"SEC. 4. The final report of the committee once accepted by the Philippine Legislature, and the work thereon ordered commenced, all future provisions regarding the same, whether to expedite construction or to make changes, or for any other matter connected with the work, shall be made by means of joint resolutions of the Philippine Legislature.

"SEC. 5. This Act shall take effect on its passage."

Amend the title to read as follows:

"An Act to provide for the construction of the capitol of the Philippine Islands, and to create a committee to prepare plans therefor."

Respectfully submitted.

W. CAMERON FORBES,  
*Committee on Matters Pertaining to the  
Department of Commerce and Police.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to the Department of Commerce and Police on Assembly Bill No. 210 was accepted, and the amendment therein recommended was adopted.

By unanimous consent, the bill was thereupon read the second time, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Forbes moved the immediate third reading of the bill. The motion was seconded by Commissioner Worcester, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, in full, as amended.

The question then being upon its passage, the roll was called, and Assembly Bill No. 210, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendment.

[Committee Report No. 41.]

BAGUIO, BENGUET, *May 21, 1908.*

GENTLEMEN: Your Committee on Matters Pertaining to the Department of Public Instruction, to whom was referred, on March 24, 1908, Assembly Bill No. 148, begs leave to report as follows:

First. Article 3 of the bill proposes a radical change in the administrative system of public instruction, in that it confers upon local governments the authority to prescribe the language in which public primary instruction shall be given, strips the Director of Education of his power to establish a uniform system of public instruction, and exposes the whole system of public instruction to as many changes as there are municipal elections. Public primary instruction at present is given in the English language, as prescribed by Act No. 74, which provides that the English language shall be made the basis of public school instruction as rapidly as this result can be achieved. The purpose of Act No. 74 has been largely accomplished, and at the present time there are in operation in the Philippine Islands no less than 3,244 public primary schools the language of which is English. These schools are attended by some 350,000 public school children all of whom are taught in English by some 5,000 teachers, who are trained to teach in English and can teach in no other tongue.

The present law would apparently empower the local authorities in one or in all of the municipalities of the Islands to suppress this instruc-

tion and substitute instruction in some other language. The course of study at present in effect is the result of eight years of experience, and the training of teachers in English represents much effort and great expense. The pupils who attend these schools have made a certain degree of progress in English and are in the way of acquiring a thorough primary education in the English tongue.

The proposed Act makes it possible to suspend and even to entirely undo all these results. If so revolutionary a step is to be taken, it is believed it should not be left to the discretion of the local authorities but to that of the highest legislative authority of the Islands, which is especially charged with the duty of promoting the educational and intellectual advancement of all the peoples of the Archipelago.

Under the system of public law of the Philippine Islands, the municipal councils are elected for a space of two years. One half the membership of local school boards is appointed by the division superintendent of schools, and the other half is elected by municipal councils. It is not too much to assume that a complete change in the personnel of the local governments every two years may, and as a matter of fact will, often result in radical or complete changes in educational policy. Thus under the provisions of article 3 of this bill in one year we might see the present system of instruction discontinued, the corps of teachers dismissed, other teachers capable of giving instruction in some other language than English engaged, and the studies of the pupils broken off to commence at another point and in another language; then at the end of another two years a second complete revolution reestablishing the work that had been discontinued two years before. In this way there would be introduced into the system of public instruction in the Islands such continuous fluctuation and change as would be absolutely disastrous to the progress of the child in education and ruinous to his intellectual advancement. Action by municipalities in changing the language of instruction would necessarily carry with it a considerable change in the teaching force, for in the majority of cases neither American supervising teachers nor the Filipino primary teachers are competent to conduct a system of instruction in any other tongue than English.

In addition to the confusion that would be engendered by these biennial changes, great embarrassment would result from the necessary changes in school texts resulting therefrom. The primary schools of the Philippine Islands are at the present time fully equipped with admirable text-books in the English language. If the provisions of this Act should go into effect and the municipalities should take action thereunder, adopting other languages than English in the public schools, all of these public text-books, that have cost in the aggregate several million pesos, would be rendered useless; other text-books in their place would have to be provided at great expense, and after two years these might be again rendered useless by a change of policy prescribing instruction in some other tongue.

Progress toward uniformity of language and mutual intelligibility on

the part of the Filipino peoples would be rendered impossible. In some localities English would continue to be the language of the school and the language of the cultivated classes; in other localities it is not too much to suppose that the language of the school and of the instructed circles would be Spanish; in others again it would be the dialect of the locality. That unity of tongue and of thought which is so necessary for the effectuation of the common purpose of the Filipino peoples would be rendered absolutely impossible, and the realization of the hopes and ideals of all those born on Philippine soil indefinitely deferred. Should Bill No. 148 become a law it may be well said that the trend of public instruction would be toward disunion, by depriving the people of a common language or means of communication and by giving encouragement to regional jealousies which should be obliterated as soon as possible in the interest of national unity.

Secondly. Article 3 of this bill is in direct conflict with the general policy of school administration among most European and American peoples; more, it is diametrically opposed to the best critical opinion on the subject of educational legislation.

The public schools of the United States began with a system of almost complete local autonomy; the school district, which ordinarily embraced a single school, was in the beginning entirely independent of all superior or coördinate authority. The school directors of these districts, elected for short terms, appointed the teachers and fixed the qualifications of teachers, adopted the course of study, and made every other provision for the school. There was little, if any, higher administrative direction or control on the part of the State. Gradually, with the development of the American system of public schools the disadvantages of this system became evident. Standards of proficiency differed greatly in the various localities, and the instruction in many districts fell far below the requisite grade of proficiency. By a series of successive legislative changes carried out in nearly every Commonwealth of the United States the administration of public schools has been more and more centralized, and in nearly every case the matter of the course and standard of instruction has been determined by the supreme legislative authority in the State. If we examine the laws of the State of New York, the State which leads the American Union in its attention to comparative legislation, we will find that in this State the system of centralization has been carried out in its most complete form. All modern school experience is against the now obsolete policy of leaving to the local government such a momentous matter as the language and standard of instruction.

Act No. 74, organizing the Bureau of Education, empowers the Chief of this Bureau to fix and prescribe the course of study to be carried out in all public schools of the Philippine Islands, and upon the Director of Education rests the responsibility for seeing that a uniform and modern system of instruction is carried out in our public schools. This procedure is fully in line with the most recent experience and the most general legislative action of modern states. Such advanced European countries as Germany, France, and Austria may be cited as examples. Japan has

achieved phenomenal success in public schools and is fully abreast of all other States in its system of centralized authority on school matters. The provision contained in article 3 of the proposed bill is viewed by the Committee on Public Instruction of the Commission as a distinctly retrograde action, unwarranted in view of the experience of modern states, and likely to be completely subversive of the system of public instruction at present in operation.

It is quite natural that the various elements which go to make up the entity known as the Filipino people should have a pride in the language which they have learned from a mother's lips, and that the desire to preserve and perpetuate the mother tongue is strong and compelling; but if the various tongues of the Philippines are to be scientifically and properly taught it must be done by men and women especially educated and trained for the purpose. An American can not teach English simply because he speaks and writes it; neither can a Spaniard, or a Frenchman, or a Filipino teach his mother tongue without proper education and training for the purpose. If the several Philippine tongues are to be preserved in the various localities and taught as one of the branches in the public schools it should be done by teachers properly instructed for the purpose. Such teachers can only be created by the establishment of some central institution.

It is therefore recommended that Assembly Bill No. 148 be not passed and that a central educational institution be established in the city of Manila, for the purpose of training and educating teachers in the several languages of the Philippines, or at least in those which are most important.

Your committee herewith submits a bill for the purpose of creating and establishing a central school with this object in view.

Respectfully submitted.

JAMES F. SMITH,

*Governor-General, Committee on Matters Pertaining  
to the Department of Public Instruction.*

The Honorable, the PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to the Department of Public Instruction, on Assembly Bill No. 148, was unanimously adopted.

*Ordered*, That the Assembly be furnished with a copy of the report and notified of the action taken thereon.

The President gave notice that he would introduce in the proper order of business a bill to create an institute of Philippine languages.

[Committee Report No. 42.]

BAGUIO, *May 21, 1908.*

GENTLEMEN: Your Committee on Matters Pertaining to the Department of Public Instruction, to which was referred, on May 15, 1908, Assembly

Bill No. 213, entitled "An Act providing for the establishment of the National Library of the Philippines, creating a Library Bureau, and for other purposes," has examined the same and has the honor to report as follows:

In March, 1903, the Commission, by Act No. 688, authorized the appointment of Dr. Clemente J. Zulueta as collecting librarian and directed that he proceed to Europe and Mexico for the purpose of making an investigation of books, papers, and documents relating to the Philippines and their history, and of purchasing under the direction of the Civil Governor such books, papers, and documents as were thought to be valuable for the purpose of establishing a Philippine Library.

Doctor Zulueta proceeded to Europe, but before fully completing his investigations he was obliged to return to Manila, and while preparing the report of his labors he fell severely ill and died. He left, however, many useful memoranda and a list of valuable books, papers, and documents which, in his opinion, should be purchased by the Government for library purposes.

After the unfortunate death of Doctor Zulueta, Señor Manuel Ballesteros, an employe of the *Archivos de Indias* located in Seville, Spain, was appointed to continue the work and to make copies of official documents found in the archives and relating to the Philippines. These copies were to be forwarded to the Philippines and for each copy received Señor Ballesteros was to receive a definite compensation, which was determined by the length of the document furnished. It is understood that copies of official documents continue to be received from Señor Ballesteros and that such copies, as well as the memoranda and lists of books, papers, and documents made by Doctor Zulueta, are on file in the division of archives, patents, copyrights, and trade-marks of the Executive Bureau.

In view of the employment of Señor Ballesteros and the lists and memoranda left by Doctor Zulueta, it is the opinion of your select committee that there is now no necessity for the appointment of a collecting librarian. As soon as sufficient original documents or copies thereof are received and sufficient books are purchased to justify the appointment of a librarian, it is the opinion of your committee that a librarian should be appointed and some suitable place secured to put them, in order that they may be conveniently used by the public. It is evident, however, that until there are sufficient books, papers, and documents on hand it would be a mistake either to appoint a librarian or to secure library quarters.

In this connection it is therefore recommended by your committee:

First. That a suitable appropriation be made for the purchase of books, papers, and documents relating to the Philippines.

Second. That the contract with Señor Ballesteros be continued in effect or that some other person in the employ of the *Archivos de Indias* be engaged to do the work.

Third. That a committee of three be appointed by the Governor-General and the Speaker of the Assembly to select for the library books, papers, and documents relating to the Philippines and that the committee be authorized to purchase the books, papers, and documents so selected.



Fourth. That the committee appointed by the Governor-General and the Speaker of the Assembly be authorized to secure suitable quarters for the library when in its judgment the number of books, papers, and documents relating to the Philippines may justify that course, and, in case no Government building is available, that a proper appropriation be made for the renting and fitting up of such quarters.

Fifth. That a librarian at a salary of ₱3,000 per annum be appointed by the Governor-General when library quarters are secured.

As to the consolidation of the American Circulating Library with the library proposed to be established by the bill, your committee begs leave to state that the American Circulating Library was established by private parties as a memorial to the officers and men of the United States Army and Navy who lost their lives in the service of their country in the Philippines, and was taken over by the Government in trust upon the condition, among others, that the name "The American Circulating Library Association of Manila, P. I." should not be changed, and that the memorial feature should be perpetuated. This agreement is in the nature of a contract between the Association and the Government, and it would seem that it ought not to be amended or altered without the consent of all the parties thereto. It is also apparent that the funds of the American Circulating Library Association received from membership, subscriptions, etc., could not be used for the purchase of books or other expenses of the library proposed by the bill.

In view of all this, your committee is of the opinion that the American Circulating Library can not be merged with the new library sought to be created by the bill. As the designation "The Philippine Public Library" is truly descriptive of the nature, character, and purposes of the new library which the bill seeks to create, your committee is of the opinion that that should be its name.

Your committee further recommends that Assembly Bill No. 213 be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

"SECTION 1. For the purpose of establishing a library which shall be known as 'The Philippine Public Library,' the sum of three thousand pesos is hereby appropriated, out of any funds in the Insular Treasury not otherwise appropriated, for the purchase of books, papers, documents, and periodicals relating to the Philippines and to the history thereof, and for the purchase of such other books, papers, documents, and periodicals as may be proper for the purpose of a public library in the opinion of the library committee provided for by this Act. The further sum of one thousand pesos is hereby appropriated, out of any funds in the Insular Treasury not otherwise appropriated, for the securing and fitting up of suitable quarters for said library, upon the establishment thereof as hereinafter provided.

"SEC. 2. A committee of three, to be known as 'The Philippine Public Library Committee,' shall be appointed by the Governor-General and the Speaker of the Assembly, and shall collect, select for purchase, and purchase, out of the funds appropriated by this Act, such books, papers,

documents, and periodicals relating to the Philippines and to the history thereof, and such other books, papers, documents, and periodicals, as to said committee may seem proper for the establishment and the uses and purposes of the Philippine Public Library. It shall be the duty of said committee to make a careful investigation of all books, papers, documents, and periodicals now in the hands of the Government relating to the Philippines and to the history thereof, and to make due report of its investigations to the Governor-General, who, upon the recommendation of said committee, may direct the transfer of all said books, papers, documents, and periodicals not required for official purposes to the Philippine Public Library upon the appointment of the librarian provided for by this Act.

"SEC. 3. When in the opinion of said committee sufficient books, papers, documents, and periodicals have been collected or purchased to justify the actual establishment and the opening of the Philippine Public Library, said committee shall so report to the Governor-General, and thereupon the Governor-General shall appoint a librarian for said Philippine Public Library at a salary not to exceed three thousand pesos per annum, and said committee shall secure and fit up suitable quarters for said library.

"SEC. 4. The Philippine Public Library is authorized to receive and accept gifts, donations, bequests, devises, and transfers of property and money for the use and benefit of said Philippine Public Library, and to acquire and secure an income from its properties, and to invest its funds for the use and benefit of said Philippine Public Library, and to spend such income in the interest of said library and for library purposes.

"SEC. 5. The administration of said library and the care, control, and management of all its properties, whether real or personal, is hereby vested in a board composed of the Secretary of Public Instruction, the librarian of said library, and a committee of three to be appointed by the Governor-General and the Speaker of the Assembly. Such board shall be known as 'The Philippine Public Library Board,' and, in addition to its other powers, it shall have power and authority to appoint, in accordance with civil-service rules, the subordinate personnel or employees of said library: *Provided, however,* That the librarian of said library shall be appointed by the Governor-General.

"SEC. 6. The librarian, under the supervision and control of the Philippine Public Library Board, shall have direct care and custody of all books, papers, documents, and periodicals, and other library property belonging to the Philippine Public Library or confided to its care. With the approval of the Philippine Public Library Board the librarian shall have power to adopt and enforce suitable rules and regulations for the government and orderly management of said library, and shall perform such other duties as may be required of him by the Philippine Public Library Board.

"SEC. 7. Books, papers, documents, periodicals, and all other reading matter required for the uses and purposes of said Philippine Public Library may be ordered by the Philippine Public Library Board without the intervention of the Purchasing Agent.

"SEC. 8. All accounts of said Philippine Public Library must be duly approved by the Philippine Public Library Board and shall be audited in

accordance with the provisions of Act Numbered Seventeen hundred and ninety-two.

“SEC. 9. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

“SEC. 10. This Act shall take effect on its passage.”

Amend the title to read as follows:

“An Act providing for the establishment of a public library to be known as ‘The Philippine Public Library,’ making suitable appropriations therefor, and for other purposes.”

Respectfully submitted.

JAMES F. SMITH,

*Committee on Matters Pertaining to  
the Department of Public Instruction.*

To the PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to the Department of Public Instruction on Assembly Bill No. 213 was accepted, and the amendment therein recommended was adopted.

By unanimous consent, the bill was thereupon read the second time, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, in full, as amended.

The question then being upon its passage, the roll was called, and Assembly Bill No. 213, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendment.

#### SECOND READING OF RESOLUTION.

On motion by the President,

Assembly Concurrent Resolution No. 8, entitled “Concurrent Resolution providing for the appointment of a committee of fifteen members which shall have charge of the drafting of new civil, commercial, penal, and procedure codes,” read the first time on March 31, 1908, and passed on second reading file on April 3, 1908, was read the second time, and referred to the Committee of the

Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera thereupon moved the immediate third reading of the resolution. The motion was seconded by Commissioner Luzuriaga, and being put to a vote was unanimously carried.

The resolution was thereupon read the third time, by its title only.

The question then being upon its passage, Assembly Concurrent Resolution No. 8 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

#### INTRODUCTION AND PASSAGE OF BILLS.

The President introduced the following bill:

Commission Bill No. 52. An Act amending section five of Act Numbered Fifteen hundred and eighty-two, entitled "The Election Law," in certain particulars.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Luzuriaga moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 52 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

The President also introduced the following bill:

Commission Bill No. 53. An Act establishing an Institute of Philippine Languages, providing for the training of public school teachers of Phil-

ippine languages, and appropriating the sum of twenty thousand pesos for the establishment of said Institute.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass with the following amendment:

Section 1, page 1, line 11, after the word "text" and before the words "of the Philippine Government," insert the words "in such languages introduced into the schools."

SEC. 2, page 2, line 9, strike out the word "Yogad"; same section, same page, line 10, strike out the word "Baddang" and insert in lieu thereof the word "Gaddang"; same section, same page, in lines 11, 12, and 13, strike out the words "Kalamian, Kuyuno, Agutaya, the several Bisayan dialects, namely Panayano, Cebuano, and Samaro-Leyteano," and insert in lieu thereof the words "Bisayan and the dialects thereof."

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Worcester, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 53 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

The President also introduced the following bill:

Commission Bill No. 54. An Act designating the Insular Treasury as official depository for subscriptions to the Philippines memorial in honor of deceased United States soldiers, sailors, and marines who succumbed in the Philippine Islands, and providing for the collection and disbursement of said funds.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass with the following amendments:

Page 1, line 7 of preamble, after the word "and" and before the words "that the expense," insert the word "proposes."

Sec. 4, page 2, strike out in its entirety and insert in lieu thereof the following:

“SEC. 4. The city of Manila is hereby authorized to grant a site for said monument, subject to the approval of the Governor-General.”

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Worcester, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 54 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

#### EXPLANATION.

The President explained that Commission Bill No. 54 was based on Commission Bill No. 8, bearing the same title, which was introduced by him during the inaugural session (by request), read twice, and referred back to him as a committee of one for report; that he was unable to report it back to the Commission before the termination of the inaugural session, and that after having consulted with the parties interested he now introduced the subject in a new bill, much more concise and simple in form, which he believed would accomplish the purpose sought as well as Commission Bill No. 8 would have done had it been enacted into law.

#### RECESS.

At 12 o'clock and 30 minutes postmeridian,

On motion by Commissioner Tavera,

The President declared the Commission at recess until 8 o'clock postmeridian of this date, at Twin Peaks.

#### TIME OF RECESS EXTENDED.

At 8 o'clock postmeridian,

On motion by Commissioner Luzuriaga,

The time of recess was extended until 10 o'clock, at Camp One.

## RECONVENED.

At 10 o'clock postmeridian the Commission reconvened, at Camp One, on board train. The President in the chair.

## MESSAGES FROM THE ASSEMBLY.

MAY 21, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed the 21st instant Commission Bill No. 52, entitled "An Act amending section five of Act Numbered Fifteen hundred and eighty-two entitled "The Election Law," in certain particulars," without amendment.

Very respectfully,

GREGORIO NIEVA,

*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered,* That Commission Bill No. 52 be enrolled and printed as an Act of the Legislature.

MAY 20, 1908.

MR. PRESIDENT: I have been instructed to inform your honorable body that the inclosed bill (A. B. No. 232), entitled "An Act declaring the funds appropriated for current expenses of the Assembly available for certain expenses of the Assembly that are not specified in the current appropriation bill," passed the Assembly on May 20, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,

*Secretary.*

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Baguio, Benguet.*

By unanimous consent, Assembly Bill No. 232 was read the first and second times, and was then considered by the Commission in Committee of the Whole. It was reported to the Commission with the recommendation that it pass.

Commissioner Tavera moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Assembly Bill No. 232 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

MAY 21, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the amendments made by the Commission to Assembly Bill No. 115, entitled "An Act abolishing the special tax of one per centum on the assessed value of undeclared property," was concurred in by the Assembly today, 21st instant, without amendment.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

*Ordered,* That the message be filed.

MAY 21, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 21st instant, Commission Bill No. 44, entitled "An Act to amend Act Numbered One hundred and thirty-one, entitled 'An Act providing for the establishment of a Weather Bureau for the Philippine Islands and appropriating eight thousand and sixty-six dollars and fifty cents, in money of the United States, for the purchase of meteorological instruments and apparatus and the installation of the same,'" without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered,* That Commission Bill No. 44 be enrolled and printed as an Act of the Legislature.

MAY 21, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 21st instant, Commission Bill No. 36, entitled "An Act to amend sections seven, nine and one hundred and thirty of Act Numbered Fourteen hundred and fifty-nine, known as 'The Corporation Law,'" without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered,* That Commission Bill No. 36 be enrolled and printed as an Act of the Legislature.

MAY 20, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the inclosed bill (A. B. No. 238) entitled "An Act amending section three



of Act Numbered Fifteen hundred and forty-five, entitled 'An Act to amend the Provincial Government Act, Numbered Eighty-three, by reorganizing the provincial boards and abolishing the position of provincial secretary, and for other purposes,' by making certain provisions regarding the compensation which shall be received by the third member when acting as a substitute for the provincial governor," was passed by the Assembly on May 29, 1908, and to request that the Commission concur therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

Assembly Bill No. 238 was read the first time, and referred to the Committee on Municipal and Provincial Governments.

MAY 20, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 20th instant, Commission Bill No. 30, entitled "An Act to grant to the Insular Coal Company, Incorporated, a franchise to construct, maintain, and operate a railway line from the shore line at the port of Danao to the coal district of Camansi, Province of Cebu," with the following amendments:

Strike out in lines 5 and 6 of section 1 the words "ninety-nine years" and substitute in lieu thereof the words "fifty years."

Strike out in line 22, subsection (c) of section 2, the words "or useful."

Strike out in line 27, subsection (d) of section 2, the word "useful" and substitute in lieu thereof the word "necessary," in which the concurrence of the Commission is requested.

Very respectfully,

GREGORIO NIEVA,

*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,

*Baguio, Benguet.*

The question being, Shall the Commission concur in the Assembly amendment to Commission Bill No. 30, the amendment was unan-  
imously concurred in.

The Secretary was directed to notify the Assembly thereof.

*Ordered,* That Commission Bill No. 30 be enrolled and printed as an Act of the Legislature.

MAY 20, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that Commission Bill No. 49, entitled "An Act to increase the power of the Provinces of Palawan and Mindoro in the matter of appropriation of pro-

vincial funds," was referred to the Committee on Matters Pertaining to Mindanao and Special Governments.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

*Ordered,* That the message be filed.

MAY 20, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that Commission Bill No. 48, entitled "An Act to amend section three hundred and one of Act Numbered Three hundred and fifty-five of the Philippine Commission, known as 'An Act to constitute the customs service of the Philippine Archipelago and to provide for the administration thereof,' as amended, in such manner as to prohibit the importation of merchandise into any port in the Philippine Islands other than an entry port, or in vessels of less than thirty tons burden," was referred to the Committee on Industry, Commerce, and Labor.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

*Ordered,* That the message be filed.

MAY 21, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 21st instant, Commission Joint Resolution No. 4, entitled "Joint Resolution providing for the appointment of a committee to investigate the road problem in the Philippine Islands, and to report thereon to the Philippine Legislature at its next regular session," without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.  
*Baguio, Benguet.*

*Ordered,* That Commission Joint Resolution No. 4 be enrolled and printed as a resolution of the Legislature.

MAY 21, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 196), entitled "An Act making appropriations for certain public works and permanent improvements, and for other

purposes," passed the Assembly on May 21, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered,* That Assembly Bill No. 196 take its proper place on the calendar.

MAY 19, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the inclosed bill (A. B. No. 212), entitled "An Act granting a prize of fifteen thousand pesos to the inventor of an incombustible roof to substitute nipa, and creating a technical board to pass upon the conditions of the invention," passed the Assembly on May 19, 1908, and to request that the Commission concur therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

*Ordered,* That Assembly Bill No. 212 take its proper place on the calendar.

MAY 20, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the inclosed bill (A. B. No. 236), entitled "An Act repealing the provisions of paragraph two of section four of Act Numbered Fifteen hundred and eighty-two, known as The Election Law, and declaring in force subsection (b) of section thirty-nine of Act Numbered Eighty-two," passed the Assembly on May 20, 1908, and that the concurrence of the Commission therein is requested.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

*Ordered,* That Assembly Bill No. 236 take its proper place on the calendar.

MAY 21, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 195), entitled "An Act fixing the salaries of the officials of the administration of the Philippines," passed the

Assembly on May 21, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

*Ordered,* That Assembly Bill No. 195 take its proper place on the calendar.

MAY 21, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 198), entitled "An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and nine, and other designated periods," passed the Assembly on May 21, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

Referred to the Committee on Appropriations of the Commission.

MAY 21, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 126), entitled "An Act to establish a uniform system of bankruptcy and insolvency throughout the Philippine Islands," passed the Assembly on May 21, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

*Ordered,* That Assembly Bill No. 126 take its proper place on the calendar.

MAY 21, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 176), entitled "An Act providing for the amendment of the Manila Charter," passed the Assembly on May 13, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered*, That Assembly Bill No. 176 take its proper place on the calendar.

MAY 19, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that Commission Bill No. 41, entitled "An Act amending sections seventy-four and one hundred and seven of Act Numbered Eleven hundred and eighty-nine, as amended," was referred to the Committee on Appropriations of the Assembly.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION,  
*Baguio, Benguet.*

MISCELLANEOUS COMMUNICATIONS.

The President presented the following communications:

A communication from the municipal secretary of Pandan, Province of Antique, inclosing a resolution of the municipal council of Pandan, adopted on April 30, 1908, advocating the passage of the so-called Rovira Bill and Paterno Bill, the former imposing a tax on friars entering the Islands and the latter providing for the confiscation by the Government of all property of the Roman Catholic Church in the Islands.

Ordered filed, after proper acknowledgment by the Secretary.

A communication from the municipal secretary of Magdalena, Province of La Laguna, inclosing a resolution of the municipal council of Magdalena, adopted on May 1, 1908, advocating the passage of the so-called Rovira Bill, imposing a tax on friars entering the Islands.

Ordered filed, after proper acknowledgment by the Secretary.

A communication from the municipal president of San Nicolas, Province of Pangasinan, inclosing a copy of a resolution adopted by the municipal council of San Nicolas on May 15, 1908, advocating the passage of the so-called Rovira and Paterno Bills, respectively, imposing a tax on friars entering the Islands and confiscating all property of the Roman Catholic Church in the Islands; also advocating the passage of the bill introduced in the Commission by Commissioner Shuster, establishing a university in the Philippine Islands.

Ordered filed, after proper acknowledgment by the Secretary.

A communication from the municipal secretary of Badajoz, sub-province of Romblon, embodying a resolution of the municipal

council of Badajoz, adopted on May 1, 1908, requesting that the collection of the penalty on the land tax be postponed until the end of August, 1908.

*Ordered*, That the Secretary invite the attention of the municipal council of Badajoz to a recent Act of the Legislature extending the time for the payment of the land tax without penalty to September 30, 1908.

A communication from the municipal president of Siaton, Province of Oriental Negros, embodying a resolution of the municipal council of Siaton, adopted on April 30, 1908, protesting against the law increasing the salary of the Speaker and the per diems of the members of the Philippine Assembly.

Referred to the President, on his own motion.

#### EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 381.)

#### STATEMENT BY THE GOVERNOR-GENERAL.

The President stated that, as Governor-General, he had no further messages or communications to transmit to either branch of the Legislature during the present session.

#### READING OF JOURNAL.

The President moved that the reading of the Journal of Thursday, May 21, 1908, be dispensed with.

The motion prevailed.

#### ADJOURNMENT SINE DIE.

In accordance with Concurrent Resolution No. 8 (A. C. R. No. 12), the hour of 12 o'clock postmeridian having arrived, the President declared the Commission adjourned sine die.

Attest:

WM. H. DONOVAN, *Secretary*.

Approved:

JAMES F. SMITH,

*President, Philippine Commission.*

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JOURNAL  
OF THE  
PHILIPPINE COMMISSION  
BEING A  
SPECIAL SESSION OF THE FIRST PHILIPPINE  
LEGISLATURE  
BEGUN AND HELD AT THE CITY OF MANILA  
MAY 22, 1908





# First Philippine Legislature.

## Special Session.

Begun and held at the city of Manila on Friday, the twenty-second day of May, in the year of our Lord nineteen hundred and eight, being a Special Session of the First Philippine Legislature, called by proclamation of the Governor-General issued on said date under and by authority of the Act of the Congress of the United States approved July first, nineteen hundred and two.

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### JOURNAL OF THE COMMISSION.

**FRIDAY, MAY 22, 1908.**

The Commission met at the call of the President at 5 o'clock postmeridian.

There being no objection, the calling of the roll was dispensed with.

#### READING OF PROCLAMATION.

At the direction of the President, the Secretary read the following proclamation of the Governor-General:

#### BY THE GOVERNOR-GENERAL OF THE PHILIPPINE ISLANDS—A PROCLAMATION.

Whereas, due to the fact that the Philippine Legislature was kept in session from the sixteenth day of October, nineteen hundred and seven, until the fourth day of April, nineteen hundred and eight, it became necessary for the Legislature to adjourn from the said fourth day of April to the twenty-seventh day of April in order that the members of the Legislature might enjoy a much needed rest and have an opportunity of visiting their families and of conferring with the electors of their districts; and

Whereas the period of said adjournment reduced the regular session by sixteen legislative days which otherwise might have been devoted to legislative business; and

Whereas the appropriations for public works and permanent improvements and general appropriations to meet the current expenses of the Government for the fiscal year nineteen hundred and nine and the Bankruptcy Bill, all bills of vital importance to the public welfare, passed the

Assembly on the twenty-first day of May, the last day of the regular session, and so late that it was impossible for the Commission to give any consideration whatever to them; and

Whereas there were pending in both Houses of the Legislature on the twenty-first day of May, nineteen hundred and eight, many other matters which should be finally disposed of in the interest of the public good; and

Whereas the Governor-General is empowered by section seven of the Act of Congress of July first, nineteen hundred and two, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," to call a special session of the Legislature for a period not exceeding thirty days, exclusive of Sundays, for the consideration of either general or special legislation as to the said Governor-General may seem best:

Now, therefore, I, James F. Smith, Governor-General of the Philippine Islands, by virtue of the authority conferred upon me by the Act of Congress hereinbefore mentioned, do hereby call a special session of the Philippine Legislature to be held at the city of Manila on the twenty-second day of May, nineteen hundred and eight, at five o'clock postmeridian and to terminate at ten o'clock antemeridian on the nineteenth day of June, nineteen hundred and eight, for the consideration of the following special legislation, to wit:

(a) The appropriation bill for public works and permanent improvements;

(b) The general appropriation bill to meet the current expenses of the Philippine Government during the fiscal year nineteen hundred and nine;

(c) Appropriate legislation for the promotion of irrigation in the Philippine Islands and providing the means for the establishment and maintenance of irrigation systems;

(d) Legislation the purpose of which shall be to promote the interests of agriculture and the welfare of the farming community;

(e) Appropriate legislation for the establishment by the Philippine Government of an agricultural bank;

(f) Legislation designed to better the condition and improve the efficiency of labor;

(g) Appropriate legislation for the relief of bankrupt debtors and the protection of creditors of bankrupts;

(h) An Act providing for the manner of sale of unoccupied so-called "friar lands" and increasing the number of installments in which the purchase price may be divided and extending the period within which final payment must be made;

(i) An Act to amend the Internal Revenue Law so as to postpone the time of the taking effect of the increase of the tax on distilled spirits and cigarettes;

(j) An Act to provide for the sending of two delegates to the International Congress on Tuberculosis which is to meet in Washington, District of Columbia, in September of this year;

(k) An Act appropriating the sum of one hundred and ninety thousand pesos for the payment of salaries of the teachers in certain barrio schools;

(l) An Act to promote the purchase and sale of manufactured lumber in accordance with the English system of weights and measures;

(m) An Act for the establishment of the Philippine Public Library;

(n) An Act fixing the place in which actions arising in justice of the peace courts must be tried and defining the jurisdiction of justices of the peace;

(o) Appropriate legislation for the establishment of a Philippine University;

(p) Appropriate legislation for the encouragement and creation of coöperative agricultural loan societies;

(q) Appropriate legislation to settle titles to landed property and to facilitate the speedy and economical registration of titles thereto;

(r) All legislation and resolutions which had passed one of the Houses of the Legislature and were pending in the other House at the time of the adjournment of the Legislature on May twenty-first, nineteen hundred and eight;

(s) Any other legislation or resolutions which the Executive may by special message recommend to the Legislature for consideration.

Done at the city of Manila this twenty-second day of May, nineteen hundred and eight.

JAMES F. SMITH,  
*Governor-General.*

By the Governor-General:

FRANK W. CARPENTER, *Executive Secretary.*

*Ordered,* That the proclamation be spread upon the Journal.

MESSAGE FROM THE ASSEMBLY BY THE SECRETARY.

The Secretary of the Assembly appeared and stated that he had been instructed by the Assembly to announce to the Commission that, a quorum of the Assembly being present, the Assembly was ready for the transaction of business, the hour being 6 o'clock and 10 minutes postmeridian.

ANNOUNCEMENT TO THE ASSEMBLY.

The President introduced the following resolution:

Commission Resolution No. 51. *Resolved,* That the Secretary inform the Philippine Assembly that the Commission is assembled and ready to proceed to business.

The resolution was adopted, and the Secretary repaired to the Assembly Hall and notified the Assembly accordingly.

## MESSAGE FROM THE GOVERNOR-GENERAL.

The Commission having signified its readiness to receive any communication the Chief Executive desired to make, the President of the Commission, as Governor-General, read his message as follows:

MAY 22, 1908.

*To the Philippine Commission and the Philippine Assembly:*

The Executive, notwithstanding that the Philippine Legislature has been in session ever since the 16th day of October, 1907, except during the recess taken by it in April last, has deemed it proper to call a special session of the Legislature for the consideration of special legislation for a period of time exceeding by a few days that lost to the session during the recess.

Many distinct subjects of legislation have been embraced in the call for the special session; some of them are of vital importance and would hardly brook delay.

In the opinion of the Executive, the first bill which should be disposed of by the Legislature is the bill making appropriations for public works and permanent improvements. This bill has already passed the Assembly, and it is respectfully urged that both Houses of the Legislature reach an agreement with regard to it at the earliest practicable date. The panic in the city of New York was almost world-wide in its effect and served in some measure to aggravate the monetary stringency in the Philippines, which had existed for a considerable period of time prior to said panic. The money collected in taxes from the people should be restored to circulation as soon as possible. There is no speedier or better way to accomplish this purpose than by the expenditure of such money in the prompt commencement and prosecution of public works and permanent improvements which have for their purpose the welfare of commerce and industry. If no appropriation for public works and permanent improvements is made at the special session of the Legislature, steps can not be taken during the coming dry season for their initiation; and as a consequence, the money which was collected from the people for the purpose of prosecuting these public works and permanent improvements will lie dead in the Treasury and be of no use or benefit whatever to the people of the Islands.

The passage of the general appropriation bill may not be absolutely necessary, in view of the Act of Congress providing that if there be a failure of the two Houses to agree on a general appropriation bill to meet the current expenses of the Government, the appropriation for the preceding year shall continue in full force and effect; but it would certainly be wise if both Houses of the Legislature could reach an agreement as to the sum which should be appropriated for the general expenses of government and pass an appropriation bill which, on the one hand, will not result in disturbing and unsettling the whole service, and on the other hand will receive the approval of reasonable and responsible people as to its justness and fairness.

Agriculture has been for many years at the mercy of the usurer and the unscrupulous money lender. The only relief from this situation is in the establishment of an agricultural bank. Congress, during the session of 1907, was induced to pass an Act authorizing the establishment of such an institution in the Philippine Islands. Every means has been employed to interest capital in the matter, but all efforts have failed. Lack of confidence as to the stability of public order and as to the future of the Islands made capital timid. It is hardly to be expected that men of means would seek to establish a bank for the purpose of loaning money when we ourselves were preaching from the house tops a propaganda which could have no other result than the destruction of faith in our future and the loss of that credit and confidence upon which the world's business is done. As no one is willing to help us because we have repeatedly declared that we are unable to help ourselves, and as our own conduct has impaired the confidence, the faith and credit which otherwise might have been ours, it seems necessary that the Legislature at the special session take some steps to show that the country has a strong and abiding faith in its own future. The establishment of an agricultural bank by the Government, even on a small scale, will serve this purpose, and legislation with that end in view should, if possible, be passed at the special session.

Last year there was a partial failure of the rice crop in several of the rice provinces, due to the late coming of the rains necessary for the maturing of the crop. In a country such as the Philippines, blessed with countless streams and rivers, good crops should not be dependent on the timely arrival of the rains, and the promotion of irrigation and the establishment of irrigation systems should receive the early and earnest consideration of the Legislature. Appropriations for the purpose of establishing irrigation systems on a small scale were made during the fiscal year 1907. It is hoped that these appropriations will be made yearly and that the income from them will be sufficient to pay for their maintenance and leave sufficient funds annually for the extension of their usefulness. The amount appropriated annually, however, will of necessity be small, and many years must elapse before any significant increase in productiveness as the result of such a policy will be had. In addition to these appropriations, it is thought that legislation should be enacted which will authorize the establishment of irrigation districts, and thus enable enterprising farmers to unite their energies and capital for the production of a benefit to all which would be beyond the means of the single individual.

Since the change of sovereignty there has existed in the Philippine Islands no bankruptcy law, and in consequence the commercial community has been subjected to great inconvenience and has suffered very heavy losses. On several occasions the question of a bankruptcy law was submitted by the Philippine Commission to the Philippine Bar Association, and that body was requested to prepare a law which would meet the needs of business and commerce. Such a bill was prepared by the Bar Association and submitted to the Commission, and it was evident that the bill as prepared was a compromise between the bankruptcy legislation as it existed under the Spanish régime and the bankruptcy and insolvency legislation

as it has been recognized in the United States. The Commission was of the opinion that either one system of bankruptcy law or the other should have been followed and that an attempt to mix the two systems could only result in confusion, prolonged delays, and endless litigation which would fritter away the assets of the bankrupt in court costs and attorneys' fees. On the last day of the first session the Assembly passed a bankruptcy bill, but in the few hours which yet remained of the session the bill could not receive from the Commission the consideration which a bill of such importance merited and required. It is respectfully urged that an agreement as to a bankruptcy law be reached by both Houses during this special session.

As far as investigation discloses, there seems to be no law in the Philippines which gives adequate protection to employers and employed. Suitable legislation should be passed which will enable both employer and laborer to settle by arbitration their differences as to wages and avoid the necessity of strikes which result in injury to both labor and capital, and are therefore exceedingly prejudicial to the prosperity and well-being of the country. The employer should be protected against that class of labor which receives its wages in advance and then declines to perform the services for which the wage was paid. The laborer has now no relief for injuries caused to him in the course of his employment and directly resulting from the negligence or carelessness of his employer. Proper legislation on this subject is necessary and should be passed as soon as an adequate study of the subject may permit. The question of legislation on the relations of employer and employed has been submitted by concurrent resolution to the committee appointed by the Governor-General and the Speaker of the Assembly, and it is hoped that this committee may be able to report its conclusion and the drafting of a law which will meet the demands of the situation.

Respectfully submitted.

JAMES F. SMITH, *Governor-General.*

On motion by Commissioner Luzuriaga, it was

*Ordered*, That the Message be spread upon the Journal of the Commission.

#### RESOLUTION.

The President introduced the following resolution:

Commission Resolution No. 52. *Resolved*, That, as during the inaugural and first sessions of the Philippine Legislature, the Commission meet in this special session in accordance with Executive Order Numbered Nineteen, series of nineteen hundred and seven, or at the call of the President: *Provided*, That whenever the Commission shall adjourn to meet at the call of the President, it shall be so stated in the Journal.

The resolution was adopted.

## MESSAGE FROM THE ASSEMBLY BY COMMITTEE.

Delegates Paterno, Rovira, and Villamor from the Assembly were announced, and being admitted to the Session Chamber stated that they had been appointed a special committee of three to notify the Governor-General and the Commission that the Assembly was ready for business and awaited any message or communication the Chief Executive or the Commission might desire to make.

## ADJOURNMENT.

Thereupon, at 7 o'clock postmeridian,

On motion,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## Special Session.

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### JOURNAL OF THE COMMISSION.

TUESDAY, MAY 26, 1908.

The Commission met at the call of the President at 9 o'clock antemeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### MESSAGE FROM THE GOVERNOR-GENERAL.

MAY 22, 1908.

GENTLEMEN: I have the honor to recommend consideration by the Legislature at this special session of Assembly Concurrent Resolution No. 13, entitled "Concurrent Resolution providing that Commission matters pending in the Assembly and Assembly matters pending in the Commission shall continue in both Houses as if the first session had not adjourned *sine die*," and also Commission Bill No. 55, entitled "An Act making certain authorizations without appropriation for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes."

Very respectfully,

JAMES F. SMITH,  
*Governor-General.*

To the PHILIPPINE COMMISSION and the  
PHILIPPINE ASSEMBLY.

On motion by Commissioner Luzuriaga,  
*Ordered*, That the message be spread upon the Journal.

#### MESSAGE FROM THE ASSEMBLY.

MAY 23, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the following resolution (A. C. R. No. 13), entitled "Concurrent Resolution providing that Commission matters pending in the Assembly



and Assembly matters pending in the Commission shall continue in both Houses as if the first session had not adjourned *sine die*," passed the Assembly on May 22, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

To the Honorable.

the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, the resolution was read once and put upon its passage.

Assembly Concurrent Resolution No. 13 was unanimously adopted, and the preamble and title were agreed to.

The Secretary was directed to notify the Assembly thereof.

#### MISCELLANEOUS COMMUNICATIONS.

The President presented the following communications:

A communication from Mrs. Mary Stanton Fergusson, widow of the late Arthur W. Fergusson, Executive Secretary, expressing her appreciation of the sympathy of the Governor-General, the Philippine Commission, and the Philippine Assembly in her bereavement.

Ordered filed, after furnishing a copy thereof to the Philippine Assembly.

A communication signed by Nazario Nagar and twenty others of the barrio of Mangarin, Province of Mindoro, protesting against the prohibition placed upon the residents of Mangarin by Doña Teodorica Endencia from fishing in a lagoon in a place called Mapaya, located within the said barrio, which lagoon the said Doña Teodorica Endencia claims to be her private property, while the residents maintain that it is the property of the Government, and that, being such, unless restricted by proper Governmental authority, they have a perfect right to fish there.

*Ordered,* That the Secretary inform the complainants that the question involved should be presented to the courts rather than to the Legislature, as the latter has no power or authority to determine the rights of property or the possession thereof, and that the papers then be referred to the Committee on Matters Pertaining to the Department of the Interior, with the suggestion that the committee investigate and take steps to adjust the matter through the Director of Lands.

A communication from Findlay & Co., approved by six other concerns, representing in Manila certain fire-insurance companies, requesting the amendment of the law so as to relieve the companies from the payment of the one-half per cent tax on reinsurance, and that in future only the ordinary tax of 1 per cent be charged, and stating that said request was not made because of any objection to the amount of the said one-half per cent but because of the unwarranted increase in bookkeeping which it entailed.

Referred to the Committee on Matters Pertaining to the Department of Finance and Justice.

A communication signed by Vicente G. Cabreira and one hundred and seventy-eight others, residents of Pagsanjan, La Laguna, advocating the passage of the so-called Rovira and Paterno Bills, imposing a tax on friars and confiscating all property of the Roman Catholic Church in the Philippine Islands, respectively.

Ordered filed, after proper acknowledgment by the Secretary.

A communication from the municipal secretary of Santa Rosa, La Laguna, inclosing a resolution of the municipal council of Santa Rosa, adopted on May 17, 1908, advocating the passage of the so-called Rovira and Paterno Bills, placing a tax on friars and confiscating all Roman Catholic Church property in the Philippine Islands, respectively.

Ordered filed, after proper acknowledgment by the Secretary.

#### INTRODUCTION AND PASSAGE OF BILL.

The President introduced the following bill:

Commission Bill No. 55. An Act making certain authorizations without appropriation for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other stated purposes.

By unanimous consent, the bill was read the first and second times and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the recommendation that it pass with the following amendments:

Section 1, page 2, line 14, strike out the words "would otherwise be," and insert in lieu thereof the word "was."

Same section, same page, strike out, in lines 16 to 20 inclusive, the words "The Director of Public Works is hereby authorized to pay the sum

of two thousand five hundred and fifty pesos to Frank R. Button, for services rendered in connection with the construction of the Pagbilao-Atimonan Road, from the unexpended balance of any funds appropriated for the construction of said road."

Same section, same page, strike out, in lines 21 to 25 inclusive, the words "The unexpended balance of funds heretofore appropriated for the improvement of the port of Cebu is hereby made available for expenditure, subject to approval by the Secretary of Commerce and Police, for the improvement of the so-called 'burnt area' in the municipality of Cebu," and insert in lieu thereof the following: "The unexpended balance of funds heretofore appropriated for the improvement of the port of Cebu is hereby made available for expenditure, subject to the approval of the Secretary of Commerce and Police, for the improvement of the so-called 'burnt area' in the municipality of Cebu, in addition to the purposes heretofore authorized, including payment for real estate taken for public purposes and for services as contemplated by section two of Act Numbered Sixteen hundred and fourteen."

Same section, page 3, line 1, strike out the word "liability" and insert in lieu thereof the word "accountability."

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera thereupon moved the immediate third reading of the bill.

The motion was seconded by Commissioner Forbes, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, in full, as amended.

The President thereupon moved the adoption of the following amendment:

Section 1, page 2, line 31, and page 3, lines 1 to 5 inclusive, strike out the words "J. B. Green, provincial treasurer of Tayabas, is hereby relieved from accountability for public funds amounting to six hundred and fifteen pesos, Mexican currency, which were stolen from a safe in his office during July, nineteen hundred and six, by Anastasio Bacer, for which crime the latter was tried and convicted by the Court of First Instance."

The question being on the adoption of the amendment, the roll was called with the following result:

Yeas: Commissioner Luzuriaga and the President;

Nays: Commissioners Worcester, Tavera, and Forbes.

A majority having failed to vote in favor of the amendment, the President declared the same lost.

## EXPLANATIONS OF VOTES.

In casting his vote for the amendment to strike out the provision relieving Treasurer Green from accountability, the President stated that he was opposed to relieving any officer from accountability for Government funds unless it was shown conclusively that every care had been exercised by him in the protection of such funds and that they were lost through no fault of his; that he was not convinced that Treasurer Green had exercised all the care he ought to have exercised as an official responsible for Government moneys; and that he feared the consequences of the establishment of a precedent in his case.

Commissioner Luzuriaga stated that his reasons for voting for the amendment were the same as those stated by the Governor-General.

The question then being upon its passage, Commission Bill No. 55 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

## FRIAR LANDS REPORT.

At the direction of the President, the Secretary read for the information of the Commission the report of the Director of Lands on the administration of the friar estates for the quarter ending March 31, 1908.

Ordered filed.

## EXECUTIVE SESSION.

On motion by Commissioner Tavera,

The Commission proceeded to the consideration of executive business.

After consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 383.)

## ADJOURNMENT.

Thereupon, at 12 o'clock meridian, the Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## Special Session.

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### JOURNAL OF THE COMMISSION.

FRIDAY, MAY 29, 1908.

The Commission met at the call of the President at 9 o'clock and 30 minutes antemeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### MESSAGE FROM THE GOVERNOR-GENERAL.

MAY 29, 1908.

*To the Philippine Commission and the Philippine Assembly:*

I have the honor to recommend consideration by the Legislature, at this session, of a bill to make available for the expenses of the special session the unexpended balances of funds heretofore appropriated for the Philippine Assembly and to appropriate such additional funds as may be necessary to meet the expenses of the special session. It is understood that such a bill is now ready for introduction in the Commission.

Consideration is also recommended of a concurrent resolution providing that neither House of the Legislature shall present to the other any new proposed legislation after June 13, 1908.

Very respectfully,

JAMES F. SMITH,  
*Governor-General.*

On motion by Commissioner Tavera,  
Ordered spread upon the Journal.

#### MESSAGES FROM THE ASSEMBLY.

MAY 27, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 27th instant, Commission Bill No. 45, entitled "An Act providing for the expenditure of four thousand pesos for traveling expenses and subsistence of two delegates from the Philippine

Islands to the International Congress on Tuberculosis to be held at Washington, District of Columbia, from September twenty-ninth to October twelfth, nineteen hundred and eight," without amendments.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered*, That Commission Bill No. 45 be enrolled and printed as an Act of the Legislature.

MAY 26, 1908.

MR. PRESIDENT: On recommendation of the Committee on Railroads and Franchises, and in conformity with the directions of the Presiding Officer at the session of the 5th instant, I have the honor to forward to your honorable body the inclosed copies of Assembly Concurrent Resolution No. 5, entitled "Concurrent Resolution providing for the creation of a committee which shall have charge of the investigation of the Manila Electric Railroad and Light Company's schedule of prices for electric fluid which is now in force," and the report of the said committee on this resolution, for such action thereon as the Commission may deem proper.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered filed.

SEVERAL READINGS AND PASSAGE OF ASSEMBLY BILLS (SEE  
MAY 21, 1908).

Assembly Bill No. 196. An Act making appropriations for certain public works and permanent improvements and for other purposes.

The bill was read the first and second times and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera moved the immediate third reading of the bill.

The motion was seconded by Commissioner Forbes, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time by its title only.

The question then being upon its passage, Assembly Bill No. 196 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

Assembly Bill No. 212. An Act granting a prize of fifteen thousand pesos to the inventor of an incombustible roof to substitute nipa, and creating a technical board to pass upon the conditions of the invention.

The bill was read the first and second times and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera moved the immediate third reading of the bill.

The motion was seconded by Commissioner Forbes, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time by its title only.

The question then being upon its passage, Assembly Bill No. 212 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

Assembly Bill No. 236. An Act repealing the provisions of paragraph two of section four of Act Numbered Fifteen hundred and eighty-two, known as the Election Law, and declaring in force subsection (b) of section thirty-nine of Act Numbered Eighty-two.

Assembly Bill No. 236 was read the first time and referred to the Committee on Municipal and Provincial Governments.

#### MISCELLANEOUS COMMUNICATIONS.

The President presented the following communications:

A communication dated May 19, 1908, and signed by eight members of the municipal council of Talisay, Cebu, and a resolution of the municipal council of Matnog, Sorsogon, dated May 15, 1908, advocating the passage of the so-called Paterno and Rovira Bills, confiscating the property of the Roman Catholic Church in the Islands and imposing a tax on friars, respectively.

Ordered filed, after proper acknowledgment by the Secretary.

A communication from the municipal president of Camalig, Albay, inclosing a copy of a resolution of the municipal council of Camalig, adopted on May 4, 1908, advocating the passage of the so-called Rovira Bill, imposing a tax on friars.

Ordered filed, after proper acknowledgment by the Secretary.

## REPORTS OF STANDING COMMITTEES.

[Committee Report No. 43.]

MAY 29, 1908.

GENTLEMEN: Your Committee on Matters Pertaining to the Department of Finance and Justice, to whom was referred on May 21 Assembly Bill No. 23, entitled "An Act providing for the creation and employment of jurors (*jueces de hecho*) in criminal matters in the Courts of First Instance and municipal courts in the city of Manila, and in the Courts of First Instance and justice of the peace courts in the provinces and municipalities of the Philippine Islands," has examined the same and has the honor to report it back to the Commission with the following remarks:

Section 2 of said bill gives to the complainant or informer and the defendant in any criminal cause the right to ask for and obtain one juror each, in the manner and under the conditions prescribed by the bill. In the overwhelming majority of cases, prosecutions for criminal offenses are made by the State, and to permit the complainant or the informer to participate in the selection of a jury would give him an intervention in prosecutions which does not properly belong to him, and would confer on him a privilege which properly belongs to the State.

Section 3 of the bill gives the provincial board of each province *the exclusive power* to choose from a list prepared by the municipal council of the capital of the province a number of citizens, not less than ten nor more than twenty-five, to serve as jurors in criminal causes. The judicial department of the Government is given no intervention whatever in the selection of jurors, and those who are to pass upon questions involving the life and liberties of the citizen can not be considered in any other light than the representatives of an administrative body not charged with the administration of justice and having no judicial responsibility whatever. The section is vicious in principle and could result only in disaster to the proper, equitable, and impartial administration of justice. By this section the judicial department, which is above the smoke and the noise of political battle and all that that may mean, is deprived of one of its most essential powers in the administration of justice—namely, the selection of jurors—and is made subservient to the provincial board of each province, which might be tempted to select jurors willing to aid them in perpetuating their political power and who might not be indisposed to make justice subservient to the ends of those responsible for their appointments. In brief, section 3 of the bill in question means simply the placing at the disposition of the provincial board the lives, the liberty, and the property of all the citizens of the province.

Section 12 of the bill provides that each juror shall receive a fee of ₱5, Philippine currency, for each day on which he actually attends the trial of the case in the Court of First Instance.

Section 14 provides for jurors in justices' courts, and section 19 fixes a fee of ₱2, Philippine currency, to be paid to each such juror for each day of session. There are two objections to the payment of the fees mentioned in the bill; one is that the inducement offered of ₱5 for each day of session



for jurors selected in the capital of the province and ₱2 for jurors selected in each municipality for justices' courts would serve to create a body of professional jurors, and these positions would naturally be considered by the provincial boards and municipal councils as providing a good field for the distribution of political patronage. The second objection is that the expense imposed would be too great for the overwhelming majority of the municipalities to bear, and it is extremely probable that many of the provinces would find somewhat embarrassing the payment of ₱5 per diem to each of the jurors for each day of session.

In view of all these circumstances your committee is of the opinion that Assembly Bill No. 23 should not pass and so recommends.

Respectfully submitted.

JAMES F. SMITH.

*President, Philippine Commission, Committee on Matters  
Pertaining to the Department of Finance and Justice.*

To the PHILIPPINE COMMISSION.

The report of the committee was unanimously adopted.

*Ordered,* That the Assembly be furnished with a copy of the report and notified of the action taken thereon.

[Committee Report No. 44.]

MAY 29, 1908.

MR. PRESIDENT: Your Committee on Municipal and Provincial Governments, to whom was referred on this date Assembly Bill No. 236, entitled "An Act repealing the provisions of paragraph two of section four of Act Numbered Fifteen hundred and eighty-two, known as the Election Law, and declaring in force subsection (b) of section thirty-nine of Act Numbered Eighty-two," has examined the same, and has the honor to report it back to the Commission with the following remarks:

The provisions incorporated into the Election Law, which was only recently enacted, were the result of the recommendation of practically all the provincial governors gathered at their annual assembly in Manila. To change this law when it has been in operation for so short a period of time would seem to be ill advised. The transfer of the authority from municipal councils to provincial boards to fill vacancies occurring in municipal offices was made by reason of the abuses which had crept in as a result of a majority of the municipal council desiring to perpetuate their power and to reduce the power of the minority in the council. It may be said with entire truth that whenever a vacancy occurred in the minority of the council the majority always appointed someone who was thoroughly in accord with their policy, and thereby deprived the minority of the people of the municipality of that representation in the municipal council to which they were entitled as a result of the votes cast for them at the election. It seems to your committee that vacancies in municipal councils should be filled by special election, or that the power of filling them should be vested in higher authority. The special elections would be the most just to the people of the municipalities, but this method is rendered impracticable

by reason of the cost which would be imposed. It should be borne in mind that the practice of filling vacancies in municipal councils by higher authority is nothing new or novel. In fact, it is the practice in most governments to fill such vacancies either by nominations by higher authority or by special election.

It is recommended by your committee that Assembly Bill No. 236 do not pass.

Respectfully submitted.

T. H. PARDO DE TAVERA,  
*Commissioner, Chairman.*  
JOSÉ R. DE LUZURIAGA,  
*Commissioner, Member.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the committee was unanimously adopted.

*Ordered*, That the Assembly be furnished with a copy of the report and notified of the action taken thereon.

[Committee Report No. 45.]

MAY 29, 1908.

MR. PRESIDENT: Your Committee on Municipal and Provincial Governments, to whom was referred, on May 21, 1908, Assembly Bill No. 238, entitled "An Act amending section three of Act Numbered Fifteen hundred and forty-five, entitled 'An Act to amend the Provincial Government Act, Numbered Eighty-three, by reorganizing the provincial boards, and by abolishing the position of provincial secretary, and for other purposes,' by making certain provisions regarding the compensation which shall be received by the third member when acting as a substitute for the provincial governor," has examined the same and has the honor to report it back to the Commission with the recommendation that it pass.

Very respectfully,

T. H. PARDO DE TAVERA, *Chairman*,  
JOSÉ R. DE LUZURIAGA, *Member*,

*Committee on Municipal and Provincial Governments.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the Committee was unanimously adopted.

By unanimous consent, Assembly Bill No. 238 was thereupon read the second time and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera moved the immediate third reading of the bill.

The motion was seconded by Commissioner Luzuriaga, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, the roll was called and Assembly Bill No. 238 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

#### INTRODUCTION AND PASSAGE OF BILL.

The President introduced the following bill:

Commission Bill No. 56. An Act appropriating the sum of sixty-five thousand pesos and making available the unexpended balances of funds heretofore appropriated by the Philippine Assembly, to provide for the expense of a special session of the Philippine Assembly.

By unanimous consent, the bill was read the first and second times and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the recommendation that it pass with the following amendments:

Section 1, page 1, line 14, strike out the words "twenty-nine" and insert in lieu thereof the words "thirty-one."

Same section, same page, line 22, insert immediately after the words "per diems" the following proviso: "*And provided, further,* That during the adjournment of the Legislature said Secretary shall render service to the Assembly committees acting during such adjournment, and when not on duty with such committees shall perform such other duties as may be required of him by the Speaker of the Assembly."

Amend the title by striking out the words "appropriated by" and inserting in lieu thereof the words "appropriated for."

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Luzuriaga thereupon moved the immediate third reading of the bill.

The motion was seconded by Commissioner Forbes, and, being put to vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 56 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

The President introduced the following concurrent resolution :

Commission Concurrent Resolution No. 4. Concurrent Resolution providing that neither of the two Houses of the Legislature shall present to the other any new proposed legislation after June thirteenth, nineteen hundred and eight.

Whereas the present special session of the Legislature will end on the nineteenth day of June, nineteen hundred and eight; and

Whereas during the last days of the present session it will be difficult, if not impossible, to take action on new bills which have not theretofore been considered by both Houses: Now, therefore, be it

*Resolved by the Philippine Commission, the Philippine Assembly concurring,* That after the thirteenth day of June, nineteen hundred and eight, until the end of the present session, neither House shall send to the other any bill which has not previously been acted upon or considered by the House to which it is sent.

By unanimous consent, the resolution was read once and put upon its passage.

The roll was called and Commission Concurrent Resolution No. 4 was formally adopted by unanimous vote, and the title and preamble were agreed to.

The Secretary was directed to request the concurrence of the Assembly therein.

#### RESOLUTION.

The President introduced the following resolution :

Commission Resolution No. 53. Whereas, on June twenty-sixth, nineteen hundred and five, the Philippine Commission adopted a resolution appointing Commissioners Smith and Legarda as a committee to meet and confer with the Municipal Board of Manila upon the question as to the title of lands and properties then in dispute between the Insular Government and said city and to make a report and recommendations thereupon; and

Whereas such changes have occurred since the last action of said committee that no further action by it is desirable: Now, therefore, be it

*Resolved,* That said committee and the members thereof be and it is and they are hereby discharged from further duties under said resolution.

The resolution was unanimously adopted.

#### ADJOURNMENT.

Thereupon, at 12 o'clock and 25 minutes postmeridian, the Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## Special Session.

### JOURNAL OF THE COMMISSION.

WEDNESDAY, JUNE 3, 1908.

The Commission met at the call of the President at 11 o'clock antemeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### MESSAGES FROM THE ASSEMBLY.

MAY 30, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 30th instant, Commission Bill No. 54, entitled "An Act designating the Insular Treasury as official depository for subscriptions to the Philippines memorial in honor of deceased United States soldiers, sailors, and marines who succumbed in the Philippine Islands, and providing for the collection and disbursement of said funds," without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered,* That Commission Bill No. 54 be enrolled and printed as an Act of the Legislature.

MAY 30, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the amendments made by the Commission to Assembly Bill No. 210, entitled "An Act providing for the construction of the national capitol of the Philippines," have been to-day, the 30th of May, 1908, concurred in by the Assembly, without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered filed.

MAY 30, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 30th instant, Commission Bill No. 15, entitled "An Act to provide for the granting of a franchise to construct, maintain, and operate telephone and telegraph systems, and to carry on other electrical transmission business in and between the provinces and municipalities of the Island of Panay," without amendments.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered,* That Commission Bill No. 15 be enrolled and printed as an Act of the Legislature.

JUNE 1, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 1st instant, Commission Bill No. 42, entitled "An Act to amend Act Numbered Fifteen hundred and nineteen, entitled 'An Act to provide for inspecting and sealing weights and measures and to regulate their use,' so as to authorize the continued use of the English system of weights and measures in the purchase and sale of manufactured lumber," without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered,* That Commission Bill No. 42 be enrolled and printed as an Act of the Legislature.

JUNE 1, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 1st instant, Commission Bill No. 48, entitled "An Act to amend section three hundred and one of Act Numbered Three hundred and fifty-five of the Philippine Commission, known as 'An Act to constitute the customs service of the Philippine Archipelago and to provide for the administration thereof,' as amended, in such manner as to prohibit the importation of merchandise into any port in the Philippine Islands other than an entry port, or in vessels of less than thirty tons burden," without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered,* That Commission Bill No. 48 be enrolled and printed as an Act of the Legislature.

JUNE 1, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 1st instant, Commission Bill No. 49, entitled "An Act to increase the power of the Provinces of Palawan and Mindoro in the matter of appropriation of provincial funds," without amendments.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered,* That Commission Bill No. 49 be enrolled and printed as an Act of the Legislature.

JUNE 2, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the amendment made by the Commission to Assembly Bill No. 191, entitled "An Act to amend section eighteen, paragraph two of subsection (1), of Act Numbered Eighty-two, known as the 'Municipal Code,' as amended by Act Numbered Nine hundred and ninety-nine," has been to-day, the 2d day of June, 1908, concurred in by the Assembly, without amendment.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Ordered filed.

JUNE 2, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly agrees to the conference requested by the Commission on the disagreeing votes of the two Houses on Commission Bill No. 11, entitled "An Act amending section fourteen of Act Numbered Sixteen hundred and twenty-seven," and has appointed as managers at the same on its part Delegates de Vera, Aguas, and Guzmán (P).

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered,* That the message be referred to the Commission conferees for their information.

MAY 29, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed, on May 26, 1908, Commission Bill No. 33, entitled "An Act for the purpose of founding a university for the Philippine Islands, giving it corporate existence, providing for a Board of Regents, defining the Board's responsibilities and duties, providing higher

and professional instruction, and for other purposes," with the following amendments:

Strike out section 1 and insert the following in lieu thereof.

"SECTION 1. The Governor-General is hereby authorized, within the powers and limitations hereinafter specified, to establish in the city of Manila or at the point he may deem most convenient, a university which shall be known by the designation of 'University of the Philippines,' the same being organized as a corporation under that name."

Divide section 2 so as to compose two distinct sections as follows:

"SEC. 2. The purpose of said university shall be to provide advanced instruction in literature, philosophy, the sciences and arts, and to give professional and technical training.

"SEC. 3. No student shall be denied admission to the university by reason of age, sex, nationality, religious belief, or political affiliation."

Substitute section 4 for section 3, and also substitute the following new paragraph in lieu of the first paragraph of section 3:

"The government of said university shall be vested in a body to be known as the 'Board of Regents' and shall consist of the Secretary of Public Instruction, ex officio member, who shall be president thereof; of the President of the Committee on Public Instruction of the Assembly and the president of the university council, also ex officio members, who shall be vice-presidents thereof, and six other members appointed by the Governor-General, including among them the Director of Education, who shall be ex officio member of the Board of Regents. Said five appointive members shall hold office for the term of three years, or until their successors shall be appointed: *Provided*, That of those five first appointed, two shall be appointed for one year, two for two years, and one for three years, and all vacancies in the Board due to any cause whatsoever shall be filled by appointment by the Governor-General in the manner aforesaid. Appointees for unexpired terms shall serve for the corresponding unexpired term only."

Change the number of section 4 to 5, and divide the first paragraph of the original section into two parts comprising two distinct sections to read as follows:

"SEC. 5. The Board of Regents of the University of the Philippines shall constitute a body corporate in which shall be vested the corporate powers of the university, and may sue and be sued, use a common seal and alter the same.

"SEC. 6. Said Board shall, in addition, have the following powers and duties:"

Substitute the words "bequests or legacies" in line 24, subsection (a) of the original section 4 for the words "endowments, grants," and strike out the word "bequests" in the same line so that line 24 shall read as follows: "real and personal, to receive bequests or legacies, or".

Strike out subsection (b) of section 4 of the original bill and insert in lieu thereof the following:

"(b) To provide for the establishment of the following colleges and their



faculties: (1) a College of Philosophy and Letters; (2) a College of Social and Political Sciences and of Law; (3) a College of Medicine, Dental Surgery, and Veterinary Surgery; (4) a College of Pharmacy; (5) a College of Applied Sciences; (6) a College of Engineering in its different branches, including that of mines; (7) a College of Agriculture, and (8) a College of Fine Arts: *Provided*, That the Board of Regents may, with the approval of the Governor-General, inaugurate these colleges, or any of them, as soon as in its judgment conditions shall favor their opening and funds shall be available for their maintenance: *And provided further*, That the Philippine Medical School, as established by Act Numbered Fourteen hundred and fifteen, as amended, shall become the College of Medicine of the University of the Philippines as soon as two or more colleges of the University of the Philippines shall have been established and be in actual operation."

Strike out subsection (c) and insert in lieu thereof the following:

"(c) To confer degrees; to confer the usual honorary degrees upon persons other than graduates of this university who excel in learning and literary, scientific, artistic, or political standing: *Provided*, That such degree shall not be conferred in consideration of the payment of money or other valuable consideration."

Strike out subsection (d) and insert in lieu thereof the following:

"(d) To create a chair in the colleges hereinbefore mentioned, and to provide for the maintenance or endowment of said colleges, as well as to fix the compensation corresponding to the professors, associate professors, assistant professors, instructors, tutors, and lecturers that the progress of instruction may make necessary."

Insert a new subsection after subsection (d), which shall read as follows:

"(e) To recommend to the Governor-General the removal of professors, associate professors, assistant professors, instructors, tutors, and lecturers after an investigation in which the accused shall be heard."

Change the letter (e) of the old subsection to (f) and insert the following as its text:

"To appoint and remove all other employees and to fix their compensation."

Change the letter of subsection (f) of the original bill to (g), and the words "as well as," in lines 2 and 3, for the words "such as," so that said lines 2 and 3 shall read as follows:

"Such as matriculation fees, graduation fees, and fees for."

Change the letter of subsection (g) to (h), and change the last word of the subsection, "merit," line 7, page 4, in section 4 of the original bill, to the words "deserving them," so that the last line of subsection (g) of the original bill shall read: "to award the same to students giving special evidence of deserving them."

Change the letter of subsection (h) to (i).

Change the number of section 5 to 7 and the word "processes," line 15, page 4, section 5 of the original bill to "complaints," so that said line shall read as follows: "All complaints against the Board of Regents."

Change the number of section 6 to 8 and that of 7 to 9, and change the latter section to read as follows:

“There shall be a university council, to consist of all instructors in the university holding the rank of professor, associate professor, or assistant professor, and one of their number, elected by the rest, shall be president of the council. The council shall recommend to the Governor-General all appointments of professor, associate professor, or assistant professor: *Provided, nevertheless*, That the first appointments shall be made on recommendation of the Board of Regents. The council shall have the power to prescribe the course of studies and rules of discipline, subject to the approval of the Board of Regents. It shall fix the requirements for admission to any college of the university as well as the requirements for graduation and for the receiving of a degree. The council alone shall have authority to recommend students or others to be recipients of degrees. Through its president or committees, it shall have disciplinary power over the students within the limits prescribed by the rules of discipline approved by the Board of Regents. The powers and duties of the president of the university, in addition to those specifically provided for in this Act, shall be those usually pertaining to the office of president of a university.”

Change the number of section 8 to 10 and amend same to read as follows:

“The body of instructors of each college shall constitute its faculty, and as presiding officer of each faculty there shall be a dean elected by the faculty to which he belongs, in accordance with the university council and with the approval of the Board of Regents.

“In the appointment of professors and other instructors in the university no religious or political test shall be applied, nor shall the religious or political opinions or affiliations of the instructors of the university be made a matter of examination or inquiry: *Provided, however*, That no professor, associate professor, assistant professor, or instructor shall teach or criticise the doctrines of any church or religious sect, nor attempt, directly or indirectly, to influence students or attendants at the university for or against any particular church or religious sect, under penalty of dismissal by the Board of Regents.”

Change the number of section 9 to 11 and amend same to read as follows:

“Professors and other regular instructors in the university shall be exempt as such from any civil-service examination or regulation as a requisite to appointment.”

Change the number of section 10 to 12 and substitute same by a new section to read as follows:

“There shall be a secretary of the university appointed by the university council, who shall keep such records of the university as may be designated by the council.”

Change the number of section 11 to 13 and amend same to read as follows:

“The Treasurer of the Philippine Islands shall be ex officio treasurer of the university, and all accounts and expenses thereof shall be audited by the Insular Auditor, and all disbursements shall be made in accordance with rules and regulations prescribed by him.”

Change the number of section 12 to 14, that of 13 to 15, and change the words "Governor-General," line 11, page 6 of the original bill, to the words "President of the Commission," so that the first line of section 13 shall read as follows: "The President of the Commission, the Speaker of the Philippine Assembly."

Change the number of section 14 to 16 and substitute for it a new section to read as follows:

"The sum of one hundred thousand pesos is hereby appropriated, out of any funds in the Insular Treasury not otherwise appropriated, to be expended in the discretion of the Board of Regents for the establishment of a college or colleges authorized by this Act, the establishment of which may be considered most urgent."

Change the number of section 15 to 17.

In which the concurrence of the Commission is requested.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Commissioner Forbes moved that the message and bill be referred to a select committee of two composed of Commissioner Worcester and the President, for report and recommendation.

The motion prevailed.

MAY 28, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 28th instant, Commission Bill No. 40, entitled "An Act amending sections nine and eleven of Act Numbered Eleven hundred and twenty, entitled "The Friar Lands Act," providing for the manner of sale of unoccupied lands and the time within which deferred payments by purchasers of friar lands may be made," with the following amendment:

That at the end of section 2 the following be added:

"In case of sale of vacant lands under the provisions of section nine of this Act, the Director of Lands shall notify the municipal president or municipal presidents of the municipality or municipalities in which said lands lie of said sale before the same takes place. Upon receipt of such notification by said municipal president or municipal presidents the latter shall publish the same for three consecutive days, by 'bandillos,' in the población and barrio or barrios affected, and shall certify all these acts to the Director of Lands who shall then, and not before, proceed to make the said sale with preference, other conditions being equal, to the purchaser who has been a tenant or bona fide occupant at any time of the said lands or part thereof, and if there has been more than one occupant, to the last tenant or occupant: *Provided, however,* That no sale of vacant lands made

in accordance with this section shall be valid nor of any effect without the requisite as to publication by 'bandillos,' above provided."

In which the concurrence of the Commission is requested.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

The question being, Shall the Commission concur in the Assembly amendment to Commission Bill No. 40 the amendment was concurred in by unanimous vote.

The Secretary was directed to notify the Assembly thereof.

Commission Bill No. 40 was thereupon ordered enrolled and printed as an Act of the Legislature.

#### RESOLUTION.

The President introduced the following resolution:

Commission Resolution No. 54. *Resolved*, That the Secretary be, and is hereby authorized to take steps to have printed and bound at the end of the present special session of the Legislature five hundred copies in English and five hundred copies in Spanish of the Journal of the Commission, including in one volume the first and special sessions of the First Philippine Legislature and following the same general style as that of the Journal for the inaugural session of the First Legislature, fifty copies of the Journal in English and fifty copies in Spanish to be bound in full sheep, and the remainder in cloth.

The resolution was adopted.

#### MISCELLANEOUS COMMUNICATIONS.

A communication from Dimas Guzman, dated June 1, 1908, requesting permission for the publication by him of the Municipal Code in the Ibanag dialect.

Referred to Commissioner Worcester as a select committee of one for report and recommendation.

A communication from Pancraccio Adiarte, of Laoag, Ilocos Norte, dated May 12, 1908, requesting further consideration by the Commission of the question of the investigation of all properties acquired or constructed from appropriations of the State during the Spanish régime, with a view of declaring them to be the property of the State and dedicating them to public purposes.

Commissioner Tavera moved that the communication be laid on the table.

The motion prevailed.

A communication from the provincial secretary of Tarlac, embodying a resolution of the provincial board requesting that the Province of Tarlac be included in the law authorizing the extension of time for the payment of the cedula taxes without penalty.

*Ordered*, That the Secretary notify the provincial board of Tarlac of the passage of Act No. 1821 on May 13, 1908, applicable to all code provinces, authorizing the extension of the time for the payment of the land and cedula taxes for the year 1908 without penalty.

Communications inclosing resolutions of the municipal councils of Bais, Province of Oriental Negros, Malilipot, Province of Albay, and Capiz, Province of Capiz, adopted on April 30, 1908, May 4, 1908, and May 16, 1908, respectively, advocating the passage of the so-called Rovira Bill, imposing a tax on friars in the Philippine Islands.

Ordered filed, after proper acknowledgment by the Secretary.

#### EXECUTIVE SESSION.

On motion by Commissioner Luzuriaga,

The Commission proceeded to the consideration of executive business.

After the consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 384.)

#### ADJOURNMENT.

Thereupon, at 12 o'clock and 10 minutes, postmeridian, the Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

# First Philippine Legislature.

## Special Session.

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### JOURNAL OF THE COMMISSION.

THURSDAY, JUNE 4, 1908.

The Commission met at the call of the President at 11 o'clock and 15 minutes antemeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### MESSAGES FROM THE ASSEMBLY.

JUNE 3, 1908.

MR. PRESIDENT: I have been directed by the Assembly to inform your honorable body that the Assembly has this day passed Commission Bill No. 55, entitled "An Act making certain authorizations without appropriation for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other stated purposes," without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered,* That Commission Bill No. 55 be enrolled and printed as an Act of the Legislature.

JUNE 3, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the amendments made by the Commission to Assembly Bill No. 213, entitled "An Act providing for the establishment of the National Library of the Philippines, creating a Library Bureau, and for other purposes,"

have been to-day, the 3d day of June, 1908, concurred in by the Assembly, without amendments.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered,* That the message be filed.

JUNE 3, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 3d instant, Commission Bill No. 56, entitled "An Act appropriating the sum of sixty-five thousand pesos and making available the unexpended balances of funds heretofore appropriated for the Philippine Assembly, to provide for the expense of a special session of the Philippine Assembly," with the following amendment:

Amend the last proviso of the first paragraph of section 1 to read as follows: "*And provided further,* That during the adjournment of the Legislature said Secretary shall render service to the Assembly committees acting during such adjournment and shall, moreover, perform all other duties required of him by the Speaker of the Assembly," in which the concurrence of the Commission is requested.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

The question being, Shall the Commission concur in the Assembly amendment to Commission Bill No. 56? the amendment was concurred in by unanimous vote.

The Secretary was directed to notify the Assembly thereof.

Commission Bill No. 56 was thereupon ordered enrolled and printed as an Act of the Legislature.

JUNE 3, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 3d instant, Commission Concurrent Resolution No. 4, entitled "Concurrent Resolution providing that neither of the two Houses of the Legislature shall present to the other any new proposed legislation after June thirteenth, nineteen hundred and eight," with the following amendments:

That, instead of date "thirteenth," line 9, paragraph 3, of the resolution, "fifteenth," be placed, so that the paragraph may read as follows:

"*Resolved by the Philippine Commission, the Philippine Assembly concurring,* That after the fifteenth day of June, nineteen hundred and eight, until the end of the present session, neither House shall send to the other any bill which has not previously been acted upon or considered by the House to which it is sent."

Change the title so as to read as follows:

“Concurrent Resolution providing that neither of the two Houses of the Legislature shall present to the other any new proposed legislation after June fifteenth, nineteen hundred and eight.”

In which the concurrence of the Commission is requested.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

The question being, Shall the Commission concur in the Assembly amendment to Commission Concurrent Resolution No. 4? the amendment was concurred in by unanimous vote.

The Secretary was directed to notify the Assembly thereof.

Commission Concurrent Resolution No. 4 was ordered enrolled and printed as a resolution of the Legislature.

#### COMMUNICATION.

The President presented a communication from the municipal secretary of Bolinao, Province of Pangasinan, embodying resolution of the municipal council of Bolinao, adopted on May 25, 1908, advocating the passage of the so-called Rovira and Paterno Bills, imposing a tax on friars and confiscating all property of the Roman Catholic Church in the Islands, respectively.

Ordered filed, after proper acknowledgment by the Secretary.

#### MORO PROVINCE.

At the direction of the President, the Secretary read the following opinion of the Attorney-General:

MAY 28, 1908.

SIR: Pursuant to your indorsement upon the attached papers, I have the honor to render an opinion upon the question of whether the acts of the legislative council of the Moro Province which amend or repeal Acts or portions of Acts of the Philippine Commission in their application to the Moro Province are invalid.

While the Philippine Islands were being governed by the President of the United States as Commander in Chief of the Army and Navy, the President created the Philippine Commission, and said Commission on September 1, 1900, under the President's instructions of April 7, 1900, commenced to exercise that part of the powers of government in the Philippine Islands which was of a legislative nature; and on July 1, 1902, the Congress, in the exercise of its constitutional power to provide for the government of territory belonging to the United States, enacted the Philip-



pine Bill to provide temporarily for the administration of the affairs of civil government in the Philippine Islands, and therein approved, ratified and confirmed the action of the President in creating the Philippine Commission and authorizing said Commission to exercise the powers of government to the extent and in the manner and form and subject to the regulation and control set forth in the President's said instructions.

On June 1, 1903, in the exercise of its legislative power and pursuant to its authority to organize provincial governments, the Philippine Commission passed Act No. 787, entitled "An Act providing for the organization and government of the Moro Province." In said Act the Commission created the legislative council of the Moro Province and invested said council with certain legislative powers—larger powers than were granted to the governing body of any other province in the Philippine Islands.

In section 13 (*j*) of said Act, as amended by section 6 (*b*) of Act No. 1283, the legislative council of the Moro Province is authorized:

"To enact laws amending and modifying the substantive civil and criminal law of the Philippine Islands to suit local conditions among the Moros and other non-Christian inhabitants of the province, and to cause such laws to conform, when practicable, to the local customs and usages of such inhabitants."

In section 14 of said Act it is provided:

"The legislative council is authorized to pass such other laws not inconsistent with this Act or the Acts of Congress relating to the Philippine Islands as may conduce to the welfare of the peoples of the Moro Province," etc.

Said legislative council was further granted authority, to a limited extent, to change the Customs Administrative Act so as to regulate by statute the use, registration, and licensing of boats of Moro or pagan construction of less than 10 tons measurement, and was "further authorized to enact laws modifying or amending the Municipal Code in its application to municipalities within the province, so far as conditions in the Moro Province differing from conditions in the Christian-Filipino provinces may require a modification."

It is apparent from said Moro Act that the reason for conferring this unusual law-making power upon said legislative council is the existence of peculiar conditions and customs among the peoples of the Moro Province which may make necessary or advisable some changes or modifications of the general laws in their application to said province.

Perhaps this question would not have given rise to serious consideration had it not been for the fact that on September 26, 1904, the Philippine Commission itself adopted a resolution in which it took the position that the legislative powers conferred upon the legislative council of the Moro Province "would include the right to suspend or change a law of the Commission, so far as it applies to the Moro Province, unless especially forbidden by the Act organizing the province." I am of the opinion that the Commission was in error in this conclusion. That a general law enacted by the Commission was and is operative throughout the Philippine

Islands—unless restricted in its operation by the terms of the law itself—will scarcely be questioned. For instance, the Internal Revenue Law of 1904 was evidently intended by the Commission to have force and effect in the Moro Province, as shown by the action of the Commission itself in passing Act No. 1283 construing and amending said Internal Revenue Law in its application to the Moro Province. If the Legislative council of the Moro Province is authorized under the terms and conditions of Act No. 787 to suspend or change the general laws in their application to the Moro Province, then said legislative council may suspend the operation of said Internal Revenue Law in that province; and if it can suspend that law, it may suspend any other general law in its application to said province, unless restricted by the Moro Act or Acts of Congress; and if it may suspend or change a general law in its application to the Moro Province, there appears to be no reason why it may not repeal it. Since the legislative acts of said council are subject to annulment or amendment by the Philippine Commission, the action of said council in modifying, changing, suspending, or repealing an Act of the Commission would not be irremediable. However, it is my opinion that the existence of such power on the part of the legislative council should not be admitted, as it would not be conducive to good government and orderly administration, but would lead to confusion, doubt, and uncertainty in the interpretation and administration of the laws applicable to the Moro Province.

It was also substantially stated by the Philippine Commission in its said resolution of September 26, 1904, with reference to an act of the legislative council of the Moro Province which was inconsistent with an Act of the Commission, that the approval by said Commission of such an act of said council removed the objection that it was inconsistent with an Act of the Commission. I am of the opinion that the Commission was also in error in this conclusion, because the approval of the acts of the legislative council of the Moro Province by the Philippine Commission was and is by resolution; therefore, the Commission in effect held that it could by resolution amend its own Acts in their application to the Moro Province. It will probably not be contended that the Philippine Commission could have directly amended its said Acts by resolution; hence, it could not by resolution indirectly make amendments thereto by approving inconsistent acts of said legislative council. There can be no doubt that at least a formal legislative enactment was necessary in order to effect such an amendment. This suggests a question in relation to the power and authority of the Philippine Commission which renders necessary a careful consideration of the authority of the Commission to confer law-making powers upon said legislative council and the extent of the powers which may properly be conferred upon and exercised by said council.

The Moro Province is a body politic and corporate created by Act of the Philippine Commission as an agency of the Central Government to assist in the civil government of the country, but chiefly to regulate and administer the local and internal affairs of the territory constituting the

province. Said Moro Province obtained its corporate powers from the same source as the city of Manila and the municipalities organized under the Municipal Code and must exercise them under substantially the same restrictions; hence, the general rules applicable to the granting of powers to municipal corporations and the exercise thereof by them are applicable in the case of the Moro Province.

Unless the Philippine Commission, under the instructions of the President or the provisions of the Philippine Bill, was authorized to delegate to the legislative council of the Moro Province the power to modify, amend, suspend, or repeal the general laws of the Philippine Islands, in their application to the Moro Province, and did actually confer such power, it would seem to be clear that said council has no more authority to modify, amend, suspend, or repeal a general law in its application to the Moro Province than the Philippine Commission or the Philippine Legislature would have to modify, amend, suspend, or repeal an Act of Congress in its application to the Philippine Islands.

If the Philippine Commission was authorized to confer upon the legislative council of the Moro Province its own power to modify or amend the general laws, then in a case where such power had not been actually conferred by the Commission, said Commission could by legislative act approve, ratify, and confirm an act of the legislative council which was inconsistent with a general law; but if the Philippine Commission did not have the power to delegate to the legislative council of the Moro Province its own power to modify or amend the general laws in their application to the Moro Province, then such an act of the legislative council would be absolutely null and void; and if the Commission did not have the power to authorize the passage of such an act by the legislative council, then it would necessarily be without the power to ratify, approve, or confirm it and make it a valid law.

There is no express provision to be found in many of the State constitutions, if in any, against the delegation by the legislature of its law-making power. The usual provision is simply that "The legislative power of the State shall be vested in the general assembly," or equivalent words. Nevertheless it is established as a fundamental principle of constitutional law, subject to the exception of local governments, that legislative authority can not be delegated. (See note in 16 L. R. A., p. 161.)

Judge Cooley, in his work on Constitutional Limitations says:

"One of the settled maxims in constitutional law is, that the power conferred upon the legislature to make laws can not be delegated by that department to any other body or authority \* \* \*. The power to whose judgment, wisdom, and patriotism this high prerogative has been intrusted can not relieve itself of the responsibility by choosing other agencies upon which the power shall be devolved, nor can it substitute the judgment, wisdom, and patriotism of any other body for those to which alone the people have seen fit to confide this sovereign trust." (Cooley's Constitutional Limitations, 6th ed., p. 137.)

Judge Dillon, in his great work on Municipal Corporations, says:

"Although the proposition that the legislature of a State is alone competent to make laws is true, yet it is also settled that it is competent for the legislature to delegate to municipal corporations the power to make by-laws and ordinances, with appropriate sanctions, which, when authorized, have the force, in favor of the municipality and against persons bound thereby, of laws passed by the legislature of the State." (1 Dillon's *Munic. Corp.*, sec. 308, and authorities cited.)

While the principle of local government authorizes a grant of limited power of local legislation to municipalities, the power of general state legislation can not be so delegated. (*State vs. Hayes*, 61 N. H., 264, 314; 1 Dillon's *Munic. Corp.*, sec. 308, note.)

Again, Judge Cooley, in his *Constitutional Limitations*, says:

"It has already been seen that the legislature can not delegate its power to make laws; but fundamental as this maxim is, it is so qualified by the customs of our race, and by other maxims which regard local government, that the right of the legislature, in the entire absence of authorization or prohibition, to create towns and other inferior municipal organizations, and to confer upon them the powers of local government, and especially of local taxation and police regulation usual with such corporations, would always pass unchallenged. The legislature in these cases is not regarded as delegating its authority, because the regulation of such local affairs as are commonly left to local boards and officers is not understood to belong properly to the State; and when it interferes, as sometimes it must, to restrain and control the local action, there should be reasons of State policy or dangers of local abuse to warrant the interposition." (Cooley's *Const. Lim.*, pp. 226, 227.)

Speaking of the powers of local governments created by the legislature, Judge Cooley says:

"The charter, or the general law under which they exercise their powers, is their constitution, in which they must be able to show authority for the acts they assume to perform. They have no inherent jurisdiction to make laws or adopt regulations of government; they are governments of enumerated powers, acting by a delegated authority; so that while the State legislature may exercise such powers of government coming within a proper designation of legislative power as are not expressly or impliedly prohibited, the local authorities can exercise those only which are expressly or impliedly conferred, and subject to such regulations or restrictions as are annexed to the grant." (*Id.*, pp. 227, 228.)

I am therefore of the opinion that while there is no doubt that the Philippine Commission could authorize the legislative council of the Moro Province to pass local laws or ordinances, not inconsistent with general law, yet it was beyond the power of said Commission to confer upon the legislative council of the Moro Province its own power to modify, amend, or repeal the general laws of the Philippine Islands in their application to the Moro Province, because this was a clear delegation of general legislative power which had been intrusted to said Commission by the President and confirmed by Congress.

Therefore, my conclusions in answer to the principal question involved in this inquiry may be briefly stated as follows:

1. That the Philippine Commission was authorized to empower said legislative council to enact local laws or ordinances; and, in any such case where the power was not actually conferred, the Philippine Commission may, by formal legislative act, approve, ratify, and confirm an unauthorized enactment of said council and thereby make the same a valid law.

2. That it was beyond the power of the Philippine Commission as the legislative branch of the Insular Government to delegate to the legislative council of the Moro Province its own power to modify, amend, or repeal any general laws contained in the Acts of the Commission, in any of the Spanish Codes, or in other general legislation.

3. That even though said legislative council could have modified or amended general laws in those cases where the Commission in terms so provided, yet in all other cases said council would be without such power; any such amendatory act in other cases would be without effect, and the approval thereof by resolution of the Commission would not make it a valid law.

4. That any legislation attempted by the legislative council of the Moro Province under its supposed power to modify, amend, or repeal a general law is null and void; and since the Commission could not legally empower said council to pass such an act, said Commission is without power, even by legislative enactment, to approve, ratify, or confirm the passage thereof and make it a valid law, but it would be necessary for the Commission to enact the amendment or modification, or repeal the law, as the case may be, in its application to the Moro Province.

It is therefore my opinion that in all cases where the legislative council of the Moro Province finds it necessary or advisable to modify, amend, or repeal general laws in their application to said province, the better practice would be for such council to make known to the Philippine Commission by proper resolutions that it desires certain modifications, amendments, or repeals, as the case may be, of such general laws in their application to the Moro Province, to the end that the Commission itself may modify, amend, or repeal such laws in so far as they apply to said province, in accordance with the wishes of such legislative council.

It appears, therefore, that the task of drafting legislation to make valid and effective all enactments of the legislative council of the Moro Province that are inconsistent with general laws is one which may be fraught with considerable difficulty; but, should this opinion receive the approval of the Commission, I shall be pleased to comply with your request to prepare and submit to the Commission such drafts of acts as may be deemed necessary to accomplish that purpose.

Very respectfully,

GREGORIO ARANETA,  
*Attorney-General.*

The Honorable, the GOVERNOR-GENERAL.

*Ordered*, That the opinion be referred to the legislative council of the Moro Province for such comment as the council may desire to make thereon.

## EXECUTIVE SESSION.

On motion by Commissioner Tavera,

The Commission proceeded to the consideration of executive business.

After consideration of executive business, the Commission returned to regular session.

(For appointments confirmed in executive session see p. 384.)

## ADJOURNMENT.

Thereupon, at 11 o'clock and 25 minutes antemeridian, the Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

# First Philippine Legislature.

## Special Session.

### JOURNAL OF THE COMMISSION.

TUESDAY, JUNE 9, 1908.

The Commission met at the call of the President at 9 o'clock antemeridian.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### MESSAGE FROM THE GOVERNOR-GENERAL.

MANILA, June 3, 1908.

*To the Philippine Commission and the Philippine Assembly:*

I have the honor to recommend consideration by the Legislature at this session of the following:

(a) A bill to revalidate certain declarations of real property for assessment purposes heretofore made under the provisions of Act No. 1455, as amended.

(b) A bill to amend Chapter I of Act No. 926, by providing that the payment of fees for homestead registration may be made in installments, and limiting the residence required by said chapter to two years immediately preceding the date of final proof.

(c) Legislation or resolutions which, having been passed by one of the Houses of the Legislature on or before May 21, 1908, were not sent to the other or were withdrawn therefrom on or before May 21, 1908, by the House in which they originated.

Very respectfully,

JAMES F. SMITH,  
*Governor-General.*

*Ordered,* That the message be spread upon the Journal:

#### MESSAGE FROM THE ASSEMBLY.

JUNE 8, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly has disagreed to the amendments of the Commission to Assembly Bill No. 135, entitled "An Act extending the provisions of section

nine (b) of Act Numbered Fourteen hundred and seven to the cutting of timber of the first group.”

It asks a conference with the Commission on the disagreeing votes of the two Houses, and has appointed as managers at the same on its part, Delegates Aréjola, Cháves, and Imperial.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

On motion, it was

*Resolved*, That the Commission insist upon its amendments to Assembly Bill Numbered One hundred and thirty-five, entitled “An Act extending the provisions of section nine (b) of Act Numbered Fourteen hundred and seven to the cutting of timber of the first group,” disagreed to by the Assembly, and agree to the conference asked by the Assembly on the disagreeing votes of the two Houses thereon.

*Ordered*, That Commissioners Worcester, Luzuriaga, and the President be the conferees on the part of the Commission.

#### RESOLUTIONS.

The following resolutions were introduced by the President :

Commission Resolution No. 55. *Resolved*, That the reading of the Journal of each legislative day of the present special session be dispensed with until the last day of the session.

The resolution was adopted.

Commission Resolution No. 56. *Resolved*, That the six months' leave of absence to Commissioners Luzuriaga and Forbes, approved by the Secretary of War in his telegram of June third, nineteen hundred and eight, shall be effective June fifteenth, nineteen hundred and eight, or as soon thereafter as may be approved by the Governor-General, and that the Governor-General be, and is hereby, requested to instruct the Executive Secretary to commute the salaries of Commissioners Luzuriaga and Forbes, the former as Commissioner and the latter as Commissioner and Secretary of Commerce and Police, for the period of their leave, should they desire such commutation.

The resolution was adopted.

#### REPORT OF COMMITTEE OF CONFERENCE.

##### CONFERENCE REPORT NO. 3.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Commission to the amendments of the Assembly



to Commission Bill No. 17, entitled "An Act to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That instead of the amendment to section 8 as proposed by the Commission on March 31, 1908, the said section shall read as follows:

"If any association or corporation shall print, publish, or cause to be printed or published, the contents or purport of any telegram, in violation of the provisions of this Act, such association or corporation, upon conviction thereof, shall be punished by a fine not exceeding five hundred pesos for each offense, and any person, member, or employee of any association or corporation who shall print or publish, or cause to be printed, or published, the contents or purport of a telegram, or shall aid, abet, or assist such printing or publication, or who shall voluntarily permit the same, upon conviction thereof, shall be punished by a fine not exceeding two hundred pesos for each offense, or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court."

W. CAMERON FORBES,

JOSE R. DE LUZURIAGA,

*Members on behalf of the Commission.*

NICOLAS JALANDONI,

CRISPIN OBEN,

FRANCISCO ZANDUETA,

*Members on behalf of the Assembly.*

JUNE 8, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly has agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendment of the Commission to the amendments of the Assembly to Commission Bill No. 17, entitled "An Act to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams."

Very respectfully,

GREGORIO NIEVA,

*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, the Commission proceeded to the consideration of the foregoing report of the committee of conference, and,

On motion by Commissioner Forbes, it was

*Resolved*, That the Commission agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Commission to the amendments of the Assembly to Commission Bill Numbered Seventeen, entitled "An

Act to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams."

*Ordered*, That the Secretary notify the Assembly thereof; and

*Ordered further*, That Commission Bill No. 17 be enrolled and printed as an Act of the Legislature.

#### FIRST READING AND REFERENCE OF BILL.

Assembly Bill No. 195. An Act fixing the salaries of the officials of the administration of the Philippines.

The bill was read the first and second times and referred to the Committee on Appropriations.

#### MISCELLANEOUS COMMUNICATIONS.

The President presented communications embodying resolutions adopted by the municipal councils of the following municipalities, advocating the passage of the so-called Rovira and Paterno Bills, introduced in the Philippine Assembly, placing a tax on friars entering the Philippine Islands and confiscating to the Government all property of the Roman Catholic Church in the Islands, respectively:

- San Juan, Province of La Union, resolution of May 23, 1908;
- Dawin, Province of Oriental Negros, resolution of May 29, 1908;
- Cagayan de Misamis, resolution of May 31, 1908;
- Dao, Province of Capiz, resolution of June 3, 1908; and
- Mangaldan, Province of Pangasinan, resolution of June 3, 1908.

Also a resolution of the municipal council of Naga, Province of Cebu, adopted on May 29, 1908, advocating the passage of the so-called Rovira Bill.

All ordered filed, after proper acknowledgment by the Secretary.

#### RECESS.

At 11 o'clock antemeridian,

On motion by Commissioner Tavera,

The President declared the Commission at recess until 3 o'clock postmeridian of this date, in order to give the Committee on Appropriations an opportunity to call into consultation on the general appropriation bill the Directors of the various Bureaus and Offices of the Government.

RECONVENED.

At 3 o'clock postmeridian, the Commission reconvened.  
The President in the chair.

REPORT OF COMMITTEE.

[Committee Report No. 46.]

JUNE 9, 1908.

GENTLEMEN: Your Committee on Appropriations, to which was referred on May 21, Assembly Bill No. 198, entitled "An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and nine, and other designated periods," after a casual examination of the same has the honor to report it back to the Commission with the recommendation that it be taken up and considered by the Commission as in Committee of the Whole immediately.

Very respectfully,

JAMES F. SMITH,  
*Chairman of Committee.*

The Honorable, the PHILIPPINE COMMISSION.

The report of the committee was adopted.

Assembly Bill No. 198 was thereupon read the first and second times, and

On motion by Commissioner Tavera,

The Commission went into Committee of the Whole for the purpose of considering said bill.

After some time spent therein, the committee rose, reported progress on the bill, and asked leave to sit again.

The report of the Committee of the Whole was accepted.

Pending further consideration of the bill,

ADJOURNMENT

Thereupon, at 5 o'clock postmeridian,

On motion,

The Commission adjourned to meet again at 9 o'clock ante-meridian, Wednesday, June 10, 1908.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## Special Session.

### JOURNAL OF THE COMMISSION.

WEDNESDAY, JUNE 10, 1908.

The Commission met pursuant to adjournment.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### MESSAGE FROM THE GOVERNOR-GENERAL.

MANILA, June 10, 1908.

*To the Philippine Commission and the Philippine Assembly:*

I have the honor to recommend the consideration of the following legislation:

A bill to provide for the purchase of revenue cutters.

A bill creating the office of shipping commissioner, defining his duties, regulating the shipment and discharge of seamen in domestic vessels, the adjudication of wage disputes in certain cases, the relief of distressed seamen, the settlement of the estates of deceased seamen, and for other purposes.

A bill amending subsection 1 of paragraph 3 of section 1 of Act No. 1497, changing the termini of the line of the Philippine Railway Company in the Island of Negros.

The consideration of a bill for the purchase of customs cutters is recommended to the Legislature for the reason that a special committee was appointed by the Philippine Assembly for the purpose of investigating and reporting to that body the necessity for the purchase of these vessels. This committee was unable to make its report before the termination of the regular session, and there appears to be no other remedy than to give the Legislature an opportunity to consider this measure, which the committee of the Assembly, after a detailed investigation, reports is advisable for the financial interests of the Government and necessary to protect the customs service against frauds in the introduction of contraband cargo and of aliens who are not entitled to enter the country.

A bill creating the office of shipping commissioner and defining his duties is in the interests of the commercial marine, and has been requested by nearly every prominent shipping company in the Islands. The companies

represented are the owners of some 239 vessels, with a gross tonnage of approximately 45,580 tons.

The consideration of a bill amending subsection 1 of paragraph 3 of section 1 of Act No. 1497, changing the termini of the line of the Philippine Railway Company in the Island of Negros is recommended for the following reasons:

The cost of construction of the railway from Saravia to Escalante is estimated to be about \$60,000 per mile and consequently would very materially increase the guaranty obligation of the Government. The railway company is willing to abandon this portion of the line and to construct in lieu thereof an extension south from Himamailan to Cabaucalan. The passage of such a bill is made urgent by reason of the fact that unless the railway company is permitted to abandon the line from Saravia to Escalante it will have to make preparations for its construction and incur initial expenses which under the terms of the Act of concession would have to be guaranteed by the Government.

Very respectfully,

JAMES F. SMITH, *Governor-General*.

*Ordered*, That the message be spread upon the Journal.

#### INTRODUCTION AND PASSAGE OF BILL (URGENT BUSINESS).

The President asked and was granted unanimous consent to introduce the following bill, under the head of urgent business:

Commission Bill No. 57. An Act amending subsection one of paragraph three of section one of Act Numbered Fourteen hundred and ninety-seven, changing the termini of the line of the Philippine Railway Company in the Island of Negros.

By unanimous consent, the bill was read the first and second times and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Worcester, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 57 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

CONSIDERATION OF THE GENERAL APPROPRIATION BILL (A. B.  
NO. 198).

On motion by Commissioner Tavera,

The Commission went into Committee of the Whole for the purpose of resuming consideration of Assembly Bill No. 198, entitled "An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and nine, and other designated periods."

At 1 o'clock postmeridian the committee rose, reported progress on the bill, and asked leave to sit again.

The report of the Committee of the Whole was accepted.

Pending further consideration of the bill,

RECESS

On motion by Commissioner Forbes,

The President declared the Commission at recess until 3 o'clock postmeridian.

RECONVENED.

At 3 o'clock postmeridian, the Commission reconvened.

The President in the chair.

CONSIDERATION OF GENERAL APPROPRIATION BILL (RESUMED).

On motion by Commissioner Worcester,

The Commission went into Committee of the Whole for the purpose of resuming consideration of Assembly Bill No. 198, entitled "An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and nine, and other designated periods."

After some time spent therein, the committee rose, reported progress on the bill, and asked leave to sit again.

The report of the Committee of the Whole was accepted.

Pending further consideration of the bill,

ADJOURNMENT.

Thereupon, at 5 o'clock and 30 minutes postmeridian,

On motion,

The Commission adjourned to meet again at 9 o'clock ante-meridian, Thursday, June 11, 1908.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## Special Session.

### JOURNAL OF THE COMMISSION.

THURSDAY, JUNE 11, 1908.

The Commission met pursuant to adjournment.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

#### MESSAGE FROM THE GOVERNOR-GENERAL.

JUNE 11, 1908.

*To the Philippine Commission and the Philippine Assembly:*

It has been suggested to the Executive by the Speaker of the Assembly that there is urgent necessity for bettering the condition of subinspectors of Constabulary; that this grade should be abolished; and that subinspectors should be promoted to the grade of third lieutenant. This may necessitate the creation of additional places in the grades of first and second lieutenant in order to permit of a reasonable chance of promotion. A bill on this subject, entitled "An Act providing for certain reforms in the organization of the Philippines Constabulary," which covers the subject above mentioned and others related thereto, has been submitted to the Governor-General. The matter of this law and the reform suggested along the lines indicated by said bill is submitted to the Legislature for its consideration.

Very respectfully,

JAMES F. SMITH,  
*Governor-General.*

*Ordered,* That the message be spread upon the Journal.

#### MESSAGES FROM THE ASSEMBLY.

JUNE 6, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 227), entitled "An Act creating the Bureau of Labor, under the Department of Commerce and Police," passed the

Assembly on May 29, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 227 was read the first time, and referred to the President as a select committee of one for report and recommendation.

JUNE 6, 1908.

MR. PRESIDENT: I am directed by the Assembly to forward to your honorable body, for such action as same may deem proper in connection with the consideration of the appropriation bill, the attached copies of the report of the subcommittee of the Assembly Committee on Appropriations, who recently made a trip to the southern islands, Borneo included, on the steamer *Polillo*, with the Collector of Customs, for the purpose of investigating into the necessity of appropriating a certain sum of money for the purchase of customs cutters.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

MR. SPEAKER: In compliance with the instructions received from the Committee on Appropriations, and ratified by the House, we have the honor to report that we embarked on the Coast Guard cutter *Polillo* on the 13th and returned on the 26th instant, having touched during the voyage at the ports of Capiz, Iloilo, Zamboanga, Davao, Jolo, Bongao, Sitanki, Sandakan (Borneo), Balabac, Puerto Princesa, and Culion.

During this trip we have had opportunity to learn that, owing to the extent of the coast line forming the frontier of the southern Philippines, the policing of that coast is very defective, or rather absolutely nil. We have seen palpable evidence of the existence of smuggling in broad daylight boldly carried on under the absolute security afforded by impunity, and we have been convinced that in that part of the Archipelago the Immigration Laws and those prohibiting the importation of opium are broken with great frequency.

The method employed by the smugglers is very simple and safe under present conditions. Merchandise imported into Borneo enters in bond, so that, when not consumed in that country and reexported, the duties deposited by the importer in the customs of Borneo are returned to him. This merchandise, which does not pay duty anywhere, as it comes from the free port of Hongkong, is brought to the Philippines in Moro boats of small tonnage chartered by Chinamen in Sandakan, Kudat, or the Celebes, who are engaged in the business. These boats are cleared in any of said ports for Zamboanga, Jolo, or some of our open ports in the south, and on clearing are provided with a pass or permit from the American consulate.



If one of the customs cutters of slow speed and of the worst seagoing qualities now policing Sibutu Pass or Balabac Strait surprises them in Philippine waters and institutes a search, these boats get through by showing their permit which serves them as a full safe-conduct and, subsequently, whether held up or not, instead of sailing to their port of destination, go into the intricate passes of the Tawi-tawi Group or enter and discharge in any creek or cove of Basilan, Mindanao, or the west coast of Paragua. The American consul forwards duplicate copies of all passes issued by him by mail to collectors of customs in our ports, these are compared with the originals by the collectors when the latter are presented by captains of our ships to whom issued. Now then; the committee saw in one single custom-house in the southern islands, that of Jolo, a collection of duplicates of passes to the number of forty-one, all of recent date, the originals of which had never been presented, and these passes represent forty-one complete cargoes which have been smuggled into that district. And this is the most conclusive proof of the existence of smuggling, the audacity of which goes to the extent of not seeking concealment, inasmuch as in that way impunity is all the better assured. Aside from this fact, it is positively known that a still larger number of boats leave these ports without providing themselves the proper permits. As these boats are from 5 to 15 tons burden, have no papers, and are not registered and are all alike in build and tackle, it is impossible to identify them, as they are confused with hundreds of similar boats which carry on a very active trade in this part of the Islands. It being impossible to catch them in the act of unloading smuggled cargo, the only manner of remedying this is to enact the law which prohibits vessels of less than 30 tons burden from engaging in foreign trade, which is already passed by the Commission and which is pending of passage in the Assembly. The method employed by opium smugglers, and those engaged in bringing in Chinese laborers, is, with slight difference, the same as the one just mentioned. The difference consists in that the boats transporting Chinamen do not clear from Borneo for any of our ports, but leave Sandakan for other points on the coast of North Borneo, conceal themselves behind some islet or in some bay and await a favorable breeze to make the Sibutu Pass during the night, or the vessels bringing the laborers from China await in a favorable spot and transship them to smaller boats which bring them to the coast. As regards this particular, we call your attention to the translation of the annexed copies of two letters addressed by the American consul at Sandakan to the collector of customs of Jolo, from which it is noted that there is a large commerce done in Chinamen and in opium. During our visit to Sandakan we had occasion to see in the American consulate many other letters with regard to the same matter, which we have thought unnecessary to attach to this report in order to prevent it becoming too voluminous. We also saw at the port of Sandakan quite a number of Moro boats which, to judge by indications, were about to make sail with contraband aboard for the Philippines.

It is unnecessary to say that a law restricting small boats to the coast-wise trade, the enactment of which is recommended, will be a dead letter if

a complete and efficient system of policing is not put in practice upon its adoption, in order to prevent the constant infraction of the law by the ingenuity and boldness of the persons engaged in the smuggling business.

There is no doubt in our minds that the Coast Guard cutters used by the customs service at present are absolutely inadequate. We have had occasion to see that at Iloilo, Jolo, and Balabac, and besides being very small boats for seagoing purposes, except in very favorable weather, they are in addition, according to the report, very slow and have small carrying capacity which prevents them from making long trips. They are also old and worn-out and have to leave their regular stations frequently to undergo necessary repairs. The undersigned subcommittee is inclined to the belief that all of the money which is being spent in repairing these boats is money wasted. As regards the cutters of the Bureau of Navigation which could be used for this police service, there is one great objection as they have too large a draft to navigate in the sinuous straits and passes navigated by the smuggler boats. In addition to this, they are relatively slow boats (the most rapid, which is the *Polillo*, has a forced-draft speed of but 12 miles) and are expensive to run, carrying large crews whose cost of maintenance is entirely too high.

In our opinion what is needed are fast small-draft boats of good seagoing qualities with sufficient carrying capacity to be at sea for a long time in any season—patrol boats constructed to meet the special requirements and peculiarities of their employment and occupation.

The Collector of Customs applies for an appropriation sufficient for the acquirement of three cutters, two for the police service on the coast of the southern islands and the other for a like service on the coasts of Luzon and Visayas, where, according to report, smuggling is also carried on, though on a smaller scale, and where smugglers will attempt to establish their field of operations when the southern ports are closed to them.

The subcommittee, though appreciating the necessity of the three cutters, recommends an appropriation now for the acquisition of two only, in view of the poverty of the Treasury, without prejudice to the consideration of the acquisition of another cutter in the next appropriation bill.

We believe that this expenditure will be amply compensated in a relatively short period of time by the increased revenues of the custom-houses at Zamboanga, Jolo, and Balabac, which the suppression of smuggling from the Celebes and from Borneo will necessarily bring about on account of the good moral consequence which the strict compliance with the immigration and opium importation laws will produce. The use of opium is a habit at present growing among our countrymen of the south, and it will be a great satisfaction to afford adequate means to protect bona fide merchants as they should be protected in the ruinous and insupportable competition of lawbreakers which has been carried on for so long against those who have complied with the mandates and requirements of the law.

The Assembly having passed the appropriation bill for the fiscal year ending June 30, 1909, we respectfully beg that this report be filed with

the papers accompanying it, and that a copy of same be forwarded to the Philippine Commission for due consideration.

Respectfully submitted.

JOSÉ A. CLARÍN.  
ANGEL ROCO.  
NICOLÁS JALANDONI.

Honorable SERGIO OSMEÑA,  
*Speaker, Philippine Assembly, Manila.*

EXHIBIT A.

AMERICAN CONSULAR SERVICE,  
*Sandakan, B. N. B., July 20, 1907.*

The COLLECTOR OF CUSTOMS, *Jolo, P. I.*

SIR: On July 17 at 1 a. m. two men were arrested in Sandakan, having landed at the fish market from Sibutu without a pass. They obtained a pass at Tambisan Island which of course was worthless. These men were later searched at the police headquarters and the inclosed letter was found. The following is the police translation of the letter from Sin Chan Yeuk, of Jolo, to Ban Chong and Kai Joo (Kay Joo) of Sandakan:

"Now Lim Sui Gobang has arrived in Sandakan, I have made up the accounts of the nine men amounts to \$250 profit, this also is Lee Seek account is in this."

The following is the translation made at this consulate:

"To 1. Lee Seak Kun, 2. Teng Fu Chong, 3. Lam Cai Chee.

"I have the honor to inform you that I have employed a little boat belonging to Lim Chuy to come to Sandakan. Regarding the \$250 for carrying nine men, I have to inform you that they all arrive safely.

"If you ask Lee Kun Seak he knows all about it.

"SUN CHING SING."

The above have reference to some of the mentioned men in my letter No. 384, and I presume it shows the net profit after successfully smuggling nine of the men referred to in that letter.

The police have delivered to me original letter from Lim Chan Yuek of Jolo, which I herewith inclose. I would suggest that you have another translation made of it and see if it tallies with mine. There should be no difficulty in identifying the man, and his chop appears on the letter. Last night this boat left Sandakan bound for Jolo via Tambisan, Sibutu, etc., with twenty Chinese on board paying each from \$40 to \$65, Borneo currency. It is without doubt their intention to land these men where the others landed and, as the letter would indicate, this enterprise is being backed by the same man who backed the last one. There are many more Chinese in Sandakan awaiting transportation.

Trusting that this will be sufficient evidence to convict these men,

I am, sir, your obedient servant,

LESTER MAYNARD,  
*American Consul.*

## EXHIBIT B.

## AMERICAN CONSULAR SERVICE,

*Sandakan, B. N. B., April 28, 1908.*The COLLECTOR OF CUSTOMS, *Jolo, P. I.*

SIR: I have the honor to refer you to my letter of May 20, 1907 (file No. 324), and to your replies of May 23 and June 27, 1907, and to inform you that Lee Seng Kit is again in Sandakan preparing to smuggle coolies into the Philippine Islands, who came to Borneo on board the steamer *Borneo* from Hongkong.

It is reported to me that there are between sixty and eighty Chinese coolies to be transported in this way. Six or seven boats have departed and about the same number are still in the harbor.

On Saturday, April 25, one boat with Chinese passengers and seven tins of opium cleared from Tambisan Island.

As all these expeditions have proved uniformly successful, these people are becoming bolder and the expeditions monthly increase in size and a regular and proper patrol of the Sibutu Passage in addition to prohibiting these small boats from engaging in foreign trade is the only thing that would put an end to this smuggling. It is needless to say that the sooner this is done the better.

I am, sir, your obedient servant,

LESTER MAYNARD,

*American Consul.*

Referred to Committee on Appropriations.

JUNE 10, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (C. B. No. 53), entitled "An Act establishing an institute of Philippine languages, providing for the training of public school teachers of Philippine languages, and appropriating the sum of twenty thousand pesos for the establishment of said institute," having been read once before the Assembly on June 2, 1908, it was decided not to take any action thereon until the next regular session.

Very respectfully,

GREGORIO NIEVA,

*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered,* That the message be filed.

JUNE 9, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 62), entitled "An Act providing for the creation of a special class of corporations for the purpose of protecting and promoting the agricultural interests of the country," passed the Assembly on May 23, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 62 was read the first time, and referred to the President as a select committee of one for report and recommendation.

JUNE 6, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 235), entitled "An Act revalidating certain declarations of real property for assessment purposes heretofore made in accordance with the provisions of Act Numbered Fourteen hundred and fifty-five, as amended," passed the Assembly on June 4, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Assembly Bill No. 235 was read the first and second times, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester moved the immediate third reading of the bill. The motion was seconded by Commissioner Forbes, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Assembly Bill No. 235 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

JUNE 6, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 237), entitled "An Act amending chapter one of Act Numbered Nine hundred and twenty-six by providing that payment of homestead entry fees may be made in installments, and by limiting the residence required by said chapter to the last two years immediately preceding the date of final proof," passed the Assembly on June 4, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 237 was read the first time, and referred to the Committee on Matters Pertaining to the Department of the Interior.

## REPORT OF SELECT COMMITTEE.

[Committee Report No. 46½.]

JUNE 11, 1908.

GENTLEMEN: Your select committee of one, to whom was referred, on June 11, 1908, Assembly Bill No. 227, entitled "An Act creating the Bureau of Labor, under the Department of Commerce and Police," has examined the same and has the honor to report it back to the Commission with the recommendation that the bill do pass with the following amendments:

Section 2, subsection (b), page 1, line 12, strike out the words "in annual" and insert in lieu thereof the words "from time to time."

In the opinion of your committee this amendment is absolutely necessary for the reason that the information required to be secured by subsection (b) amounts really to a census of the laboring population, and the cost of such an investigation, if made in a single year, could not be less than one million pesos.

Same subsection, page 2, line 20, after the word "defense," and before the word "consultation," insert the word "and"; and strike out the abbreviation "etc.,"; and in line 21. strike out the abbreviation "etc."

Same section, strike out subsection (c) and insert in lieu thereof the following:

"(c) To inspect all shops, factories, railways, tramways, vessels, industrial and commercial establishments, and all other places or centers of labor, whether public or private, and to take the proper legal steps to prevent the exposure of the health or lives of laborers, and to aid and assist by all proper legal means laborers and workers in securing just compensation for their labor, and the indemnity prescribed by law for injuries resulting from accidents when engaged in the performance of their duties."

The provisions of this subsection as it stands allow the Bureau of Labor to prohibit the entrance of laborers into places where their lives or health are exposed to danger. This is an interference with the personal liberty of the laborer which could not be justified or sustained. Many employments by their very nature are dangerous, such as powder making, employments which require the use of explosives, carrying out the work of sanitation, laborers in contagious-disease hospitals, and other employments too numerous to mention. Were this subsection of the law put into effect as it is drawn, it would become the duty of the Bureau to prevent the employment of labor by establishments engaged in business useful and beneficial to the people.

Same section, subsection (d), page 3, strike out in its entirety and insert in lieu thereof the following:

"(d) To secure the settlement of differences between employer and laborer and to avert strikes and lockouts by inducing all parties to the controversy to submit their differences to arbitration."

As this subsection reads now it would virtually give to the Bureau of Labor power to deprive the citizen of his property or money without due process of law and to oblige him, against his will, to pay a wage which might result in the ruin of his business. To give to the Director of

Labor the authority to fix finally and conclusively the wages which should be paid in every industry in the Islands would clothe him with power so great as to place every citizen of the Philippine Islands at his mercy and would virtually make the Director of Labor the final arbiter of the welfare and fortunes of the whole people.

Section 3, page 3, strike out in its entirety and insert in lieu thereof the following:

"SEC. 3. By and with the approval of the Governor-General, the Director of Labor shall have power to administer oaths, to issue subpoenas and subpoenas duces tecum, and to receive and take affidavits and the testimony of witnesses and experts, when making investigations authorized by this Act."

It is the opinion of your committee that section 3 should be so amended as to permit of the issuance of subpoenas and subpoenas duces tecum by the Director of Labor only in cases of investigation authorized by the Act, and this power should be so guarded as not to permit the Director of Labor to issue unnecessary subpoenas or to unnecessarily take away from their businesses or employments employers or laborers. Inasmuch as the Director of Labor has the inherent power to make known to the general public such information as may be in the interest of the public welfare and is necessarily limited by the appropriations which may be made for his Bureau, it would seem to be unnecessary to authorize him to publish semiannual bulletins and the necessary supplements within the limits of the appropriation. That is a question which will be easily regulated by the demands of the service.

Section 4, page 4, strike out in its entirety.

It is the opinion of your committee that this section should be stricken out as it takes away from the citizen not an employee of the Bureau of Labor the liberty to criticise and to legally oppose the policy of the Director of Labor. Every citizen not holding office by virtue of appointment has the right to criticise and to legally oppose the acts of any functionary of the Government.

Section 5, page 4, strike out in its entirety and insert in lieu thereof, as section 4, the following:

"SEC. 4. The Bureau of Labor shall have one chief and one assistant chief, who shall be appointed by the Governor-General by and with the consent of the Philippine Commission and who shall be known respectively as the Director of Labor and the Assistant Director of Labor. The Director of Labor shall exercise the powers and perform the duties herein imposed upon the Bureau of Labor. The Assistant Director of Labor shall perform the duties of the Director of Labor during the absence or disability of the latter and such other duties as may be required of him by the Director of Labor. The salary of the Director of Labor shall be seven thousand pesos and that of the Assistant Director of Labor four thousand pesos per annum."

This amendment is deemed advisable in order that it may conform to the sections with reference to the various Bureaus contained in the Reorganization Act, No. 1407.

Section 6, page 4, strike out in its entirety.

It is the opinion of your committee that this section should be stricken out for the reason that provision should be made in the general appropriation bill for the compensation of the personnel, and for the further reason that the method of appointment is already provided for by existing general law.

Section 7, strike out in its entirety.

The reasons for this recommendation are the same as those given for the elimination of section six.

Section 8, strike out in its entirety.

It appears to your committee that it is the purpose of this section to create a committee of arbitration without any definition of its jurisdiction or the means of exercising its power; moreover, to create a committee of arbitration which would give to one or the other of the parties almost from the start a clear majority could hardly be considered impartial or just.

The Director of Labor of necessity, by reason of his investigations, must form an opinion at the very outset and before any arbitration is had, as to the merits of the case, and would enter the meeting of the committee with a predisposition either in favor of the laborer or of the employer, and therefore should not sit on the committee of arbitration unless requested by both parties to do so.

Section 9, page 5, change number of section to 5.

Very respectfully,

JAMES F. SMITH,

*President of the Commission, Committee.*

To the Honorable, the PHILIPPINE COMMISSION.

The report of the select committee was accepted, and the amendments therein recommended were adopted.

The bill was thereupon read the second time, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Forbes thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Worcester, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time in full, as amended.

The question then being upon its passage, Assembly Bill No. 227, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendments.



## INTRODUCTION AND PASSAGE OF BILL.

The President introduced the following bill (by request):

Commission Bill No. 58, An Act to provide for the purchase of revenue cutters.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass, with the following amendments:

Strike out all after the enacting clause and insert in lieu thereof the following:

“SECTION 1. The sum of one hundred and ninety thousand pesos, or so much thereof as may be necessary, is hereby appropriated for the purchase or construction and equipment of one revenue cutter and fast deck launches for the same and for one coast-guard cutter to be used by the Bureau of Customs.

“SEC. 2. The Insular Collector of Customs is hereby authorized, with the approval of the Secretary of Finance and Justice, to purchase or procure the construction and equipment of said cutter and launches wherever and from whomsoever he can obtain the most advantageous terms without the intervention of the Bureau of Supply.

“SEC. 3. The revenue cutter shall be not less than one hundred and forty feet in length, capable of a speed of not less than fifteen knots per hour, and shall be suitably armed, furnished and equipped for the service required.

“SEC. 4. This Act shall take effect on its passage.”

Strike out the title and insert in lieu thereof the following:

“An Act to provide for the purchase of a revenue cutter and fast deck launches for the same and for one of the coast guard cutters.”

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and being put to a vote was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, in full, as amended.

The question then being upon its passage, Commission Bill No. 58 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

## CONSIDERATION OF GENERAL APPROPRIATION BILL (RESUMED).

On motion by Commissioner Tavera,

The Commission went into Committee of the Whole for the purpose of resuming consideration of Assembly Bill No. 198, entitled, "An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and nine, and other designated periods."

At 1 o'clock postmeridian, the committee rose, reported progress on the bill, and asked leave to sit again.

The report of the Committee of the Whole was accepted.

Pending the further consideration of the bill,

## RECESS.

On motion by Commissioner Tavera,

The President declared the Commission at recess until 3 o'clock and 30 minutes postmeridian.

## RECONVENED.

At 3 o'clock and 30 minutes postmeridian the Commission reconvened.

The President in the chair.

## CONSIDERATION OF GENERAL APPROPRIATION BILL (RESUMED).

On motion by Commissioner Luzuriaga,

The Commission went into Committee of the Whole for the purpose of resuming consideration of Assembly Bill No. 198, entitled "An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and nine, and other designated periods."

After some time spent therein, the committee rose, reported progress on the bill, and asked leave to sit again.

The report of the Committee of the Whole was accepted.

Pending the further consideration of the bill,

## ADJOURNMENT.

Thereupon, at 5 o'clock and 30 minutes postmeridian,

On motion,

The Commission adjourned to meet again at 9 o'clock ante-meridian, Friday, June 12, 1908.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## Special Session.

### JOURNAL OF THE COMMISSION.

FRIDAY, JUNE 12, 1908.

The Commission met pursuant to adjournment.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave.)

#### MESSAGES FROM THE ASSEMBLY.

JUNE 6, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 239), entitled "An Act amending Act Numbered Eleven hundred and forty-seven, as amended, regulating the registration, branding, conveyance, and slaughter of large cattle, and providing for the disposition, care, custody, and sale of estrays or large cattle captured or seized by the Philippines Constabulary or other peace officers, and for other purposes," passed the Assembly on May 29, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 239 was read the first time, and referred to the President of the Commission as a select committee of one for report and recommendation.

JUNE 6, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 240), entitled "An Act creating a Government agricultural bank of the Philippine Islands and appropriating for funds thereof the sum of one million pesos," passed the Assembly on June 6, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 240 was read the first time, and referred to the President as a select committee of one for report and recommendation.

## MISCELLANEOUS COMMUNICATIONS.

At the direction of the President, the Secretary read the following correspondence:

*Manila, June 2, 1908.*

SIR: I have the honor, by direction of the Governor-General, to transmit herewith copy of communication from the Assistant to the Chief of the Bureau of Insular Affairs, and of the inclosures thereto, with respect to the power of the Philippine Legislature to enact suitable laws for the establishment of a Government agricultural bank; and to request that same be submitted to the Philippine Commission for its consideration.

Very respectfully,

F. W. CARPENTER,  
*Executive Secretary.*

To the SECRETARY, *Philippine Commission.*

[Inclosure.]

## WAR DEPARTMENT, BUREAU OF INSULAR AFFAIRS.

*Washington, April 22, 1908.*

SIR: I have the honor to inclose herewith copy of the opinion of the Attorney-General of the United States that the Philippine Legislature may legally and constitutionally "enact suitable laws authorizing the Philippine Government to open and conduct an agricultural bank, with a capital not exceeding \$2,000,000, from funds now in its possession available for general appropriation," of which you were cabled on the 20th instant, and a copy of the letter of the Secretary of War to the Attorney-General requesting his opinion on the subject.

Very respectfully,

FRANK McINTYRE,  
*Major, U. S. Army, Assistant to Chief of Bureau.*

The Honorable,

the GOVERNOR-GENERAL OF THE PHILIPPINES,

*Manila, P. I.*

## WAR DEPARTMENT,

*Washington, March 21, 1908.*

SIR: I have the honor to submit for your consideration and opinion the following question contained in a cablegram received by me from the Governor-General of the Philippine Islands on March 19, 1908:

"Committee composed of representatives of Assembly, commercial houses, representatives of agricultural interests, and all banking institutions, strongly approve your recommendation that further legislation be enacted authorizing Philippine Government to open and conduct agricultural bank with capital not exceeding two million dollars. Would it be safe for Phil-

ippine Legislature to enact suitable legislation without enabling Act from Congress? The agricultural bank will be conducted by the Government and could not be considered as a concession. There has been an average loss of 50 per cent in the rice crop. Some provinces have lost more than 50 per cent. This and the tightness of money demand that we should establish as soon as possible an agricultural bank. We have not yet begun to feel the full effect of the panic which began in New York. Hope we will not have to buy much rice, though bankers assure me that our outlay for rice would not be less than ₱10,000,000. Value of hemp crop has fallen from ₱31,000,000 to ₱18,000,000 and no demand to speak of."

This presents the question whether the Philippine Legislature may legally enact suitable laws authorizing the Philippine Government to open and conduct an agricultural bank with a capital not exceeding \$2,000,000 from funds now in its possession available for general appropriation.

I inclose herewith the opinion of the law officer of the Bureau of Insular Affairs upon this question, and also a copy of the Act of Congress approved March 4, 1907, in relation to the establishment of an agricultural bank in the Philippine Islands.

Very respectfully,

WM. H. TAFT, *Secretary of War.*

The Honorable the ATTORNEY-GENERAL,  
*Department of Justice, Washington, D. C.*

[Memorandum for the Secretary of War.]

No. 145.

MARCH 20, 1908.

SIR: I have the honor to acknowledge your reference for examination and remark of a portion of a cablegram from the Governor-General of the Philippine Islands to you dated March 19, 1908, as follows:

"Strongly approve your recommendation that further legislation be enacted authorizing Philippine Government to open and conduct agricultural bank with capital not exceeding \$2,000,000. Would it be safe for Philippine Legislature to enact suitable legislation without enabling Act from Congress? The agricultural bank will be conducted by the Government and could not be considered as a concession."

The Government of the Philippine Islands exists by reason of the cession of those Islands from Spain to the United States, the treaty of Paris ratified April 11, 1899, the Instructions of the President for the guidance of the Philippine Commission dated April 7, 1900, and the Organic Act of the Philippine Government adopted July 1, 1902. Other Acts modifying or defining certain agencies or instrumentalities of government were enacted before and since the passage of the Organic Act, but are not important in the consideration of this question. It is provided in section 1 of the Organic Act:

"That the action of the President of the United States in creating the Philippine Commission and authorizing said Commission to exercise the powers of government to the extent and in the manner and form and subject

to the regulation and control set forth in the Instructions of the President to the Philippine Commission, dated April seventh, nineteen hundred, and in creating the offices of Civil Governor and Vice-Governor of the Philippine Islands, and authorizing said Civil Governor and Vice-Governor to exercise the powers of government to the extent and in the manner and form set forth in the executive order dated June twenty-first, nineteen hundred and one, and in establishing four executive departments of government in said Islands as set forth in the Act of the Philippine Commission, entitled 'An Act providing an organization for the Departments of the Interior, of Commerce and Police, of Finance and Justice, and of Public Instruction,' enacted September sixth, nineteen hundred and one, is hereby approved, ratified, and confirmed, and until otherwise provided by law the said Islands shall continue to be governed as thereby and herein provided, and all laws passed hereafter by the Philippine Commission shall have an enacting clause as follows: 'By authority of the United States be it enacted by the Philippine Commission.' The provisions of section eighteen hundred and ninety-one of the Revised Statutes of eighteen hundred and seventy-eight shall not apply to the Philippine Islands."

Under this section the government then established, practically the same as at present, was confirmed by Congressional action. It was distinctly provided that Acts of Congress of the United States, generally applicable to States, Territories, and Districts should not apply to the Philippine Islands unless specifically made to do so.

In the case of *Dorr vs. United States* (195 U. S., 138, May 31, 1904) the question involved was whether in the absence of a statute of Congress expressly conferring the right of trial by jury, when demanded by the accused, is a necessary incident of judicial procedure in the Philippine Islands, and in deciding this question the Supreme Court held:

"While it is settled that the Constitution of the United States is the only source of power authorizing action by any branch of the Federal Government, it is equally well settled that the United States may acquire territory in the exercise of the treaty-making power by direct cession as the result of war, and in making effective terms of peace and for that purpose has the powers of other sovereign nations.

"Congress has the right to make laws for the government of Territories, without being subject to all the restrictions which are imposed upon it when passing laws for the United States considered as a political body of States in union and, until territory ceded by treaty has been incorporated into the United States, it is to be governed under Congress subject only to such constitutional restrictions upon its powers as are applicable to the situation.

"It is evident, from Article IX of the treaty with Spain ceding the Philippine Islands, that the intention of the framers of the treaty was to reserve to Congress, so far as it could constitutionally be done, a free hand in dealing with the territory ceded by the treaty.

"Congress has not up to the present time incorporated the Philippine Islands into the United States, and by an express provision of the Act of

July 1, 1902 (1891, Rev. Stat.), by which force and effect is given to the Constitution and laws of the United States in the Territories, does not apply to the Philippine Islands.

"The power to govern territory implied in the right to acquire it, and given to Congress in Article IV, 3, of the Constitution, to whatever other limitations it may be subject, does not require Congress to exact for ceded territory, not made a part of the United States by Congressional action, a system of laws which shall include the right of trial by jury, and the Constitution does not, without legislation and of its own force, carry such right to territory so situated.

"The power of Congress to authorize the temporary government, such as that established under the Spooner Resolution of March 2, 1901, for the Philippine Islands, has been frequently exercised and is not now open to question, and the Philippine Commission established under that Act had power to enact the (libel) law in this case."

And while it is true that under the Instructions of the President to the Commission and the subsequent enactment of its provisions by the Act of Congress of July 1, 1902, the government established in the Philippine Islands may be said to be one of *enumerated powers*, this is not true to the extent, nor in the manner, in which the Government of the United States is a government of *enumerated powers*. The latter is derived solely by the surrender on the part of the States of certain functions of independent and complete sovereignty theretofore claimed to be possessed exclusively by them, and conferring upon the Government of the United States no other or larger powers than those specifically enumerated as having been surrendered.

The Government of the Philippine Islands is the exercise by the Government of the United States of its powers of inherent sovereignty, untrammled and unlimited by constitutional restrictions which obtain in its relation to States, Territories and Districts, and which would obtain with relation to the Philippine Islands if the same were made a portion of the domestic territory of the United States. This has not yet been done, and therefore, under its power of unlimited sovereignty, delegated for the purpose of governing the Philippine Islands to the instrumentalities now operating said government, there is no restriction or limitation upon the exercise of such powers except as is contained in the Organic Act of July 1, 1902.

There is no prohibition in said Act, in the Instructions of the President to the Commission, or in any other Act of the Congress of the United States, or decision of the Supreme Court of the United States which I have been able to find which would prevent legislative action creating an agricultural bank in the Philippine Islands as a Government instrumentality, and with capital furnished by said Government. While the Organic Act contains no constitutional declaration analogous to the general-welfare clause of the constitution of the United States, it is one of the duties of every sovereignty to legislate for the general welfare of the people under it, and the conditions of the distress in the agricultural population of the Philippine Islands which undoubtedly exist at this time

make it obligatory upon the Government of said Islands to take whatever practical measures are within its power for the relief of such distress. In the judgment of the Governor-General, the Philippine Legislature, the great commercial bodies, and the agricultural population of the Philippine Islands, no measure would so quickly and surely accomplish this end as the establishment of such a bank.

Ample precedent exists in numerous enactments of the Philippine Commission for the creation of the instrumentalities necessary for the welfare of the people of the Philippine Islands not enumerated in the Organic Act or any other Congressional legislation. The establishment of a Postal Savings Bank and the reformation and extension of the charter of the Spanish-Filipino Bank are two among many instances.

In the Instructions of the President to the Commission there is the following direction:

"In all the forms of government and administrative provisions which they are authorized to prescribe, the Commission should bear in mind that the government which they are establishing is designed \* \* \* for the happiness, peace and prosperity of the people of the Philippine Islands.  
\* \* \*"

But if there remain any doubt as to the authority of the Philippine Government to establish such a bank, it would be resolved by the action of the Congress of the United States in approving the Act of March 4, 1907 (34 Stat. L., 1282), in authorizing the Government of the Philippine Islands to delegate such functions to a corporation organized under the laws of the Philippine Islands, with restrictions as to scope and power of said bank, and its operation under a governmental guarantee of interest. This clearly recognized, and authorized the right of the Philippine Government to establish such a bank, and if the power thus conferred was authorized to be delegated, *a fortiori*, it is one which could be exercised as a governmental function on the same lines as laid down in said Act, and with the necessity for providing for safety of governmental aid absolutely eliminated.

I am, therefore, of opinion that the Philippine Government has the power by act of the National Assembly, without specific authorization by further congressional legislation, to establish an agricultural bank with a capital of \$2,000,000 from funds now in its possession available for general appropriation.

Respectfully submitted.

*Law Officer.*

DEPARTMENT OF JUSTICE,

Washington, April 16, 1908.

THE SECRETARY OF WAR.

SIR: I have received your request for my opinion contained in a letter which quotes from a cablegram received by you from the Governor-General of the Philippine Islands urging the desirability and necessity of establishing a Philippine Government agricultural bank under legislation proposed to be enacted by the Philippine Assembly, and then presents the question—

"Whether the Philippine Legislature may legally enact suitable laws



authorizing the Philippine Government to open and conduct an agricultural bank with a capital not exceeding \$2,000,000 from funds now in its possession available for general appropriation?"

The Act of Congress approved March 4, 1907 (34 Stat., 1282), to which you refer, does not provide for a governmental bank of the kind in question, but for a governmental guaranty in support of a private bank.

That Act in its first section authorizes the establishment of an agricultural bank by the Philippine Government with a guarantee of 4 per cent dividends upon the cash capital invested by individuals or corporations, to a banking company organized under Philippine laws subject to certain restrictions as to loans, interest, limit of liability under the guaranty, and subject to regulations to be prescribed by the Philippine Government including and covering the duty of making sworn reports.

The second section provides that payments made pursuant to the guaranty shall constitute a lien in favor of the Philippine Government upon annual net profits subject to stockholders' rights to receive limited dividends; and that in case of liquidation the Government advances under the guaranty shall constitute a lien on assets subject to debts and of the repayment to stockholders of the authorized and paid-up cash capital stock at par.

Section 3 forbids the holding of real estate beyond that required for business premises, unless acquired on account of a debt, in which case it must be sold within ten years.

The original authority of the Philippine Government (arising under the war power) was defined in President McKinley's Instructions of April 7, 1900, to the Philippine Commission (1 Philippine Laws, p. LXIII), in which he laid down as inviolable rules for their guidance most of our constitutional guaranties transferring the legislative authority from the military government to the Commission, and defining the scope of that authority in general terms. By the Philippine Civil Government Act of July 1, 1902 (32 Stat., 691), Congress ratified the Government established under the President's Instructions, and generally approved the acts of legislation of that government (secs. 1 and 2), imposed in the declaration of rights of section 5 the guaranties specified in the President's Instructions, provided for a census and territorial assembly (secs. 6-9), and in the remaining sections recognized the judicial system established by the Philippine Government and specifically authorized the Philippine Government to legislate for the improvement of navigation and as to public lands; and, finally, in detailed provisions dealt with the disposal of mineral lands, the purchase of lands of religious orders, municipal bonds, franchises, and coinage.

Section 7 of that Act transfers the legislative authority as follows:

"After said Assembly shall have convened and organized all the legislative power heretofore conferred on the Philippine Commission in all that part of said Islands not inhabited by Moros or other non-Christian tribes shall be vested in a Legislature consisting of two Houses—the Philippine Commission and the Philippine Assembly."

That section goes on to provide for qualification of electors, eligibility of members of Assembly, and powers and duties of the Assembly with

reference to elections, returns, qualifications of members, quorum, etc., but does not express any limitation on the power of legislation.

Section 86 provides:

“That all laws passed by the Government of the Philippine Islands shall be reported to Congress, which hereby reserves the power and authority to annul the same and the Philippine Commission is hereby directed to make annual report of all its receipts and expenditures to the Secretary of War.”

It seems clear to me that this Organic Act intends to recognize broadly and to validate the Philippine legislative power as conferred previously and as exercised, and expresses no limitation beyond the fundamental guarantees of the Bill of Rights; and that the authority specifically conferred upon the Philippine Government relative to certain subjects of legislation and the express and particular legislation by Congress itself upon certain other subjects are to be viewed simply as enactments on matters wherein Congress was fully informed and ready to act, and not as implying any restriction upon the local legislative authority in other matters; and that Congress is content to permit the Philippine Government to enact laws, unrestricted, subject to the reserved power of annulment. Accordingly, since the Organic Act was passed, as before, the Philippine Commission has passed numerous laws covering the field of general jurisprudence and the entire range of administrative government, and I can find no later laws of Congress between the Act of 1902 and the Agricultural Bank Act of 1907 which tend to disprove the theory of the Organic Act and the relation of Congress to Philippine legislation which I have just expressed.

The decision in the *Dorr* case (*Dorr vs. United States*, 195 U. S., 138), respecting the Philippine law of criminal libel, sustained in general the validity of Philippine legislation, and held that in the authority to legislate, founded in the war power and defined by the President and finally ratified by Congress, there was no illegal delegation of legislative authority by the ratifying Act.

I do not think that the Act of Congress of 1907 withdraws any power the Philippine Government would otherwise have to establish a Government agricultural bank. The authority to charter and aid a private bank is no denial of the power to establish a Government bank which may exist independently under the Philippine scheme of governmental power.

As to the fundamental limitations imposed by the Philippine Bill of Rights affecting this matter, the particular clause is “that no law shall be enacted in said Islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.” It is to be noted that the guaranty “that private property shall not be taken for public use without just compensation,” which appeared in President McKinley’s Instructions, does not appear in the Bill of Rights (sec. 5, Act of July 1, 1902), just as the guaranty of the right of trial by jury appears in neither the Instructions nor the Bill of Rights. But whatever the reason may have been for the omission of the express language relative to the taking of private property

for public purposes, I entertain no doubt that this historic and established principle of Anglo-Saxon government and jurisprudence accompanies the power of the United States in the Philippine Islands and is sufficiently embraced and implied in the clause of the Bill of Rights which I have quoted above.

It does not seem to me that such authorities as *Loan Association vs. Topeka* (20 Wall., 655), *Parkersburg vs. Brown* (106 U. S., 487), or *Cole vs. La Grange* (113 U. S.), apply to the present case. In those cases municipal bonds had been used either as a gift or as a loan to establish or maintain private manufacturing enterprises.

The Supreme Court held that this was taking private property (through taxation) for a *private* purpose; that such a debt for such a purpose to be paid in the future out of taxes to be levied could not be contracted. But those decisions intimate that if a municipal corporation has a fund or other property out of which it can pay the debts which it contracts without resort to taxation the legislature may authorize it to use this fund in aid of private or personal projects which, however collaterally, contribute to the public good; and it is to be noted that in the present case your letter says the Philippine Government has sufficient funds for the proposed purpose now in its possession available for general appropriation.

Independently of these considerations, a series of decisions such as *Township of Burlington vs. Beasley* (94 U. S., 310) and *Blair vs. Cumming County* (111 U. S., 363) hold that municipal bonds issued to aid the construction or operation of a custom grist mill are valid, because the purpose is public; as the court says in the last mentioned case (111 U. S., pp. 372, 373):

“Enterprises of a class within which that in the present case falls are so far of a public nature that private property may be appropriated to carry them into effect. (*Boston & Roxbury Mill Corp. vs. Newman*, 12 Pick., 467; *Commonwealth vs. Essex Company*, 13 Gray, 239, 249; *Lowell vs. Boston*, 111 Mass., 454, 464; *Seudder vs. Trenton Delaware Falls Co.*, 1 Saxton Ch., 694; *Beekman vs. Saratoga & Schenectady Railroad Co.*, 3 Paige, 45.) And when the legislature has given to grist mills and the water power connected with them such a public character as in the present case, the improvement of the water power must be regarded as a public work of internal improvement, which may be aided in its construction by the issue of bonds, under the act in question.”

In the present case there can be no ambiguity as to the public purpose. A bank has been always held to be a public agency, and the institution of such a bank as is here proposed, since agriculture is the prevailing and preponderant occupation of the Philippine Islands and the very basis of the whole people's existence, would be clearly created for the benefit of the Philippine Islands and the people at large.

I am therefore of opinion that the proposal is not in violation of the constitutional limitations in question; substantially for the same reasons which caused the project to establish the Bank of the United States to be

held by the Supreme Court in harmony with the Constitution. It is true that in *McCulloch vs. Maryland* (4 Wheat., 316) the precise points decided were that Congress had power to *incorporate* a bank and that a State could not tax it; but Chief Justice Marshall reached these conclusions by determining first that a bank was in itself an appropriate agency of government to assist the Congress in exercising its power to lay and collect taxes and its power to borrow money (both of which powers are conferred upon the Philippine Government), and secondly that a corporation may be created to provide this agency. There can be no doubt that according to this opinion, the Congress could exercise these powers of government through a bank established and conducted by the Government as well as through the medium of an incorporated banking institution with private subscribers and capital stock. In discussing the right of the State of Maryland to tax a branch of the Bank located in that State, the Chief Justice declares the Bank an instrument of government, and, as such, removed from the power of State taxation, an instrument "employed by the Government in the execution of its powers," which he compares to the mails and the mint as governmental instrumentalities, means, and processes.

Upon the papers submitted, I am of opinion and advise you that the Philippine Assembly may legally and constitutionally "enact suitable laws authorizing the Philippine Government to open and conduct an agricultural bank, with a capital not exceeding \$2,000,000, from funds now in its possession available for general appropriation."

Respectfully,

CHARLES J. BONAPARTE, *Attorney-General*.

Ordered referred to the committee having in charge Assembly Bill No. 240, entitled "An Act creating a Government agricultural bank of the Philippine Islands and appropriating for funds thereof the sum of one million pesos."

#### REPORTS OF COMMITTEES.

[Committee Report No. 47.]

JUNE 11, 1908.

GENTLEMEN: Your select committee of one, to whom was referred on even date Assembly Bill No. 62, entitled "An Act providing for the creation of a special class of corporations for the purpose of protecting and promoting the agricultural interests of the country," has examined the same and has the honor to report it back to the Commission with the following remarks:

The bill as passed by the Assembly provides for the organization of corporations to be known as "agricultural credit societies."

A careful examination of the bill as passed by the Assembly discloses that while it calls these societies corporations, their organization as provided for by the bill simply affords the means of establishing and creating coöperative associations. Under the terms of the bill these

coöperative associations are to have no capital and no provision whatever is made in the bill for the purpose of financing the association other than that of securing deposits and borrowing money. It is very evident that no person would loan money to an association or aggregation of individuals having no funds or property of its own. It is equally evident that no deposits would be made with an association which offers, under the provisions of the bill, no guaranty whatever for the protection of the depositors. All the provisions of law which are designed to safeguard the interests of depositors in savings banks have been made inapplicable by this bill to this class of associations. Agricultural credit societies organized under such a bill would be doomed to failure from the very beginning. Indeed it is very doubtful if any people of forethought or prudence could be induced to enter into an association so organized. The principle which obtains in coöperative association and *refeisen*, that of collecting from the members monthly or annual dues and the investment of the funds so created is totally eliminated from this bill and, as has been said before, the association is left without any resources or means of acquiring them other than those of borrowing money and of securing deposits. Your committee labored hard to so amend this bill as to remedy its patent defects and to bring about the organization of coöperative agricultural societies on the basis of the *refeisen* or other coöperative agricultural societies which have as their basis the furnishing by the membership of money for the financing of the institution and the investment thereof for the benefit of those contributing to the funds, investment of the funds being made by loans on proper security preferably to members who need money, and thereby accomplishing, first, a gain for those who have made savings, by the investment of their savings, and, second, assistance to those who need money for the promotion of their agricultural enterprises.

The following defects in the bill are pointed out:

The first paragraph of section 3 provides that corporations shall be organized for an indefinite time, and subdivision 6 of said section provides that the articles of incorporation shall definitely fix the time when the corporation shall be dissolved or liquidated. Legislatures view with considerable jealousy the formation of corporations for an indefinite time. It is evident that section 3 should be amended, and it is suggested that in line 13, page 1, the words "and for an indefinite time" be stricken out; first, because the granting of a perpetual charter to a corporation is considered unwise in democratic countries, and second, because the provision for a perpetual charter is in conflict with subdivision 6 of the section.

The first paragraph of section 4 gives the power to directors, when authorized by resolutions legally adopted by the members, to completely change the articles of incorporation. Such power in its last analysis simply means that, after the Legislature has defined the purpose of the corporation and enacted the law by which it shall be governed, the whole purpose and object of the corporation and every part and portion of the law constituting the corporation can be changed by the directors thereof, provided they have a resolution of the members.

Paragraph 1 of the section should for this reason be stricken out.

The third paragraph of section 4 should be amended to read as follows:

"The original by-laws and all subsequent modifications made therein in accordance with this Act shall be registered as prescribed for the original articles of incorporation and the original by-laws."

Paragraph 4 of section 4 should be amended so as not to oblige the registration of all documents pertaining to the association. Only modifications in the by-laws and other documents or Acts affecting the original articles of incorporation or original by-laws should be so registered.

The last sentence of the paragraph contained in lines 28 to 30, inclusive, of page 2 should therefore be amended to read as follows:

"After making this annotation he shall docket the documents filed and shall add thereto all subsequent documents required by this Act to be registered with him."

The fifth paragraph of section 4, contained in lines 1 to 3, inclusive, of page 3, should read as follows:

"In the case of negligence, malice, or improper registration on the part of this official he shall be liable to indemnify for damages the society or third parties who have been injured or damaged by reason of such negligence, malice, or improper registration."

The last sentence of the first paragraph of section 5, to wit: "Modifications of either shall be registered within a like period," should be amended so as to read "Modifications of the by-laws shall be registered within sixty days after such modifications have been legally adopted."

The second paragraph of section 5 seems to be poorly translated and should be revised after consultation with the author of the bill.

In subsection (e) of section 6, page 4, the word "and" has been omitted between the words "operations" and "corporate," and should be inserted.

Section 8 should be amended by striking out the words "by these last" in line 23, and inserting in lieu thereof the words "the provisions of this Act shall control."

It is not clear from the second paragraph of section 11 what number shall constitute a quorum of the members. It would appear that if the members of the society numbered thirty-one that to constitute a quorum thirty members would be required.

Section 14, subsection (b), paragraph 2, virtually constitutes the society a savings bank without any protection whatever for the security or protection of deposits.

Section 14, subdivision (c), paragraph 2, confers upon the justice of the peace unlimited jurisdiction to decide all cases without appeal and without respect to the amount involved, and this upon the application of a third party. Furthermore, the justice of the peace is empowered to render judgment in favor of the debtor and in the absence of the creditor, and even though the creditor has not appeared, provided a summons has been issued against the creditor. In other words, the section makes it possible for the justice of the peace to render judgment after the issuance of summons regardless of the service of the same and regardless of the appearance of the debtor or creditor and to do all this upon the application of a third party.

Section 17 provides that a member may be compelled to separate from the society or be expelled, but it does not appear that he would be entitled to any participation in the funds or the assets of the society; worse still, if he should find it necessary to resign he loses all right to any funds of the society and all interest in its property.

To make this section more odious, section 19 provides that a member resigning or expelled must pay all his obligations to the society.

Section 20, however, permits a member resigning or expelled to retain his rights as a lender or depositor.

Section 21 deprives heirs of a member of all his property rights save and except those of a lender or depositor.

Section 22 provides that if the death of a member takes place after the society has gone into liquidation his property shall not be liable for the debts of the society. By virtue of the provisions of this section, if the member should die after the society goes into liquidation his heirs are liable although they are not permitted to participate in the funds or assets, should there be any.

Section 24, subdivision (a) is entirely unnecessary in view of the fact that the association is not a corporation in any sense of the term, but if it be anything known to the law it is simply a loose coöperative association.

Subdivision (b) exempts the society from registration in the Internal Revenue Office and from all internal-revenue taxes. Inasmuch as the coöperative association has no capital and it is proposed to borrow money without any capital and without any contribution from any of its members, solely for the purpose of lending it again, it is not apparent why such a society should enjoy any exemptions.

Section 25 gives to debts owned by the society and against its members priority over any other credit whatever except a real or chattel mortgage. This is so markedly unjust and inimical to the commercial interests of the country that comment is almost unnecessary.

Subdivision (b) authorizes the society to collect its debts by simply ordering the sheriff to levy on the property of its debtor and sell the same without any process or intervention of any court. This provision is not only unjust but wholly and completely unconstitutional because it seeks to deprive the citizen of his property without due process of law.

Under the provisions of subsection (d) any member may escape attachment of his property by simply depositing it with the society. This provision would afford to those indisposed to pay their debts perfect protection from their creditors in so far as money is concerned. The society, however, is granted the right to make an attachment for debts owned by it.

It is very evident to your committee, after spending much time in the consideration of this subject, that an entirely new bill would have to be drawn, and at this late hour of the special session your committee is forced to recommend that the bill do not pass in its present form, but that a conference be had with a committee of the Assembly for the purpose of arranging for the draft of a bill which will secure funds to the association, protect those who contribute to them, and secure suitable and safe investment thereof, preference in loans to be given to members of the association.

Your committee therefore recommends that further consideration of Assembly Bill No. 62 be postponed at this time.

Very respectfully submitted.

JAMES F. SMITH,

*President of the Philippine Commission, Committee.*

To the PHILIPPINE COMMISSION.

The report of the select committee was unanimously adopted.

*Ordered,* That the Assembly be furnished with a copy of the report and notified of the action taken thereon.

[Committee Report No. 48.]

JUNE 12, 1908.

GENTLEMEN: Your select committee of one, to whom was referred Assembly Bill No. 240, entitled "An Act creating a Government agricultural bank of the Philippine Islands and appropriating for funds thereof the sum of one million pesos," has examined the same, and has the honor to report it back to the Commission with the following remarks:

In the opinion of your committee the first section should be amended so as to give to the agricultural bank the status of a corporation and to establish the principal office and place of business of the corporation in the city of Manila, instead of creating and establishing the bank in the city of Manila. The bank is designed to carry on operations throughout the Archipelago, and its establishment should not, therefore, be limited to the city of Manila, although its principal office might very well be established in said city.

Inasmuch as the second section provides that funds should be appropriated for the bank, it would appear to be unnecessary to set forth that fact in the first section. In the revised draft of the bill which follows, the section has therefore been amended to read:

"SECTION 1. An agricultural banking corporation, to be known as the 'Agricultural Bank of the Philippine Government,' is hereby created and established, with its principal office and place of business in the city of Manila."

As no increase in the capital of the bank should be made except by Act of the Philippine Legislature, it would seem unnecessary to state that fact in the second section. Should it be necessary to increase the capital the Legislature may act by passing a law to that effect, without the authorization provided by section 2. In the revised draft of the bill which follows, the section has therefore been amended to read:

"SEC. 2. The sum of one million pesos is hereby appropriated, out of any of the general funds of the Insular Treasury not otherwise appropriated, as and for the capital of said bank."

It is deemed expedient by your committee that the phraseology of section 3 should be changed, and therefore in the revised draft the section has been made to read:

"SEC. 3. The agricultural bank of the Philippine Government is hereby authorized to receive deposits of funds of provinces, municipalities, the



Postal Savings Bank, societies, corporations, and private persons, and the Postal Savings Bank and provincial and municipal governments are hereby authorized to make such deposits. Interest to be paid by said bank on deposits so made shall not exceed four per centum per annum."

For the same reason, section 4 has been made to read as follows:

"SEC. 4. The affairs and business of said bank shall be administered by a board of directors, composed of the Secretary of Finance and Justice and in his absence or in the case of his disability the Acting Secretary of Finance and Justice, the Insular Treasurer and in his absence or in the case of his disability the Acting Insular Treasurer, and three citizens of the Philippine Islands or of the United States, resident within the Philippine Islands, who shall be appointed by the Governor-General by and with the advice and consent of the Philippine Commission. The Secretary of Finance and Justice and in his absence or in case of his disability the Acting Secretary of Finance and Justice shall be ex officio president of the board of directors. Three members of the board of directors shall constitute a quorum at any meeting thereof."

It is deemed wise to give power to the Governor-General to authorize or to require that the services of any official of the Government may be given to the bank for the purpose of carrying on its operations. Moreover, it is deemed wise that the Insular Treasurer and other officials of the bank responsible for the safe custody of the property and funds of the bank should be made liable therefor on their official bonds. In the revised draft, sections 5, 6, and 7 have been amended to read as follows:

"SEC. 5. The Insular Treasurer and in his absence or in case of his disability the Acting Insular Treasurer shall be the manager of said bank, and shall perform the duties of his office in accordance with this Act and the by-laws of said bank duly adopted as hereinafter provided.

"The official bond of the Insular Treasurer and in his absence or in case of his disability that of the Acting Insular Treasurer shall be liable for the faithful performance of the duties of such Insular Treasurer or Acting Insular Treasurer when acting as manager of said bank.

"SEC. 6. With the approval of the Governor-General, the Insular Treasurer is authorized to constitute provincial and municipal treasurers agents of said bank, and they shall render such services in the operation of said bank as may be required of them by the Insular Treasurer. When constituted agents of said bank, provincial and municipal treasurers are charged with official responsibility and their bonds shall be liable for the faithful performance of their duties as such agents, and for the safe-keeping and accounting for any money or property of said bank confided to their custody.

"The Governor-General may, on request of the board of directors of said bank or of the manager thereof, require any officer or employee of the Government to perform any service or render any assistance to said bank which he, the said Governor-General, may deem proper.

"Subject to the Civil Service Act and Rules and the by-laws of said bank, the manager of the bank is authorized to appoint such other personnel as may be necessarily required for the proper operation of said bank. The

personnel so appointed by the manager of said bank shall perform the duties and receive the salaries prescribed in the by-laws.

"SEC. 7. The Attorney-General shall be the legal adviser of said bank, and shall render such legal services to said bank as may be required of him by the manager of said bank or by the board of directors thereof. In the performance of his duties, the Attorney-General is authorized to require such services from the provincial fiscals as to him may seem best in the interest of said bank."

Section 8 is deemed by your committee to be unnecessary, in view of other provisions of the Act, and it is therefore recommended that it be stricken out. Your committee has added a new section 8, as follows:

"SEC. 8. The board of directors is empowered to adopt such by-laws, not in conflict with this Act, as may be proper for the prudent and successful operation of said bank, and to amend or repeal the same: *Provided*, That such by-laws, or any amendment or repeal thereof, shall not take effect until the same shall have received the approval of the Governor-General."

It is the opinion of your committee that section 9 should be amended so as to fix the sum of ₱10 for each member of the board for each meeting actually attended by him. In the revised draft, therefore, section 9 has been amended to read as follows:

"SEC. 9. The members of the board of directors, appointed as such by the Governor-General, shall each receive for each day of meeting of the board actually attended the sum of ten pesos."

In view of the fact that the object and purpose of this bank are to aid agricultural interests solely, and in view of the further fact that if loans are made to provinces or municipalities the amount available for assistance to the farmer will be greatly diminished, it is thought by your committee that provinces and municipalities should not be permitted to borrow from the bank. In the revised draft, therefore, section 10 has been amended to read as follows:

"SEC. 10. The bank may make loans only for the payment or satisfaction of encumbrances on agricultural lands, for the construction of drainage and irrigation works and for the purchase of fertilizers, agricultural seeds, machinery, implements, and animals, to be used exclusively by the borrower for agricultural purposes, and no loan shall be made by said bank to any person or corporation not engaged in agricultural pursuits."

It is deemed unwise by your committee to permit the bank to make loans on the security of animals. The condition of animal disease in the Islands is such that loans on the security of animals would be most perilous, and in view of the fact that agricultural implements and machinery quickly deteriorate in this climate, and lose a very large percentage of their original value after a year's use, it is thought by your committee that they should not be received as security for loans.

In view of the past year's experience, it is very evident that were the bank to make loans upon growing crops as security it would suffer a tremendous loss. It is thought by your committee that in the beginning the bank should be conservative in its work and take no unnecessary risk

which might result in the failure of the institution. Should this bank come to any disaster it would not only result in damage to the Government but would probably postpone for years the enlistment of private capital in such an enterprise. The success of the Bank of Egypt was due in a large measure to the conservatism of its directors. This finally resulted in the practical turning over of the bank to private enterprise, which, knowing that it was profitable and secure, was willing to invest its capital in it. It may be that after a year or more of experience it will be advisable to permit the acceptance of other securities.

It is the opinion of your committee, therefore, that section 15 should be so amended that loans will be made upon the security of improved urban property, agricultural lands and on harvested crops.

Section 16 is unnecessary, in view of the other provisions of the bill as amended.

Section 17 of the bill permits loaning of money on imperfect titles and gives no security to the bank that such titles can be perfected. It is thought by your committee, however, that loans might be made on property, title to which has been certified by the Attorney-General to be in the party seeking the loan. It is thought by your committee that the section should be amended accordingly. This will give power to the Attorney-General to accept title which he deems to be in the borrower, either from the registration of the title in the Court of Land Registration or from the Mortgage Law.

Section 18 is unnecessary, in view of the other provisions of the bill as amended.

Section 19 has been amended so as to leave no doubt that the registration of the mortgage in accordance with the provisions of existing law will give official notice to all the world of the existence of the debt and the lien on the property.

Section 21 has been amended so as to make clear the fact that loans shall not exceed ten years, but that they may be made payable in such installments as may be fixed by the board of directors.

Section 22 is unnecessary, in view of the fact that the fees for additional services may be provided for in the by-laws.

Section 23 has been amended so as to provide for the punishment of any official of the bank for granting or obtaining a loan therefrom.

That part of section 24 providing for collection of the amounts due to the bank is unnecessary, in view of the fact that there are general laws which cover the subject. This section also provides that a borrower may redeem the property within two years after sale, upon payment of the amount of the loan and interest and costs. It also provides that the bank may sell the property within two years after acquiring it at mortgage foreclosure sale. These two provisions can not coexist, for the reason that the bank would have no right to sell property until the time of the redemption had expired. It is evident that the bank should part with the property as soon as there is a market therefor, for the reason that it has no means of cultivating the property or of making it profitable. On the

other hand, it would be extremely unwise to oblige the bank to sell the property within two years, when the country is in a state of depression.

This section also exposes the bank to loss by reason of the fact that it requires the bank to sell the property for whatever price may be offered at the second auction. The section further provides that no officer or employee of the bank can bid for the property. This would exclude officials of the bank from bidding in the property for the bank. It is possible that officials of the bank should be forbidden to bid on the property for their personal benefit.

In view of the fact that the Governor-General would have no right to transfer this bank except by authorization of the Legislature, section 26 is unnecessary. When the time comes for the transfer of the bank the Legislature can authorize its transfer without the authorization provided in section 26.

It is recommended by your committee that Assembly Bill No. 240 be passed in the following amended form:

Assembly Bill No. 240. An Act creating a Government agricultural bank of the Philippine Islands and appropriating for funds thereof the sum of one million pesos.

*By authority of the United States, be it enacted by the Philippine Legislature, that:*

SECTION 1. An agricultural banking corporation, to be known as the "Agricultural Bank of the Philippine Government," is hereby created and established, with its principal office and place of business in the city of Manila.

SEC. 2. The sum of one million pesos is hereby appropriated out of any of the general funds of the Insular Treasury not otherwise appropriated, as and for the capital of said bank.

SEC. 3. The agricultural bank of the Philippine Government is hereby authorized to receive deposits of funds of provinces, municipalities, the Postal Savings Bank, societies, corporations, and private persons, and the Postal Savings Bank and provincial and municipal governments are hereby authorized to make such deposits. Interest to be paid by said bank on deposits so made shall not exceed four per centum per annum.

SEC. 4. The affairs and business of said bank shall be administered by a board of directors, composed of the Secretary of Finance and Justice and in his absence or in the case of his disability the Acting Secretary of Finance and Justice, the Insular Treasurer and in his absence or in the case of his disability the Acting Insular Treasurer, and three citizens of the Philippine Islands or of the United States, resident within the Philippine Islands, who shall be appointed by the Governor-General by and with the advice and consent of the Philippine Commission. The Secretary of Finance and Justice and in his absence or in case of his disability the Acting Secretary of Finance and Justice shall be ex officio president of the board of directors. Three members of the board of directors shall constitute a quorum at any meeting thereof.

SEC. 5. The Insular Treasurer and in his absence or in case of his disability the Acting Insular Treasurer shall be the manager of said bank, and shall perform the duties of his office in accordance with this Act and the by-laws of said bank duly adopted as hereinafter provided.

The official bond of the Insular Treasurer and in his absence or in case of his disability that of the Acting Insular Treasurer shall be liable for the faithful performance of the duties of such Insular Treasurer or Acting Insular Treasurer when acting as manager of said bank.

SEC. 6. With the approval of the Governor-General, the Insular Treasurer is authorized to constitute provincial and municipal treasurers agents of said bank, and they shall render such services in the operation of said bank as may be required of them by the Insular Treasurer. When constituted agents of said bank, provincial and municipal treasurers are charged with official responsibility, and their bonds shall be liable for the faithful performance of their duties as such agents and for the safekeeping and accounting for any money or property of said bank confided to their custody.

The Governor-General may, on request of the board of directors of said bank or of the manager thereof, require any officer or employee of the Government to perform any service or render any assistance to said bank which he, the said Governor-General, may deem proper.

Subject to the Civil Service Act and Rules and the by-laws of said bank, the manager of the bank is authorized to appoint such other personnel as may be necessarily required for the proper operation of said bank. The personnel so appointed by the manager of said bank shall perform the duties and receive the salaries prescribed in the by-laws.

SEC. 7. The Attorney-General shall be the legal adviser of said bank, and shall render such legal services to said bank as may be required of him by the manager of said bank or by the board of directors thereof. In the performance of his duties, the Attorney-General is authorized to require such services from the provincial fiscals as to him may seem best in the interest of said bank.

SEC. 8. The board of directors is empowered to adopt such by-laws, not in conflict with this Act, as may be proper for the prudent and successful operation of said bank, and to amend or repeal the same: *Provided*, That such by-laws, or any amendment or repeal thereof, shall not take effect until the same shall have received the approval of the Governor-General.

SEC. 9. The members of the board of directors, appointed as such by the Governor-General, shall each receive for each day of meeting of the board actually attended the sum of ten pesos.

SEC. 10. The bank may make loans only for the payment or satisfaction of encumbrances on agricultural lands, for the construction of drainage and irrigation works, and for the purchase of fertilizers, agricultural seeds, machinery, implements, and animals, to be used exclusively by the borrower for agricultural purposes, and no loan shall be made by said bank to any person or corporation not engaged in agricultural pursuits.

SEC. 11. No loan shall be made except upon resolution of the board of

directors. No person or corporation shall be permitted to borrow less than fifty pesos nor more than twenty-five thousand pesos: *Provided, however*, That fifty per centum of the capital of said bank shall be set apart for loans of not more than five thousand pesos to any one person or corporation.

SEC. 12. No loan shall be made except—

(a) Upon the security of a first mortgage on unencumbered, improved urban property or upon unencumbered agricultural land, not to exceed forty per centum of the value thereof. No loan shall be made unless the Attorney-General shall have certified and the board of directors shall be satisfied that the real estate offered as security for the loan is free from all encumbrances and that the title thereto is in the mortgagor. All mortgages shall contain a covenant requiring the mortgagor to insure for the benefit of the mortgagee all buildings of strong materials on the property to the amount of their value as fixed by the board of directors.

(b) Upon the security of a chattel mortgage to the bank on crops already harvested, gathered, and stored: *Provided, however*, That no loan on the security of such crops so harvested, gathered, and stored as aforesaid shall exceed forty per centum of the market value thereof on the date of the loan. The property mortgaged shall be insured by the mortgagor for the benefit of the mortgagee to the full amount of the loan.

SEC. 13. All mortgages on real property and chattel mortgages on harvested, gathered, and stored crops shall be registered with the register of deeds in the jurisdiction where situate, and it shall be the duty of the register of deeds to indorse on such real or chattel mortgage, and on his record thereof, the date and hour of its reception, and such registration with the register of deeds of such real or chattel mortgage shall be notice to all the world of the lien created by such mortgage and of the terms and conditions thereof. The expenses of registration shall be paid by the borrower.

SEC. 14. The bank shall not exact more than ten per centum per annum on any loan made by it.

SEC. 15. Loans shall not be made for a period exceeding ten years, and may be made payable in installments as the board of directors may determine in each case.

SEC. 16. No fee or charge of any kind whatsoever by way of commission shall be exacted or paid for granting or obtaining loans, and any official of the bank exacting, demanding, or receiving any fee for service in obtaining a loan or for the use of his influence to obtain a loan shall be punished by imprisonment for not less than one year nor more than five years, in the discretion of the court.

SEC. 17. Within one year after foreclosure sale of property has been accomplished the mortgagor of the property shall have the right to redeem said property from the bank upon payment of the amount found due by the court in the decree of foreclosure with interest thereon at the rate specified in the mortgage, together with all costs incurred by the bank by reason of the foreclosure and sale and the care of the property.

SEC. 18. The agricultural banking corporation provided for in this Act shall have the general powers mentioned in section thirteen of "The Corporation Law," which are not in conflict or inconsistent with the provisions of this Act.

SEC. 19. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 20. This Act shall take effect on July first, nineteen hundred and eight.

Respectfully submitted.

JAMES F. SMITH,

*President of the Commission, Committee.*

The Honorable, the PHILIPPINE COMMISSION, Manila.

The report of the select committee was accepted, and the amendment therein recommended was unanimously adopted.

By unanimous consent, the bill as amended was thereupon read the second time, and referred to the Committee of the Whole. It was considered in committee and reported to the Commission with the recommendation that it pass.

Commissioner Worcester moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and being put to a vote was unanimously carried.

At the direction of the President, the bill as amended was thereupon read the third time, by its title only.

The question then being upon its passage, the roll was called, and Assembly Bill No. 240, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendment.

#### EXPLANATIONS OF VOTES.

Commissioner Forbes stated that he voted for Assembly Bill No. 240 as amended by the Commission in Committee of the Whole, but that in connection with his vote he desired to state that the board of directors provided for by section 4 thereof would be very much strengthened were it to have the Director of Lands as an ex officio member, the Director of Lands, in his opinion, being the only official of the Government possessing the experience and training which would fit him to form an opinion of especial value on the questions which will be presented to the board.

Commissioner Worcester stated that he concurred with Commissioner Forbes in this view.

## FIRST READING AND REFERENCE OF BILL.

Assembly Bill No. 126. An Act to establish a uniform system of bankruptcy and insolvency throughout the Philippine Islands.

The bill was read the first time and referred to the Committee on Matters Pertaining to the Department of Finance and Justice.

## RECESS.

At 11 o'clock antemeridian,

On motion by Commissioner Forbes,

The President declared the Commission at recess until 12 o'clock meridian, in order that the Committee on Matters Pertaining to the Department of Finance and Justice, to whom was referred Assembly Bill No. 126, entitled "An Act to establish a uniform system of bankruptcy and insolvency throughout the Philippine Islands," might have an opportunity to confer with the presidents of the chambers of commerce, who had called on the committee in accordance with his invitation and were then waiting to discuss with the committee the question of the advisability of the Legislature attempting to pass the said bill during the present session.

## RECONVENED.

At 12 o'clock meridian the Commission reconvened.

The President in the chair.

## REPORT OF COMMITTEE.

[Committee Report No. 49.]

JUNE 12, 1908.

GENTLEMEN: Your Committee on Matters Pertaining to the Department of Finance and Justice, to whom was referred on this date Assembly Bill No. 126, entitled "An Act to establish a uniform system of bankruptcy and insolvency throughout the Philippine Islands," has examined the same and has the honor to report it back to the Commission with the following remarks:

It appears that this bill was not received from the Assembly until June 9, 1908, and that it contains seventy-four pages of typewritten matter and one hundred and fifty-four sections. The bill may be said in general terms to be a reproduction of the proposed law and system of bankruptcy and insolvency which was submitted to the Commission by the Philippine Bar Association and rejected on the ground that it was too complicated and would be sure to provoke expensive litigation and result in serious loss



to the members of the commercial community should they attempt to avail themselves of its provisions.

The law seeks to blend the American laws of insolvency and bankruptcy with the Spanish law of bankruptcy. Such a policy is sure to result in complication and to bring about a system so cumbersome and unwieldy as to make it impracticable and uneconomical.

Commissioner Shuster and Mr. Fred C. Fisher, an attorney of the city of Manila, were appointed a committee to revise the bankruptcy law proposed by the Philippine Bar Association, and they reported an amended bill, which embodies some one hundred and three sections. This bill is also somewhat complicated and cumbersome.

Your committee invited the presidents of the various chambers of commerce to a conference on this bill to ascertain whether under the circumstances it would in their opinion be wise to pass either of these bills and as to whether it would not be better policy to give to the chambers of commerce and at least to the merchants of Manila an opportunity to make a careful study of both and of a third bill which is in course of preparation by your committee. This will give the representatives of the people most directly affected by a bankruptcy law an opportunity to give to the Legislature most advantageous suggestions and recommendations and may secure the adoption of a law which will be in accord with the commercial sentiment of the community. This course meets with the approval of the Manila Merchants' Association, the Philippine Chamber of Commerce, and the Chinese Chamber of Commerce. The Spanish Chamber of Commerce, the Manila Chamber of Commerce, and the American Chamber of Commerce were not represented at the conference.

Your committee therefore recommends that further action on the two bills be postponed.

Respectfully submitted.

JAMES F. SMITH,  
*Committee on Matters Pertaining to the  
Department of Finance and Justice.*

To the PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to the Department of Finance and Justice was unanimously adopted.

*Ordered*, That the Assembly be furnished with a copy of the report and notified of the action taken thereon.

#### SPECIAL REPORT ON EMPLOYERS' LIABILITY BILL.

Commissioner Forbes asked and was granted unanimous consent to have the following report read by the Secretary:

JUNE 6, 1908.

GENTLEMEN: Pursuant to the terms of Joint Resolution No. 8 of the Philippine Legislature, dated February 1, 1908, on the 30th day of April,

1908, you appointed a committee of twenty-one for the purpose of "preparing and submitting to the President of the Commission and the Speaker of the Assembly its recommendations on the Labor Accident Bill presented by the Representative for the Second District of Manila, Honorable Fernando Ma. Guerrero, and to study, prepare, and submit also any other recommendations deemed pertinent in the premises," your committee begs to report that copies of the above-mentioned bill were prepared and translated into English and transmitted to each member of the committee for individual study; that several members of the committee undertook to prepare amendments or substitutes, copies of which were also sent to all members of the committee. One of these was prepared in the Department of Commerce and Police for submission to the committee, which was drawn substantially along the lines which have prevailed in the State of Massachusetts some years and upon which interpretations have been made by the Massachusetts courts defining the exact meaning of the provisions of the law.

On June 2 the first-named member of the committee, acting in the capacity of chairman, sent out a call, requesting the committee to meet in the office of the Secretary of Commerce and Police on Wednesday, June 3, at 9 o'clock antemeridian. In response to this call the following members appeared: Honorable Adriano Hernandez, Honorable Matias Gonzales, Honorable Agustin Montilla, Honorable Rafael Palma, Honorable Irineo Javier, Mr. Vicente D. Fernandez, Mr. José Rosales, Mr. John Gibson, Mr. José Lahesa, Mr. Ramon Diokno, Mr. Lope K. Santos, Mr. Wickham Quinan, Dr. Ariston Bautista Lin, and Mr. Hermenegildo Cruz. There being a quorum present, the committee proceeded to the consideration of the best method to prepare a recommendation for the Legislature. After some discussion copies of the bills and amendments were furnished the members and the committee adjourned until Friday, June 5, at 4 o'clock and 30 minutes postmeridian, when the committee met again in the office of the Secretary of Commerce and Police, all of the above-mentioned members being present, and immediately began the consideration of the proposed legislation.

Detailed copies of the proceedings and verbatim report of the debate is on file with the Executive Bureau, but the undersigned believes it will be sufficient to summarize the proceedings as follows:

The majority of the committee desired to substitute the law drawn with the Massachusetts law as a basis for the Guerrero law, because it was believed to be more up to date, simple and practical, and more suited to conform to the American ideas which are to be found in the laws now in effect in the Philippine Islands.

Deputy Palma and Mr. Diokno had prepared carefully drawn substitutes changing the bill in certain particulars, which under vote by the committee were taken up at the same time, the paragraphs of both bills covering the same subject being read at the same time, the committee voting on the exact form they wished to recommend.

Time for adjournment having been reached without completion of the project, the meeting adjourned until Saturday, June 6, at 9 o'clock ante-

meridian, and the work continued until a final vote was reached approving the exact form which the committee wished to recommend to the Legislature.

The law as now recommended, although based upon the Massachusetts law, differs from the latter in the following respects: In the first section the definition of "negligence" on the part of the laborer is left to the court, whereas in the Massachusetts law it is more clearly defined and the burden of proof is placed more definitely upon the employer.

In the law as recommended by this committee no difference is made between accidents which cause instantaneous death and those which have caused death after the lapse of time.

The law provides for expedition of the proceedings in order to make it more easy and in fact possible for the poor and destitute laborers to avail themselves of its privileges.

The law provides that the Government is liable for accidents to men employed in certain branches of its service.

The law contains a provision, not to be found in the Massachusetts law, rendering illegal any effort on the part of the parties interested to secure a renunciation of the claim.

The Massachusetts law provides that if the employee is cognizant of the defect or negligence which caused the accident and did not give notice of it he thereby forfeits all claim to damages; in the proposed law which this committee presents this provision has been modified so as to provide that in such cases the judge may lessen the degree of liability on account of the accident, but does not provide that such knowledge absolutely terminates any claim on the part of the injured man.

The committee respectfully urges the two Houses of the Legislature to give this bill preference upon their calendars and to reach favorable action upon it during the present session.

Respectfully submitted.

W. CAMERON FORBES,  
*Chairman, Committee Labor Accident Bill.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION, and  
The Honorable  
the SPEAKER OF THE PHILIPPINE ASSEMBLY.

*Ordered.* That the communication be laid on the table until the receipt from the Assembly of the Employers' Liability Bill, now pending.

FIRST AND SECOND READING OF ASSEMBLY BILL.

Assembly Bill No. 176. An Act providing for the amendment of the Manila Charter.

The bill was read the first and second times, and

On motion by Commissioner Tavera,

The Commission went into Committee of the Whole for the purpose of considering said bill.

At 1 o'clock postmeridian, the committee rose, reported progress on the bill, and asked leave to sit again.

The report of the Committee of the Whole was accepted.

Pending the further consideration of the bill,

ADJOURNMENT.

Thereupon, at 1 o'clock postmeridian,

On motion,

The Commission adjourned to meet again at 9 o'clock ante-meridian, Saturday, June 13, 1908.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## Special Session.

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### JOURNAL OF THE COMMISSION.

**SATURDAY, JUNE 13, 1908.**

The Commission met pursuant to adjournment.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave.)

#### MESSAGE FROM THE GOVERNOR-GENERAL.

JUNE 13, 1908.

*To the Philippine Commission and the Philippine Assembly:*

I have the honor to recommend consideration of legislation providing for the creation of special classes of instruction for municipal teachers and making appropriations for that purpose. In this connection, municipalities should be permitted to provide out of their own funds for additional municipal teachers.

Consideration is also recommended of legislation providing for the construction of a monument to distinguished Filipinos and authorizing the appointment of a committee to select a site for the monument and to take such steps as may be necessary for the erection of such a monument. This legislation has been recommended to the Governor-General by the Speaker of the Philippine Assembly, and the Governor-General, by virtue of the authority in him vested, submits the same to the Philippine Legislature for its consideration.

It is recommended that consideration be given to a bill making appropriations for the proper reception and entertainment of the officers and men of the American Battle-ship Fleet. The proper reception of this fleet is a matter of great public importance and

a committee composed of twenty-five residents and business men of the city of Manila has requested the Governor-General to recommend to the Legislature the consideration of a bill appropriating a suitable amount of money for the purpose of such entertainment and reception.

It appears that under existing legislation the Provinces of Palawan and Mindoro are debarred from participation in the 10 per cent of the internal revenue which is conceded to provinces which have doubled the cedula tax. It is claimed that these two provinces pay in property taxes the equivalent of a ₱2 tax, and that they should be permitted the same participation in the internal revenue conceded to other provinces of the Archipelago. This matter is submitted to the Legislature for such consideration and action as to it may seem proper.

Under and by virtue of an Act of Congress of the United States passed by said Congress at the session just terminated, the President of the United States has been authorized to create a new Executive Department in the Philippine Islands and suitable appropriation has been made for such an Executive Department, should the President finally determine to create such Department. If the President does create a Department, a rearrangement and redistribution of the Bureaus and Offices of the Government will become necessary. Inasmuch as the Act authorizes the President to assign to the new Executive Department such Bureaus of the Government as to him may seem proper, it will be absolutely necessary to make a rearrangement of Bureaus in order to equalize the work of the Departments. In view of all this, the Governor-General respectfully recommends to the Legislature the consideration of an Act to promote the efficiency of the Executive Offices of the Government by empowering the Governor-General to transfer Bureaus and Offices from the jurisdiction of one Executive Department to any other.

Very respectfully,

JAMES F. SMITH,  
*Governor-General.*

MESSAGES FROM THE ASSEMBLY.

JUNE 10, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 233), entitled "An Act to authorize the appropriation of seven hundred and fifty thousand pesos annually for the promotion, establishment, and maintenance of irrigation systems in the

Philippine Islands," passed the Assembly on June 8, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Assembly Bill No. 233 was read the first and second times, and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Luzuriaga moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Assembly Bill No. 233 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

JUNE 13, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 243), entitled "An Act appropriating the sum of one hundred and fifty thousand pesos for the purchase and preparation of land for cattle quarantine stations in the cities of Manila, Cebu, and Hoilo, and making provision for the reimbursement of the Insular Treasury for the said amount with the proceeds of the sale of the Singalong experimental station, Malate, Manila," passed the Assembly on June 12, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary*.

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Assembly Bill No. 243 was read the first and second times, and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Assembly Bill No. 243 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

JUNE 10, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 230), entitled "An Act prohibiting the payment of the price of work of laborers by means of tokens or any other class of checks," passed the Assembly on June 9, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 230 was read the first time and referred to the Committee on Matters Pertaining to the Department Commerce and Police.

JUNE 13, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 247), entitled "An Act authorizing the construction of a pantheon of illustrious Filipinos, and providing for the appointment of a committee to take charge of the matter," passed the Assembly on June 13, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Assembly Bill No. 247 was read the first and second times, and referred to the Committee of the Whole.

It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Assembly Bill No. 247 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.



JUNE 13, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 248), entitled "An Act authorizing the creation of special classes of superior instruction for municipal teachers and appropriating the sum of fifty thousand pesos for such purpose," passed the Assembly on June 13, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, Assembly Bill No. 248 was read the first and second times, and referred to the Committee of the Whole.

It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Tavera moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Assembly Bill No. 248 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

JUNE 11, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 241), entitled "An Act authorizing municipal and provincial governments to grant, under certain conditions, privileges and concessions for the utilization of public waters for agricultural irrigation, and for other purposes," passed the Assembly on May 30, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 241 was read the first time and referred to the Committee on Matters Pertaining to the Department of Commerce and Police.

JUNE 12, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 214), entitled "An Act amending Act Numbered Four hundred and ninety-six, entitled 'The Land Registration

Act,' and other Acts relating thereto, to give greater facilities for obtaining titles and the registration of property in the Philippine Islands, and for other purposes," passed the Assembly on June 10, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 214 was read the first time and referred to the Committee on Matters Pertaining to the Department of Finance and Justice.

#### INTRODUCTION OF BILLS.

The President introduced the following bill:

Commission Bill No. 59. An Act appropriating the sum of seventy-five thousand pesos from the Insular Treasury for the entertainment of the officers and men of the American fleet on the occasion of its proposed visit to the Philippine Islands, and authorizing the city of Manila to appropriate the sum of twenty-five thousand pesos for the same purpose.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole.

It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Forbes thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 59 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

The President also introduced the following bill:

Commission Bill No. 60. An Act to promote the efficiency of the executive offices of the Government by empowering the Governor-General to transfer Bureaus from the jurisdiction of one Executive Department to another.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the recommendation that it pass with the following amendments:

Section 1, page 2, line 4, strike out the colon after the word "divided," inserting in lieu thereof a semicolon, and inserting before the words "*Provided, however,*" the words "and shall have power to change the name of any Department when in his opinion the transfer of Bureaus from one Department to another or the reorganization of Departments may make such change of name expedient."

Strike out the second and third paragraphs of the preamble and insert one paragraph in lieu thereof, as follows:

"Whereas the creation of such new Executive Department will necessitate a redistribution of the various Bureaus and Offices among the Executive Departments of the Government."

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Luzuriaga thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, the roll was called, and Commission Bill No. 60, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

Commissioner Worcester introduced the following bill:

Commission Bill No. 61. An Act providing that the Provinces of Palawan and Mindoro shall have their pro rata share of the special fund of ten per centum of internal-revenue collections created by Act Numbered Sixteen hundred and ninety-five and payable to the road and bridge fund of certain provinces.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole. It was considered in committee and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 61 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

Commissioner Worcester also introduced the following bill:

Commission Bill No. 62. An Act providing that the Provinces of Benguet, Lepanto-Bontoc, Nueva Vizcaya, and Agusan shall have their pro rata share of the special fund of ten per centum of internal-revenue collections created by Act Numbered Sixteen hundred and ninety-five and payable to the road and bridge fund of certain provinces.

The immediate passage of this bill being desirable, the regular order of procedure for the enactment of laws prescribed by Act No. 6 was dispensed with by the Commission.

The bill was read the first and second times and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the recommendation that it pass.

Commissioner Worcester moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, the roll was called, and Commission Bill No. 62 was unanimously passed, and the title was read and approved.

*Ordered,* That Commission Bill No. 62 be enrolled and printed as an Act, the enactment of said bill into law being within the exclusive general legislative jurisdiction of the Commission over all that part of the Philippine Islands inhabited by Moros or other non-Christian tribes.

Commissioner Worcester also introduced the following bill:

Commission Bill No. 63. An Act making available for expenditure during the fiscal year nineteen hundred and nine and thereafter the balance remaining from funds appropriated by Act Numbered Sixteen hundred and thirty-two for examinations for scholarships in the Philippine Medical School.

By unanimous consent, the bill was read the first and second times, and referred to the Committee of the Whole. It was considered in committee and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 63 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

REPORTS OF COMMITTEES.

[Committee Report No. 50.]

JUNE 13, 1908.

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of Commerce and Police, to whom was referred, on June 13, 1908, Assembly Bill No. 230, entitled "An Act prohibiting the payment of the price of work of laborers by means of tokens or any other class of checks," has examined the same and has the honor to report it back to the Commission with the following remarks:

It is the opinion of your committee that this bill, if passed, would eliminate as a factor of payment checks, drafts, notes of the Spanish Bank, and probably Government notes, and in consideration of the fact that there is nothing in existing law which compels laborers to work on credit there would practically be no necessity for the passage of this Act at the present time.

Your committee therefore recommends that further consideration of the bill be indefinitely postponed.

Very respectfully,

W. CAMERON FORBES,

*Committee on Matters Pertaining to the  
Department of Commerce and Police.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the committee was unanimously adopted.

*Ordered*, That the Secretary transmit a copy of the same to the Assembly, with notification of the action taken thereon.

[Committee Report No. 51.]

JUNE 13, 1908.

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of Commerce and Police, to whom was referred on February 11, 1908, Commission Bill No. 35, entitled "An Act granting an extension of time until June first, nineteen hundred and eight, for the completion by the Manila Suburban Railways Company of that portion of its line east of Fort William McKinley to the town of Pasig," has examined the same and has the honor to report it back to the Commission with the recommendation that it be laid on the table.

Respectfully submitted.

W. CAMERON FORBES,  
*Committee on Matters Pertaining to the  
Department of Commerce and Police.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to the Department of Commerce and Police was unanimously adopted.

[Committee Report No. 52.]

JUNE 13, 1908.

GENTLEMEN: Your Committee on Matters Pertaining to Bureaus under the Executive Control of the Governor-General, to whom was referred on April 30, 1908, Commission Bill No. 43, entitled "An Act to amend Act Numbered Sixteen hundred and ninety-eight, entitled 'An Act for the regulation of the Philippine civil service,' with regard to the conditions of service of teachers appointed shortly after the beginning of a school year," has examined the same and has the honor to report it to back to the Commission with the recommendation that the bill be laid on the table.

Respectfully submitted.

JAMES F. SMITH,  
*Committee on Matters Pertaining to Bureaus under  
the Executive Control of the Governor-General.*

The Honorable, the PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to Bureaus under the Executive Control of the Governor-General was unanimously adopted.

[Committee Report No. 53.]

JUNE 13, 1908.

GENTLEMEN: Your Committee on Matters Pertaining to the Department of Finance and Justice, to whom was referred on May 11, 1908, Commission Bill No. 46, entitled "An Act amending subsections four and five of section five hundred and eighteen and subsection one of section five hundred and thirty-four of the Penal Code, prescribing the penalties to be imposed

for the violation of said section," has examined the same and has the honor to report it back to the Commission with the following remarks:

The Attorney-General has rendered an opinion to the effect that it would be very inadvisable to make the changes set out in this bill. The systems of punishment proposed are not in accord with those prescribed in the Spanish Penal Code in the same chapter and article, and the punishment is not deemed excessive when compared with the punishment inflicted under the Spanish Code in other cases.

Your committee recommends that further consideration of this bill be indefinitely postponed.

Respectfully submitted.

JAMES F. SMITH,  
*Committee on Matters Pertaining to the  
Department of Finance and Justice.*

The Honorable, the PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to the Department of Finance and Justice was unanimously adopted.

[Committee Report No. 54.]

JUNE 12, 1908.

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of the Interior, to whom was referred Assembly Bill No. 237, entitled "An Act amending chapter one of Act Numbered Nine hundred and twenty-six by providing that payment of homestead entry fees may be made in installments, and by limiting the residence required by said chapter to the last two years immediately preceding the date of final proof," has examined the same and has the honor to report it back to the Commission with the following remarks:

Act No. 926, which it is the purpose of this bill to amend, provides that after the applicant for a homestead has made his application—

"The Director of Lands shall summarily determine by inquiry of the Director of Forestry and from the available land records, whether the land described is *prima facie* subject under the law to homestead settlement, and, if he shall find nothing to the contrary, the applicant, upon the payment of *ten pesos*, shall be permitted to enter the quantity of land specified."

This Act further provides that—

"No certificate shall be given or patent issued for the land applied for until the expiration of five years from the date of the filing of the application; and if, at the expiration of such time or at any time within three years thereafter, the person filing such application shall prove by two credible witnesses that he has *resided upon and cultivated the land for the term of five years* immediately succeeding the time of filing the application aforesaid, and shall make affidavit that no part of said land has been alienated or encumbered, and that he has borne true allegiance to the Government of the United States and that of the Philippine

Islands, then, upon the *payment of a fee of ten pesos*, Philippine currency, to such officer as may be designated by law as local land officer, or in case there be no such officer then to the Director of Lands, he shall be entitled to a patent."

In the opinion of your committee the provisions reducing the required period of residence to the last two years of the five which must elapse before title can be secured is unobjectionable as the requirement that the land be under cultivation during the entire five years will still be in force.

The payment of the entry fee for the land in annual installments does not seem to your committee to be open to any serious objection. In fact, the privilege of paying all the charges in this way would doubtless be appreciated by homesteaders, many of whom are impecunious.

Your committee therefore recommends that the bill be passed with the following amendments:

Strike out the following words in section 1, page 1 "*Provided, however*, That at the option of the applicant, payment of said entry fee may be made in installments in the following manner: two pesos, Philippine currency, on receiving such permission, and two pesos annually thereafter until the sum of ten pesos shall have been paid in full, it being discretionary with the applicant to pay one or more installments in advance," and insert in lieu thereof the following: "*Provided, however*, That at the option of the applicant, payment of said entry fee and of the fee prescribed in section three hereof may be made in five annual installments of four pesos each."

Section 2, page 2, line 19, after the words "Philippine currency" insert the words "or upon the payment of the last of the five installments provided for in section two."

Attention is called to the fact that inasmuch as this is an Act amending Act No. 926, which was approved by the United States Congress, it must itself be approved by Congress before it can take effect.

Very respectfully,

DEAN C. WORCESTER,  
*Committee on Matters Pertaining to  
the Department of the Interior.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to the Department of the Interior on Assembly Bill No. 237 was accepted and the amendments therein recommended were adopted.

By unanimous consent, the bill as amended was thereupon read the second time, and referred to the Committee of the Whole. It was considered in committee, and reported to the Commission with the recommendation that it pass.



Commissioner Luzuriaga moved the immediate third reading of the bill. The motion was seconded by Commissioner Tavera, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, the roll was called, and Assembly Bill No. 237, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendments.

## RECESS.

At 1 o'clock postmeridian,

On motion by Commissioner Worcester,

The President declared the Commission at recess until 3 o'clock postmeridian.

## RECONVENED.

At 3 o'clock postmeridian, the Commission reconvened.

The President in the chair.

CONSIDERATION OF AMENDMENT TO MANILA CHARTER, RESUMED  
(A. B. NO. 176).

On motion by Commissioner Tavera,

The Commission went into Committee of the Whole for the purpose of resuming consideration of Assembly Bill No. 176, entitled "An Act providing for the amendment of the Manila Charter."

At 4 o'clock postmeridian the committee rose, reported progress on the bill, and asked leave to sit again.

The report of the Committee of the Whole was accepted.

Pending further consideration of the bill,

## RECESS.

On motion by Commissioner Forbes,

The President declared the Commission at recess until 8 o'clock and 30 minutes postmeridian, in order to give an opportunity to the President and members of the Commission to meet, in accordance with previous arrangement, the Speaker of the Assembly and members of the Appropriation Committee of the Assembly,

in informal conference on Assembly Bill No. 198, entitled "An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and nine, and other designated periods."

RECONVENED.

At 8 o'clock and 30 minutes postmeridian the Commission reconvened.

The President in the chair.

MESSAGES FROM THE ASSEMBLY.

JUNE 13, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 244), entitled "An Act to extend and regulate the responsibility of employers for personal injuries and deaths suffered by their employees while at work," passed the Assembly on June 12, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 244 was read the first time and referred to a select committee of two, composed of the President of the Commission and Commissioner Forbes, for report and recommendation.

JUNE 13, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 245), entitled "An Act providing for certain reforms in the organization of the Philippines Constabulary," passed the Assembly on June 13, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

Assembly Bill No. 245 was read the first time and referred to the Committee on Matters Pertaining to the Department of Commerce and Police.

REPORT OF COMMITTEE.

[Committee Report No. 55.]

JUNE 13, 1908.

GENTLEMEN: Your select committee of two, to whom was referred on June 3, 1908, for report and recommendation the Assembly amendments

to Commission Bill No. 33, entitled "An Act for the purpose of founding a university for the Philippine Islands, giving it corporate existence, providing for a Board of Regents, defining the Board's responsibilities and duties, providing higher and professional instruction and for other purposes," has examined the amendments and has the honor to report the bill and amendments back to the Commission with the following remarks and recommendations:

That the Commission decline to concur in the amendment to section 3 of the bill, except in so far as it changes the section number from 3 to 4, and that in lieu of section 3 of the bill the following be inserted:

"SEC. 4. The government of said university is hereby vested in a Board of Regents to be known as the Board of Regents of the University of the Philippines. The Board of Regents shall be comprised of the Secretary of Public Instruction, the Director of Education, the chairman of the Committee of Public Instruction of the Philippine Assembly, the president of the university, and five additional members to be appointed by the Governor-General, by and with the advice and consent of the Philippine Commission. The president of the university shall be selected and his compensation shall be fixed by the Board of Regents, of which Board he shall be ex officio chairman. The members of the Board of Regents appointed by the Governor-General shall hold office for a term of five years: *Provided, however,* That the regents first appointed by the Governor-General shall hold office as follows: one for one year, one for two years, one for three years, one for four years, and one for five years, the term of office of each to be specified in his appointment by the Governor-General. In case of a vacancy among the members of the Board of Regents appointed by the Governor-General, such vacancy shall be filled by appointment by the Governor-General, by and with the advice and consent of the Philippine Commission, and such appointees shall hold office for the unexpired term. All members of the Board of Regents shall be citizens of the Philippine Islands or of the United States, and shall be residents of the Philippine Islands. Members shall serve without compensation other than actual and necessary traveling expenses incurred either in attendance upon meetings of the Board or upon other official business authorized by resolution of the Board."

It is recommended by your committee that the section 5 proposed by the Assembly be amended to read as follows:

"SEC. 5. The University of the Philippines shall have the general powers set out in section thirteen of Act Numbered Fourteen hundred and fifty-nine, and the administration of said university and the exercise of its corporate powers are hereby vested in the Board of Regents."

It is recommended by your committee that the first paragraph of section 6 as proposed by the Assembly be amended to read as follows:

"The Board of Regents shall have the following powers and duties, in addition to its general powers of administration and the exercise of the powers of the corporations;"

That subsection (a) of the said section as proposed by the Assembly be amended to read as follows:

“(a) To receive and appropriate to the ends specified by law such sums as may be provided by law for the support of the University;”

That subsection (b) of the said section as proposed by the Assembly be amended to read as follows:

“(b) To provide for the establishment of a College of Philosophy, Science, and Letters; a College of Law and of Social and Political Science; a College of Medicine and Surgery; a College of Pharmacy; a College of Dentistry; a College of Veterinary Science; a College of Engineering; a College of Mines; a college of Agriculture; and a School of Fine Arts: *Provided*, That the Board of Regents may establish these colleges or any of them as soon as in its judgment conditions shall favor their opening and funds shall be available for their maintenance: *And provided further*, That the Board of Regents, by and with the approval of the Governor-General, shall have power to combine two or more of the colleges authorized by this Act, in the interests of economy and efficiency: *And provided further*, That the Philippine Medical School, as established by Act Numbered Fourteen hundred and fifteen, as amended, shall become the College of Medicine and Surgery of the Philippine University as soon as two or more colleges of the University of the Philippines shall have been established and in actual operation.”

That subsection (c) be amended to read as follows:

“(c) To confer the usual honorary degrees upon persons other than graduates of the University in recognition of learning, statesmanship, or eminence in literature, science, or art: *Provided*, That such degrees shall not be conferred in consideration of the payment of money or other valuable consideration.”

That subsection (d) be allowed to stand as it is in the original bill, for the reason that the bill already provides for the endowment of the university, and if provision is made for the endowment of the various chairs in the colleges, the colleges will be endowed.

That subsection (e) be amended to read as follows:

“(e) To appoint, on recommendation of the president of the university, professors, instructors, lecturers, and other employees of the university, to fix their compensation and to remove them for cause after an investigation and hearing shall have been had.”

If subsection (e) is amended in this manner, the new subsection inserted in the bill by the Assembly would not be necessary.

It is the opinion of your committee that paragraphs (f), (g), and (h) should stand as they are in the original bill, and also that sections 5 and 6 should be allowed to remain as passed by the Commission.

It is thought by your committee that section 7 of the original bill (which is changed to section 9 by the Assembly) should read as follows:

“There shall be a university council, consisting of the president of the university and of all instructors in the university holding the rank of professor, associate professor, or assistant professor. The council shall have power to prescribe the courses of study and rules of discipline, subject

to the approval of the Board of Regents. It shall fix the requirements for admission to any college of the university, as well as for graduation and the receiving of a degree. The Council alone shall have the power to recommend students or others to be recipients of degrees. Through its president or committees it shall have disciplinary power over the students within the limits prescribed by the rules of discipline approved by the Board of Regents. The powers and duties of the president of the university, in addition to those specifically provided for in this Act, shall be those usually pertaining to the office of president of a university."

Your committee recommends that section 8 (section 10 according to the Assembly amendment) be made to read as follows:

"The body of instructors of each college shall constitute its faculty, and as presiding officer of each faculty there shall be a dean elected by the faculty to which he belongs. In the appointment of professors or other instructors of the university, no religious test shall be applied, nor shall the religious opinions or affiliations of the instructors of the university be made a matter of examination or inquiry: *Provided, however,* That no instructor in the university shall inculcate sectarian tenets in any of the teachings, nor attempt, either directly or indirectly, under penalty of dismissal by the Board of Regents, to influence students or attendants at the university for or against any particular church or religious sect."

It is recommended that the amendment of the Assembly to section 9 of the bill (section 11 as proposed by the Assembly) should be accepted.

It is recommended that section 10 (section 12 as proposed by the Assembly) be amended to read as follows:

"There shall be a secretary of the university, appointed by the Board of Regents. He shall be the secretary of such Board and also of the university, and shall keep such records of the university as may be designated by the Board."

It is recommended that the Assembly amendment to section 11 (section 13 as proposed by the Assembly) be accepted.

It is recommended that the Assembly amendment of line 11, page 6, section 13 (section 15 as proposed by the Assembly) be accepted, so that the line shall read "The President of the Commission, the Speaker of the Philippine Assembly."

It is recommended that the amendment of the Assembly to section 14 (section 16 as proposed by the Assembly) be accepted.

Respectfully submitted.

DEAN C. WORCESTER,

JAMES F. SMITH,

*Committee.*

To the PHILIPPINE COMMISSION.

The report of the select committee was accepted, and the amendments to the amendments of the Assembly therein recommended were adopted.

*Ordered,* That the Secretary furnish a copy of the report to the

Assembly with notification of the action taken thereon, and requesting concurrence of the Assembly in the amendments of the Commission.

RECESS.

At 9 o'clock postmeridian,

On motion by Commissioner Forbes,

The President declared the Commission at recess until 10 o'clock and 30 minutes postmeridian, in order to discuss informally with the Director and Assistant Director of Lands and Judge Rosario of the Court of Land Registration, who were present in accordance with previous arrangement, the provisions of Assembly Bill No. 214, entitled "An Act amending Act Numbered Four hundred and ninety-six, entitled 'The Land Registration Act,' and other Acts relating thereto, to give greater facilities for obtaining titles and the registration of property in the Philippine Islands, and for other purposes."

TIME OF RECESS EXTENDED.

At 10 o'clock and 30 minutes postmeridian,

On motion by Commissioner Forbes,

The time of recess was extended until 9 o'clock antemeridian of June 14, 1908.

RECONVENED.

At 9 o'clock antemeridian (June 14, 1908), the Commission reconvened.

The President in the chair.

REPORTS OF COMMITTEES.

[Committee Report No. 56.]

JUNE 13, 1908.

SIR: Your Committee on Matters Pertaining to the Department of Commerce and Police, to whom was referred on May 21, 1908, Assembly Bill No. 201, entitled "An Act prohibiting the employment of foreigners as engineers or assistant engineers in vessels of the Philippine Islands, and repealing certain sections of Acts Numbered Seven hundred and eighty and Ten hundred and twenty-five," has examined the same and has the honor to report it back to the Commission with the following remarks:

In view of the fact that this bill involves questions of vital importance to the shipping interests and to American and Filipino engineers in the Islands, and in view of the fact that during the short period of the special session it will be entirely impossible to give to shipping companies and to engineers, whether American, Filipino, or foreign, an opportunity

to be heard, your committee recommends that further consideration of the bill be postponed until the next regular session of the Legislature, beginning in February, 1909, which postponement will involve a delay of only seven months.

Very respectfully,

W. CAMERON FORBES,  
*Committee on Matters Pertaining to the  
Department of Commerce and Police.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to the Department of Commerce and Police was unanimously adopted.

*Ordered*, That the Assembly be furnished with a copy of the report and notified of the action taken thereon.

[Committee Report No. 57.]

JUNE 13, 1908.

GENTLEMEN: Your Committee on Matters Pertaining to the Department of Finance and Justice, to whom was referred, on May 18, 1908, Assembly Bill No. 134, entitled "An Act amending subsection (c) of section one of Act Numbered Thirteen hundred and thirty-eight amending section seventy-four of Act Numbered Eleven hundred and eighty-nine," has examined the same and has the honor to report it back to the Commission with the following remarks:

This bill, if passed, would diminish the revenue of the Government some ₱450,000 or ₱500,000 a year. Moreover, it would disturb the distribution made to the provinces and municipalities of the Islands. Should the amount that is now set apart from the internal revenue to the municipalities be diminished, it would in many cases cause the closing of the public schools. In those provinces in which the land tax has been suspended—and we have no guaranty that many of the provinces may not suspend it during the coming year—it would almost certainly result in the closing of nearly all of the schools in the provinces, except in the larger centers of population.

Your committee has already been informed by the Insular Auditor that appropriations already made will probably exceed the reported receipts. Under these circumstances it would be most unwise to diminish the revenue of the Government.

Your committee, therefore, recommends that Assembly Bill No. 134 do not pass.

Very respectfully,

JAMES F. SMITH,  
*Committee on Matters Pertaining to the  
Department of Finance and Justice.*

To the Honorable, the PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to the Department of Finance and Justice was unanimously adopted.

*Ordered*, That the Assembly be furnished with a copy of the report and notified of the action taken thereon.

[Committee Report No. 58.]

JUNE 13, 1908.

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of Commerce and Police, to whom was referred, on June 13, 1908, Assembly Bill No. 241, entitled "An Act authorizing municipal and provincial governments to grant, under certain conditions, privileges and concessions for the utilization of public waters for agricultural irrigation, and for other purposes," has examined the same and has the honor to report it back to the Commission with the following remarks:

This bill attempts to confer upon municipalities the authority and power to grant franchises, privileges, and concessions for the utilization of public waters for agricultural irrigation within their respective boundaries, and under the conditions specified in the bill. This makes the bill absolutely null and void, for the reason that the Congress of the United States has conferred upon the Philippine Commission and upon its successor, the Philippine Legislature, the power to grant such franchises, and such power can not be delegated by the Philippine Legislature to municipalities.

Even if it were possible for the Legislature to delegate to municipalities the power to grant franchises, it would be extremely inadvisable to do so at this time when the Government is undertaking the establishment of irrigation systems. If the municipalities had the right to grant franchises for irrigation purposes, the abuse of that right might very seriously interfere with Government projects and work an injury to the public interests. The question of the right to use water is one which is a fruitful source of dispute and litigation. Were this power conferred upon municipalities it might be expected that a very few citizens would control the entire water supply available within a given district, not simply that confined to the municipality, to the exclusion of a great number of citizens who might otherwise be benefited. Moreover, the water supply in very few cases is confined to the limits of one municipality, but passes through many municipalities before reaching salt water. If a municipality is permitted to grant franchises for the use of water flowing through it, it might appropriate the entire supply and thus deprive all municipalities on lower levels of water rights which had been theirs ever since the time that the memory of man runneth not to the contrary.

In a word, the conferring upon any municipality of the right to control the waters which flow through it may mean a diversion of streams and serious loss and damage to municipalities on lower levels. The question of water supply for irrigation purposes should be controlled and must be controlled by the Central Government in the interest of no particular municipality but in the interest of the greater number of citizens, whether they be found in one municipality or many.

Your committee therefore recommends that Assembly Bill No. 241 do not pass.

Very respectfully,

W. CAMERON FORBES,  
*Committee on Matters Pertaining to the  
Department of Commerce and Police.*

To the Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.



The report of the Committee on Matters Pertaining to the Department of Commerce and Police was unanimously adopted.

*Ordered.* That the Assembly be furnished with a copy of the report and notified of the action taken thereon.

## RECESS.

On motion by Commissioner Forbes,

The President declared the Commission at recess until 12 o'clock meridian for the purpose of discussing informally the provisions of Assembly Bill No. 244, entitled "An Act to extend and regulate the responsibility of employers for personal injuries and deaths suffered by their employees while at work."

## RECONVENED.

At 12 o'clock meridian the Commission reconvened.

The President in the chair.

## REPORT OF COMMITTEE.

[Committee Report No. 59.]

JUNE 13, 1908.

GENTLEMEN: Your select committee of two, to whom was referred on this date Assembly Bill No. 244, entitled "An Act to extend and regulate the responsibility of employers for personal injuries and deaths suffered by their employees while at work." has examined the same and has the honor to report it back to the Commission with the following remarks:

In the opinion of your committee, section 1 as passed by the Assembly would practically make it impossible for a laborer to secure any compensation for injuries resulting from the negligence of the employer, because the section provides that no liability can accrue against the employer unless the injury resulted from the inexcusable fault or negligence of the employer. It may be safely said that in ninety-nine cases out of a hundred no employer would willfully bring about a condition of affairs which would probably result in serious physical injury to employees. Some excuse will always be found for negligence or lack of care, and the mere fact that there exists some excuse would be sufficient to defeat the claim of the laborer.

There is another objection to section 1. It provides that the injuries must be the result of the inexcusable fault or negligence of the employer. This does not include superintendents or persons employed in a subordinate capacity in direct control of signals, switches, locomotive engines, or trains. If this section were passed as it is, employees would be unable to recover in case they were injured as the result of the negligence of the superintendent or of the engineer or conductor of a train, or of an employee in

charge of a switch or signal. It is recommended by your committee that section 1 be amended to read as follows:

"SECTION 1. If personal injury is caused to an employee, who, at the time of the injury, is in the exercise of due care, by reason of—

"First, a defect in the condition of the ways, works, or machinery connected with or used in the business of the employer, which arose from, or had not been discovered or remedied in consequence of, the negligence of the employer or of a person in his service who had been intrusted by him with the duty of seeing that the ways, works, or machinery were in proper condition; or

"Second, the negligence of a person in the service of the employer who was intrusted with and was exercising superintendence and whose sole or principal duty was that of superintendence, or, in the absence of such superintendent, of a person acting as superintendent with the authority or consent of such employer; or

"Third, the negligence of a person in the service of the employer who was in charge or control of a signal, switch, locomotive engine, or train upon a railroad; the employee, or his legal representatives, shall, subject to the provisions of this Act, have the same rights to compensation and of action against the employer as if he had not been an employee, nor in the service, nor engaged in the work, of the employer.

"A car which is in use by, or which is in possession of, a railroad corporation shall be considered as part of the ways, works, or machinery of the corporation which uses or has it in possession, within the meaning of clause one of this section, whether it is owned by such corporation or by some other company or person. One or more cars which are in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of this section, and whoever, as part of his duty for the time being, physically controls or directs the movements of a signal, switch, locomotive engine, or train shall be deemed to be a person in charge or control of a signal, switch, locomotive engine, or train within the meaning of said clause."

Section 2 provides that the heirs of the laborer shall be entitled to an indemnity in case the laborer dies instantly by reason or as the result of his labor or as the result of an injury received while at work.

This section would give to the heirs of the laborer the right to recover damages from the employer for every case of death of a laborer on account of heart disease or apoplexy, for the simple reason that medical testimony will show that to some degree his continuing at work had brought about his death.

To adjudge damages against the employer when he has been guilty of no negligence and when the death of the laborer has resulted wholly without his fault would be manifestly unjust, and the section certainly should not pass in its present form. It is suggested that section 2 be amended to read as follows:

"SEC. 2. If, as the result of the negligence of the employer or that of a person for whose negligence the employer is liable under the provisions of section one, an employee is killed or dies by reason of injuries received, his

widow, or legal heirs, or next of kin who at the time of his death were dependent upon his wages for support, shall have a right of action for damages against the employer."

Section 3 makes the employer responsible for the death of a laborer occasioned by any person who may be in his employment. This is manifestly unjust. The employer should not be made responsible for the death of a laborer unless such death was caused by the employer's negligence or by the negligence of some person who represents the employer.

Your committee suggests that section 3 be made to read as follows:

"SEC. 3. If, under the provisions of this Act, damages are awarded for the death, they shall be assessed with reference to the degree of culpability of the employer or of the person for whose negligence the employer is liable.

"The amount of damages which may be awarded in an action under the provisions of section one for a personal injury to an employee, in which no damages for his death are awarded under the provisions of section two, shall not exceed two thousand pesos.

"The amount of damages which may be awarded in such action, if damages for his death are awarded under the provisions of section two, shall not be less than five hundred pesos nor more than two thousand five hundred pesos for both the injury and the death."

Your committee recommends that section 4 be amended to read as follows:

"SEC. 4. No action for damages for injuries or death under this Act shall be maintained if a report thereof is not furnished to the employer within ninety days of the date, place, and cause of the injury or if the action is not brought within one year from the time of the accident causing the injury or death. The report required by this section shall be made in writing and signed by the person injured or by another in his name, or if, on account of physical or mental disability, it is impossible for the person injured to give the notice within the time provided by this section, the same may be given within ten days after such disability shall have been removed, and in case of death without said report having been given and without the person having for ten days at any time after the period above mentioned been able to give such notice, the widow, legal heirs, or next of kin dependent upon his wages for support, may give such notice within thirty days following the death of the laborer. No report given under the provisions of this Act shall be considered void or insufficient by reason only of some inaccuracy as regards the date, place, or cause of the injury, if there was no intention to mislead or the employer has not been misled by reason of such inaccuracy."

It is the opinion of your committee that the first and second paragraphs of section 5 should be amended to read as follows:

"All actions for damages which may be brought under this Act shall have preference over all other matters save and except criminal cases and habeas corpus matters on the dockets of the Courts of First Instance, and shall be promptly tried by the court and decided within fifteen days after final submission of the case to the court for decision.

"On application to the court by the party injured or by his duly authorized representatives, the court may make a proper allowance for food and medical attendance during the pendency of the action and while medical attendance is still necessary by reason of the injury: *Provided, however*, That the defendant in the action shall be given an opportunity to be heard before any such allowance is made."

The third paragraph of section 5 involves the payment of fees. If these fees are to be remitted, provision must be made in the appropriation bill to cover the loss thereby occasioned to the moneys set apart for the support of the judiciary. Moreover, it should be remembered that the courts have now the power to remit fees in all cases in which it appears that the parties are unable to pay the same. This Act will greatly increase the number of damage cases, and it seems to your committee that fees should not be remitted unless the complainant can not pay the same.

To allow appeals to be taken from judgments in damage suits under this Act in accordance with criminal procedure would be wholly impracticable and unwise. The procedure in criminal cases is different from that which is required in civil cases. The section should therefore be modified by striking out the provision which permits of such an appeal.

The Supreme Court has ample power now to give preference to any case upon a showing which would justify such preference. The giving of preference to every damage case for personal injuries in the Supreme Court, which must hear appeals not only from the city of Manila but from all over the Archipelago, might block very important public business and cases which could not brook delay. Some preference might be given in the courts of First Instance without serious injury, but to carry that preference into the Supreme Court might be disastrous to the transaction of other more important judicial business. It is therefore recommended that this paragraph be stricken out.

The provision in the bill which requires the Supreme Court to definitely decide an action within a month is impracticable, in view of the number of cases which the court is required to decide annually. The Commission enacted a law requiring judges of First Instance to decide cases submitted to them within ninety days, but determined at the same time that it would be unwise at present to fix any period for the decision of cases in the Supreme Court.

Section 6 is against public policy and would result in such a large number of suits against municipalities, provinces, and the Insular Government that the attorneys in the Attorney-General's Office and the number of fiscals would have to be increased. It is recommended that section 6 be stricken out.

It is recommended that section 7 be amended to read as follows:

"SEC. 7. If an employer enters into a contract, written or verbal, with an independent contractor to do part of such employer's work, or if such contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer for injuries to the employees of such contractor or subcontractor caused by

any defect in the condition of the ways, works, machinery, or plant, if they are the property of the employer or are furnished by him and if such defect arose or had not been discovered or remedied through the negligence of the employer or of some person intrusted by him with the duty of seeing that they were in proper condition.”

Your committee recommends that section 8 be stricken out and the following substituted:

“SEC. 8. An employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries for which compensation may be recovered under the provisions of this Act or who shall have contributed to any relief society for the same purpose may prove in mitigation of the damages recoverable by an employee under the provisions of this Act such proportion of the pecuniary benefit which has been received by such employee from any fund or society on account of such contribution of said employer as the contribution of such employer to such fund or society bears to the whole contribution thereto.”

The section passed by the Assembly on this subject as set out in Spanish is very ambiguous, and it is almost impossible to arrive at any conclusion as to what is intended. It was the evident intention to rebate the damages which might be adjudged against the employer in such proportion as his contribution to insurance funds or relief societies for the benefit of his employees should bear to the whole contribution to such societies or insurance funds. It is suggested that a correct Spanish translation of the foregoing suggested substitute for section 8 will accomplish the purpose of the Assembly and meet the approval of the Commission.

Your committee recommends that section 9 be amended to read as follows:

“SEC. 9. An employee or his legal representatives shall not be entitled under the provisions of this Act to any right of action for damages against his employer if such employee knew of the defect or negligence which caused the injury and failed within a reasonable time to give or cause to be given information thereof to the employer or to some person superior to himself in the service of the employer who was intrusted with general superintendence.”

It seems to your committee that where the laborer knows of the defect or of the condition of negligence which is likely to cause injury, and he fails or neglects to give timely notice to his employer or superintendent or to the representative of the employer of such defect or negligence, that he ought not to recover for injuries caused as the result of such defect or negligence.

Your committee is of the opinion that section 10 as proposed by the Assembly should be allowed to stand.

Your committee recommends that section 11 be amended to read as follows:

“SEC. 11. Any agreement to renounce the benefits of this Act made by the laborer prior to the occurrence of any accident resulting in his injury or death shall be null and void.”

With the above amendments, your committee recommends that the bill do pass.

Respectfully submitted.

JAMES F. SMITH,  
W. CAMERON FORBES,  
*Committee.*

To the PHILIPPINE COMMISSION.

The report of the select committee was accepted, and the amendments therein recommended were adopted.

The bill was thereupon read the second time and referred to the Committee of the Whole. It was considered in committee and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Forbes thereupon moved the immediate third reading of the bill. The motion was seconded by Commissioner Luzuriaga, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, in full, as amended.

The question then being upon its passage, Assembly Bill No. 244, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendments.

#### RECESS.

At 1 o'clock and 30 minutes postmeridian,

On motion by Commissioner Tavera,

The President declared the Commission at recess until 3 o'clock postmeridian.

#### RECONVENED.

At 3 o'clock postmeridian the Commission reconvened.

The President in the chair.

#### TIME OF RECESS EXTENDED.

At 3 o'clock postmeridian,

On motion by Commissioner Luzuriaga,

The time of recess was extended until 8 o'clock postmeridian in order to give the Commission an opportunity to discuss informally with the Speaker of the Assembly, members of the Appropriation

Committee of the Assembly, and Chiefs of Bureaus, in accordance with previous arrangement, Assembly Bill No. 198, entitled "An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and nine, and other designated periods."

## RECONVENED.

At 8 o'clock postmeridian the Commission reconvened.  
The President in the chair.

ANNOUNCEMENT BY THE PRESIDENT WITH REFERENCE TO THE  
APPROPRIATION BILL.

The President, as chairman of the Committee on Appropriations in his capacity of Acting Secretary of Finance and Justice, announced that the Appropriation Committees of the Assembly and the Commission, in informal meeting, had come to an agreement with reference to the appropriations for the current expenses of the Insular Government for the fiscal year 1909, and that on the following legislative day he would move that the Commission perfect the bill in Committee of the Whole and report it to the Commission for passage.

## MESSAGE FROM THE ASSEMBLY.

JUNE 13, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached bill (A. B. No. 246), entitled "An Act amending section forty of Act Numbered Eighty-two, known as 'The Municipal Code,'" passed the Assembly on June 13, 1908, and to request the concurrence of the Commission therein.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

By unanimous consent, the bill was read the first and second times and referred to the Committee of the Whole. It was considered in committee and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester moved the immediate third reading of the bill. The motion was seconded by Commissioner Forbes, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Assembly Bill No. 246 was unanimously passed, and the title was read and approved.

The Secretary was directed to notify the Assembly thereof.

#### REPORTS OF COMMITTEES.

[Committee Report No. 60.]

JUNE 13, 1908.

MR. PRESIDENT: Your Committee on Matters Pertaining to the Department of Commerce and Police, to whom was referred Assembly Bill No. 245, entitled "An Act providing for certain reforms in the organization of the Philippines Constabulary," has examined the same and has the honor to report it back to the Commission with the recommendation that the bill do pass with the following amendments:

Section 2, page 1, line 19, strike out the words "one year" and insert in lieu thereof the words "six months;" same section, lines 2 and 3, strike out the words "one year" and insert in lieu thereof the words "six months;" same section, page 2, strike out the last proviso and insert in lieu thereof the following:

"*And provided further*, That persons who shall have passed an examination for subinspector and who have heretofore failed to secure a position, or who, having held the position of third lieutenant, have been honorably discharged, shall after the present subinspectors have been appointed as third lieutenants be preferably chosen for appointment, and shall be appointed as third lieutenants and inspectors when vacancies occur in this grade."

Strike out section 3 in its entirety, and insert in lieu thereof the following:

"SEC. 3. Hereafter no person whose appointment is subject to the authority of the Director of Constabulary shall receive an original appointment to a higher grade than that of third lieutenant on entering the service."

Strike out section 4 in its entirety, and insert in lieu thereof the following:

"SEC. 4. Section two of Act Numbered Thirteen hundred and ninety-four is hereby amended to read as follows:

"SEC. 2. In addition to the pay provided by law for the commissioned officers of the Philippines Constabulary, there shall be allowed and paid to each of such officers who is not an officer of the United States Army detailed for service with the Constabulary, ten per centum of his current annual pay for each term of five years of faithful and efficient service: *Provided*, That the total amount of such increase shall not exceed forty per centum of the yearly pay of the grade as provided by law."

Strike out section 5 in its entirety, and insert in lieu thereof the following:



"SEC. 5. There is hereby appropriated, from any funds in the Insular Treasury not otherwise appropriated, the sum of seventy-five thousand pesos, to be made available for the use of the Constabulary to put in effect the provisions of this Act and in order to permit of the necessary promotions to the higher grades of first and second lieutenants in accordance with orders issued for the purpose by the Director of Constabulary and subject to the approval of the Secretary of Commerce and Police."

Strike out section 6 in its entirety, and insert in lieu thereof the following:

"SEC. 6. This Act shall take effect on July first, nineteen hundred and eight."

Respectfully submitted.

W. CAMERON FORBES,  
*Committee on Matters Pertaining to the  
Department of Commerce and Police.*

To the Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to the Department of Commerce and Police on Assembly Bill No. 245 was accepted, and the amendments therein recommended were adopted.

By unanimous consent, the bill, as amended, was thereupon read the second time and referred to the Committee of the Whole. It was considered in committee and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were unanimously adopted.

Commissioner Forbes moved the immediate third reading of the bill. The motion was seconded by Commissioner Worcester, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, in full, as amended.

The question then being upon its passage, the roll was called and Assembly Bill No. 245, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendments.

[Committee Report No. 61.]

JUNE 13, 1908.

GENTLEMEN: Your Committee on Appropriations, to which was referred, on May 11, 1908, Assembly Bill No. 106, entitled "An Act temporarily to provide an appropriation of one hundred and ninety thousand eight hundred pesos for salaries of teachers in barrio schools under certain conditions,"

has examined the same and has the honor to report it back to the Commission with the following remarks:

It is the opinion of your committee that, in view of the fact that the appropriations agreed upon by the Appropriation Committees of the Commission and the Assembly exceed the amount available for appropriation at this time, the sum proposed to be appropriated by this bill should be reduced to ₱75,000, and that the same should be charged to the revenues accruing to the Treasury during the fiscal year ending June 30, 1909. It is therefore recommended that the following words, in lines 1, 2, and 3, of section 1, page 1, to wit, "The sum of one hundred and ninety thousand eight hundred pesos is hereby appropriated, out of any funds in the Insular Treasury not otherwise appropriated," be stricken out and that the following be inserted in lieu thereof: "The sum of seventy-five thousand pesos is hereby appropriated, out of any funds in the Insular Treasury not otherwise appropriated."

In section 3, page 2, strike out subsection (a) in its entirety, and insert in lieu thereof the following:

"(a) Barrios whose schools are situated at a distance of two kilometers or less from the central school or schools of the municipality."

It appears to your committee that section 4 of the bill defeats its own purpose for the simple reason that if a contract is made with a teacher for one year, which is the usual course, the division superintendent can not withdraw the benefits of this Act until the year has expired and the money appropriated has been spent. It is recommended, therefore, that the semicolon following the word "conferred," in line 15, be stricken out and a period inserted in lieu thereof, and that the last sentence of the section also be stricken out.

Section 6 provides that the application for a barrio teacher shall be accompanied by a bond signed by the members of the municipal council. The section does not set forth what shall be the conditions of the bond, and it appears to your committee that it will be unnecessary to require a bond from the municipal council for the performance on their part of the conditions of the appropriation. If they fail to comply with these conditions the privilege will be withdrawn, under the provisions of the Act. It is therefore recommended that the last sentence of section 6 be stricken out.

In the opinion of your committee, section 7 is also unnecessary, and would serve only to hamper the furnishing of aid to barrios that really merited it and without fault of their own are unable to maintain their schools. It is, therefore, recommended that the section be stricken out.

SECTION 9. The usual salary paid to teachers in barrio schools does not exceed ₱20 per month, and it would seem to be very inadvisable to increase the salary above that amount. Such increase would only serve to make other teachers, who are receiving ₱20 or less, discontented and serve to promote a desire on the part of the barrio teachers to receive a higher wage than that which the Government can pay in its present financial condition. It is recommended that this section be stricken out.

It is the opinion of your committee that section 10 should be made to read as follows:

"SEC. 10. If a barrio be unable to furnish a daily average attendance of sixty students or more a barrio school may be established by the division superintendent of schools, by and with the approval of the Director of Education, for such barrio and one or more adjacent barrios, and the school so established shall be entitled to the benefits of this Act."

In section 11, page 4, line 5, the word "created" should be stricken out and the word "authorized" inserted in lieu thereof.

In the opinion of your committee, in order that the funds appropriated by this Act may be charged against the revenues of the fiscal year ending June 30, 1909, it is recommended that section 13 be stricken out and the following inserted in lieu thereof:

"SEC. 13. This Act shall take effect on July first, nineteen hundred and eight."

Your committee recommends that the title be amended to read as follows:

"An Act appropriating the sum of seventy-five thousand pesos for salaries of teachers in barrio schools when established under certain conditions."

Respectfully submitted.

JAMES F. SMITH,

*Chairman, Committee on Appropriations.*

The Honorable, the PHILIPPINE COMMISSION.

The report of the Committee on Appropriations on Assembly Bill No. 106 was accepted and the amendments therein recommended were adopted.

By unanimous consent, the bill as amended was thereupon read the second time and referred to the Committee of the Whole. It was considered in committee and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were unanimously adopted.

Commissioner Luzuriaga moved the immediate third reading of the bill. The motion was seconded by Commissioner Forbes and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time in full as amended.

The question then being upon its passage, the roll was called and Assembly Bill No. 106, as amended, was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendments.

[Committee Report No. 62.]

JUNE 13, 1908.

GENTLEMEN: Your Committee on Appropriations, to whom was referred Assembly Bill No. 195, entitled "An Act fixing the salaries of the officials of the administration of the Philippines," has examined the same and has the honor to report it back to the Commission with the statement that, in view of the agreement reached by the Committee on Appropriations of the Assembly and the Committee on Appropriations of the Commission in conference, with reference to the appropriations to be made to meet the expenses of the Government for the fiscal year ending June 30, 1909, further consideration of this bill would seem to be unnecessary; and your committee therefore recommends that the bill be indefinitely postponed.

Respectfully submitted.

JAMES F. SMITH,

*Chairman, Committee on Appropriations.*

The Honorable, the PHILIPPINE COMMISSION.

The report of the Committee on Appropriations was unanimously adopted.

*Ordered,* That the Assembly be furnished with a copy of the report and notified of the action taken thereon.

[Committee Report No. 63.]

JUNE 13, 1908.

GENTLEMEN: Your Committee on Matters Pertaining to Bureaus under the Executive Control of the Governor-General, to whom was referred Assembly Bill No. 197, entitled "An Act abolishing the Bureau of Civil Service and organizing in its stead a division which shall be known by the name of 'division of civil service,' and which shall be attached to the Bureau of Audits," has examined the same and has the honor to report it back to the Commission with the following remarks:

In the opinion of your committee it would be very inadvisable to destroy the Civil Service Bureau and make it a division of any other Bureau of the Government. The consolidation of the Bureau of Civil Service with any other Bureau or Office would hamper its operations and place it in a position of minor importance, when as a matter of fact the preservation of the civil service is of the very highest importance. Further, in view of the fact that an agreement has been reached by the conferees as to the current expenses of Government for the fiscal year ending June 30, 1909, further consideration of this bill at this time would appear to be unnecessary.

Your Committee on Matters Pertaining to Bureaus under the Executive Control of the Governor-General therefore recommends that further consideration of Assembly Bill No. 197 be indefinitely postponed.

Respectfully submitted.

JAMES F. SMITH,

*Committee on Matters Pertaining to Bureaus*

*under the Executive Control of the Governor-General.*

The Honorable, the PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to Bureaus under the Executive Control of the Governor-General was un-animously adopted.

*Ordered*, That the Assembly be furnished with a copy of the report and notified of the action taken thereon.

## RECESS.

At 10 o'clock postmeridian,

On motion by Commissioner Forbes,

The President declared the Commission at recess until 12 o'clock postmeridian for the purpose of discussing informally the provisions of Assembly Bill No. 214 amending the Land Registration Act, and Assembly Bill No. 239 amending the Cattle Registration Act.

## RECONVENED.

At 12 o'clock postmeridian the Commission reconvened.

The President in the chair.

## ADJOURNMENT.

Thereupon,

On motion by Commissioner Worcester,

The Commission adjourned to meet again at 8 o'clock ante-meridian, Monday, June 15, 1908.

Attest:

WM. H. DONOVAN, *Secretary*.

# First Philippine Legislature.

Special Session.

## JOURNAL OF THE COMMISSION.

MONDAY, JUNE 15, 1908.

The Commission met pursuant to adjournment.

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President.

Absent: Commissioner Shuster (on leave).

### MESSAGES FROM THE ASSEMBLY.

JUNE 13, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 13th instant, Commission Bill No. 60, entitled "An Act to promote the efficiency of the executive offices of the Government by empowering the Governor-General to transfer Bureaus from the jurisdiction of one Executive Department to another," without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered.* That Commission Bill No. 60 be enrolled and printed as an Act of the Legislature.

JUNE 15, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 15th instant, Commission Bill No. 59, entitled "An Act appropriating the sum of seventy-five thousand pesos from the Insular Treasury for the entertainment of the officers and men of the American fleet on the occasion of its proposed visit to the Philippine Islands, and authorizing the city of Manila to appropriate the sum of twenty-five thousand pesos for the same purpose," without amendment.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered.* That Commission Bill No. 59 be enrolled and printed as an Act of the Legislature.

## JOINT RESOLUTION (OUT OF ORDER).

The President introduced the following:

Commission Joint Resolution No. 5. Joint Resolution providing for the appointment of a committee to be composed of members of both Houses, to act during the recess of the Legislature, to study the organization and operation of the Bureaus and Offices of the Insular Government, the appropriation bill for the fiscal year nineteen hundred and ten, and other legislation and appropriations, and to discharge the duties imposed by Act Numbered Eighteen hundred and nine during said recess.

*Resolved by the Philippine Commission and the Philippine Assembly,* That a committee of fourteen members be, and is hereby, authorized, one-half to be composed of members of the Commission, to be named by the President thereof, and the other half members of the Assembly, to be named by the Speaker, to act during the recess of the Legislature, to investigate the organization and operation of the Bureaus and Offices of the Insular Government, to prepare a proposed appropriation bill for the fiscal year nineteen hundred and ten, to make report as to any other legislation or appropriations submitted to it for consideration by the Legislature or by the presiding officer of either Chamber, and also to discharge the duties of the committee for which provision is made by Act Numbered Eighteen hundred and nine, during said recess.

By unanimous consent the resolution was read once and put upon its passage.

The roll was called and Commission Joint Resolution No. 5 was formally adopted by unanimous vote, and the title was agreed to.

The Secretary was directed to request the concurrence of the Assembly in the resolution.

## REPORTS OF COMMITTEES.

[Committee Report No. 64.]

JUNE 13, 1908.

GENTLEMEN: Your Committee on Matters Pertaining to the Department of Finance and Justice, to whom was referred Assembly Bill No. 214, entitled "An Act amending Act Numbered four hundred and ninety-six, entitled 'The Land Registration Act,' and other Acts relating thereto, to give greater facilities for obtaining titles and the registration of property in the Philippine Islands, and for other purposes," has examined the same and has the honor to report it back to the Commission with the following remarks:

The preamble of this bill seems to be unnecessary, and would probably produce an impression that a crisis existed, when that from which the country is suffering is depression. Your committee therefore recommends that the preamble be stricken out.

Referring to section 1, the power given to the Governor-General to appoint any number of associate justices in the Court of Land Registration

in his discretion would seem to be unwise, as it would confer a power which might impose greater expense on the Government than necessary. In the opinion of your committee, the number of judges should be limited. It is therefore recommended that section 1 of the Act be made to read as follows:

“SECTION 1. Section three of Act Numbered Four hundred and ninety-six is hereby amended to read as follows:

“SEC. 3. The Governor-General, with the advice and consent of the Philippine Commission, may appoint five judges of the Court of Land Registration, one of whom shall be appointed, commissioned, and qualified as judge of the Court of Land Registration, and the others as associate judges thereof, each of whom may be removed by the Governor-General, with the advice and consent of the Philippine Commission, and any vacancy shall be filled in the manner in this section provided.”

Section 2 places a corps of surveyors in the Court of Land Registration, which is not provided with the personnel or the means necessary for their effective use. The court is necessarily a judicial body, and not an administrative or an executive one, and consequently has not been provided, nor has it any means whatever of controlling, supervising, or inspecting the work of surveyors. Moreover, it would be necessary to purchase instruments and other supplies which have been already provided to some extent for the Bureau of Lands, and again, if the surveyors who are to be provided in order to aid the work of the Court of Land Registration are assigned to the court the services of the surveyors in the Bureau of Lands and of the Court of Land Registration can not be used interchangeably, which is an economic disadvantage to the Government; that is to say, when there is no work to be performed in the Court of Land Registration it ought to be possible to utilize the services of such surveyors in the Bureau of Lands, and especially for the making of surveys made necessary by applications for homesteads and free patents. The expense for a chief surveyor would be avoided if this corps of surveyors were placed in the Bureau of Lands, as there is already a chief surveyor in the Bureau. The entire policy of the Government during the last four years has been to centralize work of a similar character under one head and thereby avoid the duplication of clerical expense and cost of supervision. Your committee therefore recommends that section 2 be made to read as follows:

“SEC. 2. The Bureau of Lands is hereby authorized to employ not exceeding twenty-five surveyors, who shall be charged with the special duty of doing surveying work for the Court of Land Registration and who shall be assigned to no other work by the Bureau of Lands while their services are required by said court. In case the services of the full corps of surveyors hereby authorized for the Court of Land Registration are not required by said court at any time, they may be employed on other work required by the Bureau of Lands until such time as they are again required for surveying work for the Court of Land Registration. The surveyors hereby authorized to be appointed must be qualified under Civil Service Rules and Regulations and shall be subject to the Civil Service



Law and Rules. Surveyors authorized by this section shall receive a salary of not less than one thousand nor more than three thousand pesos per annum."

It is recommended that section 3 be amended to read as follows:

"SEC. 3. Surveyors for whom provision is made in section two shall be charged with the duty of preparing or verifying, as the case may be, all maps and plats of property the title to which has been applied for in the Court of Land Registration, in accordance with the provisions of Act Numbered Four hundred and ninety-six, as amended, and of Act Numbered Nine hundred and twenty-six, as amended. They shall perform such other duties as surveyors as may be necessary for the prompt dispatch of the business of the Court of Land Registration and as may be required of them by said court or by the Bureau of Lands in case their services are not required by the Court of Land Registration."

Under the provisions of section 4 as proposed by the Assembly the private surveys which are made must be accepted by the court without any resurvey by the Bureau of Lands. This would open the door wide to mistakes and to the imposition on the court of fraudulent surveys, maps, and plans. Surveys made by private parties should be subjected to official control and supervision. The surveys that are made by the Bureau of Lands for the purpose of verifying the surveys made by private parties are made without cost to the applicant and at Government expense.

It is recommended by your committee that the present law be allowed to stand as it is upon this subject, with the possible exception of permitting the applicant for title to pay the cost of surveys in two installments. It seems that the question of payment by installments, both as to the Court of Land Registration and the Bureau of Lands, could probably be reached by means of administration. It is therefore recommended that section 4 be stricken out.

Section 5 appears to be unnecessary, as the question of the collection of the fees would seem to be a mere matter of administration. It is therefore recommended that the section be stricken out.

Section 6 should be changed to 4 and amended to read as follows:

"SEC. 4. The surveyor who is employed to prepare surveys, maps, and plats of property shall give due notice in advance to the adjoining owners whose addresses are known of the date and hour when they should present themselves on the property for the purpose of making such objections to the boundaries of the properties to be surveyed as they consider necessary for the protection of their rights. The surveyor shall report all objections made to him by adjoining property owners at the time of the survey and demarcation, giving a proper description of the boundaries claimed by the protestant or protestants.

"The surveyor shall define the boundaries of the lands submitted for registration by means of temporary monuments placed on the land and he shall designate on the map or plat the boundaries as claimed by the applicant for registration and the boundaries as claimed by protesting adjoining property owners. In case the court shall find that the boundary line claimed

by the protestant or protestants is incorrect and that that designated by the applicant is correct the cost of making any extra survey over that required by the applicant shall be assessed against the protestant or protestants. Should the boundary line designated by the protestant or protestants prove to be correct and that of the applicant incorrect the court shall assess the cost of making the survey to the applicant. The usual process of the court shall be available for collecting such costs. The work of survey and demarcation shall not be suspended because of the presentation of any complaint or objection."

Section 7 would be provocative of delays and would result in bringing about the postponement of the hearing of the matter, and the resulting evil which the bill is designed to avoid. It is therefore recommended that the section be stricken out.

Section 8 should be changed to section 5 and amended to read as follows:

"SEC. 5. It shall be the duty of private surveyors who make surveys, maps, or plats of property for which registration of title is requested to comply with the requirements of the preceding section and to promptly send their reports, surveys, maps, and plats of such property to the Bureau of Lands for verification. Private surveyors shall not be authorized to make surveys for the Court of Land Registration unless they shall have passed either a civil-service examination or an examination by the Bureau of Lands for the purpose of determining their qualifications."

If this section is adopted in this amended form it will result in a saving to the Government of at least ₱300,000 a year and much more in the future.

Insert a new section 6 to read as follows:

"SEC. 6. Surveys made by the Bureau of Lands under the provisions of this Act shall be made upon payment of the fees prescribed for surveys made of lands presented for registration under the provisions of Act Numbered Nine hundred and twenty-six."

Section 9 goes to the very life and object of the Court of Land Registration, namely, certainty of title in the person petitioning for the same and the avoidance of all mistakes as to the land involved. Necessarily, the description which is presented to the court in the first instance must be exact, or as exact as modern science can make it. If the description is not exact, the publication of notices as to the lands which are made the subject of the decree serves to deceive interested citizens as to the property which is to be registered. If, therefore, before final decree the court finds that there is an error in the original description and the court attempts to correct it and does so without notice to the interested parties, they might well attack the jurisdiction of the court on the ground that the court had published and announced that a certain piece of property was involved, and that the court after making this announcement had gone on and made a decree for a piece of property that involved more land than that which was originally subjected to the jurisdiction of the court.

Your committee therefore recommends that the section be stricken out.

Section 10 provides that no charge for service shall be made for lands

that have no greater area than 2 hectares; that from 2 to 100 hectares the charge shall be ₱1 per hectare; from 100 hectares to 1,000 hectares, 50 centavos per hectare, and from 1,000 hectares upwards, 25 centavos per hectare. A very simple calculation of the salaries of fifty surveyors, say at a cost of ₱3,000 each per annum, would amount to ₱150,000. Add to this the cost of transportation, their subsistence while on duty in the field, and the field labor which would be required to aid the surveyors in the performance of their duties, such as chainmen, draftsmen, computers of areas, rodmen, and cook, this sum would easily be increased by ₱150,000, and perhaps considerably more. It seems to your committee that this section should be stricken out, unless the Legislature is prepared to make an addition to the appropriation of ₱300,000 for this account alone.

Section 11 of the bill provides for the amendment of section 24 of Act No. 496, as amended by section 7 of Act No. 1108, so as to provide that an application for a title may include all the parcels of land or properties belonging to the applicant, provided they are situated within the same province or city. This would result in great economy to citizens who are the owners of more than one parcel of land, and your committee recommends that section 11 as proposed by the Assembly be allowed to stand, with the following amendment, changing section number to 7:

“SEC. 7. Section twenty-four of Act Numbered Four hundred and ninety-six as amended by section seven of Act Numbered Eleven hundred and eight is hereby amended by changing the first sentence thereof to read as follows:

“SEC. 24. The application may include all the parcels of land or properties belonging to the applicant, provided that they are situated within the same province or city. The court may at any time order an application to be amended by striking out one or more parcels or by severance of the application.”

In order to provide funds for the purpose of carrying out the provisions of this Act, it is recommended that two new sections, to be numbered 8 and 9, respectively, be inserted as follows:

“SEC. 8. There is hereby appropriated for the judiciary for the fiscal year ending June thirtieth, nineteen hundred and nine, out of any funds in the Insular Treasury not otherwise appropriated, for the salaries of the three additional judges of the Court of Land Registration provided for by this Act, at eight thousand pesos per annum each; three stenographers, class nine; three assistant clerks, class nine; four clerks (docket men), Class D; seven clerks (typewriters), Class D; seven clerks (typewriters), Class I; two surveyors, at three thousand pesos per annum each; three draftsmen, at twelve hundred pesos per annum each; five description clerks, Class A; one translator, class seven; three messengers, at three hundred and sixty pesos per annum each; for contingent expenses, including per diems, transportation, advertising notices and other printing, supplies and furniture, postage, and other incidental expenses; one hundred and thirteen thousand six hundred and eighty pesos.

“All the fees prescribed to be paid by section one hundred and fourteen of Act Numbered Four hundred and ninety-six, as amended by section seven of Act Numbered Sixteen hundred and forty-eight, save and except

the funds of the sheriff and the register of deeds, are hereby suspended for the fiscal year ending June thirtieth, nineteen hundred and nine, and the sum of one hundred thousand pesos is hereby appropriated for the judiciary, for said fiscal year, out of any funds in the Insular Treasury not otherwise appropriated, in substitution of the fees lost by reason of such suspension: *Provided, however,* That the expenses of publication of the notices required to be published by law shall be paid by the applicant.

"In all for the judiciary, two hundred and five thousand pesos.

"SEC. 9. There is hereby appropriated for the Bureau of Lands, for the fiscal year ending June thirtieth, nineteen hundred and nine, out of any funds in the Insular Treasury not otherwise appropriated, for twenty-five surveyors, at three thousand pesos per annum each, seventy-five thousand pesos; for chainmen, semiskilled and unskilled laborers for survey parties, for drafting supplies, equipment, subsistence and transportation for field parties, and other incidental expenses, seventy-five thousand pesos.

"In all for the Bureau of Lands, one hundred and fifty thousand pesos."

It is recommended that sections 12 and 13 be stricken out.

Section 14 contains a provision, the intention of which is to oblige the entry of the default when the interested parties fail to appear, as required by the citation, and this notwithstanding there may be excellent reasons why no default should be entered, or if entered that it should be set aside. This provision of section 14 is subject to the same objections as those made to section 13. This section, moreover, provides that no class of evidence shall be permitted to invalidate evidence supported by titles acquired through composition or by virtue of sale of Crown lands or registration of property rights unless the document itself used as evidence should be impugned, in which case the said evidence shall refer only to the said document so impugned. The purpose evidently of this amendment is to close all inquiry as to whether there was fraud perpetrated in securing the document. It is an axiom of the law that any document, decree of court, contract or business transaction may be attacked at any time on the ground of fraud. For instance, in the year 1898 if an official of the Spanish Government charged with the duty of signing documents conferring title had been forced under fear of personal injury to sign such a document it would be manifestly unjust to refuse to allow the court to inquire into the circumstances under which the document was obtained and to decree its nullity by reason of duress. Moreover, if the Spanish official had entered into an illegal conspiracy to grant a title to a person not entitled to receive the same by reason of failure to comply with conditions exacted by the law, it is very evident that the party to the fraud should not be enabled to gain the advantage simply because he offered the document as evidence of his title. Attention is also called to the fact that sometimes it has occurred in the Philippine Islands that royal grants have been made to two different persons for the same piece of land or portions thereof. The judge must be permitted to impugn one of these grants. Both parties can not be exclusive owners of the same piece of property. This section also opens the door to the acquisition of titles by prescription against the State. To permit acquisition of the public domain

by reason of occupation and user would in the opinion of your committee be unwise and would serve as an encouragement to perjury and fraud. Section 67 of Act No. 926, approved by the Congress of the United States, provides that no title or equity in lands of the Philippine Islands may be acquired by prescription or adverse possession or occupancy. Your committee therefore recommends that section 14 of Assembly Bill No. 214 be stricken out.

Section 15 is practically the same as existing law, with the one exception that the section as amended makes it obligatory on the court to dismiss the application without prejudice. This may be used to prejudice the rights of interested persons who have come into court and contested the original application, showing title in themselves. It would be manifestly unjust in such a case to oblige the court to dismiss the application without prejudice and thereby force the real owners of the title to commence a proceeding on their own behalf in order to secure a proper title to the land and incur additional expense and delay in so doing.

It is understood by your committee that the object of this bill is to secure to the real owners as promptly as possible, and with as little cost as possible, the title to the land which they really own. Anything, therefore, which would operate unnecessarily to delay the proceeding would be unwise. After the court has tried the case and heard the party, and found that the applicant was not the owner of the land, but that some of the protestants to the issuance of the title to the applicant are the real and genuine owners of the land, it is but just that the court should decree the title in the parties whom he finds are the owners of the land and not dismiss the matter without prejudice and thus force additional litigation involving expense. It is recommended by your committee that this section be stricken out.

Section 16 suspends payment of the expenses of publication of notice of sheriff's and register's fees, and is intended to induce property owners to secure proper titles to properties. The section is clearly in the interests of promoting the purpose for which the Court of Land Registration was established, and your committee would be in favor of recommending the passage of this section were it not for the fact that no appropriation has been made to make good to the Court of Land Registration the moneys lost to it by reason of the suspension of the payment of the fees which help to meet the expenses of the court. For this year it is almost certain that this appropriation should not be less than the ₱46,662.45, which is the actual amount collected in fees during the fiscal year 1908. Probably, for sake of safety, an appropriation of not less than ₱100,000 should be made this year in order to secure to the court the necessary money for its operation, owing to additional judges, the suspension of fees, and necessarily an enormous increase in the business of the court. For the years 1910 and 1911 a very much larger sum would have to be appropriated, as the applications for title would be greatly augmented.

It is recommended that sections 17 and 18 of the Assembly Bill be allowed to stand, changing the section numbers to 10 and 11, respectively.

In conclusion, your committee recommends that, if the surveys proposed

by the Assembly are to be made, by adding judges to the court, providing for additional surveyors, and suspending collection of fees, the bill be passed in the following form:

"Assembly Bill No. 214. An Act amending Act Numbered Four hundred and ninety-six, entitled 'The Land Registration Act,' and other Acts relating thereto, to give greater facilities for obtaining titles and the registration of property in the Philippine Islands, appropriating the sum of two hundred and five thousand pesos for the judiciary and one hundred and fifty thousand pesos for the Bureau of Lands to meet the additional expenses involved, and for other purposes.

*"By authority of the United States, be it enacted by the Philippine Legislature, that:*

"SECTION 1. Section three of Act Numbered Four hundred and ninety-six is hereby amended to read as follows:

"SEC. 3. The Governor-General, with the advice and consent of the Philippine Commission, may appoint five judges of the Court of Land Registration, one of whom shall be appointed, commissioned, and qualified as judge of the Court of Land Registration, and the others as associate judges thereof, each of whom may be removed by the Governor-General, with the advice and consent of the Philippine Commission, and any vacancy shall be filled in the manner in this section provided.'

"SEC. 2. The Bureau of Lands is hereby authorized to employ not exceeding twenty-five surveyors, who shall be charged with the special duty of doing surveying work for the Court of Land Registration and who shall be assigned to no other work by the Bureau of Lands while their services are required by said court. In case the services of the full corps of surveyors hereby authorized for the Court of Land Registration are not required by said court at any time, they may be employed on other work required by the Bureau of Lands until such time as they are again required for surveying work for the Court of Land Registration. The surveyors hereby authorized to be appointed must be qualified under Civil Service Rules and Regulations and shall be subject to the Civil Service Law and Rules. Surveyors authorized by this section shall receive a salary of not less than one thousand nor more than three thousand pesos per annum.

"SEC. 3. Surveyors for whom provision is made in section two shall be charged with the duty of preparing or verifying, as the case may be, all maps and plats of property the title to which has been applied for in the Court of Land Registration, in accordance with the provisions of Act Numbered Four hundred and ninety-six as amended and of Act Numbered Nine hundred and twenty-six as amended. They shall perform such other duties as surveyors as may be necessary for the prompt dispatch of the business of the Court of Land Registration and as may be required of them by said court or by the Bureau of Lands in case their services are not required by the Court of Land Registration.

"SEC. 4. The surveyor who is employed to prepare surveys, maps, and plats of property shall give due notice in advance to the adjoining owners whose addresses are known of the date and hour when they should present

themselves on the property for the purpose of making such objections to the boundaries of the properties to be surveyed as they consider necessary for the protection of their rights. The surveyor shall report all objections made to him by adjoining property owners at the time of the survey and demarcation, giving a proper description of the boundaries claimed by the protestant or protestants.

“The surveyor shall define the boundaries of the lands submitted for registration by means of temporary monuments placed on the land, and he shall designate on the map or plat the boundaries as claimed by the applicant for registration and the boundaries as claimed by protesting adjoining property owners. In case the court shall find that the boundary line claimed by the protestant or protestants is incorrect and that that designated by the applicant is correct the cost of making any extra survey over that required by the applicant shall be assessed against the protestant or protestants. Should the boundary line designated by the protestant or protestants prove to be correct and that of the applicant incorrect the court shall assess the cost of making the survey to the applicant. The usual process of the court shall be available for collecting such costs. The work of survey and demarcation shall not be suspended because of the presentation of any complaint or objection.

“SEC. 5. It shall be the duty of private surveyors who make surveys, maps, or plats of property for which registration of title is requested to comply with the requirements of the preceding section and to promptly send their reports, surveys, maps, and plats of such property to the Bureau of Lands for verification. Private surveyors shall not be authorized to make surveys for the Court of Land Registration unless they shall have passed either a civil-service examination or an examination by the Bureau of Lands for the purpose of determining their qualifications.

“SEC. 6. Surveys made by the Bureau of Lands under the provisions of this Act shall be made upon payment of the fees prescribed for surveys made of lands presented for registration under the provisions of Act Numbered Nine hundred and twenty-six.

“SEC. 7. Section twenty-four of Act Numbered Four hundred and ninety-six as amended by section seven of Act Numbered Eleven hundred and eight is hereby amended to read as follows:

“‘SEC. 24. The application may include all the parcels of land or properties belonging to the applicant, provided that they are situated within the same province or city. The court may at any time order an application to be amended by striking out one or more parcels or by severance of the application.’

“SEC. 8. There is hereby appropriated for the judiciary for the fiscal year ending June thirtieth, nineteen hundred and nine, out of any funds in the Iusular Treasury not otherwise appropriated, for the salaries of the three additional judges of the Court of Land Registration provided for by this Act at eight thousand pesos per annum each, three stenographers, class nine; three assistant clerks, class nine; four clerks (docket men), Class D; seven clerks (typewriters), Class D; seven clerks

(typewriters), Class I; two surveyors, at three thousand pesos per annum each; three draftsmen, at one thousand two hundred pesos per annum each; five description clerks, Class A; one translator, class seven, three messengers, at three hundred and sixty pesos per annum each; for contingent expenses, including per diems, transportation, advertising notices and other printing, supplies and furniture, postage, and other incidental expenses; one hundred and thirteen thousand six hundred and eighty pesos.

"All the fees prescribed to be paid by section one hundred and fourteen of Act Numbered Four hundred and ninety-six, as amended by section seven of Act Numbered Sixteen hundred and forty-eight, save and except the fees of the sheriff and the register of deeds, are hereby suspended for the fiscal year ending June thirtieth, nineteen hundred and nine, and the sum of one hundred thousand pesos is hereby appropriated for the judiciary, for said fiscal year, out of any funds in the Insular Treasury not otherwise appropriated, in substitution of the fees lost by reason of such suspension: *Provided, however,* That the expenses of publication of the notices required to be published by law shall be paid by the applicant.

"In all for the judiciary, two hundred and five thousand pesos.

"Sec. 9. There is hereby appropriated for the Bureau of Lands, for the fiscal year ending June thirtieth, nineteen hundred and nine, out of any funds in the Insular Treasury not otherwise appropriated, for twenty-five surveyors, at three thousand pesos per annum each, seventy-five thousand pesos; for chainmen, semiskilled and unskilled laborers for survey parties, for drafting supplies, equipment, subsistence and transportation for field parties, and other incidental expenses, seventy-five thousand pesos.

"In all for the Bureau of Lands, one hundred and fifty thousand pesos.

"Sec. 10. All Acts or parts of Acts on the subject are hereby repealed in so far as they are incompatible with the provisions of this Act.

"Sec. 11. This Act shall take effect on July first, nineteen hundred and eight."

Respectfully submitted.

JAMES F. SMITH,

*President of the Commission, Committee on Matters*

*Pertaining to the Department of Finance and Justice.*

The Honorable, the PHILIPPINE COMMISSION.

The report of the Committee on Matters Pertaining to the Department of Finance and Justice was accepted and the amendment therein recommended was unanimously adopted.

The bill was thereupon read the second time and referred to the Committee of the Whole.

It was considered in committee, and reported to the Commission with the recommendation that it pass.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester moved the immediate third reading of



the bill. The motion was seconded by Commissioner Forbes and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time in full in its amended form.

The question then being upon its passage, Assembly Bill No. 214, in its amended form, was unanimously passed and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendment.

[Committee Report No. 65.]

JUNE 15, 1908.

GENTLEMEN: Your select committee, to whom was referred Assembly Bill No. 239, entitled "An Act amending Act Numbered Eleven hundred and forty-seven, as amended, regulating the registration, branding, conveyance, and slaughter of large cattle, and providing for the disposition, care, custody, and sale of estrays or large cattle captured or seized by the Philippines Constabulary or other peace officers, and for other purposes," has examined the same and has the honor to report it back to the Commission with the following remarks:

It appears that very many important amendments have been proposed by the Assembly to this bill, and it is the opinion of your committee that in the few days yet remaining of the special session no adequate consideration could be given to these amendments, nor is there sufficient time available for consultation with the provincial governors and other citizens who are interested in the bill as originally passed by the Commission. It is thought that this is a matter to which the most careful attention should be given, and that further consideration of the bill should be postponed at this time, in order to give an opportunity for such examination of the effect of the amendments proposed by the Assembly.

It is therefore recommended that further consideration of Assembly Bill No. 239 be postponed until the regular legislative session of 1909.

Respectfully submitted.

JAMES F. SMITH,

*President of the Commission, Select Committee.*

The Honorable, the PHILIPPINE COMMISSION.

The report of the select committee was unanimously adopted.

*Ordered,* That the Assembly be furnished with a copy of the report and notified of the action taken thereon.

#### CONFERENCE REPORTS.

##### CONFERENCE REPORT NO. 4.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Assembly to Commission Bill No. 11, entitled

"An Act amending section fourteen of Act Numbered Sixteen hundred and twenty-seven," having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses that the amendment of the Assembly be made to read as follows:

"Strike out section fourteen as amended by the Commission and insert in lieu thereof the following:

"SEC. 14. *Of jurisdiction.*—Forcible entry and detainer actions regarding real property shall be brought in the municipality in which the subject-matter thereof may be situated. If the property be found in two or more municipalities action may be brought in any of them, at the option of the plaintiff.

"All other civil actions in justice of the peace courts shall be begun—

"(a) At the place specified by the parties by means of a written agreement, whenever the justice of the peace shall have jurisdiction to try the action by reason of its nature or the amount involved;

"(b) If there is a contract in writing, in default of the agreement mentioned in subsection (a), at the place of the execution of the contract as appears therefrom;

"(c) When there is no contract in writing or the place of execution of a written contract does not appear therein, then in the municipality where the defendant resides or may be served with summons.

"The territorial jurisdiction of a justice of the peace, except in the case of ex officio justices and in other special cases provided by existing law, shall be coextensive with his municipality, and the civil process of his court shall not be served outside the boundaries of said municipality, except in the following cases, and then only when the judge of First Instance of the district, and in his absence the fiscal, shall certify that in his opinion the interests of justice require that such process should be served outside the jurisdiction of the court of the said justice of the peace—

"(1) When an order for the delivery of personal property lying outside the jurisdiction of the justice of the peace court is to be complied with;

"(2) When an attachment of real or personal property lying outside the jurisdiction of the justice of the peace court is to be made;

"(3) When the action is against two or more defendants residing in different municipalities;

"(4) When he is exercising jurisdiction under subsections (a) and (b) of this section: *Provided, however,* That execution may issue and be enforced as prescribed in section fifteen of this Act."

JAMES F. SMITH,  
T. H. PARDO DE TAVERA,  
JOSÉ R. DE LUZURIAGA.

*Managers on the part of the Commission.*

VICENTE DE VERA,  
MARCELINO AGUAS,  
AURELIO PINEDA,

*Managers on the part of the Assembly.*

By unanimous consent, the Commission proceeded to consider the above report of the committee of conference, and

On motion by Commissioner Forbes, it was

*Resolved*, That the Commission agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Assembly to Commission Bill No. 11, entitled "An Act amending section fourteen of Act Numbered Sixteen hundred and thirty-seven."

*Ordered*, That the Secretary notify the Assembly thereof.

CONFERENCE REPORT NO. 5.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Commission to Assembly Bill No. 135, entitled "An Act extending the provisions of section nine (b) of Act Numbered Fourteen hundred and seven to the cutting of timber of the first group," having met, after a full and free conference, report to their respective Houses as follows:

The committee has agreed to recommend, and do recommend, to their respective Houses that the first part of the amendment of the Commission to paragraph (b) of section 9 of Act No. 1407 from the words "For the period of five years" down to the first proviso be stricken out and that the following be inserted in lieu thereof:

"(b) For the period of five years from the date of the passage of this Act every person who is a resident of the Philippine Islands and a citizen of the United States or a native of the Philippine Islands, or an honorably discharged soldier or sailor of the Army or Navy of the United States, or a person who has, under and by virtue of the treaty of Paris, acquired the political rights of natives of the Philippine Islands, may cut or take or hire cut or taken for himself from the public forests, without license and free of charge, such timber, other than timber of the first group, and such firewood, resins, other forest products, and stone or earth, as he may require for house building, fencing, boat building, or other personal use of himself or his family. Timber thus cut without license shall not be sold nor shall it be exported from the province where cut, except as hereinafter authorized;"

That the first four lines of the second proviso of said amendment of the Commission to said paragraph be stricken out, and that the following be inserted in lieu thereof:

"*And provided further*, That when a communal forest has not been set aside for the use of the inhabitants of any municipality, township, or settlement, any adult inhabitant of such municipality, township, or settlement who is a citizen of the United States or a native of the Philippine Islands, or an honorably discharged soldier or sailor of the Army or Navy of the United States, or a person who has, under and by virtue of the treaty of Paris, acquired the political rights of natives of the Philippine Islands;"

And that the following words be added at the end of said paragraph (b):  
 "A house which has its frame, floor, and sides made of wood shall be considered a house of strong materials within the meaning of this Act."

DEAN C. WORCESTER.

JAMES F. SMITH,

*Managers on the part of the Commission.*

TOMÁS ARÉJOLA,

PEDRO CHAVES,

CARLOS A. IMPERIAL,

*Managers on the part of the Assembly.*

On motion by Commissioner Worcester, it was

*Resolved*, That the Commission agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Commission to Assembly Bill No. 135, entitled "An Act extending the provisions of section nine (b) of Act Numbered Fourteen hundred and seven to the cutting of timber of the first group."

*Ordered*, That the Secretary notify the Assembly thereof.

RECESS.

At 9 o'clock and 30 minutes antemeridian,

On motion by Commissioner Worcester,

The President declared the Commission at recess until 10 o'clock antemeridian, to give the Commission members an opportunity to accompany Commissioners Forbes and Luzuriaga to the United States Army transport *Sheridan* at Mariveles, on their way to the United States on leave of absence.

RECONVENED.

At 10 o'clock antemeridian, the Commission reconvened on board the Coast Guard cutter *Samar*,

The President in the chair.

INTRODUCTION AND PASSAGE OF BILL.

The President introduced the following bill (by request).

Commission Bill No. 64. An Act creating the office of shipping commissioner, defining his duties, regulating the shipment and discharge of seamen in domestic vessels, the adjudication of wage disputes in certain cases, the relief of distressed seamen, the settlement of the estates of deceased seamen, and for other purposes.

By unanimous consent, the bill was read the first and second times and referred to the Committee of the Whole.

It was considered in committee and reported to the Commission with the recommendation that it pass with the following amendments:

Section 5, page 3, in lines 2 to 9, inclusive, strike out the following words:

"A collector or deputy collector serving as shipping commissioner shall receive a compensation in addition to any salary now or hereafter to be paid, existing provisions of law to the contrary notwithstanding, not to exceed one-half of the net proceeds from all the fees and fines hereinafter provided for, collected by him, after deducting the compensation, if any, paid to clerks in his office."

Section 8, page 4, lines 25 and 26, strike out the words "liable to" and insert in lieu thereof the words "punished by."

Section 15, page 7, strike out in its entirety and insert in lieu thereof the following:

"SEC. 15. Any seaman guilty of desertion, insubordination, or violation of the good discipline of the ship, or a violation of the regulations authorized by this Act, shall be punished by a fine not exceeding two hundred pesos, or by imprisonment not exceeding one year for each offense.

"No officer or seaman punished under authority of this section shall thereafter be shipped on any vessel unless expressly permitted by the Insular Collector of Customs, and the Government shall have a first lien upon any wages due to officers and seamen for the full satisfaction of fines imposed by virtue of this Act. The Insular Collector shall prescribe rules for the enforcement of this lien."

Section 16, page 8, line 18, strike out the words "to make it" and insert in lieu thereof the words "makes it."

Section 17, pages 8 and 9, strike out the words "Philippine currency" and the figures in parentheses wherever they occur in the section.

Section 20, page 10, line 18, strike out the amount "~~P~~10,000" and insert in lieu thereof the words "one thousand pesos."

Section 21, pages 10 and 11, strike out in its entirety and insert in lieu thereof the following:

"SEC. 21. The collections and receipts made under and by virtue of this Act are hereby appropriated for the purpose of carrying it into effect."

The report and recommendation of the Committee of the Whole were unanimously adopted.

Commissioner Forbes thereupon moved the immediate third reading of the bill.

The motion was seconded by Commissioner Worcester, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time, by its title only.

The question then being upon its passage, Commission Bill No. 64 was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly therein.

CONSIDERATION OF ASSEMBLY BILLS NOS. 198 AND 176 IN COMMITTEE OF THE WHOLE (RESUMED).

On motion by Commissioner Forbes, the Commission went into Committee of the Whole for the purpose of resuming consideration of Assembly Bill No. 198, entitled "An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and nine, and other designated periods," and Assembly Bill No. 176, entitled "An Act providing for the amendment of the Manila Charter."

After some time spent therein, the committee rose and reported to the Commission with the following recommendations:

(1) That Assembly Bill No. 198 do pass in an amended form submitted to the Commission by the Committee of the Whole; and

(2) That Assembly Bill No. 176 do pass in an amended form submitted to the Commission by the Committee of the Whole.

The report and recommendation of the Committee of the Whole were adopted.

Commissioner Worcester moved the immediate third reading of Assembly Bill No. 198.

The motion was seconded by Commissioner Forbes, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time by its title only, it having been read in full in its amended form in Committee of the Whole.

The question then being upon its passage, Assembly Bill No. 198 in its amended form was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendment.

Commissioner Forbes moved the immediate third reading of Assembly Bill No. 176.

The motion was seconded by Commissioner Luzuriaga, and, being put to a vote, was unanimously carried.

At the direction of the President, the bill was thereupon read the third time by its title only, it having been read in full in its amended form in Committee of the Whole.

The question then being upon its passage, Assembly Bill No. 176 in its amended form was unanimously passed, and the title was read and approved.

The Secretary was directed to request the concurrence of the Assembly in the amendment.

## ADJOURNMENT.

Thereupon, at 12 o'clock and 10 minutes postmeridian,

On motion by Commissioner Worcester,

The Commission adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary.*

# First Philippine Legislature.

## Special Session.

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### JOURNAL OF THE COMMISSION.

FRIDAY, JUNE 19, 1908.

The Commission met at the call of the President at 8 o'clock and 30 minutes antemeridian.

There being no objection, the calling of the roll was dispensed with.

#### MESSAGES FROM THE ASSEMBLY.

JUNE 16, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 16th instant, Commission Bill No. 41, entitled "An Act amending sections seventy-four and one hundred and seven of Act Numbered Eleven hundred and eighty-nine, as amended," without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered,* That Commission Bill No. 41 be enrolled and printed as an Act of the Legislature.

JUNE 16, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that on June 16, 1908, the Assembly agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendment of the Assembly to Commission Bill No. 11, entitled "An Act amending section fourteen of Act Numbered Sixteen hundred and twenty-seven."

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*



*Ordered*, That Commission Bill No. 11 be enrolled and printed as an Act of the Legislature.

JUNE 16, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 16th instant, Commission Bill No. 61, entitled "An Act providing that the Provinces of Palawan and Mindoro shall have their pro rata share of the special fund of ten per centum of internal-revenue collections created by Act Numbered Sixteen hundred and ninety-five, and payable to the road and bridge fund of certain provinces," without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered*, That Commission Bill No. 61 be enrolled and printed as an Act of the Legislature.

JUNE 18, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached Commission Bill No. 57, entitled "An Act amending subsection one of paragraph three of section one of Act Numbered Fourteen hundred and ninety-seven, changing the termini of the line of the Philippine Railway Company in the Island of Negros," having been read once before the Assembly on June 13, 1908, it was decided not to take any action thereon until the next regular session.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered*, That the message be filed.

JUNE 18, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached Commission Bill No. 58, entitled "An Act to provide for the purchase of a revenue cutter and fast deck launches for the same and for one of the Coast Guard cutters," having been read once before the Assembly on June 13, 1908, it was decided not to take any action thereon until the next regular session.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered*, That the message be filed.

JUNE 18, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the attached Commission Bill No. 64, entitled "An Act creating the office of shipping commissioner, defining his duties, regulating the shipment and discharge of seamen in domestic vessels, the adjudication of wage

disputes in certain cases, the relief of distressed seamen, the settlement of the estates of deceased seamen, and for other purposes," having been read once before the Assembly to-day, the 18th instant, it was decided not to take any action thereon until the next regular session.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered,* That the message be filed.

JUNE 18, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the amendments made by the Commission to Assembly Bill No. 237, entitled "An Act amending chapter one of Act Numbered Nine hundred and twenty-six by providing that payment of homestead entry fees may be made in installments, and by limiting the residence required by said chapter to the last two years immediately preceding the date of final proof," have been to-day, the 18th day of June, 1908, concurred in by the Assembly, without amendments.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered,* That the message be filed.

JUNE 18, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the amendments made by the Commission to Assembly Bill No. 240, entitled "An Act creating a Government agricultural bank of the Philippine Islands and appropriating for funds thereof the sum of one million pesos," have been to-day, the 18th day of June, 1908, concurred in by the Assembly, without amendments.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered,* That the message be filed.

JUNE 18, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the amendments made by the Commission to Assembly Bill No. 106, entitled "An Act temporarily to provide an appropriation of one hundred and ninety thousand eight hundred pesos for salaries of teachers in barrio schools, under certain conditions," have been to-day, the 18th day of June, 1908, concurred in by the Assembly, without amendments.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered,* That the message be filed.

JUNE 18, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the amendments made by the Commission to Assembly Bill No. 245, entitled "An Act providing for certain reforms in the organization of the Philippines Constabulary," have been to-day, the 18th day of June, 1908, concurred in by the Assembly, without amendments.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered,* That the message be filed.

JUNE 18, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the amendments made by the Commission to Assembly Bill No. 227, entitled "An Act creating the Bureau of Labor, under the Department of Commerce and Police," have been to-day, the 18th day of June, 1908, concurred in by the Assembly, without amendments.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered,* That the message be filed.

JUNE 18, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the amendments made by the Commission to Assembly Bill No. 176, entitled "An Act providing for the amendment of the Manila Charter," have been to-day, the 18th day of June, 1908, concurred in by the Assembly, without amendments.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered,* That the message be filed.

JUNE 18, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the amendments made by the Commission to the amendments of the Assembly to Commission Bill No. 33, entitled "An Act for the purpose of founding a university for the Philippine Islands, giving it corporate existence, providing for a Board of Regents, defining the Board's responsibilities and duties, providing higher and professional instruction, and for other purposes," passed the Assembly to-day, the 18th of June, 1908, without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered*, That Commission Bill No. 33 be enrolled and printed as an Act of the Legislature.

JUNE 19, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly passed to-day, the 19th instant, Commission Bill No. 63, entitled "An Act making available for expenditure during the fiscal year nineteen hundred and nine and thereafter the balance remaining from funds appropriated by Act Numbered Sixteen hundred and thirty-two, for examinations for scholarships in the Philippine Medical School," without amendment.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered*, That Commission Bill No. 63 be enrolled and printed as an Act of the Legislature.

JUNE 19, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the Assembly has agreed to-day to the report of the committee of conference on the disagreeing votes of the two Houses on Assembly Bill No. 135, entitled "An Act extending the provisions of section nine (b) of Act Numbered Fourteen hundred and seven to the cutting of timber of the first group."

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered*, That the message be filed.

JUNE 19, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the amendments made by the Commission to Assembly Bill No. 198, entitled "An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and nine, and other designated periods," were concurred in by the Assembly to-day, the 19th instant, without amendment.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,

the PRESIDENT OF THE PHILIPPINE COMMISSION.

*Ordered*, That the message be filed.

JUNE 19, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the amendments made by the Commission to Assembly Bill No. 244, entitled "An Act to extend and regulate the responsibility of employers

for personal injuries and deaths suffered by their employees while at work," have been to-day, the 19th day of June, 1908, concurred in by the Assembly, without amendments.

Very respectfully,

GREGORIO NIEVA,  
*Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered,* That the message be filed.

JUNE 19, 1908.

MR. PRESIDENT: I have been directed to inform your honorable body that the amendments made by the Commission to Assembly Bill No. 214, entitled "An Act amending Act Numbered Four hundred and ninety-six, entitled 'The Land Registration Act,' and other Acts relating thereto, to give greater facilities for obtaining titles and the registration of property in the Philippine Islands, appropriating the sum of two hundred and five thousand pesos for the judiciary and one hundred and fifty thousand pesos for the Bureau of Lands to meet the additional expenses involved, and for other purposes," have been to-day, the 19th day of June, 1908, concurred in by the Assembly, without amendments.

Very respectfully,

GREGORIO NIEVA, *Secretary.*

The Honorable,  
the PRESIDENT OF THE PHILIPPINE COMMISSION, *Manila.*

*Ordered,* That the message be filed.

#### ANNOUNCEMENT BY ASSEMBLY COMMITTEE.

At 9 o'clock and 30 minutes antemeridian, a committee of three from the Assembly, composed of Delegates Leon Ma. Guerrero, Tomás Arejola, and Francisco Soriano, were admitted to the Session Chamber, and stated that pursuant to a resolution of the Assembly they had waited on the Commission in order that committees of both Houses might formally notify the Chief Executive that the Legislature, having completed the business of the special session, was ready to adjourn *sine die* at 10 o'clock antemeridian, in accordance with the proclamation issued on May 22, 1908, unless the Chief Executive had some other communication to make to it.

The President of the Commission informed the committee that in his capacity as Chief Executive he would immediately prepare and send a closing message to the Legislature.

## MESSAGE FROM THE GOVERNOR-GENERAL.

JUNE 19, 1908.

*To the Philippine Commission and the Philippine Assembly:*

As the hour of termination of the special session of the First Philippine Legislature, called in accordance with a proclamation issued on May 22, 1908, is approaching, the Governor-General desires to state that he has nothing further to communicate to the Legislature except to congratulate it, and especially the Philippine Assembly, on the work accomplished.

The work which has been done by the Philippine Assembly at its inaugural, first, and special sessions of the First Legislature has exceeded all expectations, and it must be eminently gratifying to the Assembly and the people whom they represent that there has been such a happy realization of all that has been expected of them, those constituting the first representative legislative body that has ever existed in the Philippines.

There is another matter which I believe entitles the Legislature to sincere congratulation, and that is the excellent harmony which has existed between both Chambers. There have been very strong differences of opinion between both Houses of the Legislature as to laws and other matters submitted to the legislative body in its legislative capacity. Nevertheless, while both Chambers have fought strongly for that which they believed to be just and right, it must be said that this conflict of ideas has not at any time reached the point of destroying the friendly relations which should always exist between both Chambers. The harmony which should prevail between departments of the Government charged with the public welfare has marked the deliberations of both Houses, and this is a matter of sincere congratulation to all people interested in the welfare of the Philippines.

The Assembly in many of the conferences which have been held has been victorious; in others it has made concessions which have brought about a satisfactory solution of difficulties instead of a deadlock. It is a most important indication of what may be expected in the future.

Very respectfully,

JAMES F. SMITH, *Governor-General.*

*Ordered,* That the message be spread upon the Journal.

## READING OF JOURNALS.

In accordance with Commission Resolution No. 55, adopted on June 9, 1908, the Journals of Friday, May 22, Tuesday, May 26, Friday, May 29, Wednesday, June 3, Thursday, June 4, Tuesday, June 9, Wednesday, June 10, Thursday, June 11, Friday, June 12, Saturday, June 13, Monday, June 15, and Friday, June 19, 1908, were read and approved.

ADJOURNMENT SINE DIE OF COMMISSION AS A CHAMBER OF THE  
PHILIPPINE LEGISLATURE.

The hour of 10 o'clock antemeridian having arrived, pursuant to the proclamation of the Governor-General issued on May 22, 1908, calling the present special session of the Legislature, the President declared the Commission as a Chamber of the Philippine Legislature adjourned *sine die*.

ADJOURNMENT OF COMMISSION ACTING WITHIN ITS EXCLUSIVE GEN-  
ERAL LEGISLATIVE JURISDICTION OVER THAT PART OF THE  
PHILIPPINE ISLANDS INHABITED BY MOROS OR  
OTHER NON-CHRISTIAN TRIBES.

Thereupon,

On motion by Commissioner Tavera,

The Commission acting within its exclusive general legislative jurisdiction over all that part of the Philippine Islands inhabited by Moros or other non-Christian tribes, adjourned to meet at the call of the President.

Attest:

WM. H. DONOVAN, *Secretary*.

Approved:

JAMES F. SMITH,

*President, Philippine Commission.*





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APPOINTMENTS CONFIRMED  
BY THE  
PHILIPPINE COMMISSION  
IN  
EXECUTIVE SESSION  
DURING THE  
FIRST SESSION AND A SPECIAL SESSION OF THE FIRST  
PHILIPPINE LEGISLATURE

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# First Philippine Legislature.

## First Session.

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### CONFIRMATION OF APPOINTMENTS IN EXECUTIVE SESSION.

**TUESDAY, FEBRUARY 4, 1908.**

Juan Lasam to be justice of the peace for the municipality of Solana, Province of Cagayan, First Judicial District, vice Gabriel Lasam, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Juan Benauro and Bonifacio Agaloos to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Pilar, Province of Ilocos Sur, Second Judicial District, vice Sabas Belleza, removed, and Juan Benauro, nominated justice of the peace, respectively; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Serafin Rojano and Nicolas Camacho to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Minabac, Province of Ambos Camarines, Eighth Judicial District, vice Sotero Platon, removed, and Serafin Rojano, nominated justice of the peace, respectively; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Basilio Basquez to be auxiliary justice of the peace for the municipality of Guiuan, Province of Samar, Twelfth Judicial District, vice Estanislao Lucero, who has declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Leonardo Aguilar to be auxiliary justice of the peace for the municipality of Rapu-Rapu, Province of Albay, Eighth Judicial District, vice Vicente Martillano, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

**SATURDAY, FEBRUARY 8, 1908.**

Edmund Enright to be superintendent of Filipino students in the United States, at a salary of five thousand pesos per annum, appointment to be effective on April 9, 1908, vice William A. Sutherland, resigned; pursuant to the provisions of Act No. 854.

Antolin Eufasio to be auxiliary justice of the peace for the municipality of Catarman, Province of Samar, Twelfth Judicial District, vice Isaac de los Reyes, who declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

**TUESDAY, FEBRUARY 11, 1908.**

C. M. Conner to be Assistant Director of Agriculture, the appointment to be effective as of January 28, 1908, vice George E. Nesom, appointed Director of Agriculture; pursuant to the provisions of Act No. 1407.

Félix Garganera to be auxiliary justice of the peace for the municipality of Leyte, Province of Leyte, Twelfth Judicial District, vice Ciriaco de Lara, who declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ludovico Velo to be auxiliary justice of the peace for the municipality of Balungao, Province of Pangasinan, Third Judicial District, vice Pascual Dasil, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Policarpio S. Menor to be auxiliary justice of the peace for the municipality of Malasiqui, Province of Pangasinan, Third Judicial District, vice José D. Rosario, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

**SATURDAY, FEBRUARY 15, 1908.**

Pedro Alde to be justice of the peace for the municipality of Llorente, Province of Samar, Twelfth Judicial District, vice Fermin Dajime, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

José Clemente to be auxiliary justice of the peace for the municipality of San Fernando, Province of Sorsogon, Fifteenth Judicial District, vice Casiano Aligada, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

**TUESDAY, FEBRUARY 18, 1908.**

Miguel Unson to be provincial treasurer for the Province of Tarlac, vice George E. Schilling, transferred; pursuant to the provisions of Acts Nos. 87 and 1581.

Catalino Lavadía to be provincial treasurer for the Province of Isabela, vice Miguel Unson, nominated provincial treasurer for Tarlac; pursuant to the provisions of Acts Nos. 210 and 1581.

Leon Montinola to be justice of the peace for the municipality of Victorias, Province of Occidental Negros, Tenth Judicial District, vice Eliodoro Tongoy, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Leon H. Prado to be justice of the peace for the municipality of Baliuag, Province of Bulacan, Fifth Judicial District, vice Gregorio Ramos de la Cruz, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

José Fernandez to be justice of the peace for the municipality of Palompon, Province of Leyte, Twelfth Judicial District, vice José Ballory, deceased; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Isidoro Castro to be justice of the peace for the municipality of

Mabalacat, Province of Pampanga, Fourth Judicial District, vice Teodoro Morales, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Angel Toleza to be justice of the peace for the municipality of Oquendo, Province of Samar, Twelfth Judicial District, vice Ciriaco Ras, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Sisenando Pineda to be auxiliary justice of the peace for the municipality of Sampaloc, Province of Tayabas, Seventh Judicial District, vice Silvino Lagdameo, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Tomás Ochoa to be auxiliary justice of the peace for the municipality of Baliuag, Province of Bulacan, Fifth Judicial District, vice Pedro F. Mariano, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Anselmo Merjuar to be auxiliary justice of the peace for the municipality of San Remigio, Province of Antique, Tenth Judicial District, vice Evaristo Villar; resigned, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Miguel Bochorno to be auxiliary justice of the peace for the municipality of Dao, Province of Antique, Tenth Judicial District, vice Andres Fornier, resigned, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Clemente Gella to be auxiliary justice of the peace for the municipality of Pandan, Province of Antique, Tenth Judicial District, vice Catalino Ferranco, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Simeon Alojipan to be auxiliary justice of the peace for the municipality of Culasi, Province of Antique, Tenth Judicial District, vice José Alolod, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Francisco Lastrilla y Zalazar to be auxiliary justice of the peace for the municipality of Jaro, Province of Leyte, Twelfth Judicial District, vice Teodoro Kornista, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Eliseo Estudillo and Francisco Pascual to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Looe, Province of Capiz, Fifteenth Judicial District, vice Andres Martinez, removed, and Lucas Marcelo, resigned, respectively; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

**WEDNESDAY, FEBRUARY 19, 1908.**

Bienvenido Blanco to be justice of the peace for the municipality of Lianga, Province of Surigao, Thirteenth Judicial District, vice Marcos Plaza, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Andres Lobrio y Rivera to be justice of the peace for the municipality

of Sulat, Province of Samar, Twelfth Judicial District vice Licerio Acedillo, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ceferino Villanueva to be auxiliary justice of the peace for the municipality of Saravia, Province of Occidental Negros, Tenth Judicial District, vice Justo Cuaycong, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Donato Bayan to be auxiliary justice of the peace for the municipality of Calumpit, Province of Bulacan, Fifth Judicial District, vice Vicente Torres, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Vidal Dalmación to be auxiliary justice of the peace for the municipality of Tacloban, Province of Leyte, Twelfth Judicial District, vice Eugenio Brillo, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Isidro Adorable to be auxiliary justice of the peace for the municipality of Jimenez, Province of Misamis, Thirteenth Judicial District, vice Hilarion Adorable, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Juan Faranal and Calixto Manglicmot to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of San Felipe, Province of Zambales, Third Judicial District, appointments to be effective on March 1, 1908; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

#### FRIDAY, FEBRUARY 21, 1908.

Dr. Antonio Fernando to be district health officer for the district composed of the Provinces of Agusan, Surigao, and Misamis; pursuant to the provisions of Acts Nos. 1487 and 1679 and a resolution of the Philippine Commission of this date (February 21, 1908).

#### TUESDAY, MARCH 24, 1908.

Frank W. Carpenter to be Executive Secretary, vice Arthur W. Ferguson, deceased, appointment to be effective as of February 1, 1908; pursuant to the provisions of Acts Nos. 1407 and 1679.

Charles A. Low to be judge of the municipal court, city of Manila, at a salary of ₱7,000 per annum, as provided in Act No. 1706, vice J. M. Liddell, resigned; pursuant to the provisions of section 40 of Act No. 183, as amended by section 2 of Act No. 612.

Dr. Rafael Villafranca to be district health officer for the district composed of the Province of Nueva Ecija, vice Justo Panis, deceased; pursuant to the provisions of Acts Nos. 1487 and 1679.

Dr. Francisco Xavier to be district health officer for the district composed of the Province of Bohol, vice Dr. Rafael Villafranca, nominated district health officer for Nueva Ecija; pursuant to the provisions of Acts Nos. 1487 and 1679.

WEDNESDAY, MARCH 25, 1908.

Nicomedes Vargas to be justice of the peace for the municipality of Almagro, Province of Samar, Twelfth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Pablo Prudencio, resigned.

Eugenio Gacutan to be auxiliary justice of the peace for the municipality of Enrile, Province of Cagayan, First Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Manuel Guzman, nominated justice of the peace.

Luis Canapi to be justice of the peace for the municipality of Iguig, Province of Cagayan, First Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Agustin Peñaflor, resigned.

Segismundo Perez to be justice of the peace for the municipality of Peña Blanca, Province of Cagayan, First Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Dalmacio Guillermo, resigned.

Francisco Carag to be auxiliary justice of the peace for the municipality of Peña Blanca, Province of Cagayan, First Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Segismundo Perez, nominated justice of the peace.

Leoncio Purugganan to be auxiliary justice of the peace for the municipality of Tuguegarao, Province of Cagayan, First Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Esteban Quinto, resigned.

Juan Morales Baculi to be justice of the peace for the municipality of Amulung, Province of Cagayan, First Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice José Galo Baculuy, appointed justice of the peace of Alcala.

Santiago Villamorel to be auxiliary justice of the peace for the municipality of Atimonan, Province of Tayabas, Seventh Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Luciano Mapaye, resigned.

Manuel Guzman to be justice of the peace for the municipality of Enrile, Province of Cagayan, First Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Vicente Babaran, resigned.

José Hemendes to be justice of the peace for the municipality of Cabuyao, Province of La Laguna, Sixth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Narciso Batiller, resigned.

Francisco Peñalosa to be auxiliary justice of the peace for the municipality of Lucban, Province of Tayabas, Seventh Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Leopoldo Gacla, resigned.

Albert E. Somersille to be justice of the peace for the municipality of Albay, Province of Albay, Eighth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pio Encarnacion to be auxiliary justice of the peace for the municipality of Botolan, Province of Zambales, Third Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Juliano Crispin, appointed justice of the peace.

Lino Añover to be justice of the peace for the municipality of Jaro, Province of Leyte, Twelfth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice H. E. Neibert, who has declined the appointment.

Severino Sevilla and Roman Aguanta to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Asturias, Province of Cebu, Eleventh Judicial District, pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Felix Noel, resigned, and Severino Sevilla, nominated justice of the peace.

Carlos Basa to be auxiliary justice of the peace for the Township of Naujan, Province of Mindoro, Seventh Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Basilio de Vela, resigned.

Andres Restar to be auxiliary justice of the peace for the municipality of Santa Cruz, Province of Tayabas, Seventh Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Maximo Palomares, who has declined the appointment.

Lorenzo Aucejo to be justice of the peace for the municipality of Bacon, Province of Oriental Negros, Eleventh Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Melchor Tale, resigned.

Benito Elnar to be justice of the peace for the municipality of Dauin, Province of Oriental Negros, Eleventh Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Benito Elnar, resigned.

Juan Ogdol to be justice of the peace for the municipality of Lazi, Province of Oriental Negros, Eleventh Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice José Zacarias, resigned.

Victor Bincay to be auxiliary justice of the peace for the municipality of Luzuriaga, Province of Oriental Negros, Eleventh Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Antonio Jumanog, resigned.

Juan Gadiani to be justice of the peace for the municipality of Siaton, Province of Oriental Negros, Eleventh Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Juan Gadiani, resigned.

Guillermo Magahanoy to be justice of the peace for the municipality of Siquijor, Province of Oriental Negros, Eleventh Judicial District, pur-



suant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Lupo Cavilete, not qualified.

Pedro Ganhimbin to be auxiliary justice of the peace for the municipality of Siquijor, Province of Oriental Negros, Eleventh Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Eutiquio Cortes, resigned.

Eulogio de los Reyes to be justice of the peace for the municipality of Liloan, Province of Leyte, Twelfth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Jorge Kapili, resigned.

José Rivera to be auxiliary justice of the peace for the municipality of Passi, Province of Iloilo, Ninth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Exequiel Estepar, resigned.

Juan Diego Mata to be auxiliary justice of the peace for the municipality of Tiwi, Province of Albay, Eighth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Bernardo Tuason, resigned.

Catalino de la Peña to be justice of the peace for the municipality of Cantilan, Province of Surigao, Thirteenth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Liborio Castro, resigned.

Pedro Correa to be auxiliary justice of the peace for the municipality of San Isidro, Province of Leyte, Twelfth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Esteban Peñaranda, who has declined the appointment.

Leon de Soloc to be justice of the peace for the municipality of San Julian, Province of Samar, Twelfth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Narciso Medina to be auxiliary justice of the peace for the municipality of Masbate, Province of Sorsogon, Fifteenth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Lucas Zurvito, removed.

Miguel Infante and Leonardo Calvo to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Palapag, Province of Samar, Twelfth Judicial District, pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Roman Ergo and Fernando Opinion, both resigned.

Francisco Rafael to be justice of the peace for the municipality Gandara, Province of Samar, Twelfth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Gavino C. Brozas, resigned.

Francisco Altarejos to be justice of the peace for the municipality of San Jacinto, Province of Sorsogon, Fifteenth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Teodoro Flores, resigned.

José Moya to be auxiliary justice of the peace for the municipality

of San Jacinto, Province of Sorsogon, Fifteenth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Juan Cantilleps, resigned.

Vicente Trinidad and Lorenzo Fuentes to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Santa Magdalena, Province of Sorsogon, Fifteenth Judicial District, pursuant to the provisions of section 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Joaquin Frivaldo, resigned, and Vicente Trinidad, nominated justice of the peace.

Nicolas de los Reyes to be justice of the peace for the municipality of Catarman, Province of Samar, Twelfth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Antonio Morales, who has declined the appointment.

Valentin Tello to be auxiliary justice of the peace for the municipality of Tandag, Province of Surigao, Thirteenth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Hilarion Martinez, resigned.

José Alvarez to be justice of the peace for the municipality of Sual, Province of Pangasinan, Third Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Francisco Rosario, resigned.

Jacinto Calazans to be auxiliary justice of the peace for the municipality of Paniqui, Province of Tarlac, Fourth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Silvino Curamen, resigned.

Carmelino Babena to be auxiliary justice of the peace for the municipality of Toledo, Province of Cebu, Eleventh Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice José Rodriguez, resigned.

Ramon Bernaldo to be justice of the peace for the municipality of Dinalupihan, Province of Bataan, Sixth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Pedro Mateos, resigned.

Ygnacio Calleja and Pablo Safra to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Libon, Province of Albay, Eighth Judicial District, pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Agapito Espinas and Bernardino Cerdon, both resigned.

Angel Advincula to be justice of the peace for the municipality of Dumalag, Province of Capiz, Fifteenth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Martin Fabrigar, resigned.

Martin Ubaldo to be auxiliary justice of the peace for the municipality of Matnog, Province of Sorsogon, Fifteenth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Florencio Garra, resigned.

Pedro Manlanguit to be justice of the peace for the municipality of Placer, Province of Sorsogon, Fifteenth Judicial District, pursuant to

the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Tomas Conde, resigned.

Eladio de Mesa to be auxiliary justice of the peace for the municipality of Polo, Province of Bulacan, Fifth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Melecio Hernandez, resigned.

Antonio Ubaldo to be auxiliary justice of the peace for the municipality of Dagami, Province of Leyte, Twelfth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Simeon Cañete, who declined the appointment.

Anselmo Gerona to be auxiliary justice of the peace for the municipality of Matalom, Province of Leyte, Twelfth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Eleuterio Pil, appointed Justice of the Peace.

Luis Borrromeo to be auxiliary justice of the peace for the municipality of Palompon, Province of Leyte, Twelfth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Benigno Delgado, who declined the appointment.

Sinforoso Castro to be auxiliary justice of the peace for the municipality of Hindang, Province of Leyte, Twelfth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Estanislao Piezon, resigned.

Marcelo Estrellado to be justice of the peace for the municipality of Prieto-Diaz, Province of Sorsogon, Fifteenth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Pedro Fellona, resigned.

Melecio Montinola to be justice of the peace for the municipality of Iloilo, Province of Iloilo, Ninth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Willis Lynch.

Pedro Liunag and Gumercindo Moreno to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Casiguran, Province of Tayabas, Seventh Judicial District, pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Vicente Diaz to be justice of the peace for the municipality of Caibiran, Province of Leyte, Twelfth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Pedro A. Pacaña, resigned.

Benigno Munda to be auxiliary justice of the peace for the municipality of Salasa, Province of Pangasinan, Third Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Agripino Espino, resigned.

Justo Nonato to be justice of the peace for the municipality of Hinigaran, Province of Occidental Negros, Tenth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Antonio Gonzaga, removed.

Baldomero Rimon to be auxiliary justice of the peace for the municipality of Malinao, Province of Capiz, Fifteenth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Moises Illicito, who declined the appointment.

Gabriel Garcia to be auxiliary justice of the peace for the municipality of Obando, Province of Bulacan, Fifth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ignacio Ogalde to be auxiliary justice of the peace for the municipality of Gigaquit, Province of Surigao, Thirteenth Judicial District, pursuant to be provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Pedro Perral, resigned.

Hipolito De La Rosa to be auxiliary justice of the peace for the municipality of Aroroy, Province of Sorsogon, Fifteenth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Eugenio Andaya, resigned.

Laureano De La Rosa to be auxiliary justice of the peace for the municipality of Sapián, Province of Capiz, Fifteenth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Flores Obligación, resigned.

Mariano Mariño to be auxiliary justice of the peace for the municipality of Tinambac, Province of Ambos Camarines, Eighth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1340 and 1627, vice Fructuoso Valuis, resigned.

Balbino Fuertes to be auxiliary justice of the peace for the municipality of Siruma, Province of Ambos Camarines, Eighth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Guillermo Ayo, resigned.

Ponciano Panigbatan to be auxiliary justice of the peace for the municipality of Sual, Province of Pangasinan, Third Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Venancio Padilla, resigned.

Dionisio Casadanlan to be auxiliary justice of the peace for the municipality of Uson, Province of Sorsogon, Fifteenth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Loreto Magalaman, resigned.

Nazario Samonte to be auxiliary justice of the peace for the municipality of Calolbon, Province of Albay, Eighth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Deogracias Belmonte, resigned.

Teodoro Infantado to be auxiliary justice of the peace for the municipality of San Rafael, Province of Bulacan, Fifth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Hermógenes de Borja, who declined the appointment.

Pedro Ponte to be auxiliary justice of the peace for the municipality of San Pascual, Province of Sorsogon, Fifteenth Judicial District, pursuant

to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Ciriaco Gonzales, who declined the appointment.

Severino Talion to be auxiliary justice of the peace for the municipality of Virac, Province of Albay, Eighth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Julian Ubalde, resigned.

Felipe Buenavista to be auxiliary justice of the peace for the municipality of Abuyug, Province of Leyte, Twelfth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Espiridion de Verra, resigned.

Macario Bobares to be auxiliary justice of the peace for the municipality of Babatungon, Province of Leyte, Twelfth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Damian Urmeneta, resigned.

Macario Lamberte to be auxiliary justice of the peace for the municipality of Hilongos, Province of Leyte, Twelfth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Francisco Engaña, who declined the appointment.

Felix Aya-ay to be auxiliary justice of the peace for the municipality of Maasin, Province of Leyte, Twelfth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Prudencio Mercado, resigned.

Luis Mendoza to be auxiliary justice of the peace for the municipality of Caibiran, Province of Leyte, Twelfth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Alvaro Ibañez, resigned.

Agripino Infante and Domingo Adoro to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Laoang, Province of Samar, Twelfth Judicial District, pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Enrique Lagrimas and Cenón Muncada, both resigned.

Mariano Oliva to be auxiliary justice of the peace for the municipality of Calauan, Province of La Laguna, Sixth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Mariano G. Oliva, resigned.

Hilario M. Carpiso to be justice of the peace for the municipality of Los Baños, Province of La Laguna, Sixth Judicial District, pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Juan Cordova, whose nomination is hereby canceled.

Hilarion Maneses to be auxiliary justice of the peace for the municipality of Los Baños, Province of La Laguna, Sixth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Hilario M. Carpiso, nominated justice of the peace.

Martiniano Austria to be auxiliary justice of the peace for the municipality of Magdalena, Province of La Laguna, Sixth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Victorio Crisostomo, resigned.

Jose Lucido to be auxiliary justice of the peace for the municipality of Nagearlan, Province of La Laguna, Sixth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Telesforo Carrasco, resigned.

Mariano Baisas to be auxiliary justice of the peace for the municipality of Paete, Province of La Laguna, Sixth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Manuel Madrigal, resigned.

Benigno San Luis to be auxiliary justice of the peace for the municipality of Pagsanjan, Province of La Laguna, Sixth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Francisco Zafra, appointed justice of the peace.

Pedro Dalena to be auxiliary justice of the peace for the municipality of Pangil, Province of La Laguna, Sixth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Abraham de Guia, resigned.

Celerino Tiongco to be auxiliary justice of the peace for the municipality of Santa Rosa, Province of La Laguna, Sixth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice David Zaballa, resigned.

Andres Zalazar to be auxiliary justice of the peace for the municipality of Siniloan, Province of La Laguna, Sixth Judicial District, pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627, vice Anselmo S. de Rosas, resigned.

#### FRIDAY, MARCH 27, 1908.

Hartford Beaumont to be Special Deputy Collector of Customs, at a salary of ₱7,200 per annum, appointment effective February 15, 1908; pursuant to the provisions of Act No. 1407.

Mariano Balane to be justice of the peace for the municipality of Capalonga, Province of Ambos Camarines, Eighth Judicial District, vice Carlos Calero, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Roque Ricarte to be justice of the peace for the municipality of Barcelona, Province of Sorsogon, Fifteenth Judicial District, vice Juan Ainza, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ricardo Fernandez to be justice of the peace for the municipality of Hinunanga, Province of Leyte, Twelfth Judicial District, vice Eustaquio Pecoson, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Florencio Morente and Vidal Pastorfidre to be justice of the peace and auxiliary justice of the peace, respectively, for the Township of Pinamalanayan, Province of Mindoro, Seventh Judicial District, vice Juan Morente, resigned, and Gaudencio Medina who declined the appointment; pursuant

to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Joaquin Adigue to be auxiliary justice of the peace for the municipality of Taft, Province of Samar, Twelfth Judicial District, vice Pedro Balbaboco, appointed justice of the peace; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Tomas Raso to be auxiliary justice of the peace for the municipality of Jovellar, Province of Albay, Eighth Judicial District, vice Nicomedes F. Quintano, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Marcos Ayllon to be auxiliary justice of the peace for the municipality of Guinan, Province of Samar, Twelfth Judicial District, vice Basilio Vasquez, who has declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Guillermo Bernabe to be auxiliary justice of the peace for the municipality of San Vicente, Province of Ambos Camarines, Eighth Judicial District, vice Teodoro Albos, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Gregorio Friala to be auxiliary justice of the peace for the municipality of Lingayen, Province of Pangasinan, Third Judicial District, vice Antonio Ungson, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ruperto Flores to be auxiliary justice of the peace for the municipality of Nabas, Province of Capiz, Fifteenth Judicial District, vice Santiago Sarol, deceased; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pedro Morales to be auxiliary justice of the peace for the municipality of Pintuyan, Province of Leyte, Twelfth Judicial District, vice Perpetuo Vasquez, removed; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

#### TUESDAY, MARCH 31, 1908.

Eusebio Redoña to be auxiliary justice of the peace for the municipality of Borongan, Province of Samar, Twelfth Judicial District, vice Feliciano Tilong who declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pablo Manzano to be auxiliary justice of the peace for the municipality of Urdaneta, Province of Pangasinan, Third Judicial District, vice Benito Belmonte, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ancelmo Garcia to be auxiliary justice of the peace for the municipality of Tubao, Province of La Union, Mountain Judicial District, vice Feliciano Zarate, appointed justice of the peace; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

**FRIDAY, APRIL 3, 1908.**

Regino Palma to be justice of the peace for the municipality of San José Province of Ambos Camarines, Eighth Judicial District, vice Gregorio Patrocinio, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Guillermo Villasor to be auxiliary justice of the peace for the municipality of Bacolod, Province of Occidental Negros, Tenth Judicial District, vice Leoncio Garrucho, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

**SATURDAY, APRIL 4, 1908.**

Julian Piñon to be justice of the peace for the municipality of Santa Cruz, Province of La Laguna, Sixth Judicial District, vice Domingo Ordoeza, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

**FRIDAY, MAY 1, 1908.**

James A. Hoggsette to be Assistant Director of Printing, vice Edwin C. Jones, deceased; pursuant to the provisions of Acts Nos. 1407 and 1679; appointment to be effective as of April 8, 1908.

Jose Losada to be district health officer for the district composed of the Provinces of Mindoro and Romblon, at a salary of ₱2,700 per annum; pursuant to the provisions of Acts Nos. 1487 and 1679.

Vicente Reyes to be member of the Advisory Board of the city of Manila, for the district of Malate, vice Segundo Javier, deceased; pursuant to the provisions of section 65 of Act No. 183, as amended by Acts Nos. 341 and 447.

Charles G. Stark to be provincial treasurer for the Province of Nueva Ecija, vice Robert M. Lyle, transferred; appointment to be effective upon assuming charge of the office; pursuant to the provisions of section 5 of Act No. 83 and Acts Nos. 139 and 1581.

Frank B. Parsons to be provincial treasurer of the Province of Ilocos Norte, vice Ziba M. Smith, transferred; appointment to be effective upon assuming charge of the office; pursuant to the provisions of section 5 of Act No. 83 and Acts Nos. 207 and 1581.

Peter J. Vanden Broeck to be provincial treasurer of the Province of La Union, vice Frank B. Parsons, nominated provincial treasurer of the Province of Ilocos Norte; appointment to be effective upon assuming charge of the office; pursuant to the provisions of section 5 of Act No. 83 and Acts Nos. 203 and 1581.

Sinforoso San Pedro to be provincial treasurer of the Province of Antique, vice Peter J. Vanden Broeck, nominated provincial treasurer of the Province of La Union; appointment to be effective upon assuming charge of the office; pursuant to the provisions of section 5 of Act No. 83 and Acts Nos. 122 and 1581.

Clarence McDonald to be provincial treasurer of the Province of Cavite,



vice Commodore P. Harley, transferred; appointment to be effective upon assuming charge of the office; pursuant to the provisions of section 5 of Act No. 83 and Acts Nos. 138 and 1581.

Marcelo Regner to be provincial treasurer of the Province of Bataan, vice George A. Benedict, resigned; appointment to be effective upon assuming charge of the office; pursuant to the provisions of section 5 of Act No. 83 and Acts Nos. 92 and 1581.

John W. Hunter to be provincial treasurer of the Province of Ambos Camarines, vice John Q. A. Braden, appointed provincial treasurer of the Province of Albay; appointment to be effective upon assuming charge of the office; pursuant to the provisions of section 5 of Act No. 83 and Acts Nos. 123 and 1581.

George E. Schilling to be provincial treasurer of the Province of Bohol, vice John W. Hunter, nominated provincial treasurer of the Province of Ambos Camarines; appointment to be effective upon assuming charge of the office; pursuant to the provisions of section 5 of Act No. 83 and Acts Nos. 117 and 1581.

Joseph W. Crow to be provincial treasurer of the Province of Capiz, vice George P. Banner, appointed provincial treasurer of the Province of Cagayan; appointment to be effective upon assuming charge of the office; pursuant to the provisions of section 5 of Act No. 83 and Acts Nos. 115 and 1665.

Pablo Medina to be justice of the peace for the municipality of Catanauan, Province of Tayabas, Seventh Judicial District, vice Vicente Aquino, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pedro Maceren to be justice of the peace for the municipality of Bilar, Province of Bohol, Eleventh Judicial District, vice Marcial Baquial, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Lino Torribio to be justice of the peace for the municipality of Carmen, Province of Bohol, Eleventh Judicial District, vice Luis Bagao, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Juan Sigad to be auxiliary justice of the peace for the municipality of Cortes, Province of Bohol, Eleventh Judicial District, vice Eugenio Hangad, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Buenaventura Torrefranco to be justice of the peace for the municipality of Inabanga, Province of Bohol, Eleventh Judicial District, vice Hermogenes Torrefranca, deceased; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Januario Jumamuy to be auxiliary justice of the peace for the municipality of Inabanga, Province of Bohol, Eleventh Judicial District, vice Irineo Torres removed; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pascual Abrau to be justice of the peace for the municipality of Jagna,

Province of Bohol, Eleventh Judicial District, vice Pastor Abrau, not qualified; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Catalino Casenas to be auxiliary justice of the peace for the municipality of Jagna, Province of Bohol, Eleventh Judicial District, vice Demetrio Gabiola, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Rosalio Enerio to be auxiliary justice of the peace for the municipality of Loay, Province of Bohol, Eleventh Judicial District, vice Ambrosio Sandoval, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Blas Sarigumba to be auxiliary justice of the peace for the municipality of Loboc, Province of Bohol, Eleventh Judicial District, vice Gregorio Raya, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Alojario Lanzaderas to be justice of the peace for the municipality of Loon, Province of Bohol, Eleventh Judicial District, vice Marcelo Sabaricos, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Honorato Gamus to be justice of the peace for the municipality of Mabini, Province of Bohol, Eleventh Judicial District, vice Tomás Butil, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Eusebio Bucio to be auxiliary justice of the peace for the municipality of Mabini, Province of Bohol, Eleventh Judicial District, vice Leopoldo Bernaldes, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ruperto Gabiola to be justice of the peace for the municipality of Ubay, Province of Bohol, Eleventh Judicial District, vice Ruperto Gabiola, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Juan Villahermosa to be justice of the peace for the municipality of Hilongos, Province of Leyte, Twelfth Judicial District, vice Joaquin Ortega, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Roman Alias to be auxiliary justice of the peace for the municipality of Tayug, Province of Pangasinan, Third Judicial District, vice Roberto Villar, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Protestato Malunda to be auxiliary justice of the peace for the municipality of Balasan, Province of Iloilo, Ninth Judicial District, vice Manuel de la Paz, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Florentino Gasataya to be justice of the peace for the municipality of Tayasan, Province of Oriental Negros, Eleventh Judicial District, vice Benito Sanchez, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Andres Peralta to be auxiliary justice of the peace for the municipality of Buhí, Province of Ambos Camarines, Eighth Judicial District, vice Bernardo Vallejo, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Simplicio Ortiz Luis to be auxiliary justice of the peace for the municipality of Cabiao, Province of Nueva Ecija, Fourth Judicial District, vice Andres Dominguez, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts No. 1450 and 1627.

Silvestre Callao to be auxiliary justice of the peace for the municipality of San Jacinto, Province of Pangasinan, Third Judicial District, vice Juan Lagera, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Nicolas Torres to be auxiliary justice of the peace for the municipality of Ormoc, Province of Leyte, Twelfth Judicial District, vice Claro de Leon, removed; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Agustin Buesa and Potenciano Romero to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Libog, Province of Albay, Eighth Judicial District, vice Pedro Salazar, who declined the appointment, and Agustin Buesa, nominated justice of the peace, respectively; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Donato Amon to be auxiliary justice of the peace for the municipality of San Narciso, Province of Zambales, Third Judicial District, vice Severo Amagna, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Joaquin Alano to be auxiliary justice of the peace for the municipality of Santa Barbara, Province of Pangasinan, Third Judicial District, vice Aniceto Ocampo, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Francisco Rivera to be auxiliary justice of the peace for the municipality of Surigao, Province of Surigao, Thirteenth Judicial District, vice Fernando Fortich, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pedro Ronquillo to be auxiliary justice of the peace for the municipality of Carigara, Province of Leyte, Twelfth Judicial District, vice Melchor Anopol, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ramon Aspe to be auxiliary justice of the peace for the municipality of Magarao, Province of Ambos Camarines, Eighth Judicial District, vice Zenon Horna, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Nicanor Sison to be auxiliary justice of the peace for the municipality of Santo Tomás, Province of La Unión, Mountain Judicial District, vice Aniceto Posadas, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Pedro Mendiola to be auxiliary justice of the peace for the municipality

of Taguig, Province of Rizal, Fifth Judicial District, vice Gregorio C. Concepcion, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Alejandro Talento to be auxiliary justice of the peace for the municipality of Capalonga, Province of Ambos Camarines, Eighth Judicial District, vice Tomás Gaité, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Elias Imperial to be auxiliary justice of the peace for the municipality of Albay, Province of Albay, Eighth Judicial District; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Tiburcio Morando to be auxiliary justice of the peace for the municipality of San Pedro Tunasan, Province of La Laguna, Sixth Judicial District, vice Victor Vergara, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Filomeno Casion to be justice of the peace for the municipality of Butuan, Province of Agusan, Thirteenth Judicial District, vice Canuto Rosales, resigned; pursuant to the provisions of section 67 of Act No. 136; as amended by Acts Nos. 1450 and 1627.

Miguel Midem and Angel Fernandez to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Sipocot, Province of Ambos Camarines, Eighth Judicial District, vice Vicente Ave-cilla, resigned, and Miguel Midem, nominated justice of the peace, respectively; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Abdon Marchades to be justice of the peace for the municipality of Buraen, Province of Leyte, Twelfth Judicial District, vice Sebastian Pocop, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

#### MONDAY, MAY 11, 1908.

Roman Vacunau to be auxiliary justice of the peace for the municipality of Allen, Province of Samar, Twelfth Judicial District, vice Leopoldo Arteche, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Marcelino C. Famas to be auxiliary justice of the peace for the municipality of Langaran, Province of Misamis, Thirteenth Judicial District, vice Severino Cagatan, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

#### FRIDAY, MAY 15, 1908.

Nicolas Madlansacay to be justice of the peace for the municipality of Silang, Province of Cavite, Sixth Judicial District, vice Antonio Ramos, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Juan Velarde to be justice of the peace for the municipality of Dulag, Province of Leyte, Twelfth Judicial District, vice Juan Flores, resigned;

pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Estanislao Perez to be auxiliary justice of the peace for the municipality of Guagua, Province of Pampanga, Fourth Judicial District, vice Santiago Sibug, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Marcelo Perez to be auxiliary justice of the peace for the municipality of Tanauan, Province of Leyte, Twelfth Judicial District, vice Juan Dumasig, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

**THURSDAY, MAY 21, 1908.**

Juan Sulse to be lieutenant-governor of the Province of Samar, at a salary of ₱4,000 per annum; pursuant to the provisions of section 1 of Act No. 1759.

Cornelio Ayudante to be justice of the peace for the municipality of Pintuyan, Province of Leyte, Twelfth Judicial District, vice Anastasio Veloso, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Ladislao Decenteceo to be auxiliary justice of the peace for the municipality of Sogod, Province of Leyte, Twelfth Judicial District, vice Gregorio Leviste, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Evaristo Bordallo to be auxiliary justice of the peace for the municipality of Tarangnan, Province of Samar, Twelfth Judicial District, vice Clemente Merida, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Vicente Climaco to be auxiliary justice of the peace for the municipality of Hinunanga, Province of Leyte, Twelfth Judicial District, vice Hilario Samson, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Bonifacio Madrilejos and Pablo Reyes to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of Romblon, Province of Capiz, Fifteenth Judicial District, vice Wenceslao Molo, resigned; and Bonifacio Madrilejos, nominated justice of the peace, respectively; pursuant to the provisions of sections 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Quirico Montesclaros to be auxiliary justice of the peace for the municipality of Liloan, Province of Leyte, Twelfth Judicial District, vice Constantino Bayon, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.



# First Philippine Legislature.

## Special Session.

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### CONFIRMATION OF APPOINTMENTS IN EXECUTIVE SESSION.

TUESDAY, MAY 26, 1908.

Patricio Ampatin to be justice of the peace for the municipality of Santa Rita, Province of Samar, Twelfth Judicial District, vice Espiridion Zeta, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Luis F. Barranco to be justice of the peace for the municipality of Palompon, Province of Leyte, Twelfth Judicial District, vice Jose Fernandez, whose appointment is hereby canceled; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Florentino Maean to be justice of the peace for the municipality of Misamis, Province of Misamis, Thirteenth Judicial District, vice Celedonio R. Gonzalez, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Francisco Querol to be justice of the peace for the municipality of Ligao, Province of Leyte, Eighth Judicial District, vice Jose del Rosario, who declined the appointment; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Cerilo Rosario to be justice of the peace for the municipality of Salasa, Province of Pangasinan, Third Judicial District, vice Antonio Perez, removed; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Valeriano Lalin to be auxiliary justice of the peace for the municipality of La Paz, Province of Ilocos Sur, Second Judicial District, vice Valente Lalin, who declined the appointment; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Isidoro Estaris to be auxiliary justice of the peace for the municipality of Camalaniugan, Province of Cagayan, First Judicial District, vice Antonio Yringan, appointed justice of the peace; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

**WEDNESDAY, JUNE 3, 1908.**

Cayetano Tobias and Doroteo Algas to be justice of the peace and auxiliary justice of the peace, respectively, for the municipality of San Antonio, Nueva Ecija, Fourth Judicial District, vice Juan Pallagud, removed, and Cayetano Tobias, appointed justice of the peace, respectively; pursuant to the provisions of section 67 and 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Rufo Masangeay to be auxiliary justice of the peace for the municipality of San Fernando, Province of La Union, Mountain Judicial District, vice Blas Tadiar, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

Tirso Dacanay to be auxiliary justice of the peace for the municipality of Bacnotan, Province of La Union, Mountain Judicial District, vice Enrique Hernandez, resigned; pursuant to the provisions of section 76 of Act No. 136, as amended by Acts Nos. 1450 and 1627.

**THURSDAY, JUNE 4, 1908.**

Espiridion Suarez to be justice of the peace for the municipality of Inopacan, Province of Leyte, Twelfth Judicial District, vice Hugo B. Kudera, resigned; pursuant to the provisions of section 67 of Act No. 136, as amended by Acts Nos. 1450 and 1627.



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CERTAIN PROCEEDINGS  
OF THE  
PHILIPPINE COMMISSION  
IN  
COMMITTEE OF THE WHOLE  
DURING THE  
FIRST SESSION AND A SPECIAL SESSION OF THE  
FIRST PHILIPPINE LEGISLATURE



# First Philippine Legislature.

## First Session.

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PHILIPPINE COMMISSION,

IN COMMITTEE OF THE WHOLE.

**TUESDAY, MARCH 10, 1908; 10 O'CLOCK ANTEMERIDIAN.**

Mr. Joaquin Casanovas, of the Ambos Camarines coal mines; Mr. Matias García, of the Batan coal mines; Mr. Alfonso Rodra, of the Compostela mines; Mr. W. P. Clark, of the Insular Coal Company; Mr. M. F. Loewenstein, manager of Castle Bros.-Wolf & Sons; Mr. Ullmann, of Ullmann & Company; Mr. Frederick Garfield Waite, attorney; Mr. Charles A. Sleeper, Director of Lands; Mr. Ellis Cromwell, Acting Collector of Internal Revenue, and others, being present at the invitation of the Commission, the President stated that the hour having arrived for hearing the parties interested in the matter of the application for dismissal of the appeal taken by the Government in what are known as the "Spanish grant mine cases," the Commission had resolved itself into the Committee of the Whole for that purpose.

Attorney WAITE. If you will permit me, Mr. President—

The PRESIDENT. Attorney Waite is recognized.

Attorney WAITE. I happen to represent in a legal sense practically all those who are here present, and although I am aware that this is not a matter for legal discussion, perhaps there are a few words that I may say that will throw a little light on the situation. Our Supreme Court here by an unanimous decision upheld the theory that the royal grants that were made under the provisions of the royal decree of May, 1867, were contracts as between the Spanish Government and the holders of these mines or their successors in interest, and that the American Government as the

successor in interest of Spain had become, and is now, a party to those contracts. For that reason they held that the special tax of ₱100 on each *pertenencia* that was levied under the provisions of our Internal Revenue Law was the imposition of an additional burden and an illegal burden under the provisions of the Act of Congress of July 1, 1902, as well as under the provisions of the treaty of Paris. From that decision the Government, for reasons that appealed to them, perfected a writ of error to the Supreme Court of the United States, where the matter is now, and undetermined. In the meantime a considerable discussion has been had by various parties in interest and the Government representatives here which has dealt practically entirely with one factor of the question—that is, with its industrial side—and the disposition on the part of the officials has been all that anybody could desire or ask for, they being especially desirous of showing themselves disposed to do everything they could, consistently with their duty, to foster and encourage the industrial situation, and that we thoroughly understand. The unfortunate result, however, of the appeal has been that it has left the question of title under the grants, or the rights of the concessionaires under the grants, unsettled and has confronted those who are trying to exploit the properties held under such titles with a question of doubt, and the title being in doubt in that way it has had, and must have, the effect of restraining them from going on with the exploitation that they otherwise would have been glad, and in many instances had prepared, to prosecute vigorously until such questions were settled and determined and put out of the way. As to the effect on the industrial phase of it, there are other gentlemen here, notably Mr. Garcia, of the Batan mines, Mr. Clark, of the Insular Coal Company, and other parties in interest, who can speak very much more positively than can I.

The Government has appeared to assume this attitude toward the question: That if sufficient guaranties are given that work will be prosecuted on these claims they will not only dismiss the Casanovas appeal but will lend all the help within their power to the just and rightful exploitation of any properties, whether they be gold, coal, or other minerals, that are held under such titles.

THE PRESIDENT. That is about the measure of the Commission's attitude on this question.

Attorney WAITE. Now as to how that guaranty can best be had, if a guaranty is at all necessary, is the special subject that I came here to discuss this morning. There is an old adage that "The proof of the pudding is the eating;" and I do not know of any other that could better apply in the present case. The proof of what people will do is what they are either actually doing or are in good faith preparing to do. In considering this question broadly it has seemed to me that it is practically an impossibility for the Government to deal, one by one, with the various and many holders of these royal grants, asking from them and each of them a guaranty that they will do thus and so prior to taking action in this Casanovas matter; and frankly, gentlemen of the Commission, such procedure is not necessary in my humble opinion. Section 60 of the Act of Congress of July 1, 1902, which affirms the integrity of these grants and which our Supreme Court, without a dissenting voice, has decided to be the law on this subject, not only approves these grants and specifies the relation of the present Government thereto as one of the contractual parties, but it goes further and in that very same section it says that—

Nothing in this Act shall be construed to affect the rights of any person, partnership, or corporation having a valid perfected mining concession granted prior to April 11, 1899—

the date of the treaty of Paris—

but all such concessions shall be conducted under the provisions of the law in force at the time they were granted, subject at all times to cancellation by reason of illegality in the procedure by which they were obtained—

that is, for fraud in their inception—

or for failure to comply with the conditions prescribed as requisite to their retention in the laws under which they were granted.

These royal grants are, all of them, of a defined form, and subject, each of them, to specific and practically the same conditions. There is a trifling difference as between grants on coal and on other mining substances, but all of them make absolute requirements as to the doing of a certain specific amount of work every year; in other words, they absolutely require that the property held shall be diligently and continuously exploited by the holder, and in case he fails so to exploit it the concession is subject at any moment to cancellation at the will of the Government. It

permits the Government officials to examine into the work being done at the mines of Batan by either Mr. Garcia or the J. G. White Company with whom a contract is outstanding for their exploitation. It allows them to examine into the work being done or in project by Mr. Casanovas on his gold properties in the Camarines or by Castle Bros.-Wolf & Sons, who have arranged to exploit them. They can examine into what is being done in the mines of the Compostela by the Insular Coal Company, who have taken upon themselves the burden of the work. They have the clear right, if they think the law has not been complied with, to say to any of these gentlemen or concerns, and to all other holders of royal grants, "Gentlemen, your work is not satisfactory, and your right must terminate."

Commissioner WORCESTER. If you will pardon me for interrupting you, Mr. Waite—what do you think would be the result if we did what you state we have a right to do? You are doubtless familiar with the Spanish law on the subject. You know probably that we will not encourage any policy under which the concessionaire would be put out of business on a technical point; but if we did start in as you say we have a right to, how many gentlemen do you think could hold their claims?

Attorney WAITE. I am frank enough to say that you could cancel every one of them. I was going to speak on that point.

Commissioner WORCESTER. The point really is this, What is the attitude of the Government toward those concessions? If it was the desire on the part of anyone to impose serious burdens for the purpose of driving the concessionaires out of business you realize that there is no obstacle in the way of it.

Attorney WAITE. None whatever.

Commissioner WORCESTER. They could do it with the greatest ease, and you realize of course that the only reason that we have in not imposing any other burdens on them is that we want to see the mines developed.

Attorney WAITE. Exactly.

Commissioner WORCESTER. I simply want to call your attention at this stage of the discussion to the fact that if there had been the slightest desire on the part of the Commission to put these concessionaires out of business they could have done it. I do not believe to-day (although I may be wrong) that there is one of them that could not be forfeited if we went after them with that end in

view; and the fact that we have not brought up any question along those lines is indicative of forbearance on our part.

Attorney WAITE. Under the strict letter of the law, I agree with you.

Commissioner WORCESTER. I call this to the attention of the gentlemen present at this time because we have heard the complaint that the Government desires to impose burdens on them, and this is disproved by the fact that it has not taken action in the cases in which it might have done so, as I remember the reports that were turned in to my office on the question.

Attorney WAITE. That grows out of one condition, perhaps, or may be more than one, but there is one that I should like to speak of, and that is that it must be remembered that this royal decree was issued in 1867 and the rules and regulations were adopted about the same time, and this royal decree is not only effete in a great many of its requirements and not up to modern standards of scientific exploitation, but in many of its essential requirements it would be impossible of fulfillment now, on account of the changed conditions of sovereignty and the difference in commercial methods. That, however, is a matter which can be regulated. No one can appreciate more clearly and more fully than do I and those whom I represent, who are in a position to know of it, the courtesy the Government has shown toward all these claim holders, or know better its intention to continue that courtesy as long as they can feel that the holders themselves or their successors in interest are fairly trying to do their part; but that consideration, I say, can be best extended by dealing with each individual claim from time to time as circumstances may render it necessary for the Government so to do. If it sees that certain people are doing the best they can; that, taking into consideration the financial situation, the difficulties of exploitation due to long distances from the source of supplies, and other causes, the work is necessarily slow and that perhaps they are not exactly fulfilling the requirements of the law, they can extend to them and continue to extend to them that courtesy which they have up to this time shown.

Commissioner WORCESTER. It is not altogether a question of the best a person can do, Mr. Waite. A person may be doing his best, and yet that may be utterly insufficient to meet the situation. I think there can be no mistake as to the object the Commission had in imposing the internal revenue. We wanted on the one hand to

be reasonable and extend every possible opportunity to do the work—and that we have done in not proceeding against them—and on the other hand we wanted to apply a gentle stimulus which would make it worth while to work the concession, and expensive for the concessionaires if they did not. What I was getting at was just this: It may be the case that an individual or a company may have the best of intentions in the world but is wholly unable to do anything financially with the properties held. It may be that that individual or company was trying to do his or its best, and his or its best was nil. Now, speaking with entire frankness, our purpose has been to get some mines out here and the policy has been either to secure the development of property by the gentlemen holding these old concessions or who are interested in them, or get them into the hands of some one else who would develop them. Now, it certainly would not be good policy to allow a weak concern to hold valuable mining property of that sort without fulfilling the conditions of its concession by developing the property, and by reason of the fact that they were holding it prevent other people from working it. So that there is more than a question of good faith and a desire to do those things involved. There must be ability to do the work and a reasonable certainty that it will be done.

The PRESIDENT: Mr. Waite has well stated the attitude of the Government, which is to secure the development of these mining properties, whether they be coal mines, gold mines, silver mines, or any other class of mines. The Government has the greatest interest at present in the development especially of coal mining. Everybody of course understands that the Government could not itself successfully enter into the mining business, and naturally its whole desire is that these mines shall fall into the hands of people who are able to give them proper development. There is one thing that causes me some apprehension, and that is the very matter which has been suggested by Mr. Secretary Worcester and practically admitted by Mr. Waite. The Government to-day is friendly to all this development and is friendly for the best of reasons, and that is it has a selfish interest in seeing the development of these mining properties, which by the way is always the best guaranty of good faith, so far as interest is concerned. While the Government has no monetary interest in the development of these mines it has the greatest possible interest in seeing the devel-



opment of industry. Now, that day will pass. These properties will be developed by capital, we will say; they will become of very great value. The very instant that that occurs you will find here, just as you find in the United States, that a great many hands will be reached out to deprive the property-holder of that which he has secured, just as it occurred in the State of California, where we had Spanish grants. Nobody paid any attention to these Spanish grants while they were regarded as worth little or nothing; but when they became of immense value, records were searched, archives were looked over, and musty documents were read, and all with one purpose in view and that was to find a flaw in the title of the property holder who after years of trial had succeeded in developing a property that was worth while. It may be very well answered that it was not any of our business what arrangements were made with reference to these mining properties, but it seems to me that the people who have mining properties that they consider to be of value should, at this time, when they can do so with little effort, secure titles to their properties which can not be attacked. If their concessions are such that they can not be carried out along reasonable lines, if the terms are too difficult of compliance, then it seems to me that it would be very much better for these people to secure concessions which can be carried out and which can not be impeached. As you very well say, Mr. Waite, the best proof of what you intend to do is proof of what you are now doing. That may be said of only two or three of these properties. The Government has but one anxiety and that is the development of these mines, as that would be the solution of many difficulties. What the Government is vigorously opposed to is the holding of mining properties without any attempt to exploit them. Now of course, as you say, this might result in the forfeiture of some of these mining properties, but that forfeiture ought to take place at once in the case of those who do not intend to work the mines, and those who do intend to work them should come in here and get a reasonable concession. You will find capital very reluctant to come in on a very large scale as long as there is the slightest opportunity for the Government or anybody else to deprive you of these claims on a technicality.

Attorney WAITE. To all of my clients I have given exactly that same advice; that they should now at this time take advantage of the friendly attitude of the Government to cement their titles

in such a way that no one may ever interfere with them in the future. I have given written opinions on that subject to more than one person and there is not a word that Commissioner Worcester has said that I do not heartily agree with. The only thing that I am undertaking to emphasize here is that the very moment that you find that the Insular Coal Company, for example, are not really doing what should be done for those mines, you can say, "Gentlemen, you can not operate those mines." You can say that to the owners of the mines of Batan, and you can say it to Casanovas. I do not come here representing any people except those who are actually at work or have actually perfected arrangements with people who are fully equipped financially to exploit their properties, and I do not care to ask, nor do I desire, that those who are undertaking to cover territory, and do nothing, should be protected. I feel as you do, that the sooner they can be eliminated from the situation the better for the community and the better for the industry of our country. But I say, if you ask these gentlemen here for guaranties, their best guaranty is what they are doing, and if you find that they or any others are not doing what should be done, under this very section the power rests directly in your hands to force them to do it or forfeit their concessions. I have considered the question of the title. Without changing or altering or modifying in any particular sense the conditions of the royal grant, I have advised my people that they, with the consent of the Government, could go into the Court of Land Registration, and that the title as it exists could be finally cemented. The fee to all these properties always remains in the Government, subject to the perpetual right of user of the grantees or their successors in interest, as long as they comply with certain conditions. Then and there by arrangement between the holders of these grants and the Government, such alterations and changes in the terms of the grant as were necessary could be made. They are none of them vital—that is, affecting the vitality of the grant—but rather in the rules and regulations with regard to its fulfillment. Those that are effete could be substituted by those that are more modern, and it would be a very easy matter for Mr. Sleeper and myself to get together and compile, under the advice of such a scientist as we might call in, what would be satisfactory rules and regulations.

The PRESIDENT. I have not looked into the matter very closely, Mr. Waite. You have looked into it far more carefully than I have,

but, just as an offhand opinion, it seems to me that as these grants are held by virtue of a royal decree, which amounted to a concession, we can make no modifications in those concessions without the consent of the grantee.

Attorney WAITE. That has been settled legally. In its vitality, no. We do not need to touch its vitality. I can illustrate. There are certain conditions. The Act of May, 1867, requires, for instance, that when there is mining property in a certain mining country the mining people shall establish a church and maintain a resident priest. It requires the establishment of a cockpit. It requires a great many things that would be impossible under our form of government. It is along those lines that the changes could be made in the light of our change of sovereignty. Then, again, when it comes to the rules and regulations for the prosecution of the work: now, we all know, for instance, that there is probably no more dangerous work in the world than coal mining; that the work must be done with great care; and that the Government must have a mining expert. A supervisor of mines it is bound to have. Now, there are changes in the rules and regulations along those lines that have got to be made, and they can all be covered in one general arrangement with all the reasonable requirements of the Government as to the way in which the work shall be done, as to compliance with sanitary regulations and other things which must be done, without touching the vital conditions of the grant, and this arrangement will be satisfactory to both parties, and will enable us to go on with the work.

The PRESIDENT (speaking in Spanish, interpreted by Mr. Gearhart.) That was the very thing we were confronted with by the Spanish Bank. For five long years we counseled the Spanish-Filipino Bank to modify its by-laws, because this bank was exposed to the danger of having its right to operate questioned. The bank finally came to the conclusion that it would be much better to put its charter rights beyond question and to secure another concession. As it was not feasible for the Spanish Bank to carry out the conditions of its concession, so it is not feasible for you to comply with the terms of your mining grant. The requirements mentioned by you, Mr. Waite, as to the cockpit, the building of a church, the appointment of a parish priest, etc., can not be met by you to-day, and besides, compliance with other terms of your concession depends on a personnel which existed under the Spanish régime but which

disappeared with the change of sovereignty. Now, what I am saying to you is in the nature of advice, and nothing more. I believe, however, gentlemen, that it would be most prudent for you to secure new concessions under which you can operate without any danger whatever of losing your property. As I have said, Attorney Waite has stated the position of the Government in this matter correctly. The Government is friendly because of its own interests. It wants you to use all your efforts to develop these mines. I believe this to be the psychological moment for you to secure your concession.

Mr. CASANOVAS (in Spanish, interpreted by the President). Mr. Casanovas says that more or less the American legislation on this subject is more favorable than was the Spanish law on the same subject, but unfortunately the Congress of the United States did not pass any legislation which would permit the old concessionaires under the Spanish régime to avail themselves of the favorable legislation under the new régime; that the manner of obtaining title under the two sovereignties was very distinct. Under the Spanish sovereignty there had to be given some guaranty in money that they would carry on the work of development to such a point that the ore body of the mine was so far developed that its direction and area could be defined. After that, there had to be a further deposit made, for the purposes of securing the necessary surveys, expert work, and the payment of the necessary expenses for the perfection of the title. When the miner had done all these things, and other things required by the provisions of the Spanish grant, a title would be issued to him; that under the American régime all that is required of the miner is that he shall have expended at the rate of \$100, gold, a year for five years, or \$500, gold, in all, in order that he may obtain a patent and a title to his mine. For example, he says "I am the owner of mining properties, in some of which I have performed everything that was required by the Spanish grant in order that I might obtain a title to them, for the title vested in me not only the right to mine but the title to the mine itself, and just when I had completed all that the sovereignty was changed, and that which had formerly been subject to Spanish sovereignty passed over and became subject to the sovereignty of the United States. Consequently, I did not obtain my title, and as no legislation has been passed which would enable me to secure the title, here I am with the same right to work my

mines but with no possibility of obtaining the title, which is a very disadvantageous thing for me, because the very first thing capital inquires about is as to whether I have a title to this property. I have no title, but merely the right to obtain one when the legislation is passed. Be it remembered that in mining property such as I have described, where no title had issued, the obligation to do so much work on the mines did not attach. That obligation to work and develop the mines only attached from the time that a title was actually vested. Nevertheless, the right remained in the miner to continue to exploit the mines and to work them, because the Government has not, up to the present time, furnished any means by which the property holder can perfect his title and obtain the title which the work done up to the present entitles him to receive. It seems to me that in California, and in that territory which was acquired from Mexico, if not also in the State of Florida, undoubtedly the same legislation prevailed that prevails here, because the mining laws of Spain date substantially from the reign of Philip the Second, and my recollection is that there were claims committees appointed, which claims committees, in those States, adjusted all such matters.

(Interpretation continued by Mr. Gearhart:) In view of the desires of the Commission, I would suggest that we try to formulate a law under which titles from Spain could be applied to these properties under the new régime, and at the same time to perfect titles of the second class, so that capital would not be afraid to take them up. The interested parties have rights over these lands and rights which the American Government under the treaty of Paris has promised to respect, yet it does not recognize the rights in these properties, and if it was the desire to take any action which would result in reverting them to the State it could be done, because they have not perfect titles. With respect to the mines here, we all work a little or much, but nearly all those who have perfected titles work their mines. We have fulfilled all the duties and paid the tax. It takes a great deal of capital to operate a mine, and, as the honorable Commissioner Worcester has said, it is the desire of the Commission that these mines be not in dead hands, but that they pass into the hands of those with capital to work them, I should like to say to the honorable Commissioner that the capital, from the fact of its being capital, does not go to look for mines but waits for them to look for it. Look at the development of California, Australia, and

South Africa. Ordinarily, persons go there to discover the mines, persons who are ambitious and like the work and who generally have little money. With respect to these they have the same legislation in North America that they have in Australia. A person who owns a mine must have a little money in order to demonstrate his good faith, but those countries do not oblige him to exploit it, because they know that the one who looks for mines has no money; that he is simply looking for them, and after finding them looks for capital to exploit them. Now, if these mines are taken away from the persons who have a small amount of money they would not, from that fact merely, go into the hands of capitalists, but they would go into the hands of other persons, who would try to find capital. Because, as I said before, to exploit a mine requires a large amount of money. The mines here can not be exploited like the mines in California and Australia, which are very rich. Here, the amount of gold is sufficient to exploit them with gain, but it is necessary first to spend considerable money for machinery and other things. If taxes and a great many conditions with regard to labor are imposed the mines will always pass from hand to hand and they never will be developed. With regard to these mines, there are at least two hundred *pertenencias*, some held by Filipinos, some by Americans, and others by Spaniards. Some of them have done nothing. According to the new law, they mark out the properties and put up stakes. The law obliges them to spend ₱200 a year on each claim, but they do not do so. Instead, at the end of the first year, they stake it out again in the name of somebody else and continue to hold the land in that way. So that I believe that all such mines should be relieved from the obligation of paying taxes and that only the good faith of the interested parties be required to be shown. When a good mine is found here in the Philippines it is sure that all the rest of them will be developed. With respect to my own mine, I had the capitalists already interested in London, but the first thing they asked was, "What is the history of mining in the Philippines? What mine has produced good results?" I had to answer, "None at all," and that was the end of it. So that I suggest that the taxes be taken off the mines, and when a good mine is found you may rest assured, gentlemen, that all the rest will be developed.

Attorney WAITE. My whole argument is based on this theory: If the Government should require guaranties from the gentlemen here, who are actually at work or who have arranged to begin work,

that would not solve the difficulty, because such action would not deal with the many others. You have got to deal with them in some way one by one.

Commissioner WORCESTER. There is another way of dealing with the many others, and a very simple one.

Attorney WAITE. Yes; the law itself provides a remedy.

Commissioner WORCESTER. In other words, we could cancel their concessions. Your argument has seemed to be that as we could not reach all the holders by requiring a guaranty, that it was not worth while to reach those who do go ahead and do development work.

Attorney WAITE. If we do not comply, not only in good faith but in actuality, with the necessities of the situation, it is your privilege and I believe would be your duty, to say, "Step down and out, and let somebody take hold who can do the work." Now, that is my position in a nutshell, gentlemen. In doing that you could exercise such charity as you could find in your hearts and as the necessities of the case might dictate. That is where the question of good faith would come in. I do not see what can be gained by you, gentlemen, in requiring other guaranties. Mr. Clark here can tell you what the Insular Coal Company has done in Cebu, what they had planned to do, what they have done and what they are prevented from doing because of this Casanovas appeal. Now, that is the argument that I came to make, that you are entirely protected under the law and no additional guaranty should be required from anybody.

The PRESIDENT. Well, what should be said about the people who are now putting in a not inconsiderable amount of money in this development? As I said before, it can be well answered that it is none of our business, but it is our business to see that people who have invested their capital do not lose it; that is, those people who are in good faith exploiting those mines and developing them, if they meet with disaster due to some cause technical in character, after putting in two or three hundred or five hundred thousand dollars, as it is possible they should, if somebody appeared and stated that they had not complied with the Spanish conditions, and thus brought them into litigation, why it would be a setback to everyone who was doing anything.

Attorney WAITE. There are many such questions that we will have to deal with. The immediate question for adjustment is this particular question which has deprived us, as I am informed by those who are dealing with the industrial end of it, of the possi-

bility of getting the necessary capital. When this is settled, we must deal with those other questions, and we intend to deal with them vigorously and actively and to avail ourselves of all the consideration and courtesy which we know you will be glad to extend to us in avoiding these other difficulties which you speak of.

The PRESIDENT. The dismissal of the appeal would not guarantee your title or revive a concession which had failed by reason of non-compliance with its conditions, and it seems to me that the solution of your difficulties is to be found in the securing of a new concession and not in the dismissal of the appeal—a dismissal which can not cure defects in your title. If New York capitalists should come out here there are a great many things which you would have to explain, Mr. Waite, before they would put their money into your mines. It seems to me that before the present Legislature adjourns your people ought to take some steps to get their titles into shape. With regard to your suggestions as to new regulations—let us presume that they do go as far as you say—we can not make any vital modification in the old concession, or in any vital part of it, without the consent of the holders.

Attorney WAITE. We are in a very unfortunate position. I know your opinion, gentlemen; I know how all of you, with the honorable Secretary of War, Mr. Taft, worked with all the vigor you possessed for broader land and mining regulations for these Islands, and how you failed, and how you have continued to work along those lines. I am frank enough to say that there is no conceivable way that is not attended with fraud whereby there can be accumulated a property that is sufficiently large in area to justify its exploitation under the American law as it stands at present. There is where the great advantage of the royal grant comes in. Now, there is another phase of the question. I will speak of only one more, although there are many. The law as it stands permits and requires only that work be done on each claim, while the Spanish law of 1867, which is a broader law, permits us with the consent of the Governor-General and your Bureau of Public Lands to file a plan showing our method of work, and then by tunnel or drift we can do all the work that we please on fifty or one hundred claims in one locality, as long as these claims are contiguous; in other words, the same law that obtains to-day in the States, which they have not given us here. There are advantages and disadvantages to be considered.



The PRESIDENT. Take, for instance, your Compostela mine. It probably exceeds very much that allowed by the law of Congress. Commissioner Worcester is rather on your side on this proposition, and I am rather against both of you. Your contention seems to be that we can only bring you in under the Act of Congress as it exists at present. I differ. I think that inasmuch as we now have a dispute with you as to whether this internal-revenue tax can be collected or not, which question is still pending before the United States Supreme Court, we can by way of settlement of our controversy grant you a franchise.

Attorney WAITE. You will find us more than ready and willing to meet you half way on that proposition.

The PRESIDENT. All that we want and all that we ask you gentlemen to do is to perfect your titles and exploit your mines on a large scale. We wish to prevent the holding of large areas of mineral lands purely for speculative purposes. We are not hostile to real miners, to persons who propose to work the properties held by them. We are inimical to that class who claim larger areas of mineral lands than are permitted by the Act of Congress and who propose to hold them for sale and not for mining.

Attorney WAITE. What we want to point out is the bad effect that this Casanovas appeal has had in the work of getting funds for the exploitation of these coal properties.

The PRESIDENT. Unquestionably it had a bad effect, but as I said before, if we dismiss the appeal to-morrow morning at 9 o'clock you would be in identically the same position in this respect. As long as your title is in question you can not get a dollar. Capital will say, "The appeal is dismissed, but we are not willing to put our money into anything which may be the subject of prospective litigation as to the title to these properties." That is what you are going to be confronted with, just as sure as the sun shines.

Attorney WAITE. It would give them much more courage, however, to have got rid of one difficulty. There is one opinion that I rendered to the Insular Coal Company, as long ago as last May, on this subject.

The PRESIDENT. I would like to see the legal points brought out. This Commission in good faith, and for the best of reasons—the interests of the Government—wishes to see these mines exploited. We have no more use for coal mines than we have for a quarter section of the moon or of Mars, because we can not exploit

them, but what we do want is to have other people exploit them. We need coal here; we want coal more than gold, because when we get coal we can operate many things much more cheaply than we can to-day. Now is the golden opportunity, because, as Mr. Casanovas has said very aptly, the successful exploitation of a coal mine or a gold mine will start everybody else agoing—and, incidentally, I might say, will raise the question as to your titles.

Attorney WAITE. As to what effect your favorable action on this question of the appeal would have, I think that Mr. Clark, of the Insular Coal Company, can tell you. It would be removing the specific reason which stands in the way of our getting funds. The tax itself, as Mr. Worcester has stated, and as I have always been led to believe, was placed in the law as a club rather than as a means of deriving revenue.

The PRESIDENT. Now, here is the position we took with regard to the Compostela mines (referring to a document in hand). It is practically, as we understood at the time, in conformity with the ideas of Mr. Reyes. Mr. Carman was then absent. The matter had been pending for a long time, and it finally got down to this: On the morning of September 30, after a conference with the Attorney-General and Sr. Rafael Reyes, the Governor-General made the following statement to the Commission:

That the owners of mines in Cebu had taken into court the question of the taxation imposed by the Internal Revenue Law on mining concessions; that the Supreme Court of the Philippine Islands had decided against the Government, and that the Government had appealed the case to the Supreme Court of the United States; that the mine owners had requested a dismissal of the appeal but that they had been informed that the Government was loath to dismiss its appeal unless there were some guaranty that the mines would be worked and exploited. Mr. Reyes stated that he and Mr. Carman were willing to give suitable guaranties that their four coal mines would be worked. He stated that they would be willing to work their four coal mines under their Spanish concession, paying to the Government the royalty therein prescribed, and in addition promising to extract not less than 50 tons daily from each of said mines.

Attorney WAITE. That is in substance the contract that the Insular Coal Company had with the Compostela people.

The PRESIDENT. We would give them their concession with only that one modification in it.

Attorney WAITE. They are working along that line now, but they have been precluded from the expenditure of money from the very fact of this Casanovas appeal.

The PRESIDENT. If we granted them a new concession confirming their Spanish concession, upon condition that they extracted 50 tons of coal per day from each *pertenencia*, they would not only get rid of the appeal but they would have a perfect title which nobody could question. Now, we will give them this concession on condition that they will extract 50 tons of coal a day from each *pertenencia*, unless prevented from so doing by the act of God, the public enemy, civil commotion, riot, or inevitable cause, and other reasons usually incorporated in franchises. It would be necessary for us to provide probably that no advantage should be taken of the fact that for one day or two days or for a week they failed to extract 50 tons from each *pertenencia* daily. What we want is to make a suitable business arrangement with them, an arrangement which will give them an absolute title to their property and the Government some guaranty that the properties will be exploited.

Attorney WAITE. The status of this appeal is that it has just barely got into the Supreme Court and has been held latent there. There have been no steps taken, either by the Government or by us.

The PRESIDENT. Do not you think it would straighten it out for you to get a perfect title to your mine? Would it not be some advantage to you to get your Spanish grant confirmed upon condition that you take out daily 50 tons of coal from each *pertenencia* provided you are not prevented from doing so by the Act of God, the public enemy, usurped or military power, riot, civil commotion, or inevitable cause?

Attorney WAITE. Some such arrangement will have to be made, but all we ask now is that you help us out to the extent of withdrawing this appeal, and we will take up with you later these other questions. They are matters which require time and discussion, and the best thought we can bring to bear on the subject, so as to so cement these titles that they will fall within the provisions of the law and thus avoid the disagreeable future possibilities that you speak of. However, you can be of material help to us and loosen up for our use money which would otherwise not be available, by showing us this courtesy at this time. I think this can be done, because you always have the right under the section which I spoke of to deal with us if you think we are not doing our part.

The PRESIDENT. How much are you required to take out under the Spanish concession?

Attorney WAITE. We are obliged to do a certain number of days' work on each *pertenencia* each year.

The PRESIDENT. How many days is it?

Attorney WAITE. I am speaking from memory. I think it is four laborers for one hundred and eighty-seven days each year on each *pertenencia*.

Mr. SLEEPER. Four laborers for one hundred and eighty-three days each year on each *pertenencia*.

Attorney WAITE. There are some seven hundred or eight hundred days' work on each *pertenencia*, which is a large amount of work and enough for legitimate exploitation, particularly when it can be combined for a number of *pertenencias* in one locality, under the provision to which I have referred.

Commissioner WORCESTER. Your proposition is that we drop the club that we have on our side before we see what we get in return.

The PRESIDENT. That is true. However, the greatest danger is that what we do for Mr. Waite's clients we will have to do for everybody else; that is, if we dismiss the appeal in one case we will have another man, who is not doing a thing with his concession and does not propose to, come in and claim the same consideration.

Attorney WAITE. You have always got the larger club, which is contained in section 60. That club is in your hands over our heads and over the heads of every holder of a royal concession. That is the point of view that I came here to impress on you, if it were in my power to do so. Just what help the dismissal of this appeal would be to the Insular Coal Company Mr. Clark can tell you.

Commissioner WORCESTER. I want to call the attention of the Commission to one of the points made by Sr. Casanovas, and I want to say that there does exist this crying abuse of men who utterly fail to do the necessary work and simply hold mines and rusticate. The Benguet miners have called attention to it and to the great need of remedial legislation. I think it is a very great need indeed. They dodge the work at the present time and they will continue to dodge it, and we ought to have some legislation that will reach this abuse.

Mr. CLARK. I do not feel justified in taking up much of your time, but I will explain that the concession of the Insular Lumber Company was granted to us on a guaranty on our part that we would perform certain things. We furnished a certain amount of capital and we have represented the same people who are interested in the Insular Coal Company. We have expended a large sum of

money there, nearly a hundred thousand pesos, on our development work, and some of the capital we expected to have with us withdrew at the time this Casanovas case came up, because it was thought that our titles would be imperfect. After the decision of your court here we felt that that question was settled, understanding that it was unanimous, and our people have indicated a willingness to go on with us. Now, if we go back there with the knowledge of this case having been appealed, in spite of my own assurances to them that you have shown us every courtesy and have given us every assurance that you possibly could of trying to encourage and protect us in our capital here, they will say that the attitude of the Government does not show that.

The PRESIDENT. What will you say, however, in case the attorneys for capital there raise the point as to whether these Spanish concessions are not already subject to forfeiture? It is true that that point has not been raised by the Government, but you have no guaranty that it will not be raised. You might say this Government is favorable to your concession and has shown that it is by dismissing this appeal, but the answer to that will be that governments change and it may be that in the next Legislature you will have an investigating committee, which will look into your titles and report back that the Attorney-General should commence suits for the forfeiture of your concessions, or some citizen may relocate them on the ground that your rights have lapsed, and thus bring you into litigation. My idea all along in these cases has been (and it is founded, as I said before, on a selfish interest, because we want to see these mines exploited and new capital invested) to give you people a title, requiring only that the mines shall be worked. It is no more than just that we should require that the mines shall not lie dead. They ought to be worked.

Mr. CLARK. It is indeed very desirable that something should be done along the lines suggested by you. At the same time, I can not see any objection to dismissing this appeal.

The PRESIDENT. Except for the other people.

Mr. CLARK. I may be wrong in my understanding of the arguments presented here, but I understand that you have a perfect right to cancel a claim unless the holders act.

The PRESIDENT. Well, I doubt that. It is a legal question, which only the courts can finally decide.

Mr. CLARK. The question on our part is not whether we carry out the provisions of the grant. We think we are able to do so, but that it has been forfeited through something that occurred previous to our coming into our rights is what affects us. If the Government assumes the position now that we are entitled to that grant and that whatever laches we have had previously will be overlooked we will feel perfectly safe.

The PRESIDENT. That is the very thing that has not been done. This dismissal of the internal-revenue case does not determine the title. Such dismissal is no more than a dismissal of a case involving taxes and not one involving title. I have great hopes of these mines in Cebu and Batan, and I really want to see them developed. I want to see capital developing them under proper security, because I know that capitalists will not put much money into any enterprise when there is a doubt as to whether or not the title can be successfully attacked. Commissioner Worcester has been of the opinion, and he seems to be sustained by Judge Waite, that these concessions must stand as they are and that we can not modify them. That may be under that very section which Judge Waite has read here. My point on this is that where the parties interested agree to the modification of the Government on the one hand and the concessionaires on the other that settles the dispute, and the agreement coming by way of compromise is binding on both. There is no injury done to people who are willing to do a thing, and as all the parties interested are willing to have this modification made that ought to settle it.

Attorney WAITE. I agree with you on that point, and that is what I said, that in fixing on the new rules and regulations we can by absolute agreement fix all these latent difficulties.

There never was a mine that was worth anything that was not subject to litigation.

The PRESIDENT. A man may own 5,000 acres of what is represented to be gold-bearing rock, running \$50 to the ton, and so long as he is not getting the money out of it nobody will ever bother him; but just as soon as he begins to turn out twenty thousand or thirty thousand dollars a month, then contestants will bob up. The trouble with your proposition that the appeal be unconditionally dismissed is that we have got one hundred other mine owners who are not doing what you are doing. What I am afraid of is that if we unconditionally dismiss this appeal we will have other people asking that the same be done for them. If we give

you a new concession under the conditions which I have mentioned we could answer that we will do the same for them that we have done for the Compostela people.

Mr. CLARK. That is the only stumbling-block. I should be very glad to get a solution of this without delay. The trouble is in tying up our capital.

Attorney WAITE. Give us this help; it will assist us in many phases of the question, more than you can perhaps imagine. It will assure the stockholders in New York that there is no intention on the part of the Government to put any obstacle in their way.

The PRESIDENT. What is your objection to making an agreement with the Government, in writing, that on its part it shall recognize the concession and dismiss the appeal in consideration of the carrying out of this contract; that is, that the Compostela Mining Company will carry out the contract should you fail?

Attorney WAITE. That the Insular Coal Company will carry out the conditions of their agreement with the Compostela Mining Company and also with the Danao mines?

The PRESIDENT. That is all that we have been asking for, gentlemen. If you will agree with us on the condition that you will carry out that contract, that is all we want.

Attorney WAITE. We will furnish you with a copy of that contract. As far as we are concerned, we will make that agreement at once. Mr. Clark, Mr. Johnson, and Mr. Carman constitute not only the executive Committee but also represent a large majority of the stock, so that we can do a good deal without even the necessity of calling either a directors' or stockholders' meeting.

The PRESIDENT. Suppose you get that up and bring it in here. That would put us in the position of saying to other people who come in that we ask them to do no more than others have done.

Attorney WAITE. Can we understand, then, that that is the sentiment of this meeting?

The PRESIDENT. If we can get 50 tons of coal per day out of each one of those four *pertenencias* I would be perfectly willing to see that appeal dismissed. We do not want your mine and we do not want to plunge you into litigation.

Attorney WAITE. You will remember that we are operating very much more than simply the four specific claims that Mr. Reyes spoke of. We are operating also the Danao properties. There are two contracts and we will furnish you copies of them. We will agree that we will furnish these contracts.

The PRESIDENT. Will the Compostela Company agree to it with us?

Sr. RODRA. I represent the Compostela mines.

The PRESIDENT. The only obstacle is that we should have some guaranty that the Compostela mines will be exploited. There is now an agreement by which the Insular Coal Company must take out 50 tons a day from each mine. I have not consulted with the other Commissioners, but I want to know whether you people are willing to make an agreement with the Commission or the Government that you will take out from that mine 50 tons of coal from each *pertenencia* every day, unless prevented by an Act of God, or other causes which are usually put in such agreements. You will not be compelled to take out 50 tons a day for a year after this contract with the Insular Coal Company is terminated. We will give you a year to do the things which are advisable or necessary to do in order to make new arrangements with other capitalists or for you yourselves to undertake the work.

Sr. RODRA. For my part, I would agree to such an arrangement, but I did not know exactly what was going to be treated of at this meeting, and therefore I have not asked the opinion of the other directors of the Compostela mines.

The PRESIDENT. You know that it is very inconvenient for the Government to permit anyone to have a mine rich in ore and not have it exploited, allowing him to go on holding it for twenty or thirty years without doing anything with it.

Sr. RODRA. The Compostela mine people have expended ₧200,000 on their property, and they will do everything possible to develop it. I shall consult the board and will advise you of the result.

The PRESIDENT. If you think that one year is not enough time for the termination of your present contract, I believe that at the very most two years would be sufficient to do all that might be necessary in making new arrangements.

Commissioner WORCESTER. Do you mean to impose that as the only condition on their part?

The PRESIDENT. No; all the conditions of the Spanish grant, supplemented by this.

Commissioner WORCESTER. But the back record would be wiped out?

The PRESIDENT. Yes, sir.



Mr. ULLMANN. Has such a condition been imposed on any other Spanish grant?

The PRESIDENT. No one has asked for it in this form. Each case ought to be settled on its own merits. With respect to gold mines, it is impossible to take out 50 tons of gold a day, and it is possible there might be a coal mine presenting such great difficulties that that number of tons could not be taken out in a day; but, as you know, everything possible should be done to get 50 tons out. We can impose other just conditions which will serve as a guaranty that the holders will exploit their mines. A man now having a concession who has not exploited it may need a year or two of work before he will be able to take out 50 tons a day. In such cases the amount required to be taken out ought to be progressive; that is, this year the miner ought to take out so much, next year so much, and so on, so that at the last we will be able to take out 50 tons a day—at the end of the fifth year, we will say. Of course, we would have to take into consideration the circumstances in each case. In this case under consideration, the requirement that they extract 50 tons of coal a day from each *pertenencia* is justified, because the Compostela mine has a contract with the Insular Coal Company requiring it. They themselves say that 50 tons a day can be taken from each *pertenencia* now. Therefore, we are not requiring anything from them which is impossible.

Commissioner WORCESTER. I suppose it is desirable that these gentlemen shall have some idea as to whether a proposition of that kind would be accepted. I would be entirely willing to agree to the proposition which you have just suggested. As I understand it, in consideration of this guaranty to the Government that they will get out a certain amount of coal they will get rid of the back record on their concession, which Mr. Waite and each of these other gentlemen will find looms up as a serious obstacle to the investment of capital. We start to-day again with the old conditions in force; that is, so far as they are enforceable. It seems to me that this would be an enormous advantage to the concessionaires, and would be a great deal more important to them than getting rid of this insignificant tax.

The PRESIDENT. We do not want any internal revenue; we want to exploit the mines. If you can go back to your people, Mr. Clark, and say, "Not only have we got rid of the appeal but we have got

rid of all this back record on the concession, and the only new condition attached to the concession is the guaranty to the Government that 50 tons of coal daily will be taken from each *pertenencia*, which we have already agreed to do with the Compostela Company," you will have greatly strengthened your case; and we are perfectly willing to treat everybody on the same basis. As I said before, there are some mining people who have just scratched the ground. They have begun work but are in no position to take out 50 tons daily. For us to say to these people that we will dismiss the appeal on condition that they take out 50 tons a day would not be just, because they could not do it; but we can say, "You shall do so much work this year and so much next year, and each following year until you can take out this amount." For gold mines, we would have to fix other conditions. So long as the Government maintains this attitude, all people have to do is to come in and make an agreement. It requires the union of many capitalists to exploit these mines, and these capitalists are going to be confronted with the previous condition of your concessions, and they will say that the Government not having given you a new title you have lost the mine by reason of your noncompliance in the past with the conditions of the concession.

Attorney WAITE. I can say that if my clients act on my advice they will take up immediately the broader question of the final title being put in such shape that we can say to New York investors and investors everywhere, "Gentlemen, here are our documents. You can read them yourselves. Just as long as we do so and so the property is ours." This is most eminently desirable for us, and for the interests of all other gentlemen concerned it is equally desirable. Now, can we understand that the sentiment of this meeting is along the lines already indicated?

The PRESIDENT. Commissioner Forbes, what is your opinion on this proposition to dismiss the appeal and confirm the Spanish concession, on condition that this Compostela mine will take out 50 tons of coal daily from each *pertenencia*, as has been agreed with the Insular Coal Company, the agreement with the Government to be signed by the Insular Coal Company and by the Compostela Mine Company?

Commissioner FORBES. As I understand it, that means an average of 50 tons a day.

The PRESIDENT. Yes, sir; subject of course to the provision that if they are prevented by the act of God, the public enemy, usurped or military power, civil commotion, martial law, riot, or other inevitable cause, 50 tons a day for the time being shall not be required to be extracted. I am willing to put it in that way; that is, an average of 50 tons a day.

Commissioner FORBES. I was speaking of the average more with relation to time—for instance, for a certain period during each year. There might be a necessity for shutting down the machinery for repairs.

The PRESIDENT. On a year's run, an average of 50 tons a day from each *pertenencia*. That would be all right.

Attorney WAITE. Now, in the holdings of these people there are many *pertenencias*. Our wording of the agreement is that so far as the Compostela is concerned we are to take out up to a certain period 200 tons of coal a day, and, failing that, we are to pay a royalty on that 200 tons just as if we had extracted it. This is our wording, in a nutshell.

The PRESIDENT. You make out the agreement with us, using that same wording, and so far as the Compostela people are concerned that they will have to extract this amount if you do not, that is within a reasonable time after the termination of your contract with them.

Mr. SLEEPER. There are eighteen *pertenencias* in the Angeles group, are there not?

Attorney WAITE. In the Compostela-Angeles group I think there are. There are many others, however, that we have control over. In the Danao mines, in which the Insular Coal Company hold the majority of stock, there are a great many *pertenencias* of the first class. It is going to take a little time for us to discover exactly what properties we want. That is a subject of very critical scientific examination. Certain properties we have a right to it is possible we may find we do not want. The best we could do would be to make as soon as possible a provisional arrangement which would satisfy you gentlemen. I can draft such papers and submit them on behalf of the Insular Coal Company and the Compostela people equally, but then the broader question of the title should be taken up. No one could have urged harder than I have that we get down to a permanent, positive basis. To do that, necessarily will take

possibly some four or five months, while the other could be done very readily in thirty days.

The PRESIDENT. Do you see any objection to that, Captain Sleeper?

Mr. SLEEPER. At some future time, I understand they are going to give up all those claims that they do not require.

Attorney WAITE. Yes, sir.

Sr. CASANOVAS. (in Spanish, interpreted by Mr. Gearhart). I should like to clear up the question as to whether if in particular cases the owners of mines are unable to exploit their mines under these conditions the Government would leave this appeal without effect; that is, if the dismissal of this appeal will be effective for all of them.

The PRESIDENT. They must present us a guaranty as to the amount of coal they are going to take out in the case of coal mines, and in respect to gold mines a certain amount of work should be required. As I have already said, if the owner of a coal mine can not take out 50 tons a day because the mine is not sufficiently developed to permit it he ought to secure the dismissal of the appeal on other conditions, because he is not in the same position as these gentlemen, who have already stated that it is reasonable to require the extraction of 50 tons a day from their mines. With respect to your mine that may not be so.

Sr. CASANOVAS. Suppose that all these gentlemen here agree to take out 50 tons a day, but I find myself unable to agree to this, the moment the appeal is dismissed the decision of the Supreme Court here becomes effective and the Internal Revenue Law falls, and then the money paid to the Collector of Internal Revenue must be returned to me. With regard to this question of the desire of the Government that interested parties fix the amount of coal that they will be able to take out each day, I might say that I suppose I am the oldest holder here. I was acquainted with Commissioner Worcester in the year 1887. Last year when I paid the tax I had a German syndicate, which had spent \$17,000 on the proposition and had sent their engineer here. Afterwards, the money panic occurred in New York. In view of the conditions there, this syndicate said to me that they could not put in any more capital, and I retired from the mines. Then I went to Mr. Loewenstein, representing Castle Bros.-Wolf & Sons, and I said to him, "Here, I have these mines. They have been examined by good

engineers, who say they are all right." Then I went on sinking shafts and galleries and taking out samples. I asked them to send an American engineer to examine the shafts and galleries and the samples. If these conditions requiring us to exploit our mines are going to be imposed on us, let them be imposed on all persons who stake out new mines; that is, if they do not exploit them in a certain manner in two years that the mines be confiscated. Let the legislation be general. It ought to apply to everyone in the same manner, so that if a mine is not worked it will revert to the State.

The PRESIDENT. How could it be made general?

Sr. CASANOVAS. In order to have the appeal dismissed now I should make a contract with the Government, for example, that at the end of two years I would do a certain amount of work, and then if I did not do that work I would lose my rights in the mine.

The PRESIDENT. Suppose that you were the owner of a piece of land which contained a gold mine. A man comes along. You make your arrangements with him and say to him, "You can exploit this mine without paying me anything. The only thing I want is that it be exploited." This man stays there a year and does not work it at all, and states that he failed to work it because he could not get the capital. The second year passes, and he says he has met with disaster and he could not do anything. The third year comes along, and again he says he can not get the capital. This goes on for four years or five years or even twenty years. Do you think that it is just to allow that man to hold your property? The title to the land on which these mines are located is with the Government, and the only thing the Government asks is that they be exploited. It does not want a cent from them. The only thing the Government wants is that you extract the coal from them. You say what you can do. If you want a limited time to get down to it, all right; we agree to that. If you would rather have stated in terms the amount of money which shall be spent on them each year, we will agree to that.

Sr. CASANOVAS. The trouble is that the legislation has been changed. Under the Spanish Government there was a certain office to see that the work was done. The change has come, and that office has gone out of existence. The Spanish law provided for the Government engineers making a visit to the mines every year, and if they found that the work had not been done they gave

notice of that fact. If in the second year the work was not done a fine was imposed, and at the end of the third year of the non-fulfillment of the contract the mine reverted to the State.

The PRESIDENT. Now, if we should put this into effect, where would you be? You would be left without your mine.

Sr. CASANOVAS. No; I have worked and I have expended some ₱60,000 on my mine during the last four years, and I have paid the tax too.

The PRESIDENT. You are now asking for a general law, which in my opinion would be an injustice as regards some special cases. In your own case, you have expended ₱60,000 and you are trying to exploit your mine under an agreement already made. Your case is very different from that of a man who has done nothing at all on his mine, and if we treated the man who has done nothing the same as we treated you it would be unjust to you. It is very fine to say that general laws should obtain, but it is from them that all the injustice of the world comes. Here is a man who has failed to do some small thing and he loses his money because of having so failed. That is the injustice of general laws. In this case, where we can avoid a general law and make a special law for each private individual it would be much more just. However, if you say you want a general law we will agree to it, but a general law will be a great injustice to you.

Sr. CASANOVAS. Now, if I should agree to the conditions, I suppose the appeal will be dismissed and my money will be returned to me.

The PRESIDENT. If this appeal is dismissed, there is no doubt at all that we ought to repay the money, and it is natural that we ought to have in recompense for this some guaranty that you will really try to exploit your mine. We can not say to you simply that this appeal is dismissed, and have some other man, who has done nothing, come in and say, "You have dismissed this appeal against Casanovas and you ought to do the same for me. You have not exacted any condition whatever from him." We do not want to require any more than this—that the owners of mines the titles to which are in the Government shall not hold these mines without working them.

Attorney WHITE. Do I understand that we have got to wait until a general arrangement is made?

The PRESIDENT. No, sir; Mr. Casanovas has said he wanted a general law. I said to him in Spanish that we might do him more injustice by a general law than by settling each case individually. Take any owner who has his mine worked under contract: He will say, just as we have said to the Compostela people, "You carry that contract into effect on your part, and when it is terminated, then within a certain time you must begin to do the same as your contractor was required to do. There may be another man who will say he has no contract but that he is working his mine and spending ₱1,000 a year in developing it, and that in the next year he is willing to spend ₱2,000, the next year ₱3,000, and so on, until he reaches the amount he ought to spend each year.

Mr. ULLMANN. That is, each case separately.

The PRESIDENT. Yes, sir.

Mr. GARCIA (in Spanish, interpreted by Mr. Gearhart). I consider that this case has been debated quite enough. What we desire is a determination. We all desire to begin exploitation. I shall now speak about the mines of Batan. The Batan mines have been under exploitation for three continuous years. In August of last year we stopped work because we transferred them by contract to the J. G. White Company, who are disposed to continue it, because they have more resources than has our company. If you will permit me, I will put in your hands two copies of printed documents [handing two pamphlets to the President of the Commission], one, our contract with the J. G. White Company, and the other, showing the condition of our company. What we now desire is that the present condition terminate as soon as possible.

The PRESIDENT. We are willing to agree to your condition, because you have your contract with the J. G. White Company. We do not want to require anything more from you than is reasonable. You have said to the J. G. White Company that they ought to do so and so. It is to your interest that the mines be exploited, and the Government can put itself in your position and say, you must exploit these mines according to the conditions you have made with the J. G. White Company.

Mr. GARCIA. They have three months to begin.

The PRESIDENT. Then your case is arranged. You can go ahead with all security and make the agreement required by the Government, and thus remove all obstacles.

Attorney WAITE. I think I understand your views and I think I can explain the whole matter clearly to these gentlemen, who are clients of mine. With whom shall I deal in arranging these matters? Would it not be better to have all arrangements made between Mr. Sleeper, the Director of Lands, and myself? We could get together and agree on some concrete proposition.

The PRESIDENT. It is very simple to me. All we ask of you is what the masters and owners of these mines have exacted from their contractors. Now, if these contractors can do what is required of them you can do it also within a reasonable time. It is true that you can not do it in one day after they quit the mines, nor perhaps in one year. We will give you two years. Here is Mr. Casanovas. He has his contract with Castle Bros.-Wolf & Sons. He has exacted from them what he thinks they ought to do. Now, the Government says, you yourself shall fix what you think should be done. The only conditions it is going to impose on you are those that you have required of them.

Attorney WAITE. It is to his particular interest to go down and see that the mine is worked.

The PRESIDENT. Mr. Casanovas, if you give the privilege to some one else you are not going to let him keep your mine if he does not work it. You say to Castle Bros.-Wolf & Sons, or to anyone else that gets it, "You must do so and so." You know these conditions can be met; otherwise you would not require them, and the Government is not going to require any more from you than you require from these contractors.

Sr. CASANOVAS. When you turn over a mine to a man to work he has to spend money on it, and it is not supposed that he is going to spend money on it unless he expects to get something out of it.

The PRESIDENT. But you have a concrete case of what they do to-day. Some persons, taking advantage of the exploitation already made, place themselves beside you and do nothing. What they want is to take advantage of your capital, and when you people have made a success with your mine they say, "Now is the time for us to sell to somebody else," and they sell to some one else, without having spent a cent on development. They have taken advantage of your experience, trouble, and expenditure of money, while they have incurred no expense whatever, and this is what the Government is strongly opposed to. What we are



trying to put an end to is this thing of a man taking a mine and doing nothing with it from year to year. A friend of his comes along the second year and stakes it out, and the third year another one stakes it out; and so on. This ties up all the resources of the country, because the result of this practice would be that the mines of the country would never be exploited.

Sr. CASANOVAS. I have to go down to my place now, because I have heard that some persons have taken up some of my posts, hearing that we had made a contract with Castle Bros.-Wolf & Sons.

The PRESIDENT. Exactly. That is just what will happen to you when the mine has proved a success, unless you perfect your title now.

Commissioner Worcester thereupon moved that the Committee of the Whole do rise.

The motion prevailed.

Attest:

WM. H. DONOVAN, *Secretary.*



PROCEEDINGS OF  
CONFERENCE COMMITTEES  
DURING THE  
FIRST SESSION AND A SPECIAL SESSION OF THE  
FIRST PHILIPPINE LEGISLATURE



# First Philippine Legislature.

## First Session.

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### CONFERENCE ON ASSEMBLY BILL NO. 117.

#### MINUTES OF PROCEEDINGS.

MONDAY, FEBRUARY 10, 1908.

Managers on the part of the Commission: Commissioners Luzuriaga and Shuster, and the President.

Managers on the part of the Assembly: Delegates Quezon, Hernandez, Roco, and De Veyra. Delegate Orense absent.

The PRESIDENT. Gentlemen, this, as I understand it, is a conference between representatives of the Commission and the Assembly on Assembly Bill No. 117, entitled "An Act to extend the period within which provincial boards organized under the Provincial Government Act may remit the collection of the land tax in their respective provinces," passed by the Assembly in the inaugural session of the Philippine Legislature and transmitted to the Commission for concurrence. The bill, however, failed to receive the concurrence of the Commission on consideration during that session and was therefore finally disposed of. After the opening of the first session of the Legislature a resolution was adopted by the Assembly asking for a conference on the bill. Strictly speaking, no conference can be held on a bill of one House which has been formally rejected by the other, and, as I read parliamentary law, conferences should be had between the Houses solely on the subject of amendments to bills in which one House or the other refuses to concur. However, as a matter of fact there is nothing that forbids the two Houses of the Legislature to confer even on a rejected bill. Of course, if the committees after conference agree that the bill should be passed, it would be necessary to reintroduce the subject matter in a new bill. In order to save time in this instance it was thought better that the attitude of the Commission on this particular

bill should be understood and at the same time that the Commission, by direct conference with the committee from the Assembly, should arrive at the reasons which moved the Assembly to pass it. It is possible that we may be able to convince you that our arguments, a transcript of which I understand was sent to you with the bill, were sound, and on the other hand it is entirely possible that you gentlemen may convince us that the Commission was in error in refusing to give its concurrence.

The fact of the matter is that it has been the object of the Commission to throw this entire land-tax business into the hands of the provincial boards, with the obligation imposed upon them of taking timely action with reference to any proposition they might have under consideration relative to the land tax, whether to suspend it or continue it in force.

The date fixed upon was the 1st of December, which date passing, the Governor-General was given power to suspend the tax, which of course did not mean that he was to interfere with local autonomy in that matter and suspend the tax in a province where they had determined to continue it in force, unless there were reasons of the very greatest importance and most serious nature obliging him to do so. If it were otherwise, the judgment of the Governor-General would supersede the judgment of the provincial boards on the same set of facts. I think we have received here four or five requests, all told, for the suspension of the land tax; at least that is the total number that has reached my hands. To two I replied that if there was anything that had occurred in the situation which did not exist prior to the 1st of December I would be glad to consider their requests, but that in the absence of any new facts they could not and ought not to be permitted to shift to the shoulders of the Executive a responsibility which belonged to them. Notwithstanding this, however, as the Assembly was elected by the mass and body of the people and represented them, if the Assembly should pass a bill suspending the land tax I should use whatever influence I had with the Commission in an endeavor to induce it to concur in the suspension, but that I was not in favor of passing a general law for the suspension of the land tax when the provincial boards, the majority of the members of which in each case was elected by the people, had refused to do so, and had not themselves asked for a suspension.

I will read to you, gentlemen, the arguments advanced in the Commission against the bill, and it will then be in order for you to criticise them or suggest any additional reasons which you may have in favor of such a measure and we will see if we can not come to some agreement.

Mr. QUEZON. Mr. President, I should like, if there is no objection, before the reading of those reasons of the Commission, to make some observations in reply to your statement. In the first place when the Committee on Appropriations of the Assembly discussed this bill, which has been rejected by the Commission, the chairman of the said committee sustained the theory that the Governor-General had the power to suspend the land tax even after the 1st day of December fixed by the law as the date up to which the provincial boards could make the suspension. A member of the committee, Mr. Agoncillo, Delegate for Batangas, explained to the committee that the Governor-General had stated to him that that law, whose number I fail to remember,<sup>1</sup> but which is the law enabling provincial boards to recommend the suspension of the land tax, conferred upon the Governor-General power only to approve or disapprove the recommendations of provincial boards in the matter. For this reason, and taking into account the petitions from many provinces that the land tax be suspended in them, the Committee on Appropriations considered it advisable to present to the Assembly a favorable report and recommendation on the bill, which had been referred to the committee by the Chair, having originated with the Delegate from Ilocos Sur, Mr. Villamor, so that the provincial boards might be granted a period within which they could make use of such power.

Of course, I do not believe that the Assembly will be disposed to pass a bill suspending the land tax; at least, I do not believe that the Committee on Appropriations of the Assembly would be disposed to report a bill of that kind, for two reasons, first, because such a law would diminish the autonomy which the provinces now have; and second, as the land tax benefits only the provinces themselves it does not appear advisable that the Legislature should assume the responsibility for the suspension or the retention of the tax.

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<sup>1</sup> Act No. 1713.

With respect to this other bill, if the Governor-General does not wish to make use of the power which the law grants him to suspend the tax because the provincial boards did not make use of their opportunity of doing so, it appears that the Governor-General is perfectly within his rights; but for that very reason, and with the object of taking from him the responsibility of suspending the tax of his own desire and of making it possible for him to order such suspension on the recommendation of the provincial boards, we have presented this bill and asked for a conference.

The PRESIDENT. Have any provinces requested the suspension of the tax?

Mr. QUEZON. Both the Ilocos, Bulacan, and Nueva Ecija.

The PRESIDENT. The provincial boards?

Mr. QUEZON. Yes, sir.

Mr. DE VEYRA. Pangasinan has requested that the land tax be suspended, the amount of the cedula being increased.

The PRESIDENT. In the Province of Pampanga they wanted a larger share in the internal revenue and they also desired the suspension of the land tax. I told Mr. Arnedo that they could do as they wished; that they could suspend the entire land tax if they wanted to, because it was a matter that was in their hands, but that he should remember that none of the money in the hands of Commissioner Forbes to be distributed among the provinces would go to his province, but to other provinces that retained the land tax. Mr. Arnedo, however, did not agree to that; he stated that he had consulted with the municipalities and that they had agreed to retain 25 per cent of the land tax for the maintenance of their schools, which could not live without the tax. Governor Arnedo, however, wanted to secure a loan. I told him that it would be impossible for the Insular Government to give his province a loan; that he ought to put his province into such a position that it would not need a loan to meet its current expenses; that a loan might be made to execute a great piece of work or for some other cause but not to meet regular current expenses. He then said that he wanted to secure the loan to construct roads, and I told him that I had no objection to doing the same for him that we did for Governor Sandiko who had asked for the sum of ₱10,000 as a loan from the trust funds to construct and repair the roads of his province during the dry season, the same to be repaid in the month of June. Mr. Arnedo then said that they did not want to lose the large amount



that they would get from the internal revenue nor the amount which it was believed Commissioner Forbes would give them. With respect to Pampanga the matter remains in this state.

In discussing this question it should be remembered that to-day the provincial boards have a perfect right to collect a tax of not exceeding three-eighths of 1 per cent upon the value of their property, except in some provinces, such as that of Mr. Luzuriaga, where there are planters who have large areas of land. However, there are very few such provinces, as in the majority of them the parcels are small, amounting to 20, 25, or 50 hectares. Calculating the value in some provinces—for example, in Ambos Camarines—at ₱40 a hectare (we consulted Mr. Aréjola and he told us that that was the average of value) a man having 20 hectares has land worth ₱800, and three-eighths of 1 per cent taxation on that amounts to only ₱3. Nevertheless, the tax was suspended in Ambos Camarines, the majority of the provincial board having decided to do so, but instead of sending the resolution of the provincial board here saying that they had so decided, the governor sent a letter asking for approval of the suspension, and this was not necessary. As a matter of fact they ought to write out their resolutions for record, but if the resolution in question was verbal and for that reason was not sent here we did not take advantage of their mistake in the interpretation of the law; the tax was suspended. Now, Dr. Barrows says that in a few months he will have to close the schools there and the teachers being left without employment will have to look for work elsewhere; that the province will be left without schools for the time being and that when they are reopened they will have to be reorganized. The fact is that if we suspend the land tax everywhere, or the provincial boards do so, it will injure the rights of the students and the rights of the teachers who engaged in this employment believing that they were going to remain in it as long as they rendered good service. This is just the thing we feared here with respect to schools.

Mr. QUEZON. Mr. President, I should like to ask whether in case a provincial board would now recommend to the Governor-General the suspension of the land tax, setting forth their reasons for advising such suspension, and such reasons were not the same as those given on a previous occasion, the Governor-General would suspend it.

The PRESIDENT. I have told the provincial boards that if they gave me any new data—i. e., data which did not exist when the power to suspend the tax was in their hands—I should have no objection whatever in suspending it, but that they should not try to throw on the shoulders of the Executive a responsibility which they themselves should have assumed.

Mr. QUEZON. I believe that the Appropriation Committee in taking under consideration the reasons on account of which the Commission refused to pass this Act deemed that such reasons ought not to be considered as a motive for its disapproval, because the grounds that the committee now has in mind are sufficient to refuse to grant to the provincial boards the power to suspend the land tax, but if such power should be granted to the provincial boards, such reasons would be of no effect.

The PRESIDENT. In some provinces, such as Nueva Ecija, Pangasinan, and Tarlac and in some of the municipalities of Bulacan, and certain other provinces which I fail to remember, they have raised the question of poor crops due to lack of rains. In these provinces there was a different situation in November from that which existed in July. They knew the conditions and they knew that instead of taking action themselves they were going to come here and say that there was a lack of crops and that there was no hope whatever of getting new crops because the time had already passed; the crops had already been ruined for lack of rain. I will be frank with you and tell you that what I am trying to do is to compel the provinces to perform their official duties. If there is necessity for suspending the land tax they ought to do it. If there is no such necessity they ought not to try to make political capital out of the suspension. This method of doing business is not one which is practiced especially in this country, but in other countries officials try to evade their duties, particularly when the elections are approaching, at least that is true in my country. I have often seen officials try to evade their duties, and truly in some provinces here they have tried the same thing. There is a certain gentleman in the Province of Tarlac now who thinks it is very advisable to suspend the land tax, thereby tying the hands of his successor, so that he can do nothing during his administration. During his term of office the schools will be closed for lack of funds and the people will say that he is not a good governor, because they always judge an official by results. If the land tax is suspended in Tarlac I can assure you that the govern-

ment of Tarlac will go to pieces, because it can not pay its debts nor can it do anything else without money; and gentlemen, between us, it is a very bad thing for a defeated candidate to fix things up in this way for his successor. Mr. Shuster went to Sorsogon and visited Governor Monreal, a good man who has rendered good service, starting many public works of benefit to the province, but for that very reason the funds of the province are short. I have to say for him that he has not suggested the suspension of the land tax in his province, but Mr. Chaves came to me and said that he was in favor of suspending the tax. I said to Mr. Chaves that before bringing up the question it seemed to me that it would be better to send a telegram to the man who has been elected and who will be in the position of governor of the province for two years and get his opinion on it, because it would be very unjust to compel him to cut off the resources of the province and enter on his administration with but ₱7 in the provincial treasury. Mr. Shuster was there and he can confirm all that I say. The laborers were on the streets clamoring for their money, with nothing forthcoming, and the condition was such that the poor treasurer did not dare to walk through the streets. Fortunately, there were ₱3,000 of the internal revenue collections belonging to the province which we were able to send down there to pay these men. I must say that this condition of not being able to pay the laborers was not really the fault of the governor nor of the provincial board but the fault of the clerk in the office of the treasurer who, instead of paying the laborers, finding an account of the Purchasing Agent, paid it, an account which could easily have awaited, and left the poor laborers without their pay. I will say with all frankness that if you adopt the plan of suspending the land tax after the time for such suspension has passed, we are going to tie up the hands of successors in office. I believe that we ought to treat everyone with justice, and that those officials who entered on their administration with money in the treasuries of their respective provinces ought not to adopt measures that will leave their successors without funds. If we can not prove to you, gentlemen, beyond doubt that the suspension of the land tax in the provinces will have a very bad effect, then I will agree with you in its suspension.

Mr. QUEZON. I do not believe that all of the reasons alleged by you are entirely correct with respect to the suspension of the land tax, and I repeat that I do not see in these reasons any motive why this bill can not be approved.

The PRESIDENT. The provincial board of Tarlac would immediately ask for the suspension of the tax if this bill were passed, but then the new governor would suffer.

Mr. QUEZON. There is no danger of that, because it is now February 10 and the new governor takes office on the 5th of March. The period conceded by law for the collection of the tax is up to the 1st of May.

The PRESIDENT. That was another point in our argument against suspending the tax in February, because three months are needed to collect it. In those provinces which have done nothing toward preparing their books it will take three months to get them ready and they could not begin to collect the tax until August, and I ask, How much in taxes can be collected in August when there is hardly a planter who has a single cent? Properties will have to be sold at auction as owners can not pay, or at least the 15 per cent penalty will have to be added. It is just as sure as there is a sun that if we try to collect this money in August we will not be able to collect it, and then it will be put off again until 1909, when the people will be confronted with the difficulty of paying two taxes at once and we will have another petition on our hands. In those provinces, like Mr. Luzuriaga's, where the land is not so well divided, the question may be different.

Mr. HERNANDEZ. In Iloilo the property is very much subdivided.

The PRESIDENT. When a man has a thousand hectares, then it is different; the tax begins to be heavy, because such an owner has to pay ₱150, but the man who has only 20 hectares has a tax of only ₱2 for schools and ₱1 for roads, and many of these men spend that amount in the cockpits in one day. We are able to get together these data because we have the number of parcels of land in the provinces and the value of the land according to testimony. As a matter of fact I believe it is the system against which these people protest. I said to Mr. Aréjola on one occasion, "If you people can substitute something for this tax and want to abandon it, all right, we will agree, but you ought to know what your substitute system will realize before making the change." We have tried to secure data to see whether it would be possible to establish a tax on the income on land instead of on the land itself. Under such a system those who do not cultivate their land would not have to pay a tax. Under the present system there is an incentive for the man to cultivate his land instead of leaving it idle.

Commissioner SHUSTER. If I remember correctly, Mr. Quezon asked a moment ago why it would not be just as convenient to leave to the provincial boards now the suspension of the land tax just as it was left to them on the 1st of December. I want to give him an explanation. To prepare the books for the collection of the land tax takes at least three months, and in a great majority of the provinces the best time for collecting the tax is in the months of March, April, and May, according to the opinion of the provincial boards themselves. Therefore the Commission fixed the date for the beginning of the collection of the tax as the 1st of March. Now, once it was known that the tax was to be collected, counting back, we fixed on the 1st of December as the date before which the provincial board ought to decide that they were going to suspend the tax. In case it is to be suspended, the books will not have to be made up, but if the tax remains in effect, three months are necessary to prepare the books, and the 1st of March having arrived the collection should begin. So that now if we give the 1st of May as the date on which it is to be known whether each province is going to suspend or retain the land tax, either we have to incur, unnecessarily, the expense of making up the books, even though the tax may not be collected this year, or we have to wait, before making up the books, until the 1st of May without knowing whether or not they must be made up, and the 1st of May having arrived, and the work of making up the books not having been done, three months more will be required before the collection of the tax can be begun. This is the way in which the date was fixed. Nearly all of the provinces said that the period during March, April, and May was the best time for collecting the land tax, and, as I said before, counting back from March 1, we arrived at December 1 as the date on which they should say whether or not they were going to suspend the tax.

Mr. QUEZON. Now, Mr. President, another question. I am not sure that I expressed myself clearly before. In case this bill should not be approved and there should be a provincial board in whose province reasons existed for the suspension of the tax and the board recommended such suspension, would the Governor-General make use of his power to suspend it?

The PRESIDENT. If any good reasons exist which did not exist before December 1, I would do so. I will say to them, "If you can inform me of any new calamity or disaster or anything else

which has affected the people I am willing to act on the recommendation." I understood, for instance, that in the province of Governor Sandiko there were only two towns in bad condition, and, as the majority rules, we could not suspend the tax in the whole province for the sake of those two towns. It would be better for the Legislature to give those towns aid of some kind. Mr. Gabaldon has told me that in Nueva Ecija about 65 per cent of the rice crop has been lost. In Pangasinan 40 per cent, more or less, of the municipalities have suffered losses. In Rizal the crop is in good condition, according to Mr. Tupas. In Negros a portion of the crop has been lost, as well as in Iloilo. I do not know the percentage, but on the average I understand it is about 50 per cent, comparing the crop with the crop of last year, which in Pangasinan and Nueva Ecija was enormous; in Pangasinan the best crop they had in twenty years. If you will look at this report of the Auditor, which I have in my hands (Auditor's Report for 1906-7), you will see the difference between a bank broken and a bank solvent. For example, we have here the municipality of Batac, Ilocos Norte, a town of the first class, which ought to have funds, a town of 23,539 inhabitants. The fact is that in January 1, 1906, this town had a balance of ₱421.01. It received during the fiscal year 1906-7 total revenues of ₱10,977.26. The Insular payment in lieu of land tax was ₱980.87. For salaries and wages of officials it paid ₱2,312.44, salaries of employees ₱1,699.43, salaries and maintenance of police ₱2,734.25, furniture, office supplies, etc., ₱279.31, miscellaneous ₱887.11, and for construction, repairs, and improvements ₱314.10.

Now, let us take a municipality of 11,000 inhabitants, of the third class, Gapan, Nueva Ecija. Its income during the fiscal year 1906-7 was ₱6,586.25, its land tax ₱736.12. Now, if we suppress this land tax they will have less than ₱6,000 and their expenses will be ₱7,000. The town spent quite a bit of money on public works, over ₱2,024. This means that they have built a schoolhouse and they could not have done that had they suppressed the land tax. If you will examine this report with reference to the incomes of the municipalities, you will see the effect of taking away the land tax from them. Now, we have not said anything about the effect on schools, and some provinces have already reduced the tax to three-eighths of 1 per cent.

Mr. QUEZON. What we wanted to know was why the provincial boards should not be granted the extension of time for suspending the tax, and that has been answered by Mr. Shuster.

The PRESIDENT. I have not refused the suspension in any case brought to my attention prior to the 1st of December, but when a petition came after that date I have inquired as to what had occurred since December 1 which made the suspension advisable, and I have said to the provincial boards that they had the power to suspend the tax; that they are the representatives of the people, and that I was not willing that they should throw on my shoulders that which should rest on them. Should there be any disaster which affected a province or a large number of its inhabitants I would have no objection to suspending the tax.

Mr. Roco. I believe that they have not requested the suspension in my province.

The PRESIDENT. No, I think not.

Mr. QUEZON. We are convinced, Mr. President, and if the Commission committee desires to recommend to the Commission that further consideration of the question be indefinitely postponed we agree to make the same recommendation to the Assembly.

It was so agreed, and the discussion was closed.<sup>1</sup>

WM. H. DONOVAN,  
*Secretary of the Commission,  
Reporter for the Commission Committee.*  
VICTORIANO R. ONRUBIA,  
*Reporter for the Assembly Committee.*

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<sup>1</sup> For report of the committee of conference and action thereon see page 26.

# First Philippine Legislature.

## First Session.

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### CONFERENCE ON ASSEMBLY BILL NO. 1.

MINUTES OF PROCEEDINGS.

**FRIDAY, MARCH 13, 1908.**

Managers on the part of the Commission: Commissioners Luzuriaga and Forbes, and the President.

Managers on the part of the Assembly: Delegates Barretto, Quezon, and Orense.

Mr. QUEZON. Mr. President, the Assembly has carefully read and considered the amendments proposed by the Commission to Assembly Bill No. 1, as well as the arguments advanced in favor of those amendments, and after having considered them and conceding to them all the weight which they merit the Assembly insists on the bill as it passed that body, basing its attitude on the object sought by the bill, which it believes, if kept in mind, will insure the passage of the bill by the Commission as it passed the Assembly. This bill originated in the Assembly, and in passing it the Assembly had in mind a certain principal purpose, among others, and that principal purpose was precisely to terminate all financial relations between the provinces and the Insular Government; that is, all relations of debt between the former and the latter for the purpose of putting an end to these accounts. Now then, in order to secure this purpose it was necessary that when the law was passed by the two Houses the provinces should be, as we might say, disunited from the Insular Government with respect to their arrears; it was necessary that the law be of such a nature as to terminate such relations of debt between the provinces and the Insular Government, which object could be secured by the means proposed by the As-



sembly, or forgiving the provinces those debts and leaving it to their discretion to use the money for public purposes other than expenses for personnel. There is, moreover, another reason which the House had in mind in proposing this bill, and that is the economic condition of the provinces. It is supposed that the Insular Government in granting these loans to the provinces did so because it knew of the necessity which the provinces had for this aid, and therefore a certain amount of discretion ought to be granted the provinces in order that they may be able to meet those debts as rapidly as their condition will permit them to do so, they being in a better position than the Insular Government to know the existing local conditions and the manner in which they could best expend the money in the payment of the debts. Thus, having explained the purposes sought by the bill, let us consider the use of the money. According to the Assembly's bill the amount can be used either for schools or roads or other public works. The provinces are not obliged to use it for public works in preference to schools nor for schools in preference to public works. The Assembly passed the proposed law in this form for two reasons: First, to grant the provinces autonomy in the expenditure of their funds; and second, because it is supposed that the provinces know their own needs best and will spend the money in accordance with such needs. The arguments used against it by the Commission are that a great deal of money has been expended on public works and that education needs greater attention. Against these two arguments there are the two following reasons: In the first place, when the amounts spent on public works and education are compared it should be kept in mind that public works include work on roads, bridges, and public buildings, and the number of miles of road which the Philippine Archipelago has in comparison with the number of its inhabitants should be kept in mind especially. It is indubitable that the difference between the number of miles and the number of inhabitants is very great, and therefore in order to respond to the existing needs of roads and education it was necessary to expend more money for the former than for the latter, because the need for roads was greater in view of the number of inhabitants. I do not know whether I am making myself clear. Does the President of the Commission understand me?

The PRESIDENT. Yes, sir.

Mr. QUEZON. For example, take Tayabas. Tayabas has an area of about 5,000 square miles, and on the other hand has 225,000 inhabitants, and as the population is scattered throughout this area of 5,000 square miles of territory, in Marinduque and Tayabas, it is necessary to have means of communication between the towns, and it is necessary to keep in repair the roads between all those towns. Although the inhabitants are scattered, the number being only 225,000, the expenses for education must be in relation to that population. Therefore, in making a comparative study of roads and education, it is not strange that more money must be spent for roads, because the need for them is greater, as we are dealing with a large extent of territory and a relatively small number of inhabitants. This is a most important argument, which should not be forgotten. In the second place, it is not an argument against the Assembly bill that a great deal of money has already been spent on roads, because the money which would go toward the payment of these debts which are pardoned to the provinces may be spent on education if the provincial board of any province believes that education requires more attention. There is, moreover, another argument in favor of the passage of the bill as it was passed by the Assembly. It appears that when these laws obliging provinces to expend amounts equal to the debts canceled were passed the fear existed that in certain provinces where more attention was required with respect to education than with respect to roads the provincial boards might not give the schools this attention. Now then, such fear ought to disappear, for the reason that it is an unquestionable fact, admitted by the Commission, that in all parts of the Archipelago there is a great deal of genuine interest and enthusiasm manifested in the schools, so that there is no danger whatever that in any province where more attention to the schools is required the provincial board will neglect them. The money will be spent on them. I do not believe it is opportune here to discuss whether education is more necessary than public works, for the reason that we, in granting discretion to the provincial boards, are starting on the theory that both schools and roads are very pressing necessities and that money should be spent on one or the other according to the necessities of the case. Now, here is a special case in the Province of Tayabas. If I were Governor of Tayabas and a ₱60,000 debt were to be forgiven the province it is certain that the money

would not be spent on education but on roads, because we have schools in every barrio. We have more schools than teachers. What should we do with more schools? We could not sustain them, because we have no teachers, and we have no money to sustain the teachers. Now, we have communication like that between Sampaloc and Lueban, with which the Governor-General is familiar. Sampaloc is near Lueban, up to which point there is a magnificent road; but those two municipalities are as far apart as if they were in different provinces. One can go to Lueban in an automobile, while it is necessary to go to Sampaloc on foot; so that this all depends on the circumstances in each locality. For example, in Bulacan I do not believe that they would spend money on roads. They have good roads there. They would undoubtedly spend it on schools.

The PRESIDENT. The roads there are in such bad condition that I was going to revoke the permit granted to them to use narrow-tired carts. Governor Artacho and Governor Sandiko promised that if we would suspend the law with regard to narrow-tired carts the province and the people themselves would keep the roads in good condition, and instead of that they have ruined them, at least in Bulacan. Mr. Forbes inspected the roads in that province and he found that all the roads which were in good condition last year are now almost completely destroyed. Is that not so, Mr. Forbes?

Commissioner FORBES. Yes, sir.

Mr. QUEZON. That is one more argument in favor of the proposed law.

The PRESIDENT. No, it indicates rather that we can not have confidence in the promises of the provinces.

Mr. QUEZON. Well, pass a law, then, to the effect that Bulacan shall spend all the money on roads.

Commissioner FORBES. Let us change the law by striking out the word "schools."

The PRESIDENT. You understand, gentlemen, as well as I do that it is an actual condition and not a theory that confronts us. For five years we have struggled with the provinces and municipalities to get them to do something with regard to the construction and repair of roads, and we have accomplished something only in a few provinces, among them yours, Mr. Quezon; but the number of provinces which have done anything on the roads can be counted on the fingers of both hands.

Mr. QUEZON. Pardon me for interrupting you, Mr. President, but I have a good argument to present. I believe you will not be vexed by this interruption, as what I am about to say concerns facts taken from experience. The provincial governments give preference to those things which they believe to be the most important and for which they receive the most approbation from the Insular Government; and as up to the present the schools have been given more attention than the roads the provincial governments continue to make appropriation for schools in preference to roads.

The PRESIDENT. In some provinces they do.

Mr. QUEZON. Why are the roads in good condition in Tayabas?

The PRESIDENT. Because the governor of the province was in favor of them.

Mr. QUEZON. No, sir; because the Government gave me ₱150,000 for roads, and I and my predecessors in the position understood that the Insular Government desired that attention be given to the roads as well as to the schools. Whenever the Insular Government gives more attention to one institution of the provincial government than to another the provincial board is guided accordingly.

The PRESIDENT. Well, let me cite an instance. In your Province of Batangas, Mr. Orense, we have twice constructed a road from Insular funds at a cost, if I remember correctly, of some ₱80,000 each time. The governor there has done nothing and that money, which we took from the Filipino people in general, not from the Province of Batangas, has all been lost. Before the last governor went out of office he asked us for another ₱80,000 to construct that same road. We told him no, that it would be useless to construct roads if he did not keep them in repair; that the road would be ruined again. In spite of all this aid the road in question is now abandoned.

Commissioner FORBES. I can explain that.

The PRESIDENT. Permit me to finish, Mr. Forbes. It all depends on the governor. If he is very energetic and understands the value of resisting the protests of the citizens who do not appreciate good roads he will spend money on them and keep them in good condition; but some governors have believed it advisable to do nothing which might unfavorably affect their popularity and have left the roads abandoned.

Mr. ORENSE. If that is so, they have done very badly.

Commissioner FORBES. I do not think it is well now to bring up the past as an example for the future. All the provinces, or nearly all the provinces, in the Archipelago, have accepted the proposition to improve their roads. They have accepted the new law looking to the preservation of the roads of the Islands. There are only seven provinces, I think, which have not accepted it. Batangas is one of those which have accepted it. So that those provinces are now obliged, or have promised, to use the money of the province for a system which in the past it has been found will keep the roads in good condition. Now gentlemen, with regard to this law I am and have been in favor of leaving in the law the words "for public works." I am with the Assembly on this proposition. I think that the Assembly is right and that the Commission has taken a position which it can not sustain, and this is proven by the figures of the Governor-General himself. I am going to read to you a few words from his message to the Assembly. He says that to construct all the roads that are necessary for the development of the Philippine Islands and to put the present highways in good condition would cost about \$65,000,000. gold; that is, ₱130,000,000.

The PRESIDENT. Yes, sir, I said that.

Commissioner FORBES. Now, the Governor-General has explained to us that the amount which we have appropriated for the construction of schools is not enough to construct them. Does he mean to say now that what we have appropriated for roads is sufficient when he said to the Assembly that we needed ₱130,000,000; and as a matter of fact we have but ₱4,000,000? Granting this amount each year, it would take thirty-two years to put the roads in condition. According to the same theory, we would need ₱4,000 for each of 3,000 barrios, a total of ₱12,000,0000; but under the law we are to give one-half and the barrios one-half; so that we can double this amount, and we have ₱24,000,000. Thus, according to the figures of the Governor-General, according to his own words, we have to use ₱130,000,000 for roads and ₱24,000,000 for schools in the barrios; so that the difference is more than five to one in favor of the roads. In view of this, the Commission has stated to the Assembly that the schools are more important, and I can not see any justice in such a statement.

The PRESIDENT. I am going to say, Mr. Forbes, that your facts are correct, and that is why I am in favor of schools. You want

to spend this ₱900,000 for roads, and in the absence of any law or provision with respect to the maintenance of the roads you have no guaranty whatever that after these roads are completed they will be preserved, while if we spend the money for schools of strong materials those schools will endure. That is our main argument, in brief.

Commissioner FORBES. But, Mr. President, that means that economically the Assembly is right. The schools can be maintained in any barrio in a nipa house without any inconvenience. They can have schools in nipa houses and the children will lose no part of their education, but can the products of the soil be transported over a bad road without loss? If we build the roads we shall at once have prosperity and can build more roads; if we build the schoolhouses we will have to wait a long time for the children to reach an age when they can work.

The PRESIDENT. Take a concrete case—Ambos Camarines. You are going to give that province money for nothing, because after the roads are constructed they will have no money to maintain them.

Commissioner FORBES. Yes, sir; they will have money. You can read the resolution which they have adopted on the subject. They have money for road maintenance.

The PRESIDENT. For how long?

Commissioner FORBES. The fund is permanent.

The PRESIDENT. No, sir; it is not permanent. It is only for a year, and they are already protesting against the double cedula. In Rizal, for example, they are protesting against it.

Commissioner FORBES. You can read the resolution. I desire to state that in Ambos Camarines, as well as in the other provinces, they have enough provincial funds to preserve the roads of the first class.

The PRESIDENT. They have no road of the first class in Ambos Camarines, as Mr. Carpenter, the Acting Executive Secretary, can testify.

Commissioner FORBES. If they have not, they have enough money to construct one.

The PRESIDENT. What would this ₱6,000 be worth to the Camarines without other funds to maintain the roads constructed. Let us suppose that they had a debt of ₱60,000. If we condoned this debt under the conditions we have in mind, each year they would

have to appropriate ₱6,000, and that amount is comparatively nothing; it would not construct one bridge.

Commissioner FORBES. To my mind, the fact that because the sum is small the beginning should be postponed is not at all a good idea.

The PRESIDENT. That is not my argument. My argument is that under the circumstances if you spend that money on a thing which can exist in itself, because it is constructed of good materials, it is much better than to expend it on something which needs more money to keep it in condition. You will admit, I know, that unless you spent money on the roads every year they would be destroyed.

Commissioner FORBES. Mr. President, pardon me, but you have stated that the provinces have not enough money to preserve the roads, and then you stated that they had no roads; if they have no roads they have enough money to keep them in repair, and will have a surplus too.

The PRESIDENT. But, Mr. Forbes, answer me this, please: If the debt is ₱50,000, distributed through a period of ten years in sums of ₱5,000, what can the Province of Ambos Camarines do with that amount toward construction when they are not willing to appropriate enough money to maintain the roads for a year?

Commissioner FORBES. But they have provided money.

The PRESIDENT. Where?

Commissioner FORBES. In this resolution that I speak of.

The PRESIDENT. But that is for not more than one year.

Commissioner FORBES. No, sir; it is a continuing annual appropriation.

The PRESIDENT. Well, any later provincial board can repeal it. You have no guaranty at all that if the money is spent on the construction of roads they will spend enough to maintain them.

Commissioner FORBES. The provincial receipts of Ambos Camarines for last year were a little more than ₱65,000.

The PRESIDENT. How much of that did the Insular Government give the province in lieu of the land tax which was suspended? How much were their expenses for running the provincial government?

Commissioner FORBES. Their total expenditures were a little more than ₱72,000.

The PRESIDENT. How much for roads?

Commissioner FORBES. For roads, ₱5,000; schools, about ₱1,200; salaries of provincial officers, ₱19,000; employees, ₱24,000; but we have now a system of maintenance of roads. I wish to say that I should be much more willing to take the word "schools" out of the bill than the word "roads." We can not say here and now what is the most important work in forty provinces every year for ten years. During the next five years it is possible that La Laguna, for example, may complete all their road building. They have almost finished now, and in five years they will have enough money to keep them all in repair, and will not have to spend any more in construction; so that they can then spend the money which they would spend for road construction for the construction of schools. On the other hand, it is certain that Pangasinan, which has 700 miles of road, will need all of the money which they can get together for twenty years for the construction of roads, because good roads are going to increase the wealth of the province much more rapidly than schools would. As soon as they have established communication by means of good roads the people of the province will be more prosperous and will be able to build more schools and more roads. For the time being, nipa or bamboo schoolhouses meet the purpose of giving instruction to the children, and later better buildings can be constructed. It is a luxury for school children to have schoolhouses of strong materials, but it is not a luxury, but a real necessity, for the people to have good roads for the transportation of the products of their labor.

The PRESIDENT. That is very pretty, Mr. Forbes, but the figures are against you. The Province of Ambos Camarines had ₱65,000 revenues in 1906-7; its expenses for salaries of officials were ₱19,000—almost ₱20,000; salaries of employees, ₱24,000 and other expenses, traveling expenses, rentals, supplies, and so forth, including ₱5,000 for roads, bringing the total up to ₱72,000. If it were not for the land tax the Province of Ambos Camarines would have been bankrupt, because it received over ₱19,000 from the Insular Government in lieu of the suspended land tax. How could the Province of Ambos Camarines have expended a single cent for roads during the year 1906 even if we had given them during that year ₱6,000 of their loan for road construction?

Commissioner FORBES. I can explain that. With ₱6,000 the Province of Ambos Camarines can construct 1 kilometer of road. According to this resolution which the province has adopted it needs



₱350 a year for maintenance, which they would take from the sum of ₱65,000; so that if they spent ₱6,000 for the construction of 1 kilometer of road they would then have to take from their ₱65,000 of revenue the small sum of ₱350 to maintain that road. They can do that perfectly well, and they have done it by this resolution. If they should go back on this resolution, Mr. Governor-General, it seems to me that you would be perfectly justified in removing the officials of the province from office, because they would be allowing public property to the value of ₱6,000 to be destroyed, which as I understand it would be malfeasance in office.

The PRESIDENT. But where is the province going to get this ₱350 when they have no funds to pay their current expenses?

Commissioner FORBES. They can reduce their current expenses, because it is not necessary that the sum of ₱45,000 should be spent on a government as small as Ambos Camarines, and I believe that the data in this report of the Auditor as to the expenditures of this province is sufficient to proceed against the provincial board. Having an income of more than ₱100,000, they have spent only ₱5,000 on roads.

The PRESIDENT. Please let me finish my argument. The cost of the provincial government of Ambos Camarines was ₱60,000, and there was only ₱5,000 which they could use for their roads.

Commissioner FORBES. Which, as I have stated, is evidence of bad administration, and the provincial board ought to be removed on the strength of that report.

The PRESIDENT. The majority of the provinces are in the same condition. Your argument, in brief is the following: Let us give them, for example, ₱5,000 to build 1 kilometer of road. Very well, they spend it; and the next year we give them another ₱5,000, and so on each year. According to your statement, the cost of maintenance of road is at least ₱350 a kilometer a year; so that at the end of ten years the cost of maintenance of the road constructed would be ₱3,500 a year. Now, where are they going to get this ₱3,500?

Commissioner FORBES. They have it in their ₱65,000 of revenue.

The PRESIDENT. They have not got it without the land tax.

Commissioner FORBES. They have power to impose the land tax.

The PRESIDENT. That is another thing. Not only for these ten years, but for twenty years or fifty years, they ought to have funds to maintain the road. At the end of ten years they will have only

10 kilometers of road, and they must have ₱3,500 a year to maintain them.

Commissioner FORBES. Your argument, Mr. President, is very good. It is too good. It proves too much. It proves more than you want it to prove. It proves that no province in these Islands can have roads.

The PRESIDENT. No, sir; I was just coming to my point. There are provinces which have made provision, by means of their land tax and cedula tax, for the maintenance of their roads, and it is possible that we can give such provinces this privilege, but with those provinces which do not want to do anything to secure funds to construct roads, or at least to maintain them, it is money mispent to give them the privilege of spending ₱5,000 of Insular funds each year for this purpose.

Commissioner FORBES. You have selected a bad example to support your contention, because the Province of Ambos Camarines, like most of the others, has doubled the cedula tax and has 10 per cent more of the internal revenue for this year; so that they have enough money to construct some roads this year and to maintain them next year.

The PRESIDENT. That is only for one year. Next year you may have a new provincial board, and you have no guaranty whatever that that provincial board will adopt the double cedula. Already there are protests against the double cedula. Next year, if they do not adopt the double cedula, they lose the money they would get by this means, and besides they lose their additional portion of the internal revenue; so that without the land tax they will have nothing for this work.

Commissioner FORBES. They have their road and bridge fund, which will be enough to maintain any roads they may construct.

The PRESIDENT. My proposition is not to allow them to use these funds for any object unless they try to get funds to maintain their roads.

Commissioner FORBES. But they have done so by means of this law which you have in your hands.

The PRESIDENT. But this is a law of the province. What I want to see is that it is incorporated into this law as a condition upon which the debt shall be canceled.

Commissioner FORBES. I do not think that is necessary, because you have the administrative power to remove the officials.

The PRESIDENT. But that is a very severe measure. I always have a good deal of reserve about removing officials who have been named by the people of the province. If a provision is inserted in the law that it shall be their duty to give ₱5,000 this year for the construction of roads, in lieu of the debt canceled, it ought also to be their duty to furnish funds for the maintenance of those roads when constructed. If they do not wish to do this next year they should be required to pay this ₱5,000 to the Insular Government. Then there would be some guaranty.

Both Mr. Artacho and Mr. Sandiko are friends of mine, and they promised me that they would do something which they could not do. I must say that they worked with all their might to carry it into effect, but the people protested, and Mr. Forbes, who inspected the roads in Pangasinan and Bulacan, recommended that I revoke my permit because they broke their words, not through their fault but because they could not compel their people to make the repairs which the roads needed.

Mr. QUEZON. For that reason the bill ought to be passed just as it was passed by the Assembly, to the end that they may employ the money in roads when necessary.

Commissioner FORBES. I would be willing, in case money were spent for roads, to make it conditional that they make some provision for keeping the roads in condition after they are constructed.

The PRESIDENT. To me, that would be the only justification for a diversion of any of this money from schools to roads. There should be some provision in the law compelling them to furnish the funds necessary to repair the roads, because, if they are not repaired, in a short time they would be found in the same condition as are the roads in Batangas, La Laguna, and other provinces. The Bay Road, for example, has been constructed three times, at a large cost. Instead of expending ₱350 a kilometer each year, which would keep the road in condition, they have, because of neglect, been compelled to spend on some kilometers ₱10,000 for repairs. If we allow the provinces to use money under such conditions it is like throwing it into the Bay.

Commissioner FORBES. I think we have already ended the practice of spending money on roads which we are going to lose. I have a plan that I wish to explain; that is, a plan of having an account on each piece of road constructed, which account will show the cost of constructing the road and the bridges and culverts thereon. This account of the money spent on roads will be kept in a central office, and every three months we shall have an inspection of the condition of the roads, which will enable us to ascertain, in money, the extent of their deterioration. I can then come to the Governor-General every three months and report, in turn, to him—whether, for example, the roads in Ambos Camarines are in the same condition as at the time of the last report. In Tayabas, where Mr. Quezon is not now governor, the section between Taal and Tayabas has gotten into bad condition. There is a stretch of 3 kilometers where the culverts are stopped up, and I counted twelve mudholes. I think the deterioration amounts to ₱1,000; that is, it will cost ₱1,000 to reconstruct the road. If the provincial authorities had done their duty the road could have been kept in good condition for ₱400; so that the officials of the province have lost ₱600 of the public funds in bad administration.

The PRESIDENT. If we could have all the roads in the same condition as those of Tayabas I would be quite willing to accept this plan.

Commissioner FORBES. We are going to do it. We have the system, and I think it is not just, because we have not done well with the roads in the past, to condemn them in the future. This system has been accepted, and it is the policy of the Government to preserve all the roads and not lose any of them.

The PRESIDENT. With respect to Mr. Quezon's argument, I think he is correct in insisting that the provinces be allowed to exercise their autonomy. That is just. I have never tried to interfere with them with regard to their own funds; but these funds belong to the Insular Government. We have given you a bad example here in the Commission, gentlemen, but against the protest of a strong minority, in canceling the debts in a number of provinces on condition that they would use an amount equal to that canceled in each instance for schools. We did that because the duty of instructing the people also falls on the shoulders of the Insular Government; but in its last analysis this is an injustice. All the provinces are not in the same condition. Some of them have paid

their debts and can not take advantage of this concession of the Insular Government.

Mr. QUEZON. Yes; that is undoubtedly true.

The PRESIDENT. Do you think that we could fix it in such a way that the provinces which have paid their debts shall not be prejudiced?

Mr. QUEZON. Before answering that question, I should like to hear the godfather of all the provincial governments in this matter, Mr. Carpenter, who is always fighting for his godchildren.

Mr. CARPENTER. It appears to me that the only point of difference between the two Houses is the following: Whether these amounts are to be spent for school purposes, or for the construction of school buildings, or for public works, in the discretion of the provincial board. I warn you, gentlemen, that if the law fixes only one purpose the injury to certain provinces will be serious. For example, Sorsogon has directed all its efforts during the past years to school work, leaving the roads completely abandoned, because of the approval the Insular Government gave to that plan; thus it is that with respect to their schools they are relatively in good condition, but have nothing in the way of roads. They have three magnificent iron bridges, representing a large expenditure, and one can scarcely go from one bridge to another except in a balloon. In justice to the taxpayers, they ought now to devote their energies to roads. Take, for example, Samar, which because of the conditions that have prevailed there has scarcely any roads; but it also needs schools—so much so that it is difficult to comprehend how they are to be provided. All the money which the Insular Government could give them would not be sufficient to carry primary instruction to those people of the interior, who have caused so much difficulty in the preservation of public order. Both of these provinces are included in this bill, and if it is left to the provincial boards, as they have to prepare their estimates for the year and submit them to the Executive Secretary, he can influence them in any way. Up to the present, I have never had any serious difficulty in this direction. If it appears that they are using the funds for a purpose which, according to the reports, is not a proper one, we could readily correct that. In the maintenance of roads, let me say, provinces have been in the condition of a son who earns ₱20 a month and whose father takes ₱15 a month from him, and tells him to buy his food and clothing with the remaining ₱5.

Naturally, the son has poor clothing and eats little. The Government has not left the municipalities and provinces a sufficient share of the income to keep their roads in condition. It is true that the provinces have sinned in some particulars with reference to their expenditures, but they have done so in complying with what they understood to be the requirements of the central authorities; for example, Malabon and Cavite, have spent a lot of money on police, because the Central Government has been continually after them on the question of the prosecution of gamblers and prostitutes; and these municipalities, in response to this urging, put on more and more policemen.

The PRESIDENT. Mr. Carpenter, it is quite true that the provinces lack money, but it is also true that the Insular Government lacks money. Of all the countries in the world this is the poorest in revenues. Taking any country you might suggest, as an example, it is very interesting to note that the Government of this country is carried on with much less money than any other country in the world. We have an income of ₱2.47 per inhabitant. Now, take for example a small country like Denmark; it has an income of £1 per inhabitant, that is, ₱10; Servia, also a small country, has an income of £1 for each inhabitant, and its debt burdens each inhabitant with £5, that is, ₱50 for each inhabitant; in Greece, the receipts are £1 per inhabitant, and the debt £7 per inhabitant, that is ₱70; in Spain, of whose economical government a great deal has been heard, the receipts are £2 per inhabitant, and it has 18,000,000 inhabitants, and the capital of the debt burdening them equals £20, or ₱200, per inhabitant; and this Philippine Government has a debt of one and one-half pesos per inhabitant.

Mr. QUEZON. That is to say that we are rich.

The PRESIDENT. Inasmuch as the debt is not large.

Mr. CARPENTER. The point to which I wish to call your attention is this: That in the division of income there is not the same division as to duties. Whenever a duty is imposed on a person he ought to be given the funds necessary to fulfill it. Now, for this year we have allotted 10 per cent of the internal revenue for roads and bridges and 5 per cent for schools. The difficulty, according to all reports, has not been the lack of a place for the children to assemble to receive instruction but rather a lack of teachers. This money will not be available for teachers but for the construction of

buildings only. As Commissioner Forbes has said, to construct strong-material buildings for schools now, while our roads are in such poor condition, would be a luxury. This of course would not be true in the future, when we have better means of communication, so that the fathers of the children can get their products to market. Albay, for example, which owes \$100,000, is well supplied with intermediate and high schools for primary and secondary instruction, being able to make use of buildings of light materials; but on the other hand, to transport a picul of hemp to Legaspi costs considerably more than it should, because of the bad state of the roads. If we leave the use of this money to the judgment of the provinces, in ninety-nine cases out of a hundred it will be expended for the most necessary and beneficial purposes. Besides, we have the right of intervention in the matter of approval of the provincial estimates. The supervision we have exercised in this manner has never met with failure, when we have tried to settle the question in a friendly manner. Now, there are some bridges in that province which should be repaired.

The PRESIDENT. Yes; I have in mind a certain bridge which was constructed during the Spanish times and which is about to fall—merely because a few stones were not placed in the abutments at the proper time. I have spoken with Mr. Orozco about having this bridge repaired.

Commissioner FORBES. There are more than twenty bridges in the same condition.

The PRESIDENT. This money belongs to the Insular Government, and we are willing to have it spent for schools or for roads and bridges on approval of the President of the Commission and the Speaker of the Assembly. We must have some control over it, because some of the provinces do not always exercise the best judgment.

Mr. QUEZON. The bill says "with the approval of the Governor-General."

Mr. CARPENTER. You have intervention by right and not by favor.

Mr. QUEZON. When the bill was prepared we considered that the Governor-General ought to have some intervention, and we made provision for it.

Mr. BARRETTO. You will find this provision in lines 14, 15, and

16. To support what Mr. Carpenter has said I can cite my province as a practical example. It is probably the poorest in the Archipelago, and has very bad roads, but on the other hand public instruction is flourishing there. There is a schoolhouse of light materials in every barrio, constructed by the people of the barrios themselves, and according to the report of the Secretary of Public Instruction, Zambales stands third in the matter of the number of children attending the schools. Therefore, if the bill should pass the Commission as it passed the Assembly, Zambales, which is in sad need of roads, will apply the money to them.

Mr. QUEZON. Another word. I understand the fear of the Commission. The Commission fears that the provincial boards will not spend this money for these purposes and will allow the ten years to go by, and then at the end of that time state that they have no money to spend. Now, then, only one of two things can happen, either the provincial boards will have no money or they will have it and will not spend it. If they should not have it, the provision of the law is useless, because *ad impossibilia nemo tenetur*.

The PRESIDENT. We can collect it.

Mr. QUEZON. Yes; by calling the provinces bankrupt.

The PRESIDENT. No; by making them reduce their expenses.

Mr. QUEZON. Well, if they should not have this money it would be because they had spent it for personnel. Fortunately, however, Mr. Carpenter has the right to reduce their estimates.

Mr. CARPENTER. Yes; I have the right to abolish the position of any employee.

The PRESIDENT. They ought to make some provision to pay a portion of their debts each year.

Mr. CARPENTER. There may be occasions when they may want to make an effort to carry out some large project. For example, Albay has three or four bridges to construct, which will cost twenty or twenty-five thousand pesos. If they did not have an installment on their debt to pay it might be an incentive to them to construct these bridges in a year, and thus they would be given credit on the cancellation of their debt for the amount spent.

The PRESIDENT. I am of the opinion that, putting a certain percentage of the debt apart each year in a sacred fund for these purposes is the better plan.

Mr. BARRETTO. The object of the Assembly in leaving the provinces at liberty in the use of this money was just as Mr. Carpenter



has stated. If a province owed ₱10,000 it would be obliged to set aside ₱1,000 each year, and it could therefore do nothing either for schools or roads.

The PRESIDENT. Well, they ought to lay it aside. We do not claim that they ought to spend the money every year. As Mr. Carpenter says, if they had to spend ₱1,000 a year it would be practically useless; but that is not the proposition; they ought to lay aside ₱1,000 each year and at the end of ten years they could spend it as provided in the law.

Mr. CARPENTER. But no one wants to erect monuments for his successor.

The PRESIDENT. That may be true, but it is also true that nearly all the provincial governors will leave the payment of the debt until 1917. How are they going to be able to pay it at that time unless they lay aside a certain amount each year? As you say, no one wants to erect a monument for his successor; they will all spend it during the ten years for other purposes.

Mr. CARPENTER. Let us take an example. Zambales is going to spend ₱2,500 for a bridge. They can do it by making a big effort this year or next year. The one to whom the credit is due for this work is the governor who first made the effort.

The PRESIDENT. But where is there any provision in this bill that the provinces shall lay aside a single cent? There is none whatever. They can wait until December, 1917, before paying anything and without making any provision whatever for providing a fund.

Mr. QUEZON. Let us discuss the question from a practical viewpoint. We will take any province—for example, Tayabas. Let us suppose it has an income of ₱60,000 annually. The necessary expenses of the province are ₱45,000—that is, the expenses which are absolutely necessary and without which it could not exist as a government. Now, if that province should attempt to expend the ₱60,000 on personnel, Mr. Carpenter, the Executive Secretary, has a right to decline to pass such an amount and reduce the estimate.

The PRESIDENT. Yes, but that ought to be a duty of the province according to law, not according to Mr. Carpenter.

Mr. QUEZON. It is one of the powers of the Executive Secretary.

The PRESIDENT. The fact is that they ought to take this amount from their general funds by installments each year, or in a lump sum at the end of the ten years. They should not take it from any of

the funds which are under the law sacred to roads. For example, if the Province of Tayabas has a portion of the land tax and a portion of the internal-revenue tax dedicated to roads they can not take any part of this money to pay their debt. They must take the money for the payment of this debt from general funds, and they ought to do it gradually.

Mr. CARPENTER. That difficulty can be met in this way, I think: Provide that at least one-tenth must be spent each year, and that if during any year more than one-tenth is spent the excess can be credited on any following year.

The PRESIDENT. I do not want them to spend it. It is in their power not to spend it until 1917. What I want is to see it taken out of their general funds every year, so that they may be sure of settling the account at the end of the ten years.

Mr. CARPENTER. I think there should be no difficulty about such a provision, so that if they spend two-tenths this year they would not be obliged to spend anything next year.

Mr. QUEZON. Permit me to say a few words. The Assembly is a good disciple of the United States, and especially of the policy announced by the Secretary of War, in his speech at the opening of that body. He said that the best way to educate a people in self-government was to give them responsibility.

The PRESIDENT. And oblige them to pay their debts.

Mr. QUEZON. It is within the power of the Legislature to amend the law at any time, and the provinces ought to be given power now to expend their funds in their discretion, because in that manner they will learn to make use of such power.

The PRESIDENT. It is their duty to make provision for the payment of the amount of their debts at the end of ten years. Your province, Mr. Quezon, would be bankrupt at the end of ten years if it were obliged to pay that amount all at once out of its general funds.

Mr. QUEZON. I can assure you that my province will spend all of this money before the end of five years. I think perhaps it would be better for us to allow this discussion to go over a day or two. In the meantime we can take it up again with the Assembly, if you have no objection.

The PRESIDENT. With respect to this amendment providing for the laying aside of 10 per cent each year, I urge most earnestly

that you consider it favorably. I would have no objection to their making provision for two, three, or four years at once; that is, if a province with a ₱60,000 debt has spent ₱12,000 this year it would not be necessary for them to spend anything next year.

Mr. QUEZON. I move that the committee do now rise.

The motion prevailed.

Adjourned at 1 o'clock and 30 minutes postmeridian.

WM. H. DONOVAN,

*Secretary of the Commission,*

*Reporter for the Commission.*

VICTORIANO R. ONRUBIA,

*Reporter for the Assembly.*

ROY H. GEARHART, *Interpreter.*

# First Philippine Legislature.

## First Session.

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### CONFERENCE ON ASSEMBLY BILL NO. 1.

#### MINUTES OF PROCEEDINGS.

TUESDAY, MARCH 24, 1908.

Managers on the part of the Commission: Commissioners Luzuriaga and Forbes, and the President.

Managers on the part of the Assembly: Delegates Barretto, Quezon, and Orense.

Mr. Barretto stated that after further consideration of Assembly Bill No. 1, and the arguments advanced by the managers on the part of the Commission at the conference held on March 13, 1908, in favor of the amendments to the bill made by the Commission, the managers on the part of the Assembly had, with the advice of the Speaker of the Assembly, prepared the following draft of a report to be made to both Houses, in which the concurrence of the managers on the part of the Commission was requested:

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Commission to Assembly Bill No. 1, entitled "An Act providing for the cancellation, under certain conditions, of the unpaid balances remaining on loans made to certain provincial and municipal governments prior to the fifteenth of October, nineteen hundred and seven, out of the general funds of the Insular Treasury and of the United States Congressional relief fund," having met, after a full and free conference, report to their respective Houses as follows:

The committee has agreed to recommend, and do recommend, to their respective Houses that the Commission recede from its amendment and that the Commission and Assembly agree to the following substitute amendment:

"Strike out all after the enacting clause, and insert in lieu thereof the following:

"SECTION 1. The unpaid balances of loans or parts of loans made to the provincial and municipal governments of the Philippine Islands (except

the city of Manila) prior to October fifteenth, nineteen hundred and seven, from the general funds of the Insular Treasury, or the Congressional relief fund, are hereby canceled: *Provided*, That each provincial and municipal government whose indebtedness is canceled in accordance with the provisions of this Act, shall set aside, as a special fund of the province or of the municipality, as the case may be, from its general funds, a sum not less than the total of its indebtedness canceled in accordance with this Act, which sum shall be expended in the construction of public schools, roads, bridges, or other public works, in the discretion of the respective provincial boards, subject to the approval of the Governor-General: *And provided further*, That the period or periods within which shall be set aside as a special fund the sums provided for in this section, which it is hereby declared necessary to do to secure the benefits of this Act, shall not exceed ten years: *And provided further*, That within ninety days following the passage of this Act the provincial boards and municipalities affected thereby, shall adopt by a majority vote of all their members, resolutions accepting this Act and fixing such obligations on the province or the municipality, as the case may be, as shall assure the carrying out on the part of said province or said municipality of the purposes of this Act that the unpaid balances or parts of loans made and hereby canceled shall be set aside for the purposes and within the time above specified, which resolutions shall not go into effect until they shall have been approved by the Governor-General; and upon approval they shall not be altered nor repealed; any resolution providing for such alteration or repeal being hereby declared null and void.

"SEC. 2. The provisions of this law shall also apply to provincial debts canceled by Acts Numbered Fifteen hundred and sixty, Sixteen hundred and one, Sixteen hundred and three, Sixteen hundred and twenty-two, and Sixteen hundred and seventy-nine; and the said Acts Numbered Fifteen hundred and sixty, Sixteen hundred and one, Sixteen hundred and three, and Sixteen hundred and twenty-two, and that part of Act Numbered Sixteen hundred and seventy-nine which cancels under certain conditions a loan of ten thousand pesos made to the provincial government of Bulacan, are hereby repealed.

"SEC. 3. This Act shall take effect on its passage."

The foregoing proposed report having been read, the same was agreed to by the managers on the part of the Commission, and the President of the Commission stated that they would present the same to the Commission immediately.<sup>1</sup>

The committee thereupon rose.

WM. H. DONOVAN,  
*Secretary of the Commission, Reporter.*

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<sup>1</sup> For action of the Legislature on report of conference committee, see pages 64-66, 104.

# First Philippine Legislature.

## First Session.

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### CONFERENCE OF THE ASSEMBLY COMMITTEE WITH THE COMMISSION ON ASSEMBLY BILLS NOS.

192 AND 175 (INFORMAL).

MINUTES OF PROCEEDINGS.

**BAGUIO, BENGUET, MONDAY, MAY 4, 1908.**

Present: Commissioners Worcester, Tavera, Luzuriaga, Forbes, and the President;

Delegates Quezon, Singson, Jalandoni, de Veyra, Adriatico and Peñaranda.

The conference was called to order at 9 o'clock and 30 minutes antemeridian.

The PRESIDENT. Gentlemen, I understand that the gentlemen of the Assembly present have come to Baguio to confer with the Commission on two Assembly bills now pending in the Commission, viz, Assembly Bill No. 192, entitled "An Act empowering the provincial boards of the provinces that have adopted the double cedula tax to postpone the period for the payment of the land and cedula taxes for the year nineteen hundred and eight to September thirtieth of said year," and Assembly Bill No. 175, entitled "An Act amending Act Numbered Eighty-two, known as the Municipal Code, and of Acts amendatory thereof, relating to the tax on carts and sledges and the use of same on the roads of the Philippine Islands." If there is no objection, the Commission will go into Committee of the Whole for the purpose of giving these gentlemen an opportunity to present their views on these bills. [After a pause.] There being no objection, the Commission will be considered as in Committee of the Whole.

Delegate QUEZON. We would prefer that the law with respect to the extension of time for the collection of the cedula and land taxes without penalty be considered first.

The PRESIDENT. With reference to this bill relating to the cedula and land taxes, I wish to say that it was received by the Secretary of the Commission on April 8, four days after the three weeks' adjournment of the Legislature, in consequence of which it was not taken up for consideration until the Commission held its first session after the close of the recess, on April 30th. When the bill was read to the Commission two points were raised which seemed to make it inadvisable to pass it as it came from the Assembly. First, the month of September, fixed in the bill by the Assembly for the payment of the cedula, is decidedly more unfavorable for the collection of cedulas than the months of March, April, and May. The consensus of opinion in the Commission is that the month of September is precisely the month in which the people have no money to meet their taxes; second, how are the provinces and municipalities, the latter especially, going to get along without any money from the month of March to the month of September? As I recall it, the financial year of the municipalities begins on January 1, but the revenues which go to support the municipal governments are practically all collected in the month of April or before; that is, between January and April. Commissioner Luzuriaga informs me that in the Visayan Islands the planting and the milling of the sugar cane begin in December and conclude sometime about March, and that during that period all the people are employed and have money. In the month of September the planting and the milling of the cane are finished, and in consequence labor is without employment and therefore without money. In answer to these objections it may be said that the provincial boards will meet this condition, but I would call your attention to the fact that if it is left to the discretion of the provincial boards it will impose upon them a great deal of difficulty, and will needlessly force them, in the interest of the finances of the province, to resist a very considerable pressure. In the discussion sure to follow, the demagogue will have all the advantage, as the people will construe Assembly Bill No. 192 as an indication from the Legislature that the postponement of payment ought to be granted.

Delegate QUEZON. Mr. President, I should like to see the text of the law, if Mr. Donovan, the Secretary of the Commission, has

it here, because I believe that as the law was finally passed by the Assembly it grants the provincial boards discretionary power to collect the penalty when they believe it advisable. In my opinion, no specific date is fixed.

Delegate **SINGSON**. The bill leaves it to the discretion of the provincial boards to allow the payment of the tax without penalty up to September 30 of this year only, and this is a discretion they ought to have, in view of the conditions existing at the present time—the lack of crops, the reimposition of the land tax after it had been suspended for several years, and the fact that this is the first year the double cedula has been imposed. In view of these circumstances, the Assembly believes that this discretion ought to be granted for this year at least. It does not mean that the provincial boards must extend the time of payment to the 30th of September, but it is in their discretion to suspend it from the day before it becomes delinquent under the Internal Revenue Law to September 30.

Delegate **QUEZON**. I believe I can answer the arguments which the Commission had in mind and which induced it to withhold favorable action on the bill up to the present time. After having heard what the committee of the Assembly has stated with regard to the object of the bill, the two arguments of the Commission, that if the time of payment is extended to September 30 the people will have no money to pay it and the provincial boards will have no money for their support, need not be considered, for the reason that the provincial boards can proceed with the collection of the land and cedula taxes, if they deem it proper, so that those who are able to pay their taxes can be obliged to pay them, and with the moneys thus collected the provincial governments can be sustained. Aside from these reasons, there is another reason which induced the Assembly to pass this bill. The Commission is not ignorant of the fact that more than ever this year the rice crop has proved to be very poor; that the prices of hemp and copra have gone down; and that while the price of sugar is fluctuating it is unquestionably a fact that until the tariff amendments are passed by the United States Congress sugar will not go up to its former price, wherefore the taxpayers find it a difficult matter to pay their taxes. In view of these conditions, and considering that during former years the Commission not only suspended the payment of the penalty but also the payment of the taxes, there would



appear to be no reason why the taxes should not be suspended this year. It will put the Assembly in a very bad light before the people if precisely this year, when they (the people) have intervention in the Legislature, their representative body, the Assembly, fails to take into account the precarious condition of the country and make some provision for relieving it by legislation.

The PRESIDENT. Gentlemen, I discussed this matter at considerable length with Mr. Singson, of your committee, last night. The danger that I see in the passage of this bill is twofold. First, you can not support your municipal governments, and they will not be able to pay their current bills. Municipal police, municipal teachers, and other officials will go unpaid, and much dissatisfaction will surely result. The idea that anybody will pay his cedula until he is obliged to is a mistaken one. If the provincial board should postpone the payment without penalty until September 30 the result would be that the people would begin to pay their cedulas about the 1st of September. It may be said that the provincial board ought to resist the clamor of the people and do that which is right, irrespective of the consequences. That is nice in theory, but my experience in the Islands demonstrates to my satisfaction that it is rarely realized in practice. If the municipal police, municipal teachers, and other officials are left without their pay it should be remembered that they can not wait and that many of them will be forced to seek another means of livelihood, thereby wholly disorganizing a service which has been built up at so much pains and trouble, at least so far as the teaching service is concerned. A telegram from the Secretary of War urges that public works must be undertaken at once and every effort made this year to get back into the hands of the people as soon as possible their taxes and contributions to the Government. If the double cedula is not paid, that means of course that no public works can be carried on, that road and bridge building must stop, and all because the provinces will have no money to pay for laborers or materials. And if the work can not be begun in the dry season it must be postponed for another year, thereby tying up the money collected from the people for an unreasonable time and provoking financial depression for lack of the proper amount of money in circulation. In this connection, the Secretary of War warned me that we have not as yet begun to feel in the Philippine Islands the effect of the New York panic, which effect will be world-wide. Mr. Singson

very aptly said to me last night, "You must and ought to confide in the judgment of the provincial boards and leave to them the exercise of what is properly their local autonomy." I would be willing to put provincial boards to the proof in any year but this. This is the year in which the Filipino people have enjoyed the most local autonomy; that is, they have their own municipal governments, a majority in the provincial boards, and a Philippine Assembly which divides with the Commission responsibility for the laws of the country. Should the provincial governments and the municipal governments, especially the latter, be unable to pay their current bills for six or eight months the result would be rather *contra producente*. Indeed we have already had a very embarrassing situation in the Province of Sorsogon, where we almost had a riot, because the province was unable to pay its laborers the wages which it had agreed to pay and which had been properly earned by hard work. In that province for nine months many of the Government officials have not drawn their pay, and now the province is completely bankrupt. It will take it twenty-five years to pay its debt. You may very well answer that that is only one province out of forty, and one should not judge the local governments by what occurs in one province, but should we have the same state of affairs in four or five more provinces, and a large number of municipalities which depend absolutely upon the cedula for their revenues to carry on their governments, it will create a situation which will reflect very seriously upon everybody. As I said to Mr. Singson last night, knowing these things I must preach them, but if you gentlemen are still convinced that what you propose is the proper thing to do after I have pointed out the probable results, so far as I am concerned individually you may try it, but I fear that if you do you will hamper everything and everybody very badly and provoke a situation which will cause deep regret. The only way we can relieve the mass of the people from the effects of monetary stringency is by giving them labor on public works. In some provinces, notably Cebu, it is possible that we will have enough money to go ahead, because they have a railroad under construction there and they have already collected a very large amount of money in that province, but this is by no means the condition in all the provinces.

Delegate QUEZON. Mr. President, I do not believe the Assembly would desire to put into effect any law if there were really no reason

for it, and on this account we wish to discuss this bill with the Commission very carefully. It would seem that it should be considered, in connection with the arguments advanced by the Commission that the municipal and provincial governments can not sustain their administration if the taxes are not collected, that the Assembly has at least as much interest as the Commission in not having the provincial and municipal governments fail, because that would be prejudicial to the theory sustained by the Assembly that the provinces and municipalities are at present able to rule themselves. Now, I desire to put two questions to the Commission. Is the Commission agreed with the Assembly that this year is more critical for the country than the several years immediately preceding?

The PRESIDENT. Yes, sir; it is.

Delegate QUEZON. Was it not the critical condition of the country that obliged the Commission in former years to condone not only the penalty for nonpayment of the land tax but to suspend the tax itself?

The PRESIDENT. Yes, sir.

Delegate QUEZON. Then, if that was the reason for the suspension of the tax in its entirety in those years, why to-day, when the economic condition of the country is worse, should it not be considered sufficient reason, not for suspending the tax, but for extending the time of payment without penalty only?

The PRESIDENT. But, Mr. Quezon, to condone a part of the taxes, leaving enough to be collected to enable the provinces and municipalities to carry on their governments, is quite another thing from extending the time of the payment of all the taxes. We have never condoned the cedula tax, because without it the municipalities could not live, nor have we extended the time for the payment of that tax. The only difference of opinion between the Assembly and the Commission is as to the best means of relieving the situation. Certainly the idea of the Assembly in proposing this bill was to allow everybody to retain  $\$?$  in his pocket for some months longer. This may be a small matter to most individuals, but it is a most important one to the mass of the people and to the Government, because it signifies the postponement of public works and the suspension of a means of aiding the most needy, not only to pay their land and cedula taxes but to supply the means of sustaining themselves and their families. That is what we have in mind. More than this, we have the telegram of the Secretary of War that we

should at once begin our public works. You will remember that I sent a circular letter to each provincial governor advising him to do everything possible to carry on the public works needed in his province, but if there is to be no money in the provincial treasury this policy can not be carried out.

Delegate QUEZON. Well, that may be all right from an economical point of view, but the question has another aspect for the Assembly, and one that is more serious still. You know, Mr. President, that the Assembly, because of its constitution, has greater obligations to the people than has the Commission, and here is a question which we could not answer should it be presented to us by the people, why is it if the Commission, when it was the sole legislative body and when the situation was less precarious than it is to-day, had compassion on the people and passed a law relieving them from the payment of the tax, that the Legislature, which is now composed of two Houses, the Commission and the Assembly, and when the people have greater intervention in the Government, can not condone the tax. This is the political aspect of the matter, and it presents a difficult situation for us.

The PRESIDENT. You are quite right in that.

Commissioner FORBES. I think that the Assembly has a very good way of replying to that, and one that is perfectly unanswerable in return. In the first place, this double cedula is payable in labor as well as in money, so that if a man finds himself without the cash in his pocket he can go to work on the public improvements. A workingman has no objection to doing that. It is only the "*ilustrados*" who will not want to do that, and the cedula is not heavy enough on them to make any real difference.

Now, in regard to the territorial or land tax, it has only been established in a few provinces, and has been put into effect by the direct representatives of the people themselves—men elected by the people. It has not been imposed by the Commission nor by the Assembly. They had nothing whatever to do with it. It was done by the provincial boards and the Assemblymen can refer the people to their own local officials, elected by their votes, as the remedy lies with them.

Delegate QUEZON. That is a magnificent argument, Mr. Forbes. In theory, it is really a good argument. I believe that in an academic discussion there would be no way of answering it, but unfortunately for us the people will not discuss the question with

us academically. The fact is that last year they did not pay the land tax, and last year, in respect to my province at least, they might have paid the land tax, and as governor of Tayabas last year I was not in accord with the suspension of that tax. On the other hand, they can not pay the tax this year without detriment to their property; that is to say, they would have to sell a part of their property to pay the tax.

The PRESIDENT. There is a good deal in that, and also in the argument that as we have left in the hands of the provincial boards the question of the suspension of the land tax it is not too much to leave in their hands the question of the extension of the time of payment of the cédulas without penalty, and I would have no objection whatever to doing this if I did not know that in the provinces there are some people who would try to make political capital out of it. I mean to say that those who have no responsibility whatever for the provincial government will at once organize in the province a propaganda in favor of the suspension of the tax, and then the provincial board will be confronted with the proposition of doing its duty and collecting enough money to carry on the government or of acceding to a suspension and thereby saving its political prestige. There is probably not a provincial governor in the Islands who can say that he has not been harshly criticised by demagogues and agitators for doing nothing more than his duty toward his fellow-citizens. By nature, all people in the world are opposed to paying taxes, and the man who tells the people that they ought not to pay them is the most popular. As I said last night to Mr. Singson when he called my attention to the matter, it is vital that no mistakes should be made this year, this year of trial, in which the people have enjoyed the greatest measure of autonomy. Mistakes made at this time will be looked upon with far more critical eyes than if they had occurred later, and it is of more interest to you people than to the Commission or to the Governor-General that nothing unfortunate shall occur. Our prestige only is wrapped up in this undertaking, not the future of our country. We have recommended this policy of giving the people of the provinces and municipalities autonomy in their government, and if this policy results in failure the only injury that we can suffer is diminished prestige. You people have considerably more at stake.

Now, if you gentlemen still think the passage of this bill is

necessary, for my part I will not object to it, although I should a thousand times prefer to have the test next year rather than this year.

Delegate QUEZON. I wish again to refer to Mr. Forbes's idea. I believe that the two Houses, the Commission as well as the Assembly, ought to follow a uniform policy in regard to the provincial governments, one that would not leave the provincial governments in a difficult situation. If a means of relieving the Legislature of all responsibility was the only object sought in this matter Mr. Forbes's argument, that instead of having to answer the people as to why we did or did not oppose the tax we could refer them to the provincial governments for answer, would be a very good one. However, I do not believe that we ought to employ such procedure, at least at this time. The Insular Government needs the support of the provincial governments, and we can not leave them abandoned. There is a common interest between us. We can not leave it to the provincial boards to answer wholly the accusation of the people. Any failure of the provincial governments will fall on us in a direct manner also. The taxpayers will direct the same question to the provincial government that they could direct to the Assembly, namely, why, when the Commission alone could legislate on the land tax it had no objection to not collecting the tax, the provincial governments, composed of officials elected by the people, who now have power to condone the tax, should not in a year when the conditions of the country are more precarious, decline to do so. I do not believe we should leave the provincial governments in this position.

Commissioner FORBES. In reply to Mr. Quezon, I desire to call attention to the fact that the object of the law authorizing provincial boards to suspend the land tax in their discretion was to prevent the possibility of the provincial boards finding themselves in a difficult position, rather than to place them in a difficult position. Under the present organization of the Legislature we have three months' time during which that body shall be sitting, instead of twelve months as before the Assembly was opened. It is not always sure that the exact financial condition of the provinces will be clearly shown in those particular three months, and this law merely empowers the provincial boards to suspend the land tax during the time that the Insular Legislature is not in session, when crops may

have failed along toward the end of the year or some other calamity may have overtaken the people. I do not feel that we are placing the provincial boards in an awkward position when we make them take the responsibility of seeing whether the funds which they shall collect for their maintenance (none of the money collected goes to the Insular Government) shall be so much or some other sum.

Delegate QUEZON. Certainly not. I may not have explained myself clearly. I did not mean to say that the provincial boards have been placed in an awkward position by being authorized to suspend the land tax. On the contrary, I believe that that was one of the laws of the Commission which merits the applause of the people. What I meant to say was that in view of the more precarious situation in which the provinces find themselves this year, as compared with the year preceding, when the land tax was condoned, it would appear that they have a right to expect that the land tax shall be again condoned. However, if the provincial governments are obliged to sustain themselves on their own resources they can not relieve the people alone, because they have either to neglect to meet public necessities or to look after them by imposing the tax. I believe that the Insular Government ought to aid the provincial governments in this situation. Since the provincial governments, in order to comply with their duties, according to the Commission, must impose the tax, they ought to be given an opportunity to use their discretionary power in collecting the penalty.

Delegate SINGSON. Mr. President.

The PRESIDENT. Mr. Singson is recognized.

Delegate SINGSON. I am not of Mr. Forbes's opinion, with respect to the question of the land tax, that the Legislature can throw all the responsibility upon the provincial boards, because we all know that the time fixed by the law in question for the provincial boards to ask for the suspension of the tax terminated on the 1st day of December of last year, a day upon which there was no information whatever of the misfortunes which now weigh upon the country. At that time it was not known how bad the crops were, and it was not known how bad the market was for hemp. Therefore, all responsibility can not be thrown upon the provincial boards, and if we can not throw it upon them the responsibility undoubtedly falls upon the Legislature of giving them greater power to carry

the tax which they imposed into effect. With respect to the cedula, the opinion of the Governor-General is worthy of great respect, but I am not quite in conformity with the statement that the extension of the time for the payment of the cedula without penalty is simply authorizing the retention of the money in the possession of the taxpayer and a delay in returning it to the poor people who need it for their maintenance. I do not quite agree with that opinion, because the time for the payment of the cedula tax without penalty has already passed, and it can not be said that no one had paid his cedula tax up to the last day of the time fixed. Those who had not paid their cedula tax on the last Saturday of April failed to do so because they did not have the money.

The PRESIDENT. Well, does not this bill offer a premium for delay in paying the tax? Those who have paid it punctually will find, if this bill is passed, that they have paid unduly and that it would have been much better for them to have retained their money in their pockets.

Delegate QUEZON. We start on the hypothesis that the man who fails to pay did not pay not because he did not want to but because he was not able to.

The PRESIDENT. That is not always the truth. The truth is that no man wants to pay his taxes until the last minute, and some think it is better to pay the penalty than to pay the tax at the time fixed. You know of the number of delinquencies in the payment of the cedula and that they pay only when they are confronted by the alternative of payment or arrest.

Commissioner WORCESTER. I should like to ask Mr. Quezon one or two practical questions, if I may. In the province where the *jornal* is least at present, how much will be the daily wage?

Delegate QUEZON. I could only report on my province. In my province, from 2 pesetas to 50 centavos are paid per day.

Delegate SINGSON. In my province about the same.

Commissioner WORCESTER. I do not think there is a province in the Islands where the *jornal* is less than 2 pesetas. It is 2 pesetas with meals in this Province of Benguet. Now, if that is the case, and I do not know of anything to the contrary, the ~~2~~ cedula supposes five days' work. I feel entirely free to state that there are in these Islands no considerable number of people who



can not pay their cedula if they would only take the trouble to do so, and I can not believe, in view of the fact that the cedula can be worked out in public works, that there can be any serious embarrassment to the people to pay it in this way when it comes due if they have not the ready money.

Now, with the land tax it seems to me that the case is entirely different. With the cedula we are dealing with an insignificant sum, which is within the reach of probably every man in these Islands, but with the land tax we may be dealing with a very large sum in certain cases, and it is undoubtedly true in the case of owners of large property who have been in embarrassed circumstances for some time that the fall in the market price of many of our staple products which has occurred during the present year might render it extremely difficult for them to pay their land tax in cash, and the amount involved is such that it is useless to talk of working it out. They never could pay it as they could pay the cedula tax. Now, what I would like to ask Mr. Quezon is, What evidence have we that by postponing the evil day for the collection of the tax until September 30, for that is exactly what this bill means, the provinces and municipalities will be able to collect the tax on that date? Under this bill there will be few, if any, provincial boards that will not be forced to put off the collection of the tax until the last day. We have abundant evidence to support that belief. Having this in mind, what reason have we to believe that by extending the time in which the land tax can be paid until September 30 we are going to relieve the situation? How is the financial ability of these people to pay going to be increased, keeping in mind the time when the principal crops are harvested?

Delegate QUEZON. It will not be increased at all, Mr. Secretary. I desire to state to the Commission that the Assembly, on passing this bill, did not do so on the supposition that the provinces would then be in a better condition to pay. The Assembly did nothing more than to act in conformity with the theory sustained by the Commission. The Commission granted power to the provincial boards to impose this tax or not. The Assembly believes that to be consistent the provincial boards ought to have the power to say whether the penalty is to be paid or not. All that the Assembly

proposes to do in this bill is to make provision for granting to the provinces the power of fixing the time when the penalty shall be imposed.

The PRESIDENT. That is only for this year.

Delegate QUEZON. Yes; but it ought to be for every year.

The PRESIDENT. I am against you in regard to that, Mr. Quezon, because it would submit the provincial boards to undue pressure, and they would always be confronted with the proposition of either making political capital by granting something which they ought not to grant or of doing their duty and being completely crushed politically. I say nothing more in this regard with respect to the provincial boards than I say with respect to myself as Governor-General. When the Commission has tried to throw onto my shoulders the discretionary power of putting this or that law into effect I have always objected, because it means petitions and vexatious pressure. If there is a fixed period for doing things which can not be altered by the Governor-General or by anyone else everybody is contented, but if some official has the power to suspend the operation of a disagreeable law be sure that the exercise of that discretion for the public good serves only to give excuse for agitation and widespread discontent. You gentlemen know that there is still a great body of the people who have given but little consideration to governmental affairs. The provincial boards are composed of educated men, men of experience, but the mass of the people believe that the Government can be carried on without money, and it is the desire of the masses here, as in other countries, that they be required to pay no taxes. This is the situation, gentlemen, and even though I were in favor of giving this year a trial to what you propose I would never be in favor of leaving the date of payment of the cedula tax to be fixed by provincial boards. With respect to the land tax, it is quite a different thing. The land tax is a new tax, and one which is completely against the desires of the people, and by putting the question of its payment into the hands of the provincial board and not settling the question definitely by a general law it gives an opportunity to the people to become used to it; but that can not be said with regard to the cedula, because the cedula is a tax with which they are well acquainted. More than this, they paid a larger cedula tax during the former sovereignty. I do not know whether the Spanish Government ever extended the time for payment, but I suspect they never did.

Delegate QUEZON. Mr. President, I should like to answer the arguments presented by Commissioner Worcester. Commissioner Worcester stated that he did not believe that there was any laborer who could not pay this cedula tax, taking into account the amount paid for wages. I can give you a report on an actual case. The town of Baler, where I was born, is a town which, from the implantation of American sovereignty down to the present time, has never paid a penalty for delinquency in taxes. Not alone is this true of the whole town but of individual taxpayers, this being true of the cedula as well as the land tax. In confirmation of this statement I can present the books of the provincial treasurer, showing that not a single cent has ever been collected from this town for tax delinquency. I am now in receipt of a letter from the provincial treasurer and from Baler telling me that this year they will have to pay the penalty for delinquency, as it will not be possible for them to pay the double cedula tax within the time prescribed. There they lost 90 per cent of the rice crop. They have no means of paying the taxes, and this year, as I said before, they will not be able to pay them without penalty. I can assure you that they have never before failed to pay their taxes without the penalty. They always paid them during the month of January, but this year they could not do so.

Commissioner WORCESTER. I do not know that I made myself clear. I did not say and do not say that there may not be a special case where some people would find it impossible to pay in cash on the date fixed. I said that, taking into account, first, that the cedula is a small amount, and second, that it can be paid in labor, I did not believe that it would be impossible for anybody to pay it in one way or the other, before or after the date fixed. In contradistinction to this we have the land tax, the payment of which might present a difficult problem to a man who had lost his crops or met with some other similar misfortune. It would be inconvenient or impossible for some to pay in cash the ₱2, and the double amount should they become delinquent, but at any rate I do not believe that it could be very difficult for them to pay the tax, taking into account the fact that they can pay it in labor.

Referring to Mr. Singson's remarks, I believe he is quite right in saying that we can not relieve ourselves of all the responsibility for the imposition of the land tax. It is true that neither Mr. Quezon nor the Assembly proposed the land tax, but the Commission

thought it would be beneficial for the country. What I want to know, practically, is whether it is really going to be better to leave the matter to the provincial boards. Now, I understand that Mr. Quezon is right in saying that the people are not going to analyze the question as to whether the land tax this year was the fault of the provincial board, the Assembly, or the Commission. You remarked that last year the Commission was the sole legislative body, and that the people did not have to pay the land tax, but now they have the Assembly, and if they have to pay this year they will say it was the Assembly's fault. Some of them may think so, and will continue to think so in spite of all you could say to convince them otherwise, but we must take other things into account. Let us suppose that the payment of the tax will be left until September 30. In the meantime, the provincial and municipal governments find themselves in distress, because of a lack of money in their treasuries. We shall then have to take the responsibility of having passed this law making it possible for them to get into that condition; so that the animal has two horns, both very sharp, and we shall be caught on either one or the other. The question is, Which of the two will penetrate deepest?

Delegate QUEZON. We comprehend very clearly the difficulty of the Central Government in this matter, and for that reason we believe it well to discuss it with a view of finding, if possible, a satisfactory solution. What I wanted to say was precisely this, whatever action we take I, on my part, at least, believe that it will be dangerous, and I think that that is the reason that the Assembly did not propose the remedy that it might have proposed. I believe that the true solution would be to condone the tax and to meet the loss thus caused to the provinces and municipalities this year from Insular funds.

The PRESIDENT. The thing that I fear for next year is the suffering which the proletariat class must endure, because it is admitted that the planters are not in sound financial condition. They lack money, and it is sure that they can not pay the laborers. The duty of the Government in such cases is to commence and carry into effect public works, with the money which will come in from taxes, thus aiding all those who need aid most. The poor, uneducated people must secure money, not only to pay their taxes but to live on, and if we do not prosecute these public works there will be no means of ameliorating their condition. If we proceed with

our public works, the poor man, by working on the public roads, bridges, and buildings can earn ₱15 or ₱20 in a month, and after paying his cedula he will have not less than ₱15 left for his living expenses.

Delegate QUEZON. Well, Mr. President, what definite resolution shall we take in the premises?

The PRESIDENT. As I said before, I have not consulted with the other Commissioners. If they should insist on it, I would be willing to vote for your bill, but I must say frankly that I would prefer to let the provincial boards learn next year rather than this year the bitter lesson of attempting to run a government without funds. We have suffered on account of the price of hemp. The decrease in the price of this product is the direct result of the panic in New York. The International Harvester Company and other manufacturers of hemp were confronted with a serious difficulty after the panic in New York. When this panic occurred, in order to meet the demands of depositors the banks at once demanded from their patrons all money due and the hemp manufacturers had to pay the banks or close their doors. They paid, stopped buying hemp, and set themselves to use their year's reserve of raw material. Next year there will be quite a demand for hemp, at a price which I believe will be quite high, because the manufacturers now are consuming the stock which was held in reserve, and when that reserve is consumed there must be a greater demand.

Delegate PEÑARANDA. Hemp is going down in price now.

Delegate ADRIATICO. Mr. President, I have believed that in any case it is necessary to collect the cedula tax, because with this money public works may be instituted and prosecuted and through these public works will be returned to the laboring class the money paid by them as taxes, but before returning it we must first collect it. Would it not be better, Mr. President, not to collect it from them? Then we would not have to return it to them.

The PRESIDENT. You would be quite right if the great majority of the cedula were to be paid for by those who can not afford to pay for them, but that is not so. The majority can pay, with a little sacrifice, and I believe it is better for a man who has a peso in his pocket to pay his cedula, suffering a little now, so that tomorrow or next month he can secure work which will bring him ₱8 or ₱10.

Delegate ADRIATICO. But the immense number of those who pay

the cedula are laboring people. It must be remembered that the people in the provinces are not exactly laborers, but they are laborers only when there is work. The greater part of the people in the provinces are engaged in agriculture, either wholly or in part, and at present there is no hope for agriculture. We know that there are very few carabaos, and consequently that the amount the laborer could earn in wages for his labor from public works would not be enough to meet his living expenses.

The PRESIDENT. There may be something in that.

Delegate ADRIATICO. So that even though public works were in progress in the province the critical condition of the mass of the people would not be wholly relieved, because it can not be conceived that with 40, 50, or 60 centavos a day the needs of a family can be satisfied. It is the general belief that in the towns things of prime necessity have gone up in price.

The PRESIDENT. Therefore we need public works to relieve the necessities of the people in those towns.

Delegate ADRIATICO. But the money for these public works must be taken from the pockets of the masses, who are not in position to pay it.

The PRESIDENT. But they are not all laborers, and as I said before, the great majority of them can pay the small cedula tax with a little sacrifice, and they would simply be loaning to the Government one or two pesos which would be returned to them four or five times over at the end of the month.

Delegate ADRIATICO. In the month of January the crop harvesting is over, and the whole popular mass has a certain amount of money. They pay their cedulas then, because they have the means to do it. Then the man who has paid his cedula tax entertains the hope that it will be returned to him when the public works are in course of construction, but this year he can not pay the cedula because there are no crops.

The PRESIDENT. But it has been proved that September is not a good time to require payment. Nearly all the provinces have stated that April is the best time for collecting the tax, because the people have more money at that time than at any other time during the year. Admitting this, it is beyond argument that in the months of July, August, and September the people will have little or no money; indeed, in those months even the planters lack

money. In September the mass of the people will be confronted with exactly the same difficulty which confronts them now, and with less means of meeting it successfully. In August, September, and October we should be ready to do everything possible in the way of public works to relieve the people from suffering and to furnish them with the means to meet their living expenses. In the month of September laborers will find themselves without money, because there will be no work except on plantations in a few provinces, and unless we make provision now the Government will have no work for them, and therefore conditions in that month will be still more difficult and gloomy than now.

Delegate QUEZON. I should like to present a motion. I move that a recess be declared, so that the Commission may resolve on something and submit it to the Assembly committee.

Delegate DE VEYRA. Before the recess I desire to make a few remarks. It appears to me that we are all agreed with reference to the precarious condition of the country, brought about by the circumstances set forth here by my companions, and especially by the circumstances mentioned by Commissioner Worcester, viz, that when the law empowered the provincial boards to impose the land tax or not in their discretion up to the 1st of December of last year the direct results of economical depression were not then felt or anticipated, such as the low price of hemp and the loss of crops, like rice. Now, no one is in position to appreciate better the condition in each province than the provincial board, and it seems to me that it would be wise to allow the provincial boards to extend the time of the payment of the tax without penalty up to September 30, if in their discretion they deem such action necessary and advisable. That is, for example, if in a certain province it is believed that the situation has improved sufficiently the provincial board may fix the time of the collection of the tax at a date before September 30. For this reason the Assembly made it discretionary with the provincial boards, and I think it was a wise provision. Take, for instance, my province, which is in a very bad condition. Within a few months the conditions may improve, and no one can know better than the provincial board when they are improved.

Delegate QUEZON. Mr. President, I suggest that the Commissioners hold a short session to discuss this matter among themselves, and then submit their conclusions to the Assembly committee.

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## RECESS.

A recess was thereupon taken for ten minutes, at the end of which time the conference was resumed.

## CONFERENCE RESUMED.

The PRESIDENT. Gentlemen, we have some fear with regard to the extension of time for the payment of the cedula. We should be willing to postpone the land tax to the 30th of September if you think that advisable.

Delegate QUEZON. What does the Commission desire with regard to the cedula?

The PRESIDENT. The Commission believes that the cedula should be paid.

Delegate SINGSON. Does the Commission believe that the penalty of ₱2 should be paid? That will make a ₱4 cedula now.

The PRESIDENT. Mr. Forbes, with reference to the payment of ₱4 in some of the provinces, we are going to have some difficulty in collecting this, especially in Samar and Leyte.

Commissioner FORBES. They can do some work, then.

The PRESIDENT. But they will consider that it is an increase in the cedula—instead of having to pay ₱2 they will have to pay ₱4. Now, knowing the customs of the country, as we do, and that some of the people know that this bill has been under discussion, and have waited until it was settled before paying their taxes, wherein will be the inconvenience in postponing the payment of the cedula until May 30?

Commissioner FORBES. The objection that I see to that is that, while it might work all right for this year—

The PRESIDENT. It is only for this year.

Commissioner FORBES. Yes; but next year they will all wait over, expecting that the tax will be postponed until May 30 again.

The PRESIDENT. What has influenced us most in objecting to this bill, gentlemen, is the fact that it is merely putting off the evil day, because the people will be in just as bad condition in September as they are now.

Commissioner FORBES. The point is this, the dates for the payment of taxes should be definitely fixed. If the dates are the same every year people will govern themselves accordingly, but if each year there is a postponement those persons who do not want to pay get off, and they will wait so that they may get off every year. It



unsettles the whole scheme. It tends to make all people feel that the law is changeable from day to day to meet their convenience and not a fixed thing to which they must adjust themselves.

Commissioner TAVERA. I concur in Commissioner Forbes's idea, but the fact is there are occasions when the Government ought to try to meet existing conditions. In the Province of Tayabas, the papers in connection with the collection of the tax arrived a month after the time for the payment of the tax without penalty had expired, and I remember that the Commission had in some years found it necessary to postpone the time for the payment of the tax without penalty because the papers had arrived two months late.

The PRESIDENT. In the Batanes Islands this occurred.

Commissioner TAVERA. The Province of Tayabas and some other province, I do not remember which one now, asked me to try to have the time for the payment of the cedula extended to June 30, and if the Commission is disposed to extend it to the 30th of May I should ask that it be extended to the 30th of June instead.

Commissioner FORBES. In all the provinces, and for this year or every year?

The PRESIDENT. We are speaking only of this year.

Commissioner TAVERA. I move that the extension of time for the payment of the cedula without penalty to June 30 and of the land tax to September 30 be granted.

Delegate SINGSON. That is, to leave it to the discretion of the provincial boards?

The PRESIDENT. Yes, sir; to leave it to their discretion.

Delegate QUEZON. If it is feared that the people would not pay next year in the hope of another extension, I think this might be avoided by the publication of a part of this conference.

The PRESIDENT. What do you think of Dr. Tavera's proposition, Mr. Worcester?

Commissioner WORCESTER. I agree to it.

Commissioner FORBES. I believe it is a mistake, Mr. President.

The PRESIDENT. I agree with you, Mr. Forbes, that it is a mistake in not having the taxes paid when due, but let us help out the Assembly on this occasion. Commissioner Luzuriaga, how do you feel?

Commissioner LUZURIAGA. I agree to it.

The PRESIDENT. The motion is carried, gentlemen, and the committee of the Commission having Assembly Bill No. 192 in charge is instructed to bring in the bill amended accordingly.

## COMMISSIONER WORCESTER IN THE CHAIR.

At 11 o'clock and 20 minutes antemeridian.

Commissioner Worcester in the chair.

Commissioner FORBES. With reference to the question of the use of narrow-tired carts on the roads of the Islands, the Governor-General has asked me to state my proposition to the gentlemen of the Assembly, but first I would like to state to the committees of both Houses present my position in regard to the whole question.

I think that we are all agreed that the greatest need of the Philippine Islands to-day is roads. I will not go into a discussion of the necessity of roads, because I do not want unnecessarily to take up your time, feeling that all agree with me that such a necessity exists, but I will say one thing and that is that there is no possibility of the Philippine Islands ever amounting to anything economically, or of their ever taking their proper place before the world, until they have some way of getting their products out to their local markets and to the markets of the world. The loss which the Islands have suffered through the deterioration of the roads is something which can not be computed in dollars and cents, but if it could be so measured it would probably greatly exceed all the other combined losses which the Islands have suffered in the last few years. The only hope of a successful and prosperous community here lies in the concentration of the efforts of all of us in road building. In no other country in the world of which I have any knowledge are such effective engines of road destruction permitted as the sledges and carts with narrow-tired wheels and fixed axles that are used here. The opening of the door through this proposed law of the Assembly to the use of these instruments of road destruction would be a sure means of destroying all our present hopes of a new era of roads before it could be again closed, and experience would show, as it has shown in the past, that it would have to be closed and kept closed to this class of vehicles if the Philippine Islands are again to prosper.

To say, as the proposed law does, that the provincial boards shall allow the use of these sledges and carts with fixed axles and narrow-tired wheels during the agricultural season or at certain other times of the year means that each *hacendero*, instead of using the proper kind of vehicle, would use the improper kind, and it would of course be impossible for us to have a policeman standing over

each of the farmers all the time to see that his sledges are not used on the roads, and the result would be that they would be used generally and would destroy the roads just as surely and completely as if we hired men to do it. During my recent visits in the provinces I have personally seen sledges used on the roads whose runners are so shaped that they serve as plows to dig under the road metal and throw it to one side in such a way that the water must surely wash out the road.

Now, we have had the experience in several provinces of trying to let down the bars so as to permit the use of these instruments of destruction (I can not call them anything else), and the practical effect of it is this: That everybody who purchased a wide-tired cart wants to sell it, and nobody buys a wide-tired cart in a province where this prohibition has been suspended. All the narrow-tired wheels, which had been thrown on the scrap-heap and woodpile, are taken out again and put onto carts. The roads are immediately put into bad condition again, no matter how well repaired they had been before.

Now, I wish to say that it is our duty here to unite in the establishment of a system of roads and not to attempt to destroy those poor remnants which we have saved from the general wreck. In the Province of La Laguna, where more progress has been made toward a complete system of good roads than in any other province—

Delegate QUEZON. There are no better roads there than in Ta-yabas.

Commissioner FORBES. No better roads, but a good system of roads, which reaches all the municipalities of the province. It will take a shorter number of years in the Province of La Laguna to complete a system that will answer their purposes than in any other province. This is partly because they have such excellent waterways and partly because they will have a railroad through the province, which waterways and railroad the wagon-roads will meet. In the Province of La Laguna the provincial treasurer devised a plan of offering to all the owners of carabaos who work one month on the road a wide-tired cart. That is, a farmer who works with the cart and his carabao on the road for one month receives the cart as his property free of any other payment. By this means the provincial treasurer was able to serve three purposes at

one and the same time: he had wide-tired carts introduced throughout the province; he secured all hauling of materials and other transportation work on the road construction, and he was able to use the road money of the province in the purchase of carts made in Bilibid Prison for the purpose of road construction. Our proposition is now, instead of uniting to permit the use of these narrow-tired carts and sledges on the roads, to appropriate a sum of money estimated to be sufficient to enable each of the provinces to make the same offer that the Province of La Laguna made, so that nobody who has a carabao need be deprived of an opportunity to use him in the transportation of his crops.

Commissioner WORCESTER. Are these carts suitable for *toros* also, Mr. Forbes? In La Union, Pangasinan, the Ilocos, and in Negros, bulls are used a great deal.

Commissioner FORBES. It is a question of the weight of the carts.

Commissioner WORCESTER. They are all right, you mean, if they do not get their wheels too heavy.

Commissioner FORBES. The carts, of course, could be so constructed as to meet the needs of all.

Commissioner WORCESTER. All of them should be so constructed that a man would not be compelled to use a carabao, because in some provinces they have bulls instead of carabaos.

#### THE PRESIDENT IN THE CHAIR.

At 11 o'clock and 30 minutes, antemeridian.

The President in the chair.

Delegate QUEZON. Pardon me, Mr. Forbes, what did the treasurer of La Laguna offer to the farmer?

Commissioner FORBES. He offered to each man who wanted a wide-tired cart and who owned a carabao an opportunity to receive the cart as payment for one month's work with his carabao and the cart on the roads. A man hauling material on the roads for one month with his animal was provided with the cart without further charge.

The PRESIDENT. The complete cart, not the wheels only?

Commissioner FORBES. The entire cart; yes, sir. It was a wage paid for the labor and the use of the carabao.

Delegate SINGSON. I am quite agreed with Mr. Forbes that to-day our roads are in very bad condition and that we ought to improve

our means of communication, but I dissent from his opinion that the present bad condition of the roads is due exclusively to the use of narrow-tired carts and sledges. I agree that there are sledges which are really plows, and the Assembly in passing this bill was very careful to exclude this class of sledges.

Commissioner FORBES. I did not say that the bad condition of the roads is due exclusively to the use of sledges. The bad condition of the roads is primarily due to the lack of a system of conservation, but the destruction due to this lack of system has been augmented by bad use of the roads.

Commissioner WORCESTER. In that connection, Mr. Singson, will you also permit me to make an observation? This is a question of great importance, and we ought to study it carefully. I have seen the road from Mexico to Arayat, in the Province of Pampanga, constructed anew by the military authorities. They put a row of stakes in the middle of it, so that there were really two roads, one on the right and one on the left of the stakes, and sentinels were placed at each end of the road. When narrow-tired carts approached they were ordered on the left and other wheeled vehicles on the right. Now, it is understood that the two parts of the road were exactly of the same construction. On the left there was mud that reached up to the body of the cart, and on the right Mr. Forbes could have run over it at the rate of 30 miles an hour in his automobile. That is practical proof that these narrow-tired carts are instruments of destruction.

The PRESIDENT. I think that is entirely beyond discussion.

Delegate SINGSON. A narrow-tired cart will destroy a road in parts, no one can deny that, and what Mr. Worcester says may also be true, but we ought not to accept the example presented by Mr. Worcester as incontrovertible proof that the road will be destroyed by narrow-tired carts, because we do not intend to completely abandon the road to that class of vehicles. On the contrary, in our bill we impose quite a heavy penalty, somewhat more than that now imposed, for the use of these carts. We tax the planter ₱8 a year on all carts which contribute to the destruction of the roads. Taking two roads, one a road over which nothing other than wide-tired carts and only a few of those were to pass, and a road over which a large number of narrow-tired carts were to pass, neither road being repaired, undoubtedly the one over which narrow-tired carts passed would be the first to be destroyed, but as I said before,

we impose an additional tax on these carts. The suggestion which we wish to make to the Commission is that we should have good roads by means of an improvement in their construction and conservation. If we construct our roads well and maintain a good system of conservation, I believe that we shall be able to have good roads, or at least better ones than we have now. During the Spanish régime these carts we are speaking of were allowed to pass over the roads the year round, but our roads were not as bad then as they are now.

The PRESIDENT. I remember that I could not go from Manila to Santa Ana on a horse.

Delegate SINGSON. Permit me to say that the greater part of the roads of the provinces are in worse condition now than they were during the Spanish rule.

Commissioner FORBES. That is due to eight years of lack of conservation.

Delegate SINGSON. Under the present legislation, we believe that we shall also have very beautiful roads, but they will be secured by decreasing the means of transportation which shall pass over those roads, so that the idea of this system you speak of would be to have only a few vehicles of transportation.

The PRESIDENT. But, Mr. Singson, your people want progress, do they not? Your people do not want to remain with means of transportation so antiquated that they appertain to the sixteenth century.

Delegate SINGSON. It seems to me that the present circumstances of the country must be considered.

The PRESIDENT. I think nearly everybody is agreed that we ought to aid the people in acquiring better means of transportation. Now, this plan of Mr. Forbes makes the cart an expense to the Government in the first place, and at the end of thirty days' work on the roads with his carabao this cart is turned over to the citizen.

Delegate SINGSON. Mr. President, you will remember that you and Commissioner Tavera were in Ilocos Sur and heard the clamor of the people against the greater cost of these new carts which they were required to use. I believe you suggested to the provincial board that they buy cart wheels and sell them to the people at cost price. What was the result? The result was that some people bought them, and at the end of two or three months the carts were out of repair, and naturally the people could not repair them

without aid, as they could their old carts. They had to take them to the blacksmith shops, and they charged more for repairing one of them than it would cost to *construct* one of the old carts.

The PRESIDENT. I must say that you are right there.

Delegate SINGSON. And another thing, it is very difficult to use these carts in the fields, because they are too heavy for the animals.

The PRESIDENT. The Commission has agreed that to prohibit planters from using any vehicle they see fit to use in their own fields is opposed to real, personal liberty, and that their use on their own property should not be restricted, but *hacenderos* ought not to be permitted to destroy the public roads with them. You are quite right in saying that the Government in many cases furnished carts to the people which could withstand very little hard usage, and that this caused considerable dissatisfaction, but in this system of Mr. Forbes I propose that should one of these carts be worn-out or break down before its deterioration is justified by a reasonable period of use the cart should be repaired or a new one given at the expense of the Government. I do not believe that one of these carts should wear out in a year, and to compel a man to spend ₱10 in its repair after a short period of use I think is unjust. I agree with you that the complaint of the citizens of Ilocos Sur in this regard was well founded. If they received carts of that kind from the province it was unjust to compel them to spend more for repairing the carts after a short period of use than they had cost in the beginning.

Now, let me call your attention to the result of the use of narrow-tired carts on the road from Bay to San Pablo, in La Laguna. The province promised to keep that road in repair. They did not repair it, and it got into such condition that one could not pass over it in the rainy season. It was reconstructed by the military, with a rock base. Ditches were cut in both sides of the road, and the water entered and washed out the base on which the rock stood, and the whole road was destroyed.

If you are quite firm in your belief that this law should be passed. gentlemen, I propose that before we take further action on it a committee be appointed from the Assembly and the Commission to go to the provinces, or some of them, and see and report on the actual situation; and if this committee, after its investigation, is not convinced that this narrow-tired cart is an instrument of destruction then I will be willing to vote for the bill.

Delegate SINGSON. But, Mr. President, would not the ₱8 which the narrow-tired cart would have to pay be ample compensation for the destruction which it might cause?

The PRESIDENT. Take the road from Dagupan to Pozorrubio, and examine the engineer's figures as to the cost of repairing this stretch of road ruined by these carts.

Delegate SINGSON. But the fact is that until recently no good system of conservation had been employed on that road.

The PRESIDENT. But do you believe it is good policy to authorize the use of a vehicle which all engineers agree is an instrument of destruction, and then put this additional expense of maintenance on the people?

Delegate SINGSON. I do, if the people believe it will benefit them, because I believe that the roads are opened and conserved for the benefit of the people.

The PRESIDENT. Take the cart driver himself. Is it just to him to require him to pay the additional ₱6 a year to use this cart, or do you not think it would be better to require him to get a cart on which he would have to pay no tax whatever?

Delegate DE VEYRA. It appears to me that there is a much easier solution of this question. We might offer the citizen his option to acquire the cart offered by the Government or pay the tax imposed by the law.

The PRESIDENT. You know very well, Mr. De Veyra, how settled your people are in their customs. A man who has once used a narrow-tired cart never wants to use any other kind of cart. He is very conservative, almost as conservative as the Chinese, who prefer the wheelbarrow as a means of transportation and decline to use any other kind of vehicle because custom dictates otherwise. I believe it would be much more advisable to compel the use of broad-tired carts, after allowing a reasonable time to become acquainted with their value as an improved means of transportation. Not long ago, when we were in your province, Mr. Quezon, our attention was called to the fact that five hundred horses a day traveled from Tayabas to Bay. In Tayabas there was a good road, over which the people could go with carts or any other kind of vehicle, but once they reached the boundary of La Laguna they could not use carts; they had to use horses, each loaded with two sacks of coprax, for the transportation of which, I am informed, the owner of the horse charged 75 centavos. Does the owner of



the horse gain by that? No, because he could carry six sacks on a cart for ₱1.50, earning seventy-five hundredths more each trip and could reduce the price of transportation to the owner of the coprax by the same amount. Now, as I have said to Mr. De Veyra on a number of occasions, if in order to provide a fund for good roads we should try to collect in Burauen, in his province, from each *abaquero* the extra cost paid by him for transportation because of bad roads we would have a revolution. In a word, the people of Burauen because of bad roads paid ₱3 a picul for transporting hemp to Dagami, a distance of 6 miles at most. With good roads, it ought not to cost more than ₱1. If we taxed each picul ₱1 for good roads everyone would complain, but everyone is satisfied to pay a tax of ₱2 a picul for the pleasure of having bad roads.

Delegate DE VEYRA. Is not the present law in effect on the Bay road to the boundaries of Tayabas?

The PRESIDENT. There is no road there now. They are now constructing it for the third time.

Delegate DE VEYRA. Under American rule?

The PRESIDENT. Yes, sir.

Delegate DE VEYRA. Then, if the present law is in effect on that stretch of road, why is it that it was not kept in the same state of preservation as the other part of the road?

The PRESIDENT. Because a weak central government gave a permit to the people to use narrow-tired carts on it. They came to us and said they had to get their crops to market and that unless we allowed them to use these carts they could not do so. We gave them the permission, against the strong opposition of Commissioner Forbes.

Delegate DE VEYRA. Is it not true that the bad road in La Laguna is due to bad construction and a poor method of conservation rather than to the use of narrow-tired carts?

The PRESIDENT. I do not say that the destruction of the road is due entirely to the use of narrow-tired carts, but this certainly was a great factor in it.

Delegate DE VEYRA. The best road we have in our province is from Tacloban to Palo. It is about 7 miles long.

Commissioner WORCESTER. I know that road.

The PRESIDENT. I know it also.

Delegate DE VEYRA. For three years the present legislation has

been applicable to that road. No narrow-tired carts nor carts with fixed axles are allowed to pass over it, but in spite of that fact if the provincial board does not repair that road within a period of six months it will be ruined, exactly in the same manner as it was during the Spanish Government. I think this shows that it is not only narrow-tired carts that spoil roads. Wide-tired carts also wear roads, but to a less degree of course. I propose that we impose a tax proportionate to the width of the tire.

Commissioner FORBES. Then we would have to place a lookout tower on every kilometer of the road, with a guard and collector to collect the tax.

Delegate DE VEYRA. Let us be practical, as you are. We have seen on the Benguet Road that all the carts drawn by bulls are constructed exactly alike, and this can be done in other provinces. We could have the width of the tire according to the weight of the cart.

The PRESIDENT. Now, I want to make this proposition: Let us select two pieces of road, and for three months during the rainy season let us permit these narrow-tired carts to pass over one of them and only wide-tired carts over the other, and let us see the damage done on each stretch by narrow-tired and wide-tired carts carrying the same weight, as shown by the cost of repairs to each stretch.

Delegate DE VEYRA. The result, of course, will be in favor of the wider tires, for the reason that the wider tired carts are scarcely one one-hundredth of the number of the narrow-tired carts.

The PRESIDENT. Well, let only one cart pass over each stretch. We could make the experiment taking a stretch of 50 yards, putting a cart with narrow-tires on one stretch and a cart with wide tires on the other, allowing them to go back and forth across the road for three months, and permitting no other vehicle to pass over it; then, at the end of that time, compare the cost of the maintenance of the two stretches.

Commissioner WORCESTER. You could do that in much less time than three months. At the end of a month the narrow-tired cart could not go over its stretch of road. It would be necessary to use a banca to get over it.

The PRESIDENT. You who are in favor of the narrow tires can select the two stretches.

Delegate SINGSON. I would like to propose that this law be put into effect in my province as an experiment, and that the provincial board be permitted to collect ₱8, at the rate of ₱2 per quarter.

Commissioner WORCESTER. It is true that we have a number of difficulties to meet in the maintenance of good roads. The first difficulty is the same as that met with in every tropical country—we have torrential rains; the second difficulty is that vegetation in tropical countries grows on the roads and prevents them from drying; the third difficulty we have here is that we have these instruments of destruction passing over the roads. It can not be said that it is impossible to have good roads under these tropical conditions, because we know that Java and the Celebes have good roads. This country must at present depend for its revenue on agriculture, and there are three means of securing prosperity: The first, by preventing diseases of animals; the second, the development of a good irrigation system. I think this will be better than any agricultural bank, because we always have the sun, and if we have water we will have crops, and with good crops every year we can do without banks. The third means is to construct roads and keep them in good condition. It is true that we will have railroads, but we must have feeders for these railroads or they will fail. This thing of depending for the maintenance of the roads on what would be collected on narrow-tired carts would not result well at all.

Delegate SINGSON. I propose that we make the test.

Commissioner WORCESTER. Why do we not make use of the tests we have had.

Delegate SINGSON. The destruction of the roads heretofore has been due to bad construction and bad conservation. I propose that we begin again and make this test with good construction.

The PRESIDENT. But under the law a cart driver is a citizen and he has the same rights under the law as any other citizen. Is it just that we should require from him a tax four times greater than he would have to pay if he had a proper vehicle? We have had complaints from your province in regard to this law.

Delegate SINGSON. Naturally there have been complaints, because the farmer can not use the cart on certain provincial roads. For example, the provincial board declared that a certain stretch of road was an improved road, and in another place that it was not, and the poor driver could not use his cart because it would be necessary for him to pass over both those places.

Delegate QUEZON. I believe that the questions can be put into concrete form, in this way: The proposition that ought to be proved by the Delegate from Ilocos Sur is that the greater cost of conservation of a road over which narrow-tired carts are permitted to pass may be met by the tax imposed on such carts; the second, that the use of these carts is now necessary, in order that the people of the various provinces may be able to get their products to the markets. If these two things are proved I believe that it would be necessary for the Commission to pass the bill.

The PRESIDENT. I deny that this tax on narrow-tired carts would be enough to pay the expenses of conservation, and this would be well shown by taking the example of Pangasinan.

Delegate DE VEYRA. The fact that the road over which only wide tires pass also deteriorates supports Mr. Singson's argument that the additional tax would serve to compensate for the extra destruction which the narrow tires might cause.

The PRESIDENT. Let us make a comparison. How many narrow-tired carts have you in Ilocos Sur, Mr. Singson?

Delegate SINGSON. Five thousand carts. If the tax were only ₱5 that would make ₱25,000.

Commissioner WORCESTER. How much do you receive from them at present? It is easy to calculate how much you ought to receive, but the question is, How much do you really receive?

Delegate SINGSON. I do not know, but we can not base any calculation on what is received under the present law, because not all carts can pass over an entire road. There are some which can pass over only a certain part of it.

The PRESIDENT. How many *camineros* do you employ on your roads?

Delegate SINGSON. Not the same number on all roads.

The PRESIDENT. Now, we will say one *caminero* for each 2 kilometers in the dry season and one *caminero* for each kilometer in the wet season. Now, in your province you have a certain number of miles of improved roads, and about ₱350 per kilometer are required to keep the roads in good condition. If after permitting narrow-tired carts to use the road it costs ₱500 per kilometer you can easily ascertain whether the tax on narrow-tired carts pays the difference. I am quite certain that it will not.

Commissioner FORBES. Three hundred and fifty pesos per kilometer is what it ought to cost on an average. Occasionally, of

course, we will find stretches of road that will cost much more to maintain than others. For instance, in sandy soil one *caminero* could care for much more than 1 kilometer of road, whereas on a road through rice paddies heavily used more than one *caminero* would be necessary, so that our arrangement provides for an average of one *caminero* per kilometer, and their services can be utilized on the roads as necessary.

The PRESIDENT. I propose that we appoint a committee from the Assembly and from the Commission to study this matter during the coming recess of the Legislature, with a view of ascertaining whether, as Mr. Singson insists, the tax on narrow-tired carts used on the roads would pay for the damage caused by such carts. If the people are willing to pay this tax (although I think it would be an unjust tax on them), and it is found sufficient to keep the roads in good repair, why, I think it is clear that the Government should not deny them the system they desire.

Delegate QUEZON. Have property owners a right to use such carts as they choose?

The PRESIDENT. Yes, sir. They have a right to use anything they want to on their own property. At least, the Commission has passed a bill to that effect.

Commissioner FORBES. There is one thing that I wish to say to Mr. Singson. He called attention to the proposition of an ₱8 tax on these narrow-tired carts. That feature of it, however, really serves to obscure the real effect of the bill, or rather, it gives the appearance of greater protection that it would really afford. That protection is entirely nullified by certain other provisions which appear later in the bill. The bill provides that there shall be no charge whatever for the use of these narrow-tired carts or sledges during the agricultural period of the year, the agricultural period to be determined by the provincial board. It is very difficult to say just what period of the year is not the agricultural period in the Philippine Islands. When we have irrigation, we shall be able to grow crops in all parts and at all times of the year. In Sorsogon, Samar, and Albay, for instance, there is no time when they are not harvested. This provision would take the whole matter out of the control of the Central Government and throw the door wide open to the use of these carts, and in my judgment such a provision would inevitably result in the complete destruction of everything we are trying to do with regard to the improvement of our roads.

Delegate QUEZON. Suppose we amend that law, imposing the tax on such carts during the entire year.

The PRESIDENT. Now, gentlemen, you can see from this discussion that there is a difference of opinion as to the facts. Would it not be better to appoint a committee of three from the Assembly and two from the Commission to make trips to the provinces and examine the roads? It is our duty to know the condition of the roads in the Archipelago. It is a very important matter, and even though the committee would be composed of members who have different opinions as to the cause of the poor condition of the roads these members would be agreed as to the fact that we ought to have and maintain good roads. This committee ought to study the question and then give the Legislature the benefit of their investigations, pointing out defects in the system of road construction and repair and where new roads ought to be constructed. Now, this is the month of May. It is therefore a question of nine months to the time of the next regular meeting of the Legislature. As the question stands now, Mr. Singson is not going to agree with me, nor with Messrs. Forbes or Worcester as to the facts, and we can not come to any conclusion until we are agreed as to the facts.

Delegate SINGSON. I suggest, Mr. President, that at the same time we ascertain whether this plan of Commissioner Forbes can be carried into effect. I refer to the plan of giving the owners of carabaos a cart for thirty day's labor on the roads. We might investigate this plan at the same time we are trying to decide as to the facts about which we differ. I believe that Commissioner Forbes's plan could be used and that wide-tired carts could be given to the people who want them.

Delegate DE VEYRA. This work is now being done by the provinces. To carry out the Governor-General's plan would require the appropriation of a sum of money.

The PRESIDENT. I am ready and willing to vote the necessary money to carry out this plan immediately.

Delegate QUEZON. The law ought to be so worded as to permit the provincial boards to decide on the price of labor. In a province where the hire of a carabo is ₱2 a day the amount of work required should not be the same as in a province where the price of the hire of a carabao is ₱1 per day.

Delegate ADRIATICO. Fix the price of the cart and then let it be paid for in work. It will be a good experiment.

Commissioner FORBES. It will be necessary for me to send out some telegrams. In Albay, La Laguna, and Rizal I think there is not now a single narrow-tired cart.

The PRESIDENT. It is my opinion that this same privilege should be extended to all the provinces if the inhabitants concerned are willing to comply with the conditions. In Tayabas, where there are no narrow-tired carts, I believe the people should have the privilege of securing broad-tired carts under the same conditions as the people in other provinces where narrow-tired carts are used.

Delegate SINGSON. I propose that the investigation suggested be carried on in connection with the repairing of the road from Salomague to Cabugao, because all kinds of carts pass over that road and scarcely any money is used for its repair.

The PRESIDENT. I insist that Mr. Forbes visit that province, either himself or by representative.

Delegate QUEZON. I move that the meeting be now adjourned.

Commissioner FORBES. I second the motion.

The PRESIDENT. Gentlemen, you have heard the motion. All in favor of it will please signify the same by saying "aye," all opposed "no." The ayes have it.

The meeting was thereupon adjourned.

WM. H. DOXOVAN,  
*Secretary of the Commission, Reporter.*

# First Philippine Legislature.

## Special Session.

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### CONFERENCE ON COMMISSION BILL NO. 17.

CONFERENCE REPORT NO. 3.

MONDAY, JUNE 9, 1908.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Commission to the amendments of the Assembly to Commission Bill No. 17, entitled "An Act to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows: That instead of the amendment to section 8 as proposed by the Commission on March 31, 1908, the said section shall read as follows:

"If any association or corporation shall print, publish, or cause to be printed or published, the contents or purport of any telegram, in violation of the provisions of this Act, such association or corporation, upon conviction thereof, shall be punished by a fine not exceeding five hundred pesos for each offense, and any person, member, or employee of any association or corporation who shall print or publish, or cause to be printed, or published, the contents or purport of a telegram, or shall aid, abet, or assist such printing or publication, or who shall voluntarily permit the same, upon conviction thereof, shall be punished by a fine not exceeding two hundred pesos for each offense, or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court."

W. CAMERON FORBES,

JOSÉ R. DE LUZURIAGA,

*Members on behalf of the Commission.*

NICOLÁS JALANDONI,

CRISPÍN OBEN,

FRANCISCO ZANDUETA,

*Members on behalf of the Assembly.*

NOTE.—No stenographic report of the discussion at this conference was taken; for action of the Legislature see pages 256-258.



# First Philippine Legislature.

## Special Session.

### CONFERENCE ON COMMISSION BILL NO. 11.

CONFERENCE REPORT NO. 4.

MONDAY, JUNE 15, 1908.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Assembly to Commission Bill No. 11, entitled "An Act amending section fourteen of Act Numbered Sixteen hundred and twenty-seven," having met, after a full and free conference have agreed to recommend, and do recommend to their respective Houses that the amendment of the Assembly be made to read as follows:

"Strike out section fourteen as amended by the Commission and insert in lieu thereof the following:

"SEC. 14. *Of jurisdiction.*—Forcible entry and detainer actions regarding real property shall be brought in the municipality in which the subject-matter thereof may be situated. If the property be found in two or more municipalities action may be brought in any of them, at the option of the plaintiff.

"All other civil actions in justice of the peace courts shall be begun—

"(a) At the place specified by the parties by means of a written agreement, whenever the justice of the peace shall have jurisdiction to try the action by reason of its nature or the amount involved;

"(b) If there is a contract in writing, in default of the agreement mentioned in subsection (a), at the place of the execution of the contract as appears therefrom;

"(c) When there is no contract in writing or the place of execution of a written contract does not appear therein, then in the municipality where the defendant resides or may be served with summons.

"The territorial jurisdiction of a justice of the peace, except in the case of ex officio justices and in other special cases provided by existing law, shall be coextensive with his municipality, and the civil process of his court shall not be served outside the boundaries of said municipality, except in the following cases, and then only when the judge of First Instance of the district, and in his absence the fiscal, shall certify that in his opinion the interests of justice require that such process should be

served outside the jurisdiction of the court of the said justice of the peace—

“(1) When an order for the delivery of personal property lying outside the jurisdiction of the justice of the peace court is to be complied with;

“(2) When an attachment of real or personal property lying outside the jurisdiction of the justice of the peace court is to be made;

“(3) When the action is against two or more defendants residing in different municipalities;

“(4) When he is exercising jurisdiction under subsections (a) and (b) of this section: *Provided, however,* That execution may issue and be enforced as prescribed in section fifteen of this Act.”

JAMES F. SMITH,

T. H. PARDO DE TAVERA,

JOSÉ R. DE LUZURIAGA,

*Managers on the part of the Commission.*

VICENTE DE VERA,

MARCELINO AGUAS,

AURELIO PINEDA,

*Managers on the part of the Assembly.*

NOTE.—No stenographic report of the discussion at this conference was taken; for action of the Legislature see pages 345-347, 352.

# First Philippine Legislature.

## Special Session.

### CONFERENCE ON ASSEMBLY BILL NO. 135.

CONFERENCE REPORT NO. 5.

MONDAY, JUNE 15, 1908.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Commission to Assembly Bill No. 135, entitled "An Act extending the provisions of section nine (b) of Act Numbered Fourteen hundred and seven to the cutting of timber of the first group," having met, after a full and free conference, report to their respective Houses as follows:

The committee has agreed to recommend, and do recommend, to their respective Houses that the first part of the amendment of the Commission to paragraph (b) of section 9 of Act No. 1407 from the words "For the period of five years" down to the first proviso be stricken out and that the following be inserted in lieu thereof:

"(b) For the period of five years from the date of the passage of this Act every person who is a resident of the Philippine Islands and a citizen of the United States or a native of the Philippine Islands, or an honorably discharged soldier or sailor of the Army or Navy of the United States, or a person who has, under and by virtue of the treaty of Paris, acquired the political rights of natives of the Philippine Islands, may cut or take or hire cut or taken for himself from the public forests, without license and free of charge, such timber, other than timber of the first group, and such firewood, resins, other forest products, and stone or earth, as he may require for house building, fencing, boat building, or other personal use of himself or his family. Timber thus cut without license shall not be sold nor shall it be exported from the province where cut, except as hereinafter authorized;"

That the first four lines of the second proviso of said amendment of the Commission to said paragraph be stricken out, and that the following be inserted in lieu thereof:

"*And provided further*, That when a communal forest has not been set aside for the use of the inhabitants of any municipality, township, or settlement, any adult inhabitant of such municipality, township, or settlement who is a citizen of the United States or a native of the Philippine

Islands, or an honorably discharged soldier or sailor of the Army or Navy of the United States, or a person who has, under and by virtue of the treaty of Paris, acquired the political rights of natives of the Philippine Islands;"

And that the following words be added at the end of said paragraph (b):  
"A house which has its frame, floor, and sides made of wood shall be considered a house of strong materials within the meaning of this Act."

DEAN C. WORCESTER,

JAMES F. SMITH,

*Managers on the part of the Commission.*

TOMAS AREJOLA,

PEDRO CHAVES,

CARLOS A. IMPERIAL,

*Managers on the part of the Assembly.*

NOTE.—No stenographic report of the discussion at this conference was taken; for action of the Legislature see pages 347, 348, 356.

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LIST OF MEMBERS  
AND  
STANDING COMMITTEES

OF THE PHILIPPINE COMMISSION DURING THE FIRST SES-  
SION AND FOLLOWING SPECIAL SESSION OF THE  
FIRST PHILIPPINE LEGISLATURE,

AND  
SPECIAL COMMITTEES

AUTHORIZED DURING THE INAUGURAL AND FIRST SESSIONS  
AND FOLLOWING SPECIAL SESSION OF THE FIRST  
PHILIPPINE LEGISLATURE

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MEMBERS OF THE PHILIPPINE COMMISSION DURING  
THE FIRST SESSION, AND A SPECIAL SESSION  
FROM MAY 22, TO JUNE 19, 1908, OF THE  
FIRST PHILIPPINE LEGISLATURE.

[Authorized membership up to and including May 11, 1908, eight; on and after  
May 12, 1908, nine.]

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Honorable JAMES F. SMITH, Governor-General, *ex officio* President.

Honorable DEAN C. WORCESTER, Secretary of the Interior.

Honorable T. H. PARDO DE TAVERA.

Honorable JOSÉ R. DE LUZURIAGA.

Honorable W. CAMERON FORBES, Secretary of Commerce and Police.

Honorable W. MORGAN SHUSTER, Secretary of Public Instruction. (On leave from February 11, 1908.)

Secretary of the Commission, WILLIAM H. DONOVAN.

NOTE.—The following appointments have been made since the termination of the period covered by this Journal:

Honorable W. CAMERON FORBES, Secretary of Commerce and Police, to be Vice-Governor.

Honorable GREGORIO ARANETA to be Commissioner and Secretary of Finance and Justice.

Honorable NEWTON W. GILBERT to be Commissioner.

Honorable RAFAEL PALMA to be Commissioner.

## STANDING COMMITTEES OF THE COMMISSION.

[Temporarily constituted by resolution of the Commission of October 23, 1907.]

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*Committee on Matters Pertaining to Bureaus Under the Executive Control of the Governor-General.*—The President of the Commission.

*Committee on Matters Pertaining to the Department of the Interior.*—The Commissioner acting as Secretary of the Interior.

*Committee on Matters Pertaining to the Department of Commerce and Police.*—The Commissioner acting as Secretary of Commerce and Police.

*Committee on Matters Pertaining to the Department of Finance and Justice.*—The Commissioner acting as Secretary of Finance and Justice.

*Committee on Matters Pertaining to the Department of Public Instruction.*—The Commissioner acting as Secretary of Public Instruction.

*Committee on Appropriations.*—The Commissioner acting as Secretary of Finance and Justice, chairman; Commissioner Tavera; Commissioner Luzuriaga.

*Committee on Rules.*—Commissioner Shuster, chairman; Commissioner Tavera; Commissioner Forbes.

*Committee on Municipal and Provincial Governments.*—Commissioner Tavera, chairman; Commissioner Legarda;<sup>1</sup> Commissioner Luzuriaga.

*Committee on Taxation and Revenue.*—Commissioner Luzuriaga, chairman; Commissioner Tavera; Commissioner Legarda.<sup>1</sup>

*Committee on Non-Christian Tribes.*—Commissioner Worcester, chairman; Commissioner Tavera; Commissioner Luzuriaga.

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## SPECIAL COMMITTEES AUTHORIZED DURING THE INAUGURAL AND FIRST SESSIONS AND FOLLOWING SPECIAL SESSION OF THE FIRST PHILIPPINE LEGISLATURE.

*Carnival Committee*, authorized by Act No. 1805. (Reported.)

*Committee on Relief of Public Calamities*, authorized by Act No. 1809. (Discharged; duties to be performed by the joint committee authorized by Act No. 1873 to prepare appropriation bill for 1910, consider proposed legislation, etc.)

*Philippines Memorial Committee*, authorized by Act No. 1840.

*Committee on the Capitol*, authorized by Act No. 1841.

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<sup>1</sup> Resigned December 21, 1907; elected Resident Commissioner to the United States.



*The Philippine Public Library Committee*, authorized by Act No. 1849.

*The Pantheon Committee*, authorized by Act No. 1856.

*Fleet Entertainment Committee*, authorized by Act No. 1860.

*Special Joint Committee to Prepare Appropriation Bill for 1910, to Consider Proposed Legislation, etc.*, authorized by Act No. 1873.

*Committee to Make Recommendations Regarding Law on Labor Accidents*, authorized by Joint Resolution No. 8. (Reported.)

*Agricultural Bank Committee*, authorized by Joint Resolution No. 9. (Reported.)

*Committee to Investigate the Road Problem*, authorized by Joint Resolution No. 12.

*Committee to Draft New Civil, Commercial, Penal and Procedure Codes*, authorized by Concurrent Resolution No. 7.



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HISTORY OF BILLS AND JOINT AND  
CONCURRENT RESOLUTIONS

IN THE

PHILIPPINE COMMISSION

DURING THE

FIRST SESSION AND A SPECIAL SESSION OF THE FIRST  
PHILIPPINE LEGISLATURE

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NOTE.—Each series of numbers of Commission and Assembly Bills begins with each Legislature rather than with each session of the Legislature.

Number of Commission bills introduced in inaugural session .....	32
Number of Commission bills introduced in first session .....	22
Number of Commission bills introduced in special session .....	10
	<hr/>
Total number of Commission bills introduced in three sessions..	64
Total number of Commission bills enacted into law in three sessions .....	37
	<hr/> <hr/>
Number of Assembly bills received in inaugural session .....	8
Number of Assembly bills received in first session .....	33
Number of Assembly bills received in special session .....	16
	<hr/>
Total number of Assembly bills received in three sessions.....	57
Total number of Assembly bills enacted into law in three sessions .....	38

# First Philippine Legislature.

## First and Special Sessions.

### COMMISSION BILLS.

NUMBER, TITLE, AND ACTION.

	Page.
6. An Act to amend Act Numbered Fourteen hundred and ninety-three, entitled "An Act to encourage economy and saving among the people of the Philippine Islands, and to that end to provide for the establishment of postal savings banks and their administration through the organization of a postal savings bank division in the Bureau of Posts, and for other purposes," by making provision for deposits made under Act Numbered Seventeen hundred and eighty.	
<i>In first session:</i>	
Reintroduced, read once in accordance with Commission Resolution No. 39, and passed .....	14-16
Passed by the Assembly .....	50
Ordered enrolled and printed .....	50
Ordered filed with the custodian of legislative records .....	115
(See Act No. 1811.)	
7. An Act amending section two of Act Numbered Six hundred and twenty-four of the Philippine Commission, designating who shall perform the duties of mining recorder, and adding a new section to said Act by providing the manner in which patents for mining claims shall issue.	
<i>In first session:</i>	
Referred to the Committee on Matters Pertaining to the Department of the Interior .....	35
Reported and report adopted .....	82
9. An Act to punish the unlawful acquirement of public property used by the Army or Navy of the United States.	
<i>In first session:</i>	
Reintroduced, read once in accordance with Commission Resolution No. 39, and passed .....	14-16
Refused passage by the Assembly .....	69

## NUMBER, TITLE, AND ACTION.

	Page.
10. An Act to provide that on and after January first, nineteen hundred and eight, all notices, announcements, and advertisements of the Insular Government shall be published in the Official Gazette.	
<i>In first session:</i>	
Read the third time and further consideration indefinitely postponed .....	162, 163
11. An Act amending section fourteen of Act Numbered Sixteen hundred and twenty-seven.	
<i>In first session:</i>	
Reintroduced, read once in accordance with Commission Resolution No. 39, and passed .....	14-16
Amended by the Assembly .....	191, 192
Assembly amendments disagreed to and conference requested..	192
<i>In special session:</i>	
Assembly agrees to conference .....	239
Report of conference committee .....	345, 346
Conference report agreed to by the Commission .....	347
Conference report agreed to by the Assembly .....	352
Ordered enrolled and printed .....	353
(See Act No. 1862.)	
14. An Act to provide for the granting of a franchise to construct, maintain, and operate telephone and telegraph systems, and to carry on other electrical transmission business in and between the Provinces of Albay and Ambos Camarines and in and between the municipalities thereof.	
<i>In first session:</i>	
Reintroduced, read once in accordance with Commission Resolution No. 39, and passed .....	14-16
Passed by the Assembly .....	185, 186
Ordered enrolled and printed .....	186
(See Act No. 1826.)	
15. An Act to provide for the granting of a franchise to construct, maintain and operate telephone and telegraph systems, and to carry on other electrical transmission business in and between the provinces and municipalities of the Island of Panay.	
<i>In first session:</i>	
Reported with amendments, considered in Committee of the Whole, reported with additional amendments, amended, read the third time, and passed .....	79-82
Passed by the Assembly .....	238
Ordered enrolled and printed .....	238
(See Act No. 1842.)	
17. An Act to provide for the protection of rights of property in telegraphic messages, and to prevent the forging or improper disclosure of telegrams.	

NUMBER, TITLE, AND ACTION.

17—Continued.

	Page.
<i>In first session:</i>	
Reintroduced, read once in accordance with Commission Resolution No. 39, and passed .....	14-16
Amended by the Assembly and Assembly amendments concurred in with amendment .....	96-98
Explanation of amendment to amendments .....	98
Commission amendment referred by the Assembly to Committee on Posts and Telegraphs .....	150
Commission amendment disagreed to by the Assembly, and conference requested .....	190
Commission insists upon its amendment and agrees to conference .....	190, 191
<i>In special session:</i>	
Report of conference committee .....	256, 257
Conference report agreed to by the Assembly .....	257
Conference report agreed to by the Commission .....	257, 258
Ordered enrolled and printed .....	258
(See Act No. 1851.)	
19. An Act to authorize Gregorio Caubang and Filomena Laurora to contract marriage.	
<i>In first session:</i>	
Reintroduced, read once in accordance with Commission Resolution No. 39, and passed .....	14-16
Refused passage by the Assembly .....	69
20. An Act to fix the time for making annual reports by the directors of bureaus and heads of offices of the Insular Government, provincial governors, and the Municipal Board of the city of Manila, and for other purposes.	
<i>In first session:</i>	
Reintroduced, read once in accordance with Commission Resolution No. 39, and passed .....	14-16
Passed by the Assembly .....	185
Ordered enrolled and printed .....	185
(See Act No. 1824.)	
23. An Act authorizing and directing the Treasurer of the Philippine Islands, as the representative of the Government of the Philippine Islands, to demand, bring suit to recover, receive and receipt for, funds belonging to the subscription for the relief of those damaged by the earthquake of June third, eighteen hundred and sixty-three, and to distribute the same in accordance with allotments duly made, and for other purposes.	
<i>In first session:</i>	
Reintroduced, read once in accordance with Commission Resolution No. 39, and passed .....	27, 28
Recalled from the Assembly pending motion to reconsider..	35, 36
Returned by the Assembly .....	43

## NUMBER, TITLE, AND ACTION.

	Page.
25. An Act to amend Act Numbered Eleven hundred and forty-seven, as amended, regulating the registration, branding, conveyance, and slaughter of large cattle, and providing for the disposition, care, custody, and sale of estrays or large cattle captured or seized by the Philippines Constabulary or other peace officers.	
<i>In first session:</i>	
Reintroduced, read once in accordance with Commission Resolution No. 39, and passed .....	11
(Substituted by Assembly Bill No. 239.)	
26. An Act authorizing the Governor-General to convey, under certain conditions and restrictions, Insular property to provinces and municipalities of the Philippine Islands, to be used for public school purposes.	
<i>In first session:</i>	
Reintroduced, read once in accordance with Commission Resolution No. 39, and passed .....	14-16
Amended by the Assembly .....	66
Assembly amendment concurred in .....	66
Ordered enrolled and printed .....	66
Ordered filed with the custodian of legislative records.....	138, 139
(See Act No. 1813.)	
27. An Act to further amend section eleven of Act Numbered Six hundred and nineteen, in order to avoid the long delays that are frequently attendant upon summary court trials in the Constabulary.	
<i>In first session:</i>	
Reintroduced, read once in accordance with Commission Resolution No. 39, and passed .....	14-16
Passed by the Assembly .....	185
Ordered enrolled and printed .....	185
(See Act No. 1825.)	
28. An Act to amend Act Numbered Thirteen hundred and ninety-six, entitled "The Special Provincial Government Act," so as to authorize courts of justices of the peace to try violations of township ordinances and to provide that the fees of justices of the peace in such cases shall be payable from township funds.	
<i>In first session:</i>	
Taken from the table and referred to the Committee on non-Christian Tribes, with instructions to amend in certain particulars .....	32, 33
Reported with amendments and amended .....	83
Read the third time and passed .....	99
Ordered enrolled and printed .....	99
Ordered filed with the custodian of legislative records.....	138, 139
(See Act No. 1816.)	



NUMBER, TITLE, AND ACTION.

	Page.
30. An Act to grant to the Insular Coal Company, Incorporated, a franchise to construct, maintain, and operate a railway from the shore line at the port of Danao to the coal district of Camansi, Province of Cebu.	
<i>In first session:</i>	
Reported, read the third time, further amended, and passed..	26, 27
Amended by the Assembly .....	209
Assembly amendment concurred in .....	209
Ordered enrolled and printed .....	209
(See Act No. 1835.)	
31. An Act providing for the filing with the division of archives, patents, copyrights, and trade-marks of the Executive Bureau of the contracts of mortgage executed by the Manila Railroad Company as security for the issuance of bonds and other obligations, creating and fixing upon the property covered by said instruments a lien at and from the time of filing the same, and exempting said instruments from the payment of stamp taxes, and for other purposes.	
<i>In first session:</i>	
Reintroduced, read once in accordance with Commission Resolution No. 39, and passed .....	14-16
Passed by the Assembly .....	74, 75
Ordered enrolled and printed .....	75
Ordered filed with the custodian of legislative records.....	138, 139
(See Act No. 1812.)	
33. An Act for the purpose of founding a university for the Philippine Islands, giving it corporate existence, providing for a board or regents, defining the board's responsibilities and duties, providing higher and professional instruction, and for other purposes.	
By Commissioner Shuster.	
<i>In first session:</i>	
Read the first and second times, considered in Committee of the Whole, reported with amendments, amended, read the third time, and passed .....	23, 24
<i>In special session:</i>	
Amended by the Assembly and amendments referred to select committee .....	239-243
Assembly amendments reported with amendments and amended .....	314-318
Commission amendments to Assembly amendments concurred in by the Assembly .....	355
Ordered enrolled and printed .....	356
(See Act No. 1870.)	

## NUMBER, TITLE, AND ACTION.

	Page.
34. An Act to empower the Governor-General to suspend Act Numbered Seventeen hundred and eighty, entitled "An Act to regulate the importation, acquisition, possession, use and transfer of firearms, and to prohibit the possession of same except in compliance with the provisions of this Act," within the Moro Province. By the President.	
<i>In first session:</i>	
Read the first time, considered in Committee of the Whole, reported with amendment, amended, read the second and third times, passed, and title amended.....	24, 25
Ordered filed with the custodian of legislative records.....	71
(See Act No. 1808.)	
35. An Act granting an extension of time until June first, nineteen hundred and eight, for the completion by the Manila Suburban Railways Company of that portion of its line east of Fort William McKinley to the town of Pasig. By Commissioner Forbes.	
<i>In first session:</i>	
Read the first and second times and referred to the Committee on Matters Pertaining to the Department of Commerce and Police .....	28
<i>In special session:</i>	
Reported with recommendation that it be laid on the table and report adopted .....	310
36. An Act to amend sections seven and one hundred and thirty of Act Numbered Fourteen hundred and fifty-nine, known as "The Corporation Law." By Commissioner Forbes.	
<i>In first session:</i>	
Read the first time and referred to the Committee on Matters Pertaining to the Department of Commerce and Police	42
Reported with amendments, amended, read the second time, considered in Committee of the Whole, reported without amendment, read the third time, and passed.....	174-176
Passed by the Assembly.....	208
Ordered enrolled and printed.....	208
(See Act No. 1834.)	
37. An Act to relieve sheriffs in provinces inhabited by Moros and other non-Christian tribes from the provisions of section twenty-three of Act Numbered One hundred and thirty-six, and providing for the giving of bonds by the sheriffs of such provinces. By Commissioner Worcester.	

NUMBER, TITLE, AND ACTION.

37—Continued.

*In first session:*

	Page.
Read the first and second times, considered in Committee of the Whole, reported with amendments, and amended.....	101
Read the third time and passed.....	106
Ordered enrolled and printed .....	106
Ordered filed with the custodian of legislative records.....	138, 139
(See Act No. 1817.)	

38. An Act to amend The Special Provincial Government Act by increasing the power of provinces in the matter of appropriation of provincial funds.

By the President (by request).

*In first session:*

Read the first time and referred to the Committee on Non-Christian Tribes .....	101, 102
Reported with amendment, report accepted, bill read the second time, considered in Committee of the Whole, reported and amended, read the third time, and passed..	164-166
Ordered enrolled and printed .....	166
(See Act No. 1822.)	

39. An Act to provide for the establishment of a Bureau to be known as "Bureau of Labor of the Philippine Islands," for the purposes of preparing legislation on labor in the most ample sense, especially agricultural and rural, of putting the same into execution, and of organizing the necessary inspection and statistical services, and for other purposes related with labor in these Islands.

By the President (by request).

*In first session:*

Referred to special committee provided for by Joint Resolution No. 8.....	102
(See also Assembly Bill No. 227.)	

40. An Act amending sections nine and eleven of Act Numbered Eleven hundred and twenty, entitled "The Friar Lands Act," providing for the manner of sale of unoccupied lands and the time within which deferred payments by purchasers of friar lands may be made.

By Commissioner Worcester.

*In first session:*

Read the first and second times, considered in Committee of the Whole, reported with amendments, amended, read the third time, and passed.....	114, 115
Referred by the Assembly to the Committee on Friar Lands..	143

*In special session:*

Amended by the Assembly and amendments concurred in....	243, 244
Ordered enrolled and printed.....	244
(See Act No. 1847.)	

NUMBER, TITLE, AND ACTION.		Page.
41. An Act amending sections seventy-four and one hundred and seven of Act Numbered Eleven hundred and eighty-nine, as amended. By the President.		
<i>In first session:</i>		
Read the first and second times, considered in Committee of the Whole, reported without amendment, read the third time, and passed .....		120
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<i>In special session:</i>		
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(See Act No. 1861.)		
42. An Act to amend Act Numbered Fifteen hundred and nineteen, entitled "An Act to provide for inspecting and sealing weights and measures and to regulate their use," so as to authorize the continued use of the English system of weights and measures in the purchase and sale of manufactured lumber. By the President.		
<i>In first session:</i>		
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Ordered enrolled and printed .....		238
(See Act No. 1843.)		
43. An Act to amend Act Numbered Sixteen hundred and ninety-eight, entitled "An Act for the regulation of the Philippine Civil Service," with regard to the conditions of service of teachers appointed shortly after the beginning of a school year. By the President.		
<i>In first session:</i>		
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<i>In special session:</i>		
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44. An Act to amend Act Numbered One hundred and thirty-one, entitled "An Act providing for the establishment of a weather bureau for the Philippine Islands and appropriating eight thousand and sixty-six dollars and fifty cents, in money of the United States, for the purchase of meteorological instruments and apparatus and the installation of the same. By Commissioner Worcester.	
<i>In first session:</i>	
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(See Act No. 1833.)	
45. An Act providing for the expenditure of four thousand pesos for traveling expenses and subsistence of two delegates from the Philippine Islands to the International Congress on Tuberculosis, to be held at Washington, District of Columbia, from September twenty-ninth to October twelfth, nineteen hundred and eight. By Commissioner Worcester.	
<i>In first session:</i>	
Read the first and second times, considered in Committee of the Whole, reported without amendment, read the third time, and passed .....	159, 160
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<i>In special session:</i>	
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Ordered enrolled and printed .....	230
(See Act No. 1836.)	
46. An Act amending subsections four and five of section five hundred and eighteen and subsection one of section five hundred and thirty-four of the Penal Code, prescribing the penalties to be imposed for the violation of said section. By the President.	
<i>In first session:</i>	
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<i>In special session:</i>	
Reported with the recommendation that it be indefinitely postponed, and report adopted .....	310, 311

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47. An Act creating the entry port of Davao.  
By the President.
- In first session:*  
Read the first and second times, considered in Committee of the Whole, reported with amendments, amended, read the third time, and passed..... 167, 168  
Ordered enrolled and printed ..... 168  
(See Act No. 1823.)
48. An Act to amend section three hundred and one of Act Numbered Three hundred and fifty-five of the Philippine Commission, known as "An Act to constitute the Customs Service of the Philippine Archipelago and to provide for the administration thereof," as amended, in such manner as to prohibit the importation of merchandise into any port in the Philippine Islands other than an entry port, or in vessels of less than thirty tons burden.  
By the President.
- In first session:*  
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Referred by the Assembly to the Committee on Industry, Commerce and Labor ..... 210
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(See Act No. 1844.)
49. An Act to amend the Special Provincial Government Act, as amended by Act Numbered Eighteen hundred and twenty-two, by increasing the power of the Provinces of Palawan and Mindoro in the matter of appropriation of provincial funds.  
By Commissioner Worcester.
- In first session:*  
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50. An Act providing for fees and expenses of witnesses in criminal proceedings and appropriating funds therefor, and amend-

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ing section two of Act Numbered Sixteen hundred and ninety-seven.	
By the President (by request).	
<i>In first session:</i>	
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51. An Act to amend Act Numbered Sixteen hundred and seventy-nine, entitled "An Act making appropriations for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and other designated periods," by making provisions for the carrying into effect of the Act of Congress approved May eleventh, nineteen hundred and eight.	
By the President.	
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(See also Assembly Bill No. 234.)	
52. An Act amending section five of Act Numbered Fifteen hundred eighty-two, entitled "The Election Law," in certain particulars.	
By the President.	
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Read the first and second times, considered in Committee of the Whole, reported without amendment, read the third time, and passed .....	204
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53. An Act establishing an Institute of Philippine Languages, providing for the training of public school teachers of Philippine languages, and appropriating the sum of twenty thousand pesos for the establishment of said Institute.	
By the President.	
<i>In first session:</i>	
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54. An Act designating the Insular Treasury as official depository for subscriptions to the Philippines memorial in honor of deceased United States soldiers, sailors, and Marines	

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<i>In special session:</i>		
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55. An Act making certain authorizations without appropriation for sundry expenses of the Insular Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other stated purposes.	By the President.	
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56. An Act appropriating the sum of sixty-five thousand pesos and making available the unexpended balances of funds heretofore appropriated by the Philippine Assembly, to provide for the expense of a special session of the Philippine Assembly.	By the President.	
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57. An Act amending subsection one of paragraph three of section one of Act Numbered Fourteen hundred and ninety-seven, changing the termini of the line of the Philippine Railway Company in the Island of Negros.	By the President.	
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59. An Act appropriating the sum of seventy-five thousand pesos from the Insular Treasury for the entertainment of the officers and men of the American fleet on the occasion of its proposed visit to the Philippine Islands, and author- izing the city of Manila to appropriate the sum of twenty- five thousand pesos for the same purpose. By the President.	
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60. An Act to promote the efficiency of the executive offices of the Government by empowering the Governor-General to transfer Bureaus from the jurisdiction of one Executive Department to another. By the President.	
<i>In special session:</i>	
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61. An Act providing that the Provinces of Palawan and Mindoro shall have their pro rata share of the special fund of ten per centum of internal-revenue collections created by Act Numbered Sixteen hundred and ninety-five and payable to the road and bridge fund of certain provinces. By Commissioner Worcester.	
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62. An Act providing that the Provinces of Benguet, Lepanto-Bontoc, Nueva Vizcaya, and Agusan shall have their pro rata share of the special fund of ten per centum of internal-revenue collections created by Act Numbered Sixteen hundred and ninety-five and payable to the road and bridge fund of certain provinces. By Commissioner Worcester.	
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63. An Act making available for expenditure during the fiscal year nineteen hundred and nine and thereafter the balance remaining from funds appropriated by Act Numbered Sixteen hundred and thirty-two for examinations for scholarships in the Philippine Medical School. By Commissioner Worcester.	
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64. An Act creating the office of shipping commissioner, defining his duties, regulating the shipment and discharge of seamen in domestic vessels, the adjudication of wage disputes in certain cases, the relief of distressed seamen, the settlement of the estates of deceased seamen, and for other purposes. By the President.	
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62.	An Act providing for the creation of a special class of corporations for the purpose of protecting and promoting the agricultural interests of the country.	
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77.	An Act appropriating the sum of two hundred thousand pesos for the construction of a custom-house and the installation of an arrastre plant in the port of Cebu.	
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88.	An Act extending until December thirty-first, nineteen hundred and eight, the time within which real property which has been forfeited to municipalities for nonpayment of taxes may be redeemed.	
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	<i>In first session:</i>	
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	Reported with amendments, amended, read the second time, considered in Committee of the Whole, reported without amendment, read the third time, and passed .....	329-331
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112. An Act providing for popular civico-educational lectures in the municipalities and principally in the barrios of the Philippine Islands.	
<i>In first session:</i>	
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115. An Act abolishing the special tax of one per centum on the assessed value of undeclared property.	
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121. An Act appropriating the sum of one hundred thousand pesos from Insular funds for the relief of sufferers from public calamities.	
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125. An Act to amend Act Numbered Eleven hundred and twenty, entitled "An Act providing for the administration and temporary leasing and sale of certain haciendas and parcels of land, commonly known as friar lands," by adding to section seventeen of said Act a new paragraph providing that in cases of loss of crops by public calamities the payment of the rent or purchase price on such lands shall be suspended for one year.	

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126. An Act to establish a uniform system of bankruptcy and insolvency throughout the Philippine Islands.	
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127. An Act adding to the first paragraph of section four of Act Numbered Fifteen hundred and eighty-two certain provisions for cases of void elections of provincial officers and of the death of the same.	
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134. An Act amending subsection (c) of section one of Act Numbered Thirteen hundred and thirty-eight amending section seventy-four of Act Numbered Eleven hundred and eighty-nine.	
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135. An Act extending the provisions of section nine (b) of Act Numbered Fourteen hundred and seven to the cutting of timber of the first group.	
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136. An Act	amending Act Numbered Fourteen hundred and eighty-seven, entitled "An Act abolishing provincial boards of health, substituting therefor district health officers and defining their powers and duties, and repealing Act Numbered Three hundred and seven, entitled 'An Act providing for the establishment of provincial boards of health and fixing their powers and duties,'" by authorizing the Director of Health on recommendation of the provincial boards, to increase the number of district health officers or place two or more provinces under one officer.	
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148. An Act	amending section fourteen of Act Numbered Seventy-four, by providing that along with the teaching given in the English language in the public primary schools, instruction also be given in the language most generalized in the region to which they may belong; authorizing the Director of Education to expend from the funds appropriated for his Bureau the sum necessary to carry this Act into effect, and for other purposes.	
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151. An Act	to amend section one hundred and thirty-six of Act Numbered Three hundred and fifty-five, known as the "Philippine Customs Administrative Act," as amended by Act Numbered Thirteen hundred and forty-one, and authorizing the Insular Collector of Customs, with the approval of the Secretary of Finance and Justice, to regulate the manifesting of coastwise cargoes in certain particulars.	

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175. An Act amending Act Numbered Eighty-two known as the Municipal Code, and all Acts amendatory thereof, relating to the tax on carts and sledges and the use of same on the roads of the Philippine Islands.	
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191. An Act to amend section eighteen, paragraph two, of subsection (1) of Act Numbered Eighty-two, known as the Municipal Code, as amended by Act Numbered Nine hundred and ninety-nine.	
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195. An Act fixing the salaries of the officials of the administration of the Philippines.	
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196. An Act making appropriations for certain public works and permanent improvements, and for other purposes.	
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197. An Act abolishing the Bureau of Civil Service and organizing in its stead a division which shall be known by the name of "division of civil service" and which shall be attached to the Bureau of Audits.	
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199.	An Act appropriating the sum of one hundred thousand pesos, Philippine currency, to be expended in the discretion of the Bureau of Agriculture, under the supervision of the Secretary of the Interior, for the purpose of combating and exterminating cattle diseases in the Islands.		
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210. An Act providing for the construction of the national capitol of the Philippines.	
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## EXPLANATION OF ABBREVIATIONS.

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- A. B.....Assembly Bill.
- A. C. R.....Assembly Concurrent Resolution.
- A. J. R.....Assembly Joint Resolution.
- A. L. C.....Act of the legislative council (Moro Province).
- C. B.....Commission Bill.
- C. C. R.....Commission Concurrent Resolution.
- C. J. R.....Commission Joint Resolution.
- Ct. R.....Concurrent Resolution.
- J. R.....Joint Resolution.



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