

212 U. S. Syllabus.

which may be proved" in § 63a. In re Morales, 105 Fed. Rep. 761. No doubt at common law a false statement as to present facts gave rise to an action of tort, if the statement was made at the risk of the speaker, and led to harm. But ordinarily the risk was not taken by the speaker unless the statement was fraudulent, and. it was precisely because it was a warranty, that is, an absolute undertaking by contract that a fact was true, that if a warranty was alleged it was not necessary to lay

the scienter. Schuchardt v. Allens, 1 Wall. 359; Norton v. Doherty, 3 Gray, 372. In other words, a claim on a warranty as

such necessarily Was a claim arising out of a contract, even if in case of actual fraud there might be an independent claim purely in tort.

Judgment affirmed.

CARINO v. THE INSULAR GOVERNMENT OF THE

PHILIPPINE ISLANDS.

ERROR TO THE SUPREME COURT OF THE PHILIPPINE ISLANDS.

No. 72. Argued January 13, 1909.-Decided February 23, 1909.

Writ of error is the general, and appeal the exceptional, method of bringing cases to this court. The latter method is in the main confined to

equity cases and the former is proper to bring up a judgment of the Supreme Court of the Philippine Islands affirming a judgment of the Court of Land Registration dismissing an application for registration of land.

Although a province may be excepted from the operation of act No. 926

of 1903 of the Philippine Commission which provides for the registration and perfecting of new titles, one who actually owns property

in such province is entitled to registration under act No. 496 of 1902, which applies to the whole archipelago.

While, in legal theory and as against foreign nations, sovereignty is

absolute, practically it is a question of strength and of varying degree; and it is for a new sovereign to decide how far it will insist upon

theoretical relations of the subject to the former sovereign and how far it will. recognize actual facts.

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