

OCTOBER TERM, 1908.

Argument for Plaintiff in Error. 212 U. S.

The acquisition of the Philippines was not for the purpose of acquiring the lands occupied by the inhabitants, and under the Organic Act of July 1, 1906, c. 1369, 32 Stat. 691i providing that property rights are to be administered for the benefit of the inhabitants, one who actually owned land, for many years cannot be deprived of it for failure to comply with certain ceremonies prescribed either by the acts of the Philippine Commission or by Spanish law.

The Organic Act of the Philippines made a bill of rights embodying safeguards of the Constitution, and, like the Constitution, extends those safeguards to all.

Every presumption of ownership is in favor of one actually occupying land for many years, and against the Government which seeks to

deprive him of it, for failure to comply with provisions of a subsequently enacted registration act.

-Title by prescription against the crown existed under Spanish law in force in the Philippine Islands prior to their acquisition by the United States, and one occupying land in the Province of Benguet for more than fifty years before the Treaty of Paris is entitled to the continued possession thereof.

7 Philippine Rep. 132, reversed.

The facts are stated in the opinion.

Mr. Frederic R. Coudert and Mr. Howard Thayer Kingsbury, with whom Mr. D. R. Williams and Mr. Charles C. Cohn were on the brief, for plaintiff in error:

-The Land Registration Court had jurisdiction of the subject-matter under act No. 496, §§ 2, 19; and its decision was legal,

just and in conformity with the protection of private property provision of the Treaty of Paris. Public Land Act, No. 926.

This court has jurisdiction and writ of error is the proper method.

The proceeding is one in rem and not in personam as it deals with titles to real estate. See § 705, Rev. Stat.; 27 Stat. 434; 31 Stat. 1189, 1227; *Ormsby v. Webb*, 134 U. S. 47; *Met. Railroad Co. v. Dist. of Columbia*, 195 U. S. 322; *Steinmetz v. Allen*, 192 U. S. 543; *Lowry v. Allen*, 203 U. S. 476; *Smith v. Whitney*, 116 U. S. 167; *Massie v. Watts*, 6 Cranch, 148, 158; *Boston Mining*

Co. v. Montana Ore Co., 188 U. S. 632, 641; Philippine Code  
Civ, Pro., Act 190, Phil. Com., § 498.

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