

212 U. B. Argument for Plaintiff in Error.

The land belonged to Carifio under the Igorot law. He had

inherited it from his ancestors in accordance with the native customs and his title had never been questioned. The

Spanish law explicitly recognized and scrupulously protected the Indian titles. Possession of land under such circumstances confers a property right *jure gentium* independently of any rule of prescription.

Spanish law recognized and protected rights of the native

occupants of its Indian possessions even more fully and scrupulously than our Government has done in the case of its Indian

wards. See. Arthur Helps, *Spanish Conquest in America*.

Claimant having actually possessed the land in question for more than thirty years had acquired, under the Spanish Civil Code, good prescriptive title. The provisions of this Code as to

prescription apply to all lands in the Philippine Islands regardless of whether owned by the Government or not, just as they

admittedly do in the Spanish Peninsula itself.

The provisions of the Civil Code applied to public agricultural lands as well as to other lands, and a detailed examination of the provisions relating to public lands shows no intention on the part of the Government to except them from

the purview of the Code enactments as to prescription, but on the contrary recognize the applicability of -the common or

general law. *Valenton v. Murciano*, 3 Philippine, 537, to the effect. that public agricultural landg were not within the purview

of the Code provisions, is unsound, inconsistent with other decisions of that court, and can be distinguished. *Phil. Com. Rep.*

1902, Part I, 183; *Census of Philippine Islands*, 1903, Vol. 1, 533; *Phil. Com. Rep.* 1904, Pt. I, 574; 1905, Pt. I, 176; "1 Bontoc Igorot," by Albert Ernest Jenks, *Ethnological Survey Publication*, Interior Dept., Manila, P. I., 1905; *United States*

v. Paine Lumber Co., 206 U. S. 467; Lone Wolf v. JHitchcock, 187 U. S. 564; Doe v. Wilson, 23 How. 463; "Laws of the Indies," Book 6, Title 1,, Law 1; and see in Book 6, Title 1, Laws 15, 23, 27, 30, 32,; 'Book 6, Title 3, Laws 9, 26; 'Book 2, Title 1, Laws 4, 5; Book 4, Title 1, Laws 6, 8, 10; Book. 4,

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