

453

Argument for Defendant in Error.

Government Ptg. Office, February 1, 1908; 3 Philippine, 543; 6

Philippine, 606; Strother v. Lucas (1838), 12 Peters, 436; Philippine Code Civ. Pro., § 41; Circular of August 10, published in

the Glaceia de Manila, 'August 11, 1881; Royal Decree of September 24, 1884, Art. 11; Royal Decree of February 13, 1894, Art. 4, § 21.

The Solicitor General, with whom Mr. Paul Charlton was on the brief, for defendant in error:

The court is without jurisdiction of writ of error. It can only take jurisdiction on appeal. § 10, act of July 1, 1902; 32-Stat.

691. This court can only review actions at law pending in Circuit Courts by writ of error and proceedings in equity only by

appeal. The proceedings for the adjudication and registration of titles to lands in the Philippine Islands are in their nature

actions in equity rather than actions at law. Act No. 496, Philippine Commission, §§ 2, 14, 16, 21, 35-38, 40. See Holland v.

Challen, 110 U. S. 15; Clark v. Smith, 13 Pet. 195; Dower v. Richards, 151 U. S. 658; Chase v. United States, 155 U. S. 480.

Plaintiff in error possessed no title in the lands at the date of the change of sovereignty from Spain to the United States.

During the period of Spanish sovereignty the tribe of Igorots had not been segregated from the body of the Philippine people as to the operation of the general law; no reservation of land

was set aside for them, nor did the Spanish Government interfere in their internal tribal affairs. The status of the Igorot

in his relation to the Spanish laws is not analogous to that of the American Indian in relation to the laws of the United States,

and the cases affecting the tribal rights of Indians have no application to any rights of plaintiff in error, *jure gentium* or otherwise.

Plaintiff's claim of title advanced in the Philippine courts, based mainly upon "prescription" as valid against the Crown of Spain and therefore surviving the change of sovereignty and requiring to be recognized under the Treaty of Paris, is untenable under Spanish law. While Thai law made ample pro-

Revision #1

Created 1 June 2025 06:04:00 by MaharlikanWatchman

Updated 1 June 2025 06:04:26 by MaharlikanWatchman