

Argument for Defendant in Error. 212 U. S.

vision for the protection of rights claimed under ancient possession, it was in each case necessary that evidence of title should be submitted to the proper administrative officials.

4 Recopilacion de Leyes de las Indias, law 1, title 12; *Id.*, law 8; *Id.*, law 14; 4 Legislacion Ultramarina, 673; arts. 3, 4, 5; *Id.*, p. 688; *Gaceta de Manila*, Nov. 15, 1864; *Guia del Comprador Terrenos*, p. 5; *Gaceta de Manila*, Sept. 10, 1880; *Id.*, Aug. 11, 1881; *Id.*, April 17, 1894; see also *Valenton v. Murciano*, 3 Phil.

Rep. 537; *Cansino v. Valdez*, 6 Phil. Rep. 320; *Tiglao v. Insular Government*, 7 Phil. Rep. 80. The Spanish law in force

when the United States took possession of the Philippines required that all persons claiming title to public lands by prescription should, long prior to that date, have presented and

proved their claims, complied with the legal regulations, and secured title by administrative adjudication, upon penalty of becoming mere trespassers and subject to ejection. Plaintiff in error. did not comply with these requirements, the time within which he could have done so had long passed, and he was therefore in the eyes of the law a trespasser on the public lands of the Philippine Islands at the date when the islands

passed to the sovereignty of the United States. Under the accepted principles of international law the local laws of Spain

applicable to the Philippines, including the mortgage law and the Civil Code, were continued in force by the Government of the United States upon the cession of the islands, so far as they were not incompatible with the fundamental principles of our Government. *American Ins. Co. v. Canter*, 1 Pet. 511; *Cross v. Harrison*, 16 How. 164; *Leitensdorfer v. Webb*, 20 How. 176.

The situation of plaintiff in error has not been changed by legislation of the United States or of the Philippine Islands since the change of sovereignty. The act of March 2, 1901, 81 Stat. 910, continued the status of the public lands until further action by Congress. The organic act of July 1, 1902, empowered the Philippine Government created thereby to - promulgate rules and regulations governing the public lands. In pursuance of the powers so conferred, the Philippine Gov-

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