

AN ACT PROVIDING FOR THE ORGANIZATION AND GOVERNMENT OF THE MORO PROVINCE.

Act No. 787, June 01, 1903

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By authority of the United States, be, it enacted by the Philippine Commission, that:

SECTION 1. All that pan of the island of Mindanao and its adjacent islands lying west or south of a boundary line beginning at a point on the north coast of Mindanao at Point Balato, one mile west of the western boundary of the barrio of Naburos, thence running due south to the middle of the channel of the Mipangi River, thence along said river to its mouth in Panquil Bay, thence along the south shore of Panquil Bay in an easterly and northeasterly direction to the south shore of Iligan Bay, thence along the southern and southeastern shore of Iligan Bay in an easterly and northeasterly direction to Salinbal Point, about seven miles north of the stone pier in Iligan, and thence from Salinbal Point due east to the crest of the watershed dividing the waters which flow into Iligan Bay from those flowing into Macajalar Bay, thence in a southerly direction along the crest of said watershed to the eighth parallel of north latitude, thence east along the eighth parallel of north lati-tude to the eastern shore of Mindanao, together with the Sulu Archipelago, including the islands known as the Jolo Group, the Tawi Tawi Group, and all other islands pertaining to the Philippine Archipelago under the sovereignty of the United States of America south of the eighth parallel of north latitude, excepting therefrom the Islands of Paragua and of Balabac, and the immediately adjacent islands, but including the Island of Cagayan Sulu, shall constitute the Moro Province, and shall be governed as hereinafter provided.

The limits and area of the Provinces of Surigao and Misamis as fixed in Acts Numbered One hundred and twenty-seven and One hundred and twenty-eight of the Philippine Commission, are hereby reduced in accordance with the boundary line of the Moro Province as herein described and established, and all parts of the existing Provinces of Surigao and Misamis included within the area of the Moro Province, as herein described, are by this Act transferred from said provinces to the jurisdiction of the Moro Province.

The capital of the Moro Province shall be at Zamboanga.

SEC. 2. The Moro Province shall be divided into five districts, to be known as the Sulu, Zamboanga, Lanao, Cottabato, and Davao districts, which are respectively described as follows:

(a) The Sulu District shall include all the islands of the Moro Province in the Celebes Sea and in the Sulu Sea between the fourth and eighth parallels of north latitude lying southwest of a line running northwest and southeast and passing at a point two miles due east of the northeast extremity of Taliran Island, sometimes know as Taliran Island.

(b) The Zamboanga District shall include the Island of Basilan and its immediately adjacent islands not included in the Sulu District as above described, and all that part of the Island of Mindanao and its immediately adjacent islands which lies to the west and south of a line beginning at a point on the north coast line of Min-danao at Point Balato, one mile west of the western boundary of the barrio of Naburos, thence running due south to the Mipangi River, hence along said river to its mouth in Panquil Bay, thence to and along the south shore of Panquil

Bay in an easterly direction to a point two miles cast of the intersection of the line of the old Spanish with the shore of Panquil Bay, and thence in a southerly direction on a line parallel with the line of the trocha and two miles distant therefrom to Illana Bay, so as to include in the District of Zamboanga the town of Tukuran.

For purposes of administration, there shall be carved out of the Zamboanga District, just described, the subdistrict of Dapitan, the capital of which shall be at the town of Dapitan on Dapitan Bay, which shall be bounded on the south by the eighth parallel of latitude, on the north and west by the Sulu and Mindanao Seas, and the east by the eastern boundary of the District of Zamboanga from Balato Point to the intersection of such boundary with the parallel.

(c) The Lanao District shall include all the territory of the Moro Province in the Island of Mindanao lying east of the Zamboanga District and south and west of a line running due east from Salinbal Point to the crest of the watershed which divides the waters flowing into Iligan Bay from those flowing into Macajalar Bay, thence south along the crest of said watershed to the crest of the watershed which divides the waters flowing into Lake Lanao from blowing into the Rio Grande River, and thence south and west along the crest of said last-mentioned watershed to the summit of Mount Bita, the highest peak south of Butig, thence south along crest of the watershed which divides the waters flowing into Parang Bay from those flowing into Illana Bay north of Tugapangan Point, to such point.

(d) The Cottabato District shall include all that part of the Island of Mindanao lying east of the Lanao District, south of the eighth parallel of north latitude, and west of a line running south from the eighth parallel of north latitude along the crest of the Apo range of mountains to the southernmost peak of Mount Apo, thence along the watershed that divides the waters that flow into Davao Bay from those that flow into the Rio Grande and Sarangani Bay to Sarangani Point.

(e) The Davao District shall include all that portion of the Island of Mindanao lying south of the eighth parallel of north latitude and east of the eastern boundary of the Cottabato District, including the Sarangani Islands.

SEC. 3. The capitals of the districts of Sulu, Zamboanga, Lanao, Cottabato, and Davao shall be respectively at the towns of Jolo, Zamboanga, Iligan, Cottabato, and Davao: Provided, That the legislative council of the Moro Province may, in its discretion, change these capitals.

SEC. 4. The Civil Governor of the Philippine Islands, by and with the consent of the Philippine Commission, shall appoint for the Moro Province a governor, attorney, secretary, treasurer, superintendent of schools and an engineer. The provincial governor and engineer may be officers of the Army detailed on request of the Philippine Commission by the Commanding General of the Division of the Philippines to perform the civil duties of such offices. In the event of a vacancy in either of the offices hereinbefore mentioned, it shall be promptly reported to the Civil Governor by the provincial governor. The provincial governor may, until such vacancy is filled, require any provincial officer to perform the duties of the vacant office in addition to the regular duties of such provincial officer.

SEC. 5. The provincial governor shall discharge the duties of his office under the general supervision of the Civil Governor of the Islands, to whom he shall report from time to time. If the provincial governor be at the same time the commanding general of the Department of Mindanao and Jolo, he shall furnish copies of the reports made by him to the Civil Governor to the Commanding General of the troops in the Philippine Islands, if such officer shall so require; he shall see that the laws are faithfully executed by all officers of the province, districts, subdistricts, and municipalities. Subject to the provisions of law, he shall have control, through the proper district governors, of the municipal police of the various municipalities therein, and, through the seventh assistant chief of Philippines Constabulary, he may direct the use and control the movements of the Insular Constabulary within the

Moro Province; he may, when public interests require, temporarily withdraw the Constabulary from one district for use in another; he shall visit at least once in every six months the capitals of every district in the province. Upon complaint made, or of his own motion, the provincial governor may suspend from the execution of the duties of his office any district officer for misconduct or incompetency in office; he shall order the provincial attorney to prefer formal charges against and serve the same upon the accused officer, and after due hearing may dismiss the charges, impose any penalty by loss of pay or a definite period of suspension upon the offender, or, if the charges warrant, dismiss him from office. If the charges involve either criminal or civil liability of the accused, he may direct the provincial attorney to bring a proper action, either criminal or civil, in the public interest against the accused officer. He shall make a report of the conditions of the province between the first and fifteenth of September of each year to the Civil Governor of the Islands for the year ending on the first day of September, recommending therein such measures, executive or legislative, as it may seem to him best that the Insular Executive or the Commission should take for the betterment of the conditions in the province. He shall, when notified by the judge of any Court of First Instance of the province that the decrees and judgments of the court can not be enforced with the ordinary procedure and by the use of the usual officers of the law, give such assistance with the Constabulary and municipal police as shall bring about a prompt enforcement of such judgments and decrees. The provincial governor, by and with the advice and consent of the legislative council hereinafter created, shall appoint the district governors, the lieutenant governor of the subdistrict of Dapitan, the district treasurers, and the district secretaries. The provincial governor shall also appoint all the subordinate officers and employees in the provincial government of the Moro Province under the provisions of the Civil Service Act, except such employees as are paid from special appropriations for public works, all of whom shall be appointed or employed in such manner as the legislative council may direct, not inconsistent with the Civil Service Law.

SEC. 6. The provincial secretary shall, during a vacancy in the office of governor or during the governor's disability, or absence from the province, perform the duties of governor; he may under the direction of the governor make inspections of civil affairs in the various districts, and perform such duties in reference thereto as the governor may authorize; he shall acquaint himself, as far as practicable, with the language and customs of the Moros and other non-Christians in the province, and from time to time make report to the governor of such matters as he deems necessary for their betterment. When the governor is absent from the capital but present in the province, the secretary shall perform such duties of the governor as may be delegated to him in writing by the governor he shall attest all the official acts of the governor of the province, and shall record all of the governor's acts which are required by law to be recorded; he shall be the custodian of the provincial seal; he shall receive from the governor and file in his office all reports to the governor required by law and shall index the same; he shall act as custodian of all provincial records and documents and discharge all duties usually pertaining to that of the office of secretary; he shall on demand furnish certified copies of all public records and documents within his custody for which he may charge, as personal compensation in addition to his regular salary, to any private person, but not to any public official needing the same for a public purpose, the amount of ten cents, local currency, for every one hundred words of such copy, including the certificate. He shall act as secretary of the legislative council hereinafter created and attest all its acts and resolutions and, generally, shall discharge such other duties as the legislative council may by law provide.

SEC. 7. The provincial treasurer shall be the chief financial officer of the province; he shall supervise the appraisal and assessment by the district treasurers and their deputies of all property in the province required by law to be assessed for taxation; he shall supervise the collection by the district treasurers of all taxes imposed in the province, either by the Central Government of the Islands, the provincial government, or the municipalities in the province, except only the customs duties, which shall be collected as now by the collectors of customs

under the direction of the Insular Collector of Customs; he shall give a bond for the faithful discharge of his duties and accounting for all moneys coming into his custody and for the lawful disbursement thereof; the amount of the bond shall be fixed by the Insular Treasurer; he shall have authority and it shall be his duty to require a bond from each of the deputies in his office, the amount thereof to be fixed by the legislative council; he shall be the custodian of all the funds of the province de-positd in the provincial treasury and shall pay no money out of the treasury of the province except upon warrants drawn in accordance with law, which, duly indorsed by the payee named therein, shall be his voucher for the payment; he shall on the tenth day of January, April, July and October of each year render quarterly accounts of the transactions of his office for the preceding quarter to the legislative council hereinafter created, who, by committee, shall examine such accounts and count the cash, and if the accounts are found correct shall so certify on the face of the accounts; he shall forward one copy of each quarterly account to the Insular Treasurer and one to the Insular Auditor; the books, accounts, and cash of the provincial treasurer shall be subject to the same character of inspection by the examiners of the Insular Treasurer, as are the books, accounts, and cash of the provincial treasurers under the General Provincial Government Act; the provincial treasurer shall, by examiners duly appointed by the provincial governor under the authority of the legislative council, supervise and examine the transactions of the district treasurers; such examinations shall involve an investigation of the books and accounts of each district treasurer and the counting of his cash, and shall be made at least once every quarter. He shall perform all other duties which may be provided by law of the legislative council.

SEC. 8. The provincial engineer shall have supervision over the construction, repair, and maintenance of the roads, bridges, ferries, public buildings, and other public improvements of the prov-ince. It shall be the duty of the engineer to make reports to the legislative council at least once a quarter, and oftener if deemed necessary by the council, of the conditions of the roads, bridges public buildings, and other improvements of the province, and to recommend the repair and new construction which are necessary. Before a contract is let for the work it shall be the duty of the engineer to prepare plans and specifications and to make an estimate of the cost thereof and to submit the same to the legislative council. All contracts for such construction, repair, or maintenance shall be let by the engineer with the approval of the legislative council hereinafter created, and no payment, partial or final, for any contract made for such public work shall be authorized except upon the certificate of the engineer that the same is due. All stationery and office supplies and all supplies or merchandise purchased for the use of the provincial find district governments shall be purchased by him upon the order of the legislative council for the use of the provincial and district officers and the Courts of First Instance and other courts of the province. He shall keep a property account in which he shall charge the provincial and district officers with the furniture or other personal property delivered to them and held or used by them for public purposes, and shall take receipts for all supplies thus delivered to them. Except where otherwise ordered by the Civil Governor, upon the recommendation of the governor of the province, he shall make his purchases of supplies through the Insular Purchasing Agent. In case of a vacancy in the office of the provincial engineer, or if there is any reason why that officer can not perform his duties, the provincial secretary, shall be vested with authority to purchase stationery and office supplies for the offices of the province and districts, and in making such purchases and delivering the same he shall keep a property account and take the receipts required herein of the provincial engineer. The engineer shall give such bond and discharge such other duties as may be required by the legislative council.

SEC. 9. The provincial attorney shall be the attorney and legal adviser of the provincial government and of each of its officers and of the legislative council hereinafter constituted and shall, when called upon by the council or by any officer, furnish a written opinion on questions of law arising in the administration of the government. He shall represent the provincial government in all suits brought on its behalf or against it in the courts of the prov-ince or in the courts of any province or district. He shall be the legal adviser of the municipal authorities of

any municipality organized in the province and shall, upon request, submit in writing his views upon any question properly arising in the discharge of the public duties of such officers or authorities. He shall exercise supervisory control in the courts in the province over the district fiscals for whose appointment and salaries the legislative council may have provided. The provincial attorney shall, when the public interest requires it, appear to take charge of prosecutions for the government in any court within the province. In cases where the interests of any municipality and of the province are distinct or opposed, he shall act on behalf of the provincial government and the municipality shall be obliged to employ special counsel. The provincial attorney shall discharge his duties under the general supervision of the Attorney-General of the Insular Government, and the Attorney-General shall represent the provincial government in all suits for or against it which shall come before the Supreme Court, but if the Attorney-General deems it necessary, he may require the provincial attorney to assist in the presentation of the cause before the Supreme Court. In every criminal case appealed to the Supreme Court from the Court of First Instance held in the province, the provincial attorney shall forthwith make a report, to the Attorney General, explaining the questions of law and fact appearing therein and the conclusions of the court. The provincial attorney shall make an annual report to the Attorney-General of the Philippine Islands as to the conditions of public and private litigation in the courts throughout the province, and shall discharge such other duties as may be required by the legislative council.

SEC. 10. Subject to the restrictions contained in this Act or in any law of the legislative council, the provincial superintendent of schools shall exercise the powers granted him by this section. He shall establish schools in every municipality, rancheria, township, or other settlement in the Moro Province where he deems it practicable and useful, and shall reorganize those already established where such reorganization is necessary. He shall fix the salaries of the American and native teachers within the limits established by law. He shall fix a curriculum for primary, industrial, and secondary schools, varying the same for different schools and different localities in accordance with the peculiar conditions prevailing therein. He may create principal teachers in each district who shall discharge the duties of superintendents of the district in his absence in addition to their duties as teachers. He shall supervise the plans for the construction of schoolhouses to be built in the province, whether by the municipalities, the district government, or the provincial government, prescribing the amount of land required in each case and rules of hygiene to be observed in connection with the schools. He shall present requisitions for proper school supplies to the provincial engineer, and such supplies shall be purchased as other supplies, through the Insular Purchasing Agent, whenever proper appropriation has been made or proper authority for the purchase has been given by the legislative council. He shall determine the places in which American teachers shall teach. He shall present, quarterly, to the legislative council a requisition for the appropriation of funds necessary for the maintenance of the schools of the province. On or before January first and July first of each year he shall make a report of his administration for the previous six months to the provincial governor and such special reports as may from time to time be called for by the governor; he shall forward duplicates of all his reports to the provincial governor to the General Superintendent of Education in the Islands. In the regular semiannual reports it shall be the duty of the superintendent to recommend changes in the school law which he deems expedient. He shall exercise general supervision over the entire school system of the province and shall prepare and promulgate rules for the examination and qualification of the applicants for the positions of native teachers and for the guidance of officers and teachers of the department not inconsistent with the school law to be adopted by the legislative council. He shall forward requisitions for such American teachers as he may need to the General Superintendent of Education at Manila, who are to be selected in accordance with the civil-service rules made applicable by law to the selection of teachers after the first of September, nineteen hundred and three. He shall, through such deputy superintendents as he may appoint among the American teachers in each district, by regulation define the school districts for each school which he may establish. As soon as practicable he shall make the English language the basis of the public-school instruction, but he shall not prevent the instruction by native teachers in Arabic, Moro,

or other languages of the locality of the school. He shall discharge such other duties as may be required by the legislative council.

SEC. 11. The provincial governor shall receive an annual salary of six thousand dollars, and each of the provincial officers shall receive an annual salary of not exceeding four thousand dollars each in United States currency, to be fixed by the Civil Governor in the appointment and to be approved with the appointment by the Commission. The governors of the districts hereinafter authorized shall receive not exceeding three thousand five hundred dollars annual salary, in United States currency, to be fixed in the case of each district by the legislative council; and the district secretaries and the district treasurers hereinafter authorized shall each receive an annual salary of not exceeding two thousand five hundred dollars, in United States currency, to be fixed for each district by the legislative council. The lieutenant-governor of Dapitan shall receive an annual salary of not exceeding two thousand dollars, in United States currency, to be fixed by the legislative council. In case an officer of the Army is detailed to perform the duties of provincial governor, or provincial engineer, or a governor of a district, he shall receive an allowance equal to twenty per centum of his current proper yearly pay as an officer of the Army and the actual and necessary expenses incurred while absent from his station in the performance of his necessary civil duties.

The salaries of all officers and employees of the province and districts shall be payable out of the revenues of the province. The salaries of the officers and employees of such municipalities as may be organized within the province shall be payable out of the treasury of the respective municipalities.

SEC. 12. The governor, the secretary, the treasurer, the engineer, the superintendent of the schools, and the attorney of the province shall constitute the legislative council for the province and shall each have a right to vote therein. The governor shall be the presiding officer of the council, but in his absence the secretary shall preside. The secretary of the province shall be the secretary of the council and shall keep the minutes of the meetings. Four members of the council shall constitute a quorum for legislative action. In case of a tie vote on any proposed enactment, the proposition which shall have received the vote of the governor shall prevail.

The council shall hold regular meetings once every two weeks and such special meetings as may be called by the governor or provided for by resolution of the council.

SEC. 13. It shall be the duty and within the power of the legislative council:

- (a) To provide, by construction or purchase or sale, suitable offices at the capital of the province for provincial offices and suitable offices for the district officers hereinafter provided for at the capitals of the districts, for court-houses containing rooms suitable for the holding of court and for the officers of the court at every place in the province where a court is held, a provincial jail at the capital of the province, and such district jails at the respective capitals or other places in the district as may seem necessary to the legislative council.
- (b) To furnish suitable vaults or safes to the provincial treasurer and to the district treasurers hereinafter authorized in the various districts in which the provincial and other public funds, as long as they shall be in the custody of the provincial treasurer or the district treasurers, shall be kept, except as hereinafter provided.
- (c) To order monthly payments of all salaries which by law shall be paid from the provincial treasury and the payment of all lawfully contracted indebtedness by directing the issue of warrants upon the provincial treasurer. Every warrant shall be drawn by the governor and countersigned by the secretary, and shall recite the cause and purpose of drawing the same, the date of the resolution of the legislative council authorizing it, and the page of the minutes of the council's proceedings in which it is recorded.
- (d) To provide for the appointment and employment of the necessary subordinate employees under the various

provincial and District officers and to fix their salaries, and to adopt rules regulating the hours and employment in the various offices in the province and districts.

(e) To provide a seal for the province.

(f) To provide by law, in its discretion, for the raising of revenue additional to that herein provided, by the imposition of taxes on property, persons, or businesses, by the imposition of excise taxes or stamp taxes, or by any other form of taxation which shall not infringe the restrictions of the Act of Congress entitled "An Act temporarily to provide for the administration of the affairs of civil-government in the Philippine Islands, and for other purposes," and to specify in such laws the beneficiary or beneficiaries of such taxes, whether the provincial government, the district governments, or the municipal governments, and where there is more than one beneficiary the proportion in which such governments shall enjoy the proceeds of the tax, and to provide in such laws the procedure for the collection of the tax, including proceedings for the satisfaction of the tax and penalties out of the goods or property of the delinquent, and if it is deemed wise, by imprisonment. Until the legislative council shall make other provision, the land tax, the internal-revenue taxes, and the cedula taxes as now enforced in the municipalities organized under the Municipal Code within the Moro Province shall continue in force, and it shall be the duty of the provincial treasurer and the district treasurers to see to their collection, and the proceeds of such taxes shall be distributed between the municipalities and the provincial treasury in the same proportions in which they are distributed under the Municipal Code and the Provincial Government Act with their amendments. The legislative council shall exercise no legislative power to amend either the Customs Administrative Act or the act for the collection of fees for the cutting of wood or the collection of forest products in the public forests of the province, except as provided in paragraph (m) hereof.

(g) To enact laws, in its discretion, for the organization and support of a public-school system, providing therein, if it is deemed wise, for special industrial schools for non-Christians, for the construction and control of school buildings, and for general rules for the instruction of Moros and other non-Christians, and for the levy of a special local school tax for the support of particular schools in particular localities suited to the local conditions. The legislative council shall not be required to pass a uniform school law regulating the primary schools of the entire province, but shall have power to make special provision to meet special requirements in the matter of public education for any particular district or locality.

(h) To enact laws for the creation of local governments among the Moros and other non-Christian tribes, conforming as nearly as possible to the lawful customs of such peoples, and vesting in their local or tribe rulers as nearly as possible the same authority over their people as they now exercise, consistent with the Act of Congress entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands and for other purposes," and following as nearly as possible in the provisions of these laws any agreements heretofore made by the United States authorities with such local or tribe rules concerning the power and privileges which under American sovereignty they are by such agreements to enjoy: Provided, That they have not by their conduct and the breach of the agreements forfeited such powers and privileges.

(i) To enact laws investing the district governors in their respective districts, or other provincial or district officers, with the power of adjusting, under the supervision of the provincial governor, all differences between sultans, dattos, and any independent local authorities, and of enforcing their decisions upon such differences.

(j) To enact laws which shall collect and codify the customary laws of the Moros as they now obtain and are enforced in the various parts of the Moro Province among the Moros, modifying such laws as the legislative council think best and amending them as they may be inconsistent with the provisions of the Act of Congress entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine

Islands, and for other purposes," and to provide for the printing of such codification, when completed, in English, Arabic, or the local Moro dialects as may be deemed wise. The Moro customary laws thus amended and codified shall apply in all civil and criminal actions arising between Moros. In all civil and criminal actions arising between members of the same non-Christian tribe other than Moros, unless otherwise provided by the legislative council, the customary laws of such non-Christian tribe, if consistent with the Act of Congress above mentioned and if defined and well understood, shall govern the decision of the cause arising, but if there be no well-defined customary laws or they are in conflict with such Act of Congress then the cases shall be determined by the criminal or civil code according to the laws of the Philippine Islands until the legislative council shall make other provision. In actions, civil or criminal, arising between a Moro and a member of a non-Christian tribe, or between a Moro and a Christian Filipino, or an American or a subject or citizen of a foreign country, the Criminal Code and the substantive civil law of the Philippine Islands shall apply and be enforced.

(k) To enact laws for the organization and procedure of district courts, to consider and decide civil and criminal actions arising between Moros, between members of non-Christian tribes, and between Moros and members of other non-Christian tribes. The district court shall be presided over by the secretary of the district, and the other members of the court shall be appointed by the district governor and shall vary with the race or tribe of the litigants, so that where the action arises between Moros, there shall be at least two and not more than four Moros upon the court; when it arises between members of other non-Christian tribes there may be, if practicable, upon the court members from such non-Christian tribes, and when the litigation arises between Moros and members of other non-Christian tribes there shall be at least one Moro member of the court and at least one member from the tribe of the pagan litigant: Provided, however, That judgments of said courts shall not be given effect unless approved by the governor of the district in which the court is held: And provided further, That in case of sentence of death or imprisonment for a longer period of time than ten years, such sentence shall not be executed unless approved by the provincial governor. But the legislative council may, when it thinks proper, provide by law that civil and criminal actions arising between a Moro and a member of another non-Christian tribe shall be tried in the Court of First Instance or in the court of a convenient justice of the peace, according to the nature of the action and the proper and usual jurisdiction of the Court of First Instance or the justice of the peace. The legislative council shall prescribe a simple procedure for the district courts and require a written record of its proceedings.

(l) To enact laws for the abolition of slavery and the suppression of all slave hunting and slave trade.

(m) To regulate by statute the use, registration, and licensing of boats of Moro or pagan construction of less than ten tons measurement which shall be followed by collectors of customs in the Moro Province, the provisions of the Customs Administrative Act and regulations of the Insular Collector of Customs to the contrary notwithstanding.

SEC. 14. The legislative council shall have authority to order, in its discretion, the construction, repair, and maintenance of roads, bridges, ferries, and public buildings in any part of the province on the recommendation of the engineer whenever the funds for such construction, repair, or maintenance are in the provincial treasury; to approve or reject contracts for the construction, maintenance, and repair ordered in the previous paragraph; to agree with the provincial boards of adjoining provinces on the terms upon which roads forming the boundary between the two provinces and the bridges and ferries crossing the streams forming such boundary shall be maintained and controlled under the joint supervision of the governments of the provinces; to direct, in its discretion, the bringing or defense of suits on behalf of the provincial government and to compromise the same, upon the recommendation of the attorney and the approval of the judge of the Court of First Instance for the province; to authorize the provincial treasurer to deposit so much of the provincial funds as may not be needed in the near future for public use in a bank of deposit of approved standing in the Islands. All interest paid on such

deposits shall inure to the benefit of the provincial treasury, and no funds shall be deposited in the bank by the treasurer until there shall be spread upon the minutes of the council a resolution reciting and approving the exact terms of contract and deposit in the bank and the bank shall certify the weekly balances of the provincial funds held by it to the governor of the province and to the Insular Treasurer. The legislative council is further authorized to enact laws modifying or amending the Municipal Code in its application to municipalities within the province, so far as conditions in the Moro provinces, differing from the conditions in the Christian Filipino provinces may require a modification; to provide for the printing, translating, and distribution, by proclamation of the provincial governor, of such laws as may be proclaimed and put in force in the manner hereinafter provided, and for the translation, printing, and distribution of such educational literature as may seem wise to the council. The legislative council is authorized to pass such other laws not inconsistent with this Act or the Acts of Congress relating to the Philippine Islands as may conduce to the welfare of the peoples of the Moro Province; but it shall not be within the power of the council to issue bonds of the province, or to authorize municipalities of the province to do so, except as provided in the Acts of Congress.

SEC. 15. In each district of the Moro Province there shall be appointed by the provincial governor, with the consent of the legislative council, a district governor, a district secretary, and a district treasurer. The office of district governor may be filled by proper detail of an Army officer, with the consent of the legislative council. The district treasurers shall be selected in accordance with the provisions of the Civil Service Law. The governors and the secretaries of the districts may be appointed without previous examination but they shall be able after eighteen months of service to pass a satisfactory examination in the principal local dialect of their respective districts, and a failure to pass such examination shall be sufficient cause for dismissal.

SEC. 16. The governor of the district shall be its chief executive and shall discharge his duties under the orders and supervision of the governor of the province he shall act as sheriff in accordance with the Code of Civil Procedure in the execution of all the lawful decrees of the Court of First Instance and the district courts Having jurisdiction in his district, and he shall give bond as required by the Code of Civil Procedure and its amendments; he shall supervise the custody of all prisoners detained in his district, and shall have charge and responsibility for the maintenance and proper conduct of the jail of his district; he shall exercise the same powers, with respect to the discipline, suspension, and removal of the officers of the municipalities organizer within his district, which the provincial governor under the general Provincial Government Act and its amendments exercises over the municipal officers of the municipalities of his province, except that, in addition to the power of suspension and the preferring of charges against such officers, he shall also hear such charges after due notice and remove the offender or discipline him by imposing a definite suspension from office and a loss of pay. An appeal shall be from his action in this regard by the punished or removed official to the governor of the Moro Province, which appeal shall be taken by letter duly mailed, to the provincial governor, within ten days after the action of the provincial governor shall be communicated to the sentenced official. He shall inspect such municipalities at least once every six months and shall make report of their condition to the governor of the province; he shall, from time to time, make such recommendations to the governor of the province as he may deem proper for the best interests of his district; he shall employ and discharge all subordinate employees of the district government as may be authorized by the legislative council within the restrictions of the Civil Service Act and its amendments; he shall inspect the municipal police and shall have power to discharge any person unfit to serve therein; he shall have power to direct that the municipal police of one municipality shall be temporarily used in any other part of the district, and he shall discharge such other duties as may be imposed upon him by act of the legislative council.

SEC. 17. The secretary of the district shall be the custodian of the public records and documents of the district; he shall attest all the official acts of the governor of the district and shall record all of those acts which are required by law to be recorded, and shall discharge generally all the duties usually pertaining to the office of secretary; he

shall on demand furnish certified copies of all public records and documents of the district, for which he may charge as personal compensation, in addition to his regular salary, to any private person, but not to any public official needing the same for public purpose, the amount of ten cents, local currency, for each one hundred words, including the certificate. In case of a vacancy in the office of governor, or of his absence from the district or of his disability, he shall perform the duties of district governor; he shall inspect civil affairs in the district, and acquaint himself as far as possible with the language and customs of the Moros and other non-Christian tribes living therein; he shall be the president of the district court as hereinabove provided; he shall make recommendations to the provincial engineer in respect to the repairs and improvements upon public works, public highways, and public buildings, and when public works or public repairs are begun, by direction of the legislative council, he shall, under direction of the engineer and as his deputy, supervise them and see that the contracts under which they are being carried out are complied with; he shall have custody of all public property of the district and be the custodian of all buildings used for government purposes in the district; he shall give a bond for the faithful discharge of his duties, the amount of which shall be fixed by the provincial engineer with the approval of the legislative council; he shall discharge the duties of his office under the orders and supervision of the district governor; and he shall discharge all other duties within the district which may be imposed upon him by act of the legislative council. When the district governor is absent from the capital but present in the district, the secretary shall perform such duties of the district governor as may be delegated to him in writing by the governor.

SEC. 18. The treasurer of the district shall make collections of all taxes due and collectible under the law within his district, except such taxes or imposts as may be imposed by the municipal council and are collectible from day to day or from week to week. He shall have such agents and deputies as the legislative council shall by law provide. He is empowered to authorize any municipal treasurer to collect the cedula tax as his deputy or agent and to pay to the municipal treasurer for such collection a commission of five per centum of the amount collected. He shall perform the duty of registrar of Chinese, when so designated by the Insular Collector of Customs, and shall receive the same compensation therefor as provincial treasurers when so designated. Until a registrar shall be otherwise provided for, he shall act as registrar of property and discharge the duties imposed by law upon such officer. He shall collect all amounts due under the forestry regulations for the cutting of timber and the collection of forest products and shall dispose of the amount collected, as already provided by this Act, by forwarding the same to the provincial treasurer. He shall render a quarterly account of his collections and disbursements to the provincial treasurer, and shall, as he may be ordered by the provincial treasurer, retain custody of the money which he has collected or forward the same or any part thereof to the provincial treasury. He shall pay over to the municipal treasurers of his district such amounts as may be due the latter according to law, taking a receipt therefor, and shall advise the president and the council of the municipality of the payments which he has thus made to the municipal treasurer. He shall act as disbursing officer under the provincial treasurer to pay the salary of the district governor, the district secretary, his own salary, and the salary of the employees whose employment is lawfully authorized by the legislative council. His accounts, books, papers, cash, and all records shall always be open to inspection by the provincial treasurer or any examining agent of such provincial treasurer, or by any examining agent of the Insular Treasurer. In case he shall be found on examination to be in default, the examining agent, either of the Insular Treasurer or of the provincial treasurer, shall be authorized to seize his office, the books, papers, cash, and all records, and hold the same until the amounts due from him as such treasurer can be stated. In case of the decease of the district treasurer the same procedure shall obtain. When the account shall be stated, the office, public papers, and records shall be turned over to his lawful successor. The district treasurer shall discharge such other duties as may be imposed upon him by act of the legislative council. The district treasurer shall give bond in a sum to be fixed by the provincial treasurer with the approval of the legislative council.

SEC. 19. The Philippine Scouts may be employed in the aid of the Constabulary of the province under the terms and conditions prescribed in the Act of Congress approved the thirteenth day of January, nineteen hundred and three, entitled "An Act to promote the efficiency of the Philippines Constabulary, to establish the rank and pay of its commanding officers, and for other purposes."

SEC. 20. It shall be lawful for the governor of the province, or any district governor therein, to secure the enforcement of law and order in cases of resistance to lawful authority or disturbances of the peace which the Constabulary and municipal police are unable, or find it difficult, to suppress, by requesting and obtaining the assistance of the Army of the United States, by making application to the military commander of any district or the commander of the Department of Mindanao in any form and under any conditions prescribed in the general orders of the Commanding General of the Division of the Philippines.

SEC. 21. There is hereby created, in addition to the assistant chiefs of Constabulary now provided by law, an additional assistant chief, to be known as the seventh assistant chief, who shall be in charge of the Constabulary in the Moro Province, and who shall discharge his duties under the supervision of the Chief of Constabulary, subject to such special control by the governor of the Moro Province as has been hereinbefore provided. He shall organize Constabulary in each of the districts from the natives, Christian or non-Christian, residents in such districts, not to exceed one hundred and fifty enlisted men in any district, unless duly authorized by law or resolution of the Commission. The laws and regulations governing the organization of the Constabulary shall apply to the Constabulary of the Moro Province, except as they may be hereinafter specially modified by act of the Commission to suit local conditions. It shall be the duty of the assistant chief of the Constabulary, and of the inspectors and sub inspectors, to inspect the local police of municipalities and to recommend to the governors of the districts such changes, removals, and promotions as may seem to them wise. The Constabulary force shall be supported by funds appropriated from the Insular Treasury in like manner as the Constabulary force in the other parts of the Archipelago is supported. In cases of emergency the Constabulary of one district may be used in another district. The Constabulary of the province may be used in any province of the Archipelago when so ordered by the Civil Governor of the Islands.

SEC. 22. No contract for construction of a road, bridge, a public building, or other public improvement shall be entered into by the provincial government until the provincial treasurer shall, in writing, certify to the governor that there is in the provincial treasury a sum which may be lawfully devoted to such purpose sufficient to meet the estimated cost of the construction of the improvement; and after such certificate shall be made and filed and the contract entered into, the provincial treasurer shall treat the sum thus certified as not subject to warrant except to meet the obligations of the contract.

SEC. 23. All work of repair, construction, or equipment of roads, buildings, and public improvements involving a greater cost than one thousand dollars, in money of the United States, shall be let to the lowest responsible bidder, after ten days' public notice of the letting by advertisement in a paper of general circulation in the province, or, if there is no such paper, by a notice posted for ten days at the main entrance of the engineer's office in the capital of the province, and at the door of the office of the secretary of the district in which the work is to be done. If the provincial legislative council shall regard the contract to be let and the work to be done of sufficient magnitude, it may direct the engineer, in addition to giving the public notice above required, to advertise for bids in a newspaper published in the city of Manila. The provincial engineer is authorized to reject any or all bids, and if the bids are too high, he may recommend to the council that he be allowed to purchase the material and hire the labor and himself supervise the work, and the legislative council may then authorize such a course.

SEC. 24. The Insular Treasurer shall prescribe the method of keeping the ledgers and records of the provincial treasurer and the district treasurers, and shall prepare such rules and regulations relating to the administration of

the affairs of these offices as may be necessary. The Insular Auditor shall prescribe the form and manner in which the provincial treasurer and the district treasurers shall render accounts for settlement, as provided by rule twelve of Act Numbered Ninety, and issue instructions relative to the rendition of such accounts as provided in rules twelve and forty-four of said Act. The necessary books and forms for the provincial and district treasurers shall be prepared under the direction of the Insular Treasurer, and shall be furnished by him to the provincial treasurer at cost. The monthly accounts current of the provincial treasurer shall be audited by the Insular Auditor. For assistance in such audit the provincial treasurer shall forward to the Insular Auditor certified copies of all acts or resolutions of the legislative council authorizing the appointment of assistants, deputies, and other employees, and fixing their salaries. At least once in six months the office of the provincial treasurer shall be examined by a traveling examiner of the Insular Treasurer. In case such an examination discloses a defalcation of the provincial treasurer, it shall be the duty of the examining officer to report the fact to the provincial governor, and to seize the office and its contents and to notify the Insular Treasurer forthwith, who shall thereupon, by himself or deputy, at once take possession of the office, the books, papers, vouchers, and cash of such provincial treasurer, and shall at once notify the Insular Auditor of the fact, and shall temporarily continue such public business as is necessary until the amount due from the provincial treasurer shall be exactly determined by the Insular Auditor or his deputies, and a correct account stated, when, upon proper certificate from the Auditor, the examining officer shall transfer the office and its contents to the provincial treasurer then lawfully entitled. The same procedure shall be pursued in case of the death of the provincial treasurer. Upon the seizure the sureties of the defaulting or deceased officer shall be at once notified thereof by the Insular Treasurer. The Auditor shall forward to the provincial, attorney a statement of the account of the defaulting or deceased officer, and request suit to be brought for any balance which may be due upon the official bond of the defaulting or deceased officer, and in such suit the account stated by the Insular Auditor shall be prima facie evidence of the amount due on the bond. In case of a defaulting provincial treasurer or district treasurer, criminal proceedings shall be instituted against the offender. In case of a deceased provincial treasurer, if no balance is found to be due from him, the Auditor shall settle his account and furnish his legal representatives with a certified copy of the settlement.

SEC. 25. Collections derived for the timber cut and forestry products on Government lands under the Forestry Regulations shall be collected by the district treasurers, and shall be forwarded through the provincial treasurer to the insular Treasurer; he shall deposit the same in the Insular Treasury to the credit of the Forestry Bureau. At the end of each quarter it shall be the duty of the Insular Auditor to determine the ratio of the total expenditures in the Archipelago in the collection of forestry dues to the total collections thereof in the Archipelago; he shall then reduce the total proceeds of forestry collections for the quarter from the Moro Province by the proper percentage thereof for expense of collection as above determined, and shall issue a warrant on the Insular Treasurer for the remainder of the amount collected in the Moro Province in favor of the provincial treasurer of that province. So long as the internal-revenue tax laws shall apply in the Moro Province, the stamps required by law in the collection of such taxes shall be furnished to the provincial treasury of the Moro Province by the Insular Treasurer, who shall obtain the same from the Collector of Internal Revenue of the Islands in sufficient quantities for the purpose of this section, giving a proper receipt therefor. The provincial treasurer receiving the stamps shall receipt for the same to the Insular Treasurer, and the same method shall be followed in the distribution of stamps by the provincial treasurer to the treasurers of the districts. The Insular Treasurer shall render a monthly account-current of the stamps furnished by him to the provincial treasurer, supporting the same by proper vouchers. The provincial treasurer for each month shall render a report of stamps sold and stamps on hand to the Insular Treasurer and to the Insular Auditor.

SEC. 26. The gross amount of customs receipts from whatever source collected within the Moro Province, less the cost of collection of the same therein, shall constitute, a special fund to be expended in the discretion of the

legislative council for provincial, district, and municipal purposes in that province; and for this purpose such funds shall be deposited by the collectors of customs in the Moro Province directly with the treasurer of the province, taking receipts therefor and forwarding one copy thereof to the Insular Collector of Customs and one to the Insular Treasurer.

SEC. 27. Courts of First Instance and justices of the peace in the Moro Province shall not have jurisdiction to try civil or criminal actions arising between Moros or arising between non-Christians, or, except as otherwise provided by the legislative council, actions arising between Moros and other non-Christians, and the existing laws of the Philippine Islands are hereby amended accordingly: Provided, however, That in accordance with paragraph (k) of section thirteen of this Act, the legislative council may by law vest jurisdiction to try cases between Moros and other non-Christians in such courts: And provided further, That the Court of First Instance shall have jurisdiction in all habeas corpus cases, no matter between whom arising, to take cognizance of the petition for the release of any person within its territorial jurisdiction, to issue process, to hear the evidence, and to discharge the prisoner or to remand him to custody in accordance with the provisions of the chapter on habeas corpus in the Code of Civil Procedure.

SEC. 28. The legislative council shall have power to insure the gradual transition from military to civil control in those districts in which in its judgment it would not be wise immediately to establish complete civil government by providing that the powers herein conferred upon district officers shall be exercised and performed in any district under the general supervision of the military commander of the United States troops serving in that district for any period which it may deem wise, and such period of transition may be decreased or lengthened in the discretion of the legislative council by subsequent act.

SEC. 29. The provincial government established under this Act shall be a body corporate with power to sue and be sued, to have and use a corporate seal, to hold property, real and personal, to make contracts for labor and material needed in the construction of duly authorized public works, and to incur such other obligations as are authorized by law.

SEC. 30. The legislative council shall have power, in its discretion to make the government of a district a corporation, with power to sue and be sued, to have and use a corporate seal, to hold property, real and personal, to make contracts for labor and material needed for district purposes, and to incur such other obligations as may be expressly authorized by law, and, if it deems wise, to constitute a district board to consist of the governor, the secretary, and the treasurer, who shall be the governing board of the district. It shall not be necessary that such law shall uniformly apply to all districts, but differing provisions may be made applicable to different districts as the legislative council shall determine.

SEC. 31. The carving out of the subdistrict of Dapitan and the creation of the office of lieutenant-governor of that subdistrict are hereby declared to be for the purpose of providing a form of provincial government for the people of the town of Dapitan and the towns lying in its neighborhood, who are not sufficiently numerous to justify the expense of a provincial government. The legislative council shall have power to declare the duties of the lieutenant-governor, to provide a deputy district treasurer whose office shall be at Dapitan, and to furnish such subordinate employees and make such provision for the quasi-independent government of the subdistrict as local conditions may require.

SEC. 32. Laws passed by the legislative council shall take effect, at the time fixed by the legislative council in the Act, subject to annulment or amendment by the Commission. It shall be the duty of the secretary of the council to forward a certified copy of each act of the legislative council by registered mail to the Recorder of the Commission immediately after its passage.

SEC. 33. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 34. This Act shall take effect upon the fifteenth day of July, nineteen hundred and three.

Enacted, June 1, 1903.

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