

AN ACT PROVIDING FOR A COURT VACATION AND LEAVE OF ABSENCE OF THE JUDGES OF THE COURTS OF LAND REGISTRATION AND OF CUSTOMS APPEALS.

Act No. 1056, February 20, 1904

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

SECTION 1. The regular sessions of the Courts of Land Registration and of Customs Appeals may be suspended for the period beginning with the first day of May and closing with the first day of July of each year, which shall be known as the court vacation after the analogy of the court vacation provided by law for the Supreme Court and Courts of First Instance. During the court vacation one judge of the Court of Land Registration and one judge of the Court of Customs Appeals shall remain in the Islands subject to the call of the Civil Governor for the performance of duties appertaining by law to his office. On or before the first day of January of each year the Civil Governor shall issue an executive order naming the judge of the Court of Land Registration and the judge of the Court of Customs Appeals who shall remain on duty. The assignment of judges for vacation duty shall be so arranged that no judge shall be assigned for vacation duty more than once in two years. The executive order herein provided may be modified from time to time according to emergencies and newly arising conditions. The judges of each of said courts assigned for vacation duty shall have the same power in all respects during the vacation period as during the periods of regular sessions of said courts, including the making of any necessary orders and of final decisions upon pending cases upon their merits, and final sentences of conviction or judgment of acquittal in criminal causes in the Court of Customs Appeals. Any judge of the Court of Customs Appeals who is assigned to vacation duty may be directed by the Civil Governor, when in his judgment the emergency shall require, to hold during the vacation period a special term of a Court of First Instance in any district, either to hear civil or criminal cases, and enter final judgment therein. The judges of the Court of Land Registration and Court of Customs Appeals not assigned to vacation duty may spend their vacation either in the Islands or abroad. Every third year after his appointment as judge, in addition to his vacation, each judge of the Court of Land Registration and of the Court of Customs Appeals shall be entitled to an additional vacation of three months. This five months' vacation shall be assigned to him by the Civil Governor, but shall always be fixed within a period to include the regular court vacation. No leave shall accumulate from year to year to the judges under this Act, but the Governor may in his discretion postpone the extra three months' vacation from one year to the next if this is required by public business, provided the judge shall have at least two such vacations in six years: Provided, however, That, for the period prior to the going into effect of this Act any judge may have the benefit of the leave that would then have accrued to him under the provisions of Act Numbered Eighty and its amendments, had those provisions been applicable to him by express terms, should he so elect, after the passage of this Act; but he shall not be entitled to the benefits of the provisions accruing under Act Numbered Eighty and its amendments and likewise to those accruing under the provisions of this Act. During the court vacations and during the leave of absence for five months granted every third year. The judges aforesaid and enjoying the same shall draw full pay. The right to a leave of absence for five months shall accrue to all judges who have served as judges three years in the Islands and who have not during that time visited the United States. This provision shall be retroactive. The

service of a judge of the Court of Land Registration or of the Court, of Customs Appeals appointed from the United States shall be deemed to have begun, for the purposes of this Act, thirty days before he landed in the Islands ready for duty.

SEC. 2. A person residing in the United States who is appointed judge of the Court of Land Registration or of the Court of Customs Appeals shall be paid the traveling expenses of himself and family from his place of residence to Manila, if he shall come by the route directed by the Chief Executive of the Islands. He shall be allowed one-half salary from the date of leaving home to come to Manila, and full salary from the date of his arrival in the Islands: Provided, That he proceeds directly to the Islands; otherwise, he shall be allowed half salary for such time only as is ordinarily required to perform the journey from his place of residence to Manila. If one has been employed as judge; of the Court of Land Registration or Court, of Customs Appeals for three years, he shall, if he so requests, upon retirement from the service, be furnished with transportation for himself and family from Manila to his place of residence.

SEC. 3. 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. 4. This Act shall take effect on its passage.

Enacted, February 20, 1904.

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