

AN ACT PRESCRIBING REGULATIONS GOVERNING THE PROCEDURE FOR ACQUIRING TITLE TO PUBLIC COAL LANDS IN THE PHILIPPINE ISLANDS, UNDER THE PROVISIONS OF SECTIONS FIFTY-THREE, FIFTY-FO...

Act No. 1128, April 28, 1904

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

SECTION 1. Any person above the age of twenty-one years, who is a citizen of the United States or of the Philippine Islands, or who has acquired the rights of a native of said Islands under and by virtue of the Treaty of Paris, or any association of persons severally qualified as above, may purchase any unreserved, unappropriated public land which is chiefly valuable for coal by proceeding as hereinafter directed: Provided, That no individual person shall be entitled to purchase more than sixty-four hectares and no association more than one hundred and twenty-eight hectares: And provided further, That this Act shall be held to authorize but one entry by the same person or association of persons, and no association of persons, any member of which shall have taken the benefit of this Act, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions hereof, and no member of any association which shall have taken the benefit of this Act shall enter or hold any other lands under the provisions hereof: And provided further, That such lands, if previously surveyed by the Government, shall be taken by legal subdivisions, but if unsurveyed shall be taken, wherever possible, in the form of squares which shall contain at least sixteen hectares each.

SEC. 2. A coal claim may be initiated either by tiling a declaration of location with the mining recorder of the province in which the land is located, or by actually taking possession of the land and making improvements thereon: Provided, however, That where claims are initiated by occupation, a proper declaration of location must be filed with the mining recorder within sixty days after the date of actual possession and commencement of improvements.

SEC. 3. The declaration of location above mentioned must be executed under oath, and must describe the land occupied in as definite a manner as practicable, and must contain all necessary allegations to show that applicant has the qualifications required under section one of this Act, and that the land is of the character therein mentioned. In case a right to purchase is based on prior occupation and improvement, that fact must be set out, and the date of occupation and amount of improvements stated.

SEC. 4. It shall be the duty of the mining recorder to record declarations of locations of coal claims in the same manner that declarations of locations of mining claims are recorded and for such services he shall require the payment of a fee of two pesos, Philippine currency, which shall be paid to the provincial or district treasurer as provided in section five of Act Numbered Six hundred and twenty-four, as amended by Act Numbered Eight hundred and fifty-nine.

SEC. 5. All declarations of locations shall be recorded in the order in which they are filed for record, and the mining recorder shall note on each instrument filed for record the year, month, and day, and the hour and minute

of the day on which the same was tiled. After recording the declaration, the mining recorder shall make a true copy of the same and without delay forward it to the Chief of the Bureau of Public Lands.

SEC. 6. All persons seeking to acquire public lands under the provisions of this Act must prove their respective rights and pay for the land filed upon within one year from the time prescribed for filing their claims, and they shall not take from the land and sell any coal prior to obtaining a patent.

SEC. 7. A patent for land claimed and located for valuable coal deposits may be obtained in the following manner: Any person or association authorized to locate a coal claim under this Act having claimed and located a piece of land for such purposes, who or which has complied with the terms of this Act, shall file with the Chief of the Bureau of Public Lands an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim made by or under the direction of the Chief of the Bureau of Public Lands, and at applicant's expense, showing accurately the boundaries of the claim, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land described in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such plat and notice have been duly posted. Upon the filing of said application, plat, held notes, notices, and affidavits, it shall be the duty of the Chief of the Bureau of Public Lands to publish once a week a notice that such application has been made, for the period of nine consecutive weeks, in a newspaper to be by him designated; also to post a copy of the application in his office, and to require such further publication as he, with the approval of the Secretary of the Interior, may deem advisable. At the expiration of the period of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed in the Bureau of Public Lands during the said period of publication, it shall be assumed that the applicant is entitled to a patent, upon payment to the Chief of the Bureau of Public Lands of fifty pesos per hectare where the land shall be situated more than fifteen miles from any completed railroad, available harbor, or navigable stream, and one hundred pesos per hectare for such lands as shall be within fifteen miles of such road, harbor, or stream, and that no adverse claim exists: Provided, That where the claimant for a patent is not a resident of or within the province wherein the land sought to be purchased is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits.

SEC. 8. Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and tiling of the affidavit thereof, shall be slaved until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days a her filing his claim, to commence proceedings in a court of competent jurisdiction to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment, and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the Chief of the Bureau of Public Lands, who, in case the conditions of section seven of this Act have been complied with, shall issue to the claimant a patent for such land as by the decision of the court he appears to be entitled to.

SEC. 9. All patents for lands disposed of under (his Act shall be prepared in the Bureau of Public Lands and shall issue in the name of the United States and the Philippine Government under the signature of the Civil Governor; but such patents shall be effective only for the purposes defined in section one hundred and twenty-two of the

Land Registration Act and the actual conveyance of the land shall be effected only as provided in said section.

SEC. 10. The Chief of the Bureau of Public Lands, under the supervision of the Secretary of the Interior, shall prepare and issue such forms and instructions consistent with this Act as may be necessary and proper to carry its provisions into effect, and for the conduct of all proceedings arising hereunder.

SEC. 11. 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. 12. This Act shall take effect on its passage.

Enacted, April 28, 1904.

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