

AN ACT PROVIDING FOR THE SERVICE OF PROCESS IN PROVINCES WHERE CIVIL COURTS HAVE NOT BEEN ORGANIZED.

Act No. 44, November 12, 1900

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

SECTION 1. Whenever, in any action, civil or criminal, now pending, or that may hereafter be pending, in any court of the Philippine Islands, it is necessary and proper in accordance with existing law, that an attachment, or execution, or summons, or other process, should be served within any province in which civil courts have not yet been established, or shall not have been established when the occasion may arise for the service of such process, it shall be the duty of the judge, or justice of the peace, before whom the action is pending forthwith to make application in writing to the Chief Justice of the Supreme Court, requesting the appointment of a special officer authorized to make service of such process. The application shall state the names and residences of the parties to the action, and the facts, showing the necessity for the application, and the character of the process to be served.

SEC. 2. Upon the receipt of such application it shall be the duty of the Chief Justice of the Supreme Court to issue a special commission under the seal of the Supreme Court, to some discreet and disinterested person, authorizing such person to serve the process named in the application.

SEC. 3. The person so officially authorized, shall make service of the process in the province in which he is authorized to make such service by his commission, in the same manner as though he were a regular officer, proceeding under the action of a court of that province; and shall make return under oath, in writing, of all his proceedings on the process, to the court from which it issued, and shall be in all respects treated as an officer of that court, to the same extent and with the same liabilities as though the process had been one to be served within the province in which the court is situated. He shall at the same time return his commission to the custody of the court from which the process issued.

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

Enacted, November 12, 1900.

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