

AN ACT PROVIDING A BOARD OF TRUSTEES TO CONDUCT THE COLLEGE OF SAN JOSE AS A SCHOOL OF MEDICINE AND PHARMACY, TO BRING AN ACTION AGAINST THE PERSONS NOW IN POSSESSION OF THE PRO...

Act No. 69, January 05, 1901

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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. T. H. Pardo de Tavera, M. D., Charles E. Greenleaf, M. D., Colonel and Chief Surgeon of the Division of the Philippines in the United States Army, Leon M. Guerrero, Manuel Gomez Martinez, M. D., and Frank S. Bourns, M. D., are hereby constituted a board of trustees to take possession of and manage the property and estates of the College of San Jose, of the city of Manila, to maintain and conduct in the buildings of said college a school of medicine and pharmacy for the benefit of the qualified members of the public of the Philippine Islands, with power to determine the number of professorial chairs to be established, the number of instructors and demonstrators needed, to appoint professors constituting the faculty, to appoint the necessary instructors and demonstrators and other necessary officers and employees, to fix the curriculum, to fix reasonable tuition and other fees to be collected from the students, to determine the period of study necessary for the conferring of the degrees of Doctor of Medicine and Doctor of Pharmacy, and to take any other steps needed in the creation and maintenance of an efficient school of medicine and pharmacy for the Philippine people.

SEC. 2. The board hereby constituted shall organize within fourteen days after the passage of this Act, shall elect a president and a secretary from its own members and shall keep minutes of its proceedings.

SEC. 3. Whereas, there is now in possession of the property and assets of the College of San Jose a person who is the rector of the University of Santo Tomas, a member of the Dominican Order, claiming to be in possession by virtue of the ultimate ownership and right of control of said property and estates by the Roman Catholic Church, and denying the power of the United States Government either to assume control of said property or to make provision for the administration of the same, as in section one of this Act, the board hereby constituted is required, in the discharge of its duties: first, to assert its claim to discharge its duties as imposed by this Act in the due and ordinary legal procedure hereinafter set forth, and to take no steps to secure physical possession of the properties and estates of the College of San Jose until the issue between them and the rector of the University of Santo Tomas and the representatives of the Catholic Church shall have been duly decided by the court of competent jurisdiction as hereinafter prescribed.

SEC. 4. Within thirty days after the passage hereof, the board herein constituted shall file its petition in the Supreme Court of the Islands, setting forth the appointment of the board under this Act, its powers and duties hereunder, its claim of right to the possession of the properties and estates of the College of San Jose for the purpose of discharging such duties, the fact that under a claim of right the property is held by the rector of the University of Santo Tomas, representing the ultimate control of the Roman Catholic Church, setting forth succinctly the history of the college and a statement of the facts upon which the right of the United States to provide for the administration of the college is asserted, and praying that the court shall enter a decree ousting the

rector of the University of Santo Tomas or any other minister or representative of the Roman Catholic Church from possession of the properties and estates of said college, and placing the petitioners in possession thereof so as to enable them to discharge the duties imposed upon them by this Act. The petition shall make party defendant thereto, not only the rector of the University of Santo Tomas, but also the Archbishop of Manila or the Archbishop of New Orleans, Apostolic Delegate, who, in the absence of the Archbishop of Manila from the Philippine Islands, is the Episcopal Administrator of the archiepiscopal province and of the Bishopric of Manila, and shall require said Archbishop, as the representative of the Roman Catholic Church, to set up its claim of ownership and right to control the properties and estates of the College of San Jose. Upon the filing of the petition a summons shall issue in the usual form against the rector of the University of Santo Tomas and the Archbishop of Manila or the Episcopal Administrator thereof, accompanied by a certified copy of the petition. A return of the service of such summons and copy upon the parties defendants shall be made within fifteen days after the issuing of the summons by an officer duly authorized to make the service. Within thirty days after the day fixed for the return of service, the defendants shall file their several answers or a joint answer as they may elect, stating the facts upon which they deny the right and power of the United States to provide for the administration of said college and its estates and praying a dismissal of the petition at the costs of the petitioners. Within fifteen days after the filing of the answer or answers, the petitioners shall have the right to file a reply to any new facts set up in the answer. New averments of the reply shall be considered as denied by the defendants. The cause shall then be at issue and no further pleadings shall be filed. After the cause shall be at issue the petitioners shall have thirty days in which to take evidence in support of the averments of their petition; the defendants shall have forty-five days in which to take evidence to sustain their answer or answers and the petitioners fifteen days to take any necessary evidence in reply. The evidence shall be taken in a manner to be prescribed by the Supreme Court. Within seven days after the cause shall be at issue, the parties shall appear before the Supreme Court and stipulate so far as possible what facts may be taken as agreed upon by all the parties in interest, so as to save the necessity for proof of the same by either party, and this stipulation shall be spread upon the records of the court. When the evidence shall have been submitted, the cause shall be given precedence in the Supreme Court and shall be heard at as early a date as possible: Provided, however, That for good cause shown the Supreme Court may, in its discretion, extend any of the periods hereinbefore fixed.

SEC. 5. The Supreme Court of the Islands, including all its members, as it is now or may hereafter be constituted, is hereby given jurisdiction to hear the controversy above described and to follow the procedure above defined. After reaching a conclusion upon the issues made, it shall proceed to enter its decree. If it finds in favor of granting the prayer of the petition, it shall enter a decree ousting the defendants from possession of the properties and estates of the College of San Jose and awarding costs against the defendants and requiring an accounting by the rector of the University of Santo Tomas of all moneys coming into his hands from such properties and estates, allowing him a credit for all money expended in the conduct of the college, the preservation of its properties and estates and a credit for the reasonable expenses of defending the suit and costs awarded therein. Should the court find the issues in favor of the defendants, it shall enter a decree dismissing the petition and awarding costs against the petitioners. In no case shall the fees of attorneys, solicitors, or advocates of the successful party be included in the costs adjudged against the losing party.

SEC. 6. Upon the rendition of the decree by the Supreme Court in the suit hereinabove provided for, the decree shall be immediately executed. If the decree is for the petitioners they shall be at once put in the possession of the properties and estates of the College of San Jose, without awaiting the result of the accounting in such case to be decreed, which shall then proceed in due course; if for the defendants, the petition shall be at once dismissed and an execution issue for the collection of the costs: Provided, however, That the decree entered shall not be so final in its character as to prevent the Congress of the United States on or before March third, nineteen hundred and

three, from making provision for an appeal from the decree entered by the Supreme Court under this Act to the Supreme Court of the United States or any other court thereof.

SEC. 7. The sum of five thousand dollars in money of the United States is hereby appropriated from any funds in the Insular Treasury, not otherwise appropriated, to pay the costs and expenses of the board of trustees hereby appointed in the litigation herein provided for, including reasonable counsel fees. The money shall be disbursed by the Disbursing Officer of the Commission upon the order of the board, after the money shall have been drawn out of the Treasury upon the requisition of the Disbursing Officer in the manner provided by law. It shall be the duty of the Attorney-General of the Supreme Court to appear as one of the counsel in support of the petition and he shall receive no additional compensation therefor.

SEC. 8. The trustees herein appointed shall hold office subject to the will of the Commission. Should any vacancies exist or occur in the board by reason of non-acceptance of the appointment, resignation or death, the same shall be filled by appointment by the Commission.

SEC. 9. 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. 10. This Act shall take effect on its passage.

Enacted, January 5, 1901.

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