

**ABSTRACT OF THE MINING
LAWS IN FORCE IN THE
PHILIPPINE ARCHIPELAGO**

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Abstract of the Mining Laws in Force in the Philippine Archipelago by Charles H. Burritt

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CHARLES H. BURRITT

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ABSTRACT
OF THE
MINING LAWS

IN FORCE IN THE

PHILIPPINE ARCHIPELAGO,

BEING THE

ROYAL DECREE OF MAY 14, 1867, "CONCERNING THE CONTROL OF THE
MINING INDUSTRY IN THE PHILIPPINES," WITH NOTATION OF
THE GENERAL REGULATIONS, SUBSEQUENT ROYAL
ORDERS, DECREES, AND DECISIONS.

PRINTED BY AUTHORITY OF THE UNITED STATES PHILIPPINE COMMISSION,
AND COMPILED BY

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INTRODUCTION.

Upon taking charge of the Mining Bureau (Inspeccion General de Minas) on March 21, 1900, reestablished by General Orders, No. 31, Office of the Military Governor, dated March 10, 1900, a critical study of the mining laws in force in the archipelago was immediately commenced.

The General Mining Law of May 14, 1867, had been published on May 6, 1868. This law was a very long and involved system of rules and regulations, and, notwithstanding its extensive publication, the Superior Civil Government on April 14, 1874, ordered its republication, and that all chiefs of provinces should collect and file the law, making a report of having done so.

In issuing this decree ordering the republication, the Superior Civil Government says: "Having observed the defective formalities practiced by the chiefs of the provinces as to proceedings for the registry of mines, which defects bring about difficulties and delay in the dispatch of such business, * * * the Superior Civil Government orders the official republication of the Royal Decree and Regulations to the end that in the future ignorance of said law can not be alleged, and therefore no class or kind of irregularity which may be committed shall be excusable."

The law was accordingly republished on April 18, 1874; its provisions were not observed, however, and in a circular of August 26, 1876, the Director-General of Civil Administration says: "Notwithstanding publication, * * * it has come to be observed that in the larger part of the expedientes of record having their origin in the governments of the provinces errors are committed or formalities omitted which sometimes invalidate them and other times delay the final action upon them, to the disadvantage of the State and the individual"; and then follows a brief abstract of the more essential provisions for the purpose of preventing a recurrence of these errors and omissions.

On September 20, 1893, it was found necessary to reiterate these complaints and again direct attention to the "main proceedings."

The above statements and quotations indicate the practical difficulties experienced in enforcing the provisions of this law.

No attempt appears to have been made to abstract this general mining law and collect its scattered and extended provisions under convenient headings with reference to other provisions of subsequent date, and with an index of reference.

The officer in charge of the reestablished Bureau, after several days' close study and application, notwithstanding a reasonable degree of experience in formulating and interpreting laws, was forced to undertake for his own use an abstract of the Royal Decree of May 14, 1867, with references and cross-references covering the Regulations and subsequent orders and decrees, in order to obtain a clear and intelligent understanding of the law, and to enable him to inform the Military Government of existing conditions, and to recommend such changes and amendments as he should deem necessary in order to establish, direct, and maintain the mining industries in this archipelago.

This volume is the result.

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Officer in Charge of the Mining Bureau.

MANILA, P. I., May, 1900.

CHAPTER I.

SUBSTANCES TO WHICH MINING INDUSTRY APPLIES.

ARTICLE 1.

- (a) Precious stones; (1)
- (b) All substances metallic in their nature; (5)
- (c) Combustibles;
- (d) Salts;
- (e) Phosphates of lime (solid, liquid, or gaseous, whether found upon the surface or beneath the ground),

are substances to which the mining industry applies.

NOTE 1.—Precious stones, independently of the manner and locality of discovery, form a special object of the mining industry. (Art. 1, Reg.)

NOTE 2.—Inorganic substances above enumerated, whether in lodes or strata, pockets or any manner of laying, and so situated that their working requires labor to develop—either by surface or underground operations—are special objects of the mining industry. (Art. 1, Reg.)

NOTE 3.—In petitions filed for exploitation of mines, if it appears that the substances in above article are confounded with those named in Article 3, the governor or alcalde shall, at the time the petition is filed, make provision for drafting the petition as it should be, in order that the special proceedings provided for by the Royal Decree may be followed in each case and consistently with the various objects of the claimed concession. (See Note 4, *postea*; Art. 2, Reg.)

NOTE 4.—When after obtaining professional opinion there occurs any well-founded doubt upon the nature of the substance desired to be exploited, and when the owners of the ground raise such doubt within the time set for opposing petitions about minerals included in Article 1 of the Royal Decree (and prior to the survey of the boundary lines in petitions relating to minerals referred to in Article 3 of the Royal Decree), the governor or alcalde shall suspend the proceedings in the petition and shall immediately report to the Superior Civil Governor, by the proper channels, for a resolution in the matter subsequent to the reports by the inspector of mines and by the Government and Industries Section of the Council of Administration. This resolution shall be final and without further recourse and shall be published in the Gazette that said resolution may form jurisprudence. (Art. 2, Reg.)

NOTE 5.—For instance where ferruginous lands (Art. 7, R. D.) are classed under this article. (See Note 2, Art. 7, R. D., and Art. 10, Reg.)

NOTE 6.—Upon petitions being filed for all classes of work, including those in Art. 3, R. D., tunnels, transportation, and drainage, etc., the petitioner must give a name to the mine. Governors or alcaldes, without recourse, may refuse to accept any name which may be offensive or bad sounding, considered morally or