

Amoyese Insults. The Amoyese may be naught but a porter when he arrives; he becomes a peddler, then he has a small store and a fixed abode, and from then on, according to his connections, character and ability, it is anything from a shop on Rosario to importing, exporting and operating steamships from an establishment on Juan Luna or somewhere in San Nicolas. Or he may go to the provinces, retaining his Manila connections.

The Cantonese are tailors, laundrymen and keepers of restaurants and grocery shops. The craftsmen are from Amoy. It is the Amoyese who dominate the lumber industry and who enter most extensively into manufacturing.

The bureau of health still classifies Japanese with "other foreigners," so they cannot be traced so easily as the Chinese. The figures on movement of Japanese to and from the Philippines are from the bureau of customs:

Year	Entering	Leaving
1919	1,615	1,579
1920	952	1,222

1921	874	1,137
1922	584	1,564
1923	799	1,115
1924	932	968
1925	2,225	1,081
Totals	8,011	8,666

These figures show that since 1918 the Japanese population has decreased 655, but births, were the records available, would more than offset this. Without doubt there has been some actual increase, though nothing in comparison with the increase among the Chinese.

Figures about the American community may be added. In 1918 they numbered 5,774. Since that time 28,217 have come to the islands and 27,169 have gone away, making an increase from migration of 1,048. In Manila the excess of births over deaths has been 600. The figures for the provinces are not compiled. Numerically the American community has increased by possibly 1,700, but it is unquestionably of a more transient character than the earlier community whose advent dates the period of the empire.

tween the islands and the United States shall continue to be governed exclusively by laws of the Congress of the United States."

The local insolvency act might not be valid as to many creditors. If creditors residing in the United States they might not be bound by the discharge of a debtor granted by a court in the Philippines under the local act; and if the act is invalid in respect to certain creditors there is precedent for declaring it invalid altogether. The Federal income tax law of 1914 was declared void because some of its provisions were unconstitutional, although others were valid. The courts have the question to determine as to whether the legislature could possibly have had the intention of enacting a law that in many of its aspects would affect citizens of the Philippines adversely—one that might relieve a debtor of his obligations to them while it would not absolve him from debts to other creditors.

Two of the enumerated powers of the Congress of the United States are contained in paragraphs 3 and 4 of Section 8, Article 1, of the Constitution:

"3. Commerce. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

"4. Naturalization, etc. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States."



Is Our Insolvency Law Constitutional?

Question Raised in Current Litigation



The question of the constitutionality of the Philippine insolvency act has been raised in the case pending in the court of first instance of Manila concerning the involuntary insolvency of Mariano Velasco and Company. The insolvency act dates from 1909, when the legislature was made up of the Philippine Assembly and Philippine Commission. It is therefore one of the acts continued in force by the Jones Act of 1916, the present organic act of the territory. This of course does not establish the validity of the act questioned: it merely gives it the force of law, or continues its force as law, until competent authority determines its validity.

Naturally this validity may be questioned, in the same manner as that of other acts subsequent or prior to the organic act.

It is argued that the local insolvency act is not valid because the government of the Philippines is and has been from its inception one of enumerated powers; it is a government established over a territory by

Congress under these enumerated powers, which do not, it is contended, include the power or function of enacting insolvency statutes. That particular power rests in Congress and may not be susceptible of delegation to an agency of that body. The national or Federal insolvency act dates from 1898. It seems that the local act is not on all fours with the Federal act. It is not a mere local reiteration of the Federal act, but conflicts with it in certain particulars.

The question arises, which shall prevail? Which is law; which an illegal fiat?

The Philippine act may also be, in a very real sense, a regulation of trade between the Philippines and the United States. This is something which Congress restrains the local government from undertaking and reserves specifically to itself.

Section 10 of the Jones Act says: "That while this act provides that the Philippine government shall have the authority to enact a tariff law the trade regulations be-

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It may be mentioned that bankruptcies were a subject of immediate and paramount interest when the Constitution was being written. Everything relating to banking, inter-state commerce and allied matters was disorganized and chaotic. The power to enact a universal bankruptcy law was not casually bestowed upon Congress, but was by very deliberate intent.

Numerous decisions of the Federal supreme court proclaim the Philippines a part of the United States. The power of Congress to legislate for the islands is the same as that to legislate for Porto Rico, though exercised in a somewhat different way. Congress has delegated certain powers of legislation to the Philippine government, its creature, and under the Jones Act has even given the local legislature general legislative authority. But does this include power to legislate in respect to bankruptcy or insolvency, a power that under the Constitution itself is specifically rested in Congress?

Under the powers it has, the legislature may pass many acts conflicting with acts of Congress. May it, however, with the important volume of trade existing between our States and the territory, pass a valid insolvency act? "The insolvency law of the Philippine Islands," states a brief we are reviewing, "gives debtors a discharge from their obligations, with certain exceptions; the bankruptcy law of the United States gives debtors a discharge from their obligations, but under different conditions; and it cannot be gains aid that both of these laws are derived from the same source of legislative power."

The two acts can hardly occupy the same plane. One directly derives from Congress, the other indirectly; and the second conflicts with the first. Both affect the interests of Americans, on national soil; both affect national commerce and may be construed as regulations of trade.

The picture has its obverse. The Philippine government has been held, by the local supreme court, to be one of general legislative powers with specific limitations. Section 8 of the Jones Act: "General legislative power, except as otherwise hereafter provided, is hereby granted to the Philippine Legislature, authorized by this Act." And Section 7 authorizes the legislature to "amend, alter, modify or repeal any law, civil or criminal, continued in force by this act as it may from time to time see fit." Still, whether the insolvency act is void, and therefore not law, has never been determined and it now appears that the Supreme Court of the United States will one day have the problem laid before it.

Among the States themselves, sovereign, with the people, in all things wherein they have not bestowed authority upon the Federal government, insolvency laws remain without force while Federal legislation remains in force. Is the creature position of the Philippine government paramount in this respect to that of State? That is the nut to be cracked by some mighty legal hammer.

NEW SHEET METAL COMPANY

A new American enterprise of no little importance to the islands has recently opened for business and is rapidly installing everything essential in the most modern equipment necessary for first rate manufacturing. It is the Philippine Sheet Metal Company, A. H. Dahlke being the general manager and the new factory being at 506 Tandaway. The plant will manufacture everything in metal, in the line of containers, from cocoa tins to oil tanks. Enamel will be applied by the baking process, precisely the process utilized in

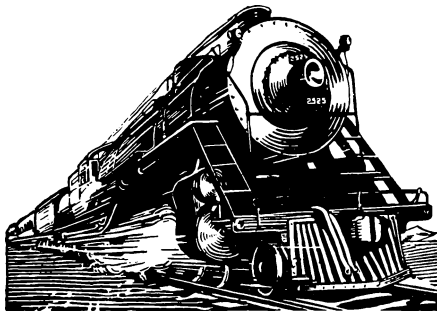
the best known plants of the United States.

No expense is being spared in the adaptation of machinery to jobs, so as to eliminate hand work and bring the output of the factory within the convenient reach of the popular purse. These goods will be on the market not only in Manila but throughout the provinces. Arrangements are being made with several leading American mercantile companies of Manila to handle the distribution of the company's standard products. Aside from the company's manufacturing plant, it is fully equipping an industrial job department to handle outside contracts, several of which it has already obtained. The company stamps out auto-

motive fenders and gives them a baked enamel finish. Its agents will stock its lines of water coolers, metal cabinets and refrigerators, completely of its own manufacture from a well established American brand of metal.

NO P. I. LEGISLATION

Congress adjourned without passing any of the proposed Philippine bills, and action in Washington awaits the report to be made to the President by Colonel Armi Alderman Thompson of Ohio, who arrived in Manila July 9 aboard the President Grant.



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