

Balderdash! one is tempted to say, seeing scarce any change in household customs among the people. But there is change. When America began, mortality in these islands was more than 50 per 1,000 yearly. Now it is just over 20. Literally, therefore, millions of lives have been prolonged. This phase of American culture has taken hold of the people in a remarkable way. It isn't a vain spinterian notion. Miss Jean expects that beriberi may be conquered in five years; it now claims 20,000 victims a year, mostly children. Malaria causes 24,000 deaths a year; its depredations can be minimized by simple household precautions—a matter of health education. Tuberculosis is increasing, it takes off 30,000 persons a year; yet it is an easily preventable disease; everyone has it, that is, gets it repeatedly, but proper diet and hygienic measures throw it off. The number of deaths from it in Manila yearly is 2,000. Many are children. Yet Dr. Rebecca Parish at Mary J. Johnston Memorial hospital (whose name ought never be mentioned in Manila save with a benediction) has nursed back to health the most stubborn cases—with the help of her untiring staff.

Miss Jean was here three months; she had only her expenses from the government, and she has gone to China and Japan, on her way back to America, on similar missions. Miss Gerken is of course on salary; she's a *Belo girl* among the several *Belo boys* on the payroll. Miss Jean's suggestions, made after wide travel in the islands, merely to observe, have been reduced to memoranda and conference talks, and lectures she gave prior to her departure. In the light of them the health education course in the education bureau will be revised, and it is understood she will make a biennial visit to keep in touch with what is being done.

Lives are still literally wasted in the Philippines, children are still the victims by thousands, of parental ignorance. Poverty intervenes exceedingly, to prevent even the care that uneducated mothers know how to give. Total deaths are 230,000 a year. Take Occidental Negros, for example, that feudal principality where one would expect better things; for it is

Colonel Stimson's *beau ideal* among the provinces, whence he drew the barons to head the agriculture department. Its population is 400,000; its deaths are 12,277 a year; which is upward of 30 per 1,000 inhabitants and some 50% above the average mortality for the islands. Other details are regrettable, but maybe giving some of them will do some good; 2,772 Negros babies die under one year old; 870 more die before their second birthday arrives; 1,440 more die before reaching their third birthday; 977 more die before reaching their fourth birthday; 680 more die before reaching their fifth birthday; 888 more die between their 5th and 10th birthdays, 307 more between their 11th and 14th birthdays, and 255 more before reaching their 20th birthday. Here are 8,189 boys and girls a year, permanently disposed of before attaining an age fitting them to work in the cane fields. It's an industrial waste which the celebrated prowess

of *Negrenses* hasn't got round to as yet. It indicates, besides being utterly astounding, what obvious talking points there are for health education.

If such conditions prevail now, what must they have been in 1898. It's a task to plug away at incessantly. The devotion of many women must go into it. Miss Jean has the faculty of inspiring them to effort, being so downright honest and earnest in what she says and asks for. She has asked the governor, the senate president, the university president and many other bigwigs of officialdom to set the fashion in using unpolished rice at their own tables. They have meekly promised to do so! Thus she begins the assault on beriberi. Five years hence. . . well, who knows? The women marshalled, and they know what they want. It would be a rash prophet who would say they won't get it.

Ipo Gulch Thirty Miles From Manila Is El Dorado

A new gold strike! On the headwaters of the Angat river, thirty miles from Manila, where the roaring stream has excavated through the mountains the Ipo gulch, through which it pours toward the sea, they have found upward of twenty veins of *pay dirt*! The ore assays indicate this to be a fabulous strike, even the ore taken at the surface is high-grade (some of it so rich that men hesitate to believe), while it is a proved fact that the deeper mines go in veins of Philippine ore, the richer the ore becomes. Some of the veins are very wide, their depth is not known. Some of them are no more than arm's length in width, and their depth is not known. But break up a piece at random, pan it, and there is gold. The veins seem to spread fanwise, and converge fanwise toward a prominent peak. Be not surprised if here be found an El Dorado.

The discoverers are convinced of it. T. Euwaki, mining engineer, who knows the Benguet mines—Balatok and Antamok—and knows the Syndicate mines in Masbate, is the engineer on this project and confident it is the biggest

strike made thus far in the Philippines. He thinks it may prove to be the biggest gold mine in the orient; he will not be surprised if it runs half a billion dollars. How busy he is! How excited he is! With his geologist's hammer, his panning outfit, his transit men, scouting about on the hills—finding new outcrops, new veins, and staking new claims!

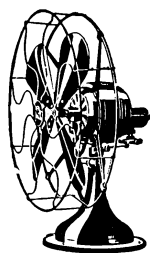
The gold already in sight will pay all the expenses of developing the mine and return dividends besides. The road being built for the Metropolitan Water District, gives access to the mine site with only the addition of a short spur. Even if this were not available, the site would be comparatively accessible. Here every fortuitous circumstance combines in a most romantic discovery.

George Cushing, who made the discovery, found that the very boulders in the river are gold, running \$7 to \$10 a ton, well above the minimum for profit.

All things in the Philippines being *sui generis*, there has been no gold rush. Manila has been

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spared that anguishing experience, that terrifying excitement under which the preacher leaves his pulpit, the saloon keeper his bar, the professional man his desk, the clerk his weary counter, the truck man his auto wheel, the plumber his extortions, the Magdalen her parlor, the washerwoman her tub, and high and low and rich and poor go seeking gold. So it would be in western America, and the pen could not describe it. But in the Philippines, in the very environs of Manila, nothing of this occurs. The story is read in the newspapers, and discredited!

Even the first story, Frank Sherman's, in the *Bulletin*, takes pains to say that the bonanza has already been covered by claims already filed with the government.

That wouldn't stop them in America. They would get as close as they could with their claims; they would stake everywhere, and hang on . . . and hope. In Manila, they don't. They don't play fortune that way.

Whose is the new gold property? It belongs to officials and employes, Americans and Filipinos, of the Atlantic, Gulf and Pacific Company, Wm. J. Shaw, president.

The property was discovered by George Cushing, tunnel foreman on an *A.-G. & P.* engineering job for the water company. The engineering company is tunneling under the mountains for the water company, from the proposed dam site on the upper Angat to a point this side of the mountains, a distance of seven kilometers. The hither tunnel head is at Bicti-Ipo, the thither at Ipo. Last year a foreman on the Ipo end was needed, since they are tunneling from both ends, and Cushing got the job. He took Mrs. Cushing out there with him. They are just a young adventurous couple, and she stayed there, maintaining for her husband a cheerful home. Their cottage is far down the mountain slope; it perches on the bank of the Angat just above high water, and the scene is up and down the river. Mrs. Cushing could sit at her window on holidays, and see her husband prospecting down the gulch.

It is a pretty place, but lonesome if you hanker for the company of your kind. If you are like

Mrs. Cushing, it is a paradise: all the pets you want, all the flowers from the wild hills, and the

P. I. Gold Exports

1899	\$ 2,426,655
1900	5,915
1901	9,100
1902	222
1903	100
1904	6,335
1905	10,598
1906	5,760
1907	93,824
1908	217,250
1909	247,597
1910	154,430
1911	189,953
1912	570,212
1913	818,362
1914	1,210,482
1915	1,305,991
1916	1,493,559
1917	2,350,552
1918	936,869
1919	971,576
1920	1,171,943
1921	1,330,688
1922	1,450,429
1923	1,681,605
1924	1,736,932
1925	1,938,902
1926	1,941,555
1927	1,600,134
1928	1,809,870

Total in 30 years \$27,093,300

In getting the Philippines, the United States paid Spain \$20,000,000. Here it is, with interest, from some of the mineral lands of the public domain which the payment covered. This gold went to U. S. mints.

song of the river night and day. The current flashes silver as it tumbles along its rough course.


It washes and washes at the boulders. There is placer gold in its sands.

Cushing is a mechanical engineer with mining experience, and mining blood in him; his is a family of miners. He hails from the American west, but was educated in New York City, at Columbia. He has mined in the United States, Mexico and South America. This is not his first big strike, but it is the first that gives opportunity for development. He learned persistence in the mining game from British principals he worked for in the United States and Mexico; he admires the British for their staying qualities in the game. He is a lithe, weathered, keen prospector—the type they call *gambarinos* down in Mexico. (For this happy-go-lucky Mexican miner, Cushing has great respect.)

With his dog and his hammer and his panning kit, Cushing has the habit of prospecting the soil wherever he happens to be. And before he went to Ipo he had had experience of Philippine mining in Masbate and Benguet. The lore to be had from the science bureau on the subject, he has of course got into his mind. Mining texts and English classics divide honors on his bookshelves. He was, then, the ideal man for Ipo. The boulders began telling him things first; the direction of the stream, the lay of the hills, told him more. Every opportunity was devoted to the gulch, and the first vein found, afterward the first of dozens of claims, was preempted in honor of his wife. She is a good partner; he met her in Los Angeles, maybe before, maybe after he did his bit with the U. S. Marines in the World War; and to marry him she went to a port down in Peru, where passengers are put into chairs and landed like cargo. They have knocked about in out-of-the-way places since.

Cushing kept his employers informed of his discoveries. Then Euvaki, the mining engineer, was sent to Ipo, then the claims were taken up, each in the name of an official or employe in the *A.-G. & P.*, and the next step will be a stamp mill, with Cushing in charge. The Ipo Mining Co., Inc., has been organized, with President Shaw at the head of it. That is the story of

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Herself**

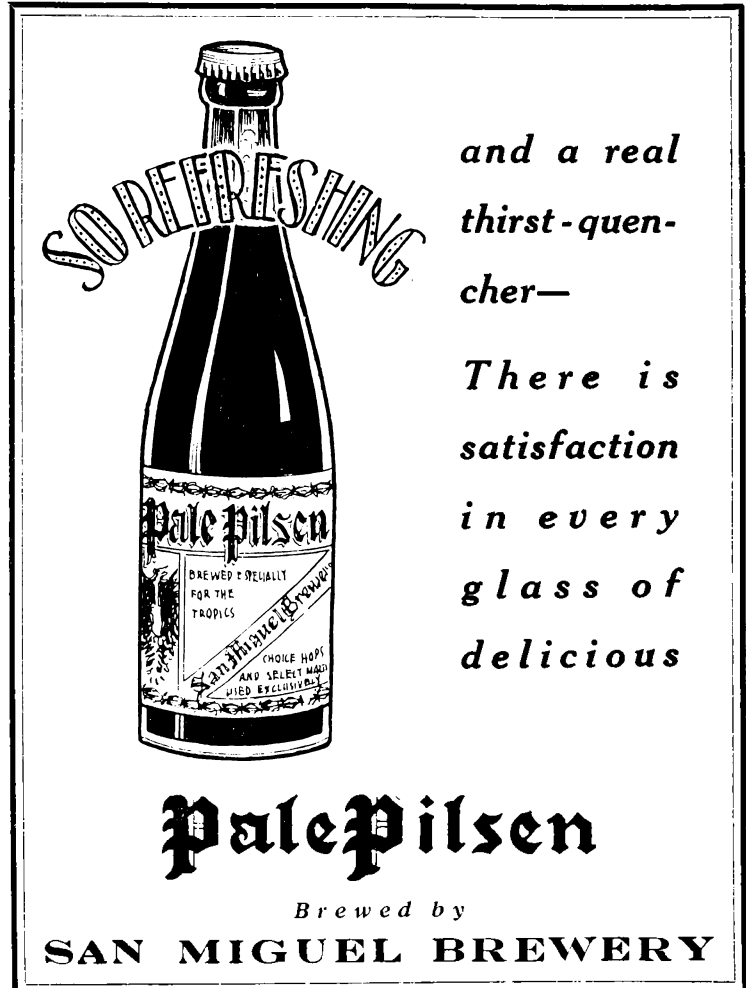
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tendance of eleven members at one time. The criticism based on supposed inconvenience of conducting business with a court of eleven members is not in our view sufficiently weighty to justify the rejection of the plan.

We shall now say a few words with reference to the Senate bill creating a Court of Appeals, which was vetoed by Governor General Stimson. At the outset we note that the failure of the Governor General to approve the bill was based upon the sole ground that the bill did not contain a provision giving the Supreme Court full power, in its discretion, to review and correct any decision rendered by the Court of Appeals. From the wording of the message expressing the grounds of the nonapproval, it appears that the Governor General was of the opinion that the discretionary right of review by the Supreme Court of the decisions of the Court of Appeals should extend both to questions of law and of fact. It is to be supposed that if the Legislature proceeds further with the project, the criticism made by the Governor General will be met by the insertion in the bill of a provision giving the suggested power of review to the Supreme Court; for it is scarcely credible that Congress would bother itself about approving such a measure as this where the bill had been vetoed by the Governor General.

With respect to this right of review by our Supreme Court of the decisions of the Court of Appeals, it is obvious that if the Supreme Court should undertake to review the decisions of the Court of Appeals in all cases, both on questions of law and fact, the relief to the Supreme Court would not be sufficient to justify the establishment of the court. But of course it is not contemplated that the Supreme Court would in fact review all the decisions of the Court of Appeals. What the Governor General apparently intended is that our Supreme Court should, in its discretion, exercise a power of review in particular cases. In this, we presume, it was intended to suggest a relation between the courts somewhat similar to that which now exists, with respect to review, between the Supreme Court of the United States and the Supreme Court of the Philippine Islands. In this connection it will be remembered that the Supreme Court of the United States has a discretionary power in certain cases to review the decisions of the Supreme Court of the Philippine Islands. But it is not made obligatory upon the higher court to exercise this power. The result is that the Supreme Court of the United States considers, as a preliminary matter in each case, the question whether it will review the decision. Formal opinions are never written by the Supreme Court of the United States in resolving such matters; and this implies a great relief to the higher tribunal in the saving of the labor of writing decisions. If the recommendation of Governor General Stimson should be incorporated in the law, the Supreme Court of the Philippine Islands would pass informally upon petitions for appeals from decisions of the Court of Appeals, and naturally such applications would be dismissed unless something should appear in the record which should make it desirable for the Supreme Court in its discretion to review particular cases. If the court should operate along this line and entertain appeals only in its discretion, the relief to the Supreme Court would undoubtedly be great. It should further be observed that if the Supreme Court is given full discretionary authority to review any decision of the Court of Appeals, this fact will justify, and perhaps even require a readjustment of some of the provisions of the proposed law limiting the jurisdiction of the Court of Appeals, as for instance, in criminal cases.

A careful examination of the provisions of the vetoed act shows that it suffers from other grave defects than that mentioned by Governor General Stimson; and even if the bill should be so amended as to cure that defect, there are, in our opinion, other reasons why the bill should not obtain the approval of the Governor General or of the Congress of the United States. Into these questions we do not propose here to enter deeply, but a few words upon one or two prominent features of the bill will not be out of place.

The cabalistic word *Jurisdiction* is the name of an abyss of entanglements in which both the Court of Appeals and the Supreme Court would find themselves involved under this bill. The act attempts to define the jurisdiction of the two courts in mutually exclusive terms. Take the provision relating to criminal appeals. Under subsection (b) of section 1, of the act, the exclusive appellate jurisdiction of the Supreme Court extends to all criminal cases in which any of the appellants was found guilty of an offense for which the law prescribes a penalty the term of which exceeds six years; while conversely, under section 3 of the bill, the jurisdiction of the Court of Appeals extends to all criminal cases in which none of the appellants was found guilty of an offense for which the law prescribes a penalty the term of which exceeds six years. In other words, the dividing line between the respective jurisdictions of the two courts is the penalty fixed by law for the offense. Observe here that the provision does not say "when the sentence imposed by the trial court involved a penalty in excess of six years"—which would have supplied a fixed and easy criterion for determining the jurisdiction. No: the jurisdiction must be determined by the penalty which the law prescribes for the particular offense. But the penalty which the law prescribes can seldom be known with certainty until all the elements of the offense have been analyzed and weighed. Even in homicide cases, where the penalty normally ranges from twelve to twenty years, the court may, in consideration of the presence of two or more

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mitigating circumstances, reduce the penalty to a very short period, and under other conditions apply the penalty appropriate to a mere misdemeanor. Until a case has been tried nobody can really know what the penalty fixed by law for a particular offense is. The consequence would be that under the proposed bill the Court of Appeals would frequently try cases only to find that the appropriate penalty was in excess of its jurisdiction, while *per contra* the Supreme Court would try a similar case only to find in the end the appropriate penalty was below its jurisdiction. Legislation having in it possibilities of this character should not find favor in any quarter. The author of the bill, in defining the jurisdiction of the two courts, would have done well to have followed the language used in the similar situation contemplated in section 138 of the Administrative Code where the jurisdiction of the Supreme Court in division is determined by the penalty imposed by the lower court.

A feature of the bill which seems to us objectionable is that relating to appeals in contested elections. Under the law as it formerly stood appeals were only permitted to the Supreme Court, from the decisions of Courts of First Instance, when the contest involved a provincial office. At the legislative session of 1927, the law was so amended as to permit appeals from the decisions of the Courts of First Instance in respect to the office of municipal president. Under subsection (i) of the proposed bill creating the Court of Appeals the right of appeal in contested elections is extended to municipal offices generally. Under the existing law permitting appeals to the Supreme Court in contests over the office of municipal president, the Supreme Court has been called upon to decide fifty or more contests over the office of municipal president arising from the election of 1928. With the extension of the right of appeal to all municipal offices, this branch of litigation will undoubtedly undergo corresponding expansion; and if subsection (i) stands, the Supreme Court in the future will find its time largely occupied with litigation of this character. It is noteworthy that the law gives these cases the right of way in the Supreme Court; and it not infrequently happens that the court must postpone the decision of civil cases involving enormous interests in order to decide whether one person or another has been elected to a municipal office in some remote province. We do not criticize the amendment of the law so far as relates to the right of appeal in such cases; but these election cases are precisely a sort of litigation that should be confided to the Court of Appeals. The Supreme Court should not be burdened with hearing them. Election contests do not involve, as a rule, the application of difficult principles of law. They involve rather the investigation of a multitude of details, such as the examination of thousands of particular ballots. The proper place for the decision of these appeals is, in our opinion, the Court of Appeals, if one should be established.

We proceed no farther with our comment on the details of the act, since what has been said suffices to show that the project suffers from grave defects, which are possibly of an incurable nature; and we are thus driven back to the first alternative, namely, the increase of the number of the Justices of the Supreme Court to eleven, as supplying the only practical solution of the problem presented by the congested calendars of that Court.

Ipo Gulch . . . Is El Dorado

(Concluded from page 9)

Ipo up to date. But Ipo by no means harbors all the gold there is in the mineral region of which it is a part. Other strikes will be made in that region some day, there is scarce a doubt. The very fields yield gold, but none is found in paying quantities. Yet it is there, and surely comes from some rich lode.

There is at least half a million gold in the dirt that makes up Novaliches dam, another feature of the new water system. And all along the way, from the dam toward the city as far as the bridge at the town of Novaliches, panning the dirt in any weather hole reveals *color*. But it is too little to pay. Where is its origin? Maybe in some rich lode, never discovered by the Spaniards, only known to natives of the region who have grown old and died. From times unknown placer mining was carried on by the native Filipinos in this region, until it played out. The lode, the rich mother lode! Some day someone will find it. A glance at the list of gold exports accompanying this paper, is enough to show that gold mining here is but well begun. Where the *hidalgos* searched in vain, or found mines of little profit when worked by the methods of the times, the modern miner goes in with the aid of science and machinery and breaks loose millions—a large part of which goes back to the country in wages and becomes of actual value here.