

## CHAP. VI.

*Of the civil Administration and Government of the Provinces.*

IN our colonies, appointments and command, far from being sought as a means to obtain a good reputation, or as affording opportunities of contributing to public prosperity, are, it is too well known, only solicited with a view to amass wealth, and then retire for the purpose of enjoying it. Commercial pursuits being besides attended with so many advantages, that those only decline following them who are divested of money and friends; whilst the situations in the revenue are so few in number, compared with the many candidates who solicit them, that they are consequently well appointed, it follows that the excess left without occupation, besides being considerable, is generally composed of needy persons, and not the most suitable to exercise the delicate functions of collectors and magistrates in the provinces. From this class nevertheless the host of officers are usually taken who, under the name of collectors, surveyors and assessors of tributes, intervene in, or influence

the public administration. Owing to the variety and great number of persons emigrating to America, ample field, no doubt, is there left for selection; by which means the viceroys may frequently meet with persons suitable and adequate to the above trusts, if prudent steps are only taken; but in this respect the case is very different in the Philippines, where chance alone occasionally brings over an European Spaniard, unemployed or friendless. In these remote islands also, more than in any other quarter, people seek to live in idleness, and, as much as possible, without working, or much trouble. As long as hopes are entertained of doing something in the Acapulco speculations, every other pursuit is viewed with indifference, and the office of district or provincial magistrate is only solicited when all other resources have failed, or as a remedy against want. As the applicants for these situations are therefore not among the most select classes, it very frequently happens that they fall into extremely improper and unworthy hands.

It is in fact common enough to see a hair-dresser or a lackey converted into a governor; a sailor or a deserter, transformed into a district magistrate, collector, or military commander of a populous province, without any other counsellor than his own crude understanding, or any other guide than his passions. Such a metamorphosis

would excite laughter in a comedy or farce; but, realized in the theatre of human life, it must give rise to sensations of a very different nature. Who is there that does not feel horror-struck, and tremble for the innocent, when he sees a being of this kind transferred from the yard-arm to the seat of justice, deciding, in the first instance, on the honour, lives, and property of a hundred thousand persons, and haughtily exacting the homage and incense of the spiritual ministers of the towns under his jurisdiction, as well as of the parish curates, respectable for their acquirements and benevolence, and who, in their own native places, would possibly have rejected as a servant the very man whom in the Philippines they are compelled to court and obey as a sovereign.

In vain do the laws ordain that such offices shall not be given away to attendants on governors and members of the high court of justice, for under pretext of the scarcity of Europeans experienced in the colony, means are found to elude the statute, by converting this plea into an exception in favour of this description of persons. By such important offices being filled in this manner, it is easy to conceive the various hardships to which many of the provinces and districts are exposed; nor can any amelioration be expected as long as this plan is persisted in

and the excesses of the parties go without punishment.

Independent, however, of the serious injuries and great errors persons of the class above described cannot fail to commit in the exercise of their functions, purely judicial, the consequences are still more lamentable of their inordinate avarice, and the tacit permission to satisfy it, granted to them by the government, under the specious title of a licence to trade. Hence may it be affirmed, that the first of the evils, and the one the Indian more immediately feels, is occasioned by the very person the law has destined for his relief and protection. In a word, he experiences injuries from the civil magistrates presiding over the provinces, who, at the same time, are the natural enemies of the inhabitants, and the real oppressors of their industry.

It is a known and melancholy fact that, far from promoting the felicity of the provinces intrusted to their care, the magistrates attend to nothing else but their own fortunes and personal interests; nor do they hesitate as to the means by which their object is to be attained. Scarcely are they seated in the place of authority, when they become the chief consumers, purchasers, and exporters of every thing produced and manufactured within the districts under their command, thus converting their licence to trade

into a positive monopoly. In all lucrative speculations the magistrate seeks to have the largest share; in all his enterprises he calls in the forced aid of his subjects, and if he deigns to remunerate their labour, at most it is only on the same terms as if they had been working on account of the king. These unhappy people bring in their produce and coarse manufactures to the very person who, directly or indirectly, is to fix upon them an arbitrary value. To offer such and such a price for the articles, is the same as to say, another bidding shall not be made. To insinuate, is to command—the Indian is not allowed to hesitate, he must either please the magistrate, or submit to his persecutions. Being besides free from all competition in the prosecution of his traffic, since he is frequently the only Spaniard resident in the province, the magistrate therein acts with unbounded sway, without dread, and almost without risk, of his tyranny ever being denounced to the superior tribunals.

In order, however, that a more correct idea may be formed of the iniquitous conduct of many of these public functionaries, it is necessary to lay open some part of their irregular dealings, in the collection of the Indian tributes. It is well known that the government, anxious to conciliate the interests of the tributary classes with those of the revenue, frequently commutes

the pecuniary capitation tax into an obligation to pay the amount in produce or manufactures. A season comes when, owing to the failure of the crops, the productions have risen to an excessive price, and consequently infinitely above the ordinary rates affixed by law, which are generally the lowest, and the Indians, unable to keep their bargains without considerable injury or endangering the subsistence of their numerous families, implore the favour of the magistrate, petitioning him to lay their calamitous situation before the superior government, in order to have the payment of their tribute in kind remitted, and offering to pay it in money. This is the precise moment when, as his own profits depend on the misery of the province under his command, he endeavours to misuse the accidental power with which he is invested. Hence it happens that, instead of acting as a beneficent mediator, and supporting the just solicitations of the natives, he at first disregards their petition, and then all at once transforming himself into a zealous collector, issues his notifications, sends his satellites into the very fields to seize on the produce, and in a most inexorable manner insists on collecting, till necessity compels him to suspend the measure. The principal object being attained; that is, having now become master of the gleanings and scanty crops of his

bereft subjects, on a sudden his disposition changes, he is moved to pity, and in the most pathetic language describes to the government the ravages done to the plantations by the hurricanes, and the utter impossibility of collecting in the tributes that year in kind. On such a remonstrance, he easily obtains permission to change the standing order, and proceeding on to collect in some of the remaining tributes in money, merely to save appearances, with perfect impunity he puts the finishing stroke to the wicked act he had commenced, by applying to himself all the produce his collectors had gathered in, and places to the credit of the treasury the total amount of the tributes, corresponding to his jurisdiction, in money.

Supposing, for example, that this has happened in the province of Antique, where the payment of the capitation-tax generally takes place in unhusked rice, rated at two rials per *cavan*, and, through the effects of a bad season, this article should rise as high as 10 or 12 rials. It is clear that the magistrate, by accounting for the tributes with the revenue office in money, and collecting them in kind at the rate fixed by law, would by the sales gain a profit of 4 or 500 per cent. ; at the same time the Indian, by the mere circumstance of then paying in kind, would have paid the tribute corresponding to five or six years

in a single one, without, on that account, having freed himself from the same charge in the following seasons.

When such extortionate acts as these are practised, to what lengths may it not be expected the other excesses and abuses of authority are carried? To the above it ought moreover to be added, that the provincial magistrates have no lieutenants, and are unprovided with any other auxiliaries in the administration of justice, except an accompanying witness and an Indian director; that the scrutinies of their accounts, to which they formerly were subject, are now abolished, and, in short, that they have no check upon them, or indeed any other persons to bear testimony to their irregularities, except the friendless and miserable victims of their despotism and avarice.

Notwithstanding, however, what is above stated, it sometimes happens that a magistrate is to be met with, distinguished from the rest by his prudence and good conduct; but this is a miracle, for by the very circumstance of his being allowed full latitude to trade, he is placed in a situation to abuse the wide powers confided to him, and preferably to attend to his own personal interests; in fact, if the principle is in itself defective, it must naturally be expected the consequences will be equally baneful. The la-



mentable abuses here noticed are but too true, as well as many others passed over in silence; and the worst of all is, that there is no hope of remedying them thoroughly, unless the present system of interior administration is altogether changed. In vain would it be to allege the possibility of removing the evil by the timely and energetic interposition of the protector of the Indians; for although this office is in itself highly respectable, it cannot in any way reach the multitude of excesses committed, and much less prevent them; not only because the minister who exercises it resides in the city, where complaints are seldom brought in, unless they come through the channel of the parish curates; but also on account of the difficulty of fully establishing the charges against the magistrates, in the way the natives are at present depressed by fear and threats, as well as restrained by the sub-governors and other inferior officers of justice, who, being dependent upon, and holding their situations from the magistrates, are interested in their monopolies and extortionate acts being kept from public view.

If therefore it is not possible entirely to eradicate the vices under which the interior administration of these islands labours, owing to the difficulty of finding persons, possessed of the necessary virtues and talents to govern, in an

upright and judicious manner, let us at least prevent the evils arising out of the too great condescension of our own laws. In the infancy of colonies, it has been the maxim of all governments to encourage the emigration and settlement of inhabitants from the mother-country, without paying much attention to the means by which this was to be done. It was not to be wondered at, for reasons of state, that defects were overlooked which, at such periods, were even deemed necessary. Hence that relaxation in the laws in favour of those who, quitting their native land, carried over with them to strange countries their property and acquirements. Hence, no doubt, also are derived the full powers granted to those who took in charge the subjection and administration of the new provinces, in order that they might govern, and at the same time carry on their traffic with the natives, notwithstanding the manifest incompatibility of the two occupations; or rather, the certainty that ought to have been foreseen that public duties would generally be postponed, when placed in competition with private interests, and the anxious desire of acquiring wealth. Subsequently, that has happened which was, in fact, to be dreaded, viz. what at first was tolerated as a necessary evil, sanctioned by the

lapse of time, has at length become a legitimate right, or rather a compensation for the supposed trouble attached to the fulfilment of the duties of civil magistrates; whilst they, as already observed, think of nothing but themselves, and undergo no other trouble or inconvenience than usually fall to the lot of any other private merchant. In the Philippines, at least, many years having elapsed since the natives peaceably submitted to the dominion of the king, every motive has ceased that could formerly and in a certain degree, justify the indulgence so much abused; at the same time that no plausible pretext whatever exists for its further continuation.

Although hitherto the number of whites, compared to that of the people of colour, has not been great, as the whole of the provincial magistracies, collectorships, and subaltern governments, do not exceed 27, the scarcity of Spaniards ought not to be alleged as a sufficient reason; nor can it be doubted these situations might at any time be properly filled, if the persons on whom the choice should fall were only certain of living with decency and in a suitable manner, without being carried away with the flattering hopes of withdrawing from office, with 10, 20, and even as high as 50,000 dollars of property, as has heretofore been the case, but satisfied with

a due and equivalent salary they might receive as a reward for the public services they perform.

I do not therefore see why the government should hesitate in resolving to put a stop to evils which the people of the Philippines have not ceased to deplore, from the time of the conquest, by proscribing, under the most severe penalties, the power of trading, as now exercised by the provincial magistrates. The time is come when this struggle between duty and sordid interest ought to end, and reason, as well as enlightened policy, demand that in this respect our legislation should be reformed, in order that the mace of justice, instead of being prostituted in search of lucre, may henceforwards be wholly employed in the support of equity, and the protection of society.

The only objection which, at first sight, might be started against the suggestions here thrown out, is the increased expence which would fall on the treasury, owing to the necessity of appropriating competent salaries for the interior magistrates under the new order of things. Independent, however, of the fact that the rapid improvements the provinces must assume, in every point of view, would superabundantly make up this trifling difference; yet supposing the sacrifice were gratuitous, and even of some

moment, it ought not, on that account, to be omitted, since there is no public object more important to the sovereign himself, than to make the necessary provision for the decorum of the magistracy, the due administration of justice; and the maintenance of good order among his subjects.

The position being established, that a number of whites more than sufficient might be obtained; eligible and fit to perform the duties of civil magistrates, which they would be induced to undertake; if adequate terms were only proposed; it would seem that no ill consequences might be expected from at once assimilating the regulations of these provincial judicatures to those of the *corregimientos*, or mayoralties of towns in Spain, or in making out an express statute, on a triple scale, for three classes of magistrates, granting to them emoluments equivalent to the greater or lesser extent of the respective jurisdictions. As far as regards the pay, it ought to be so arranged as to act as a sufficient stimulus to induce European colonists to embrace this career, in a fixed and permanent way, which hitherto they have only resorted to, as a five years' speculation. Conformably to this suggestion; and owing to the lesser value attached to money in India, compared with Europe, on account of the greater abundance of the neces-

saries of life, I am of opinion that it would be expedient to affix an annual allowance of 2000 dollars to each of the appointments of the six principal and most populous provinces; 1500 for the next in importance, and for the 12 or 13 remaining, at the rate of 1000 dollars each; leaving to the candidates the option of rising according to their length of services and good conduct, from the lowest to the highest, as is the case in Spain.

The first part of the plan above pointed out embraces two objects. The one is to prevent the provincial magistrates from carrying on traffic; thus depriving them of every pretext to defraud the natives of what is their own; and the other, to form, in the course of a few years, a class of men hitherto unknown in the Philippine Islands, who, taught by practice, may be enabled to govern the provinces in a more correct and regular manner, and acquire more extended knowledge, especially in the judicial proceedings of the first instance, which, owing to this defect, frequently compel the litigants to incur useless expences, and greatly embarrass the ordinary course of justice. Although the second part at first seems to involve an increased expence of 36, or 37,000 dollars annually, when well considered, this sum will be found not to exceed 20,000, because it will be necessary to deduct

from the above estimate the amount of three per cent. under the existing regulations, allowed to the magistrates for the collection of the Indian tributes, in their character of sub-delegates, generally amounting to 16 or 17,000 dollars; besides only taking into account such real and effective disbursements or extraordinary expences, as in fact they may legally have incurred in the performance of their duties.

Should it however be deemed expedient, from causes just in their nature, hereafter to exonerate the natives from the obligation of paying tributes, by which means the amount deducted for the three per cent. commission could not then be brought into account, let me be allowed to ask, what enlightened government would hesitate submitting to an additional expence of so trifling an import, in exchange for beholding more than two millions of men for ever freed from the extortionate acts of their old magistrates; and, through the effects of new regulations, the latter converted into real fathers of the people over whom they are placed? How different would then be the aspect these fine provinces would present to the eyes of the philosophical observer? who would, in that case, be able to calculate to what an extent the progress of agriculture and industry in these islands might be carried?

Nevertheless, I do not wish to insinuate that

by the better organization of the provincial governments, the present irregularities and abuses of authority would entirely cease; because I am aware, more especially in the Indies, that the persons who hold public situations usually have too exaggerated ideas of their own personal importance, and easily mistake the gratification of their own whims for firmness of character, and the necessity of causing themselves to be respected\*. Still it is an incontestable fact that, by removing the chief temptation, and rescinding altogether the licence to trade, the just complaints preferred by the Indian against the Spaniard would cease; the motives of those continual disputes which arise between the magistrates and the ministers of the gospel, exercising their functions in the same provinces, and the zealous defenders of the rights of their parishion-

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\* This defect is also remedied by the Constitution. By the 324th and following articles of the latter it is ordained, that the political government of the provinces is to reside in a superior chief named by the king, and a deputation. The latter is elected by the district electors, the day after they have named the deputies to the Cortes, and half changed every year. The superior, or political chief, presides over this deputation, assisted by the intendant of the province. This body levies the contributions, taxes, &c. and watches over their distribution. In short, they superintend the civil administration of the province.—Tn.



ers, would be removed, and the inhabitants of Manilla, extending their mercantile operations to the interior, without the dread of seeing them obstructed through the powerful competition of the magistrates in authority there, would be induced to settle in or connect themselves with the provinces, and thus diffuse their knowledge, activity and money among the inhabitants, the true means of encouraging the whole.

What has already been said will suffice to convince the lover of truth and the friend of general prosperity, how urgent it is to introduce, as early as possible, the reform proposed into the interior administration of this important, although neglected colony; and it is to be hoped that the government, guided by these same sentiments, will not be led away by those narrow-minded people, who predict danger from every thing that is new; but, after due and mature deliberation, resolve to adopt a measure dictated by reason, and at the same time conformable to the best interests of the state.