

[Act No. 2282, September 01, 1913]

AN ACT GRANTING A FRANCHISE TO HERBERT C. HEALD TO CONSTRUCT OR ACQUIRE BY PURCHASE AND, FOR A PERIOD OF TWENTY YEARS, TO MAINTAIN AND OPERATE BY STEAM OR OTHER POWER AN AERIAL TRAMWAY FROM CAMP COLGANS NEAR KILOMETER TWENTY-FOUR ON THE BENGUET ROAD TO THE CITY OF BAGUIO, SUBPROVINCE OF BENGUET, MOUNTAIN PROVINCE, APPROXIMATELY A DISTANCE OF FIVE KILOMETERS.

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. Herbert C. Heald, a citizen of the United States, upon the terms and conditions hereinafter set out, is hereby authorized to construct or acquire by purchase and, for a period of twenty years after the passage of this Act, to maintain and operate by steam or other mechanical power an aerial tramway from Camp Colgans near kilometer twenty-four on the Benguet Road, to the city of Baguio, subprovince of Benguet, Mountain Province, including such stations, supporting towers, and passing places as may be necessary for the convenient operation of the aerial tramway.

SEC. 2. The aerial tramway shall be of the double rope system, with necessary stations for power and for receiving and discharging freight, and shall be constructed along a right of way selected by the grantee and approved by the Director of Public Works: *Provided, however,* That should it be necessary in the construction thereof, to occupy lands of private ownership, the same shall be occupied only after they have been legally acquired by the grantee.

SEC. 3 The tramway, including the stations, supporting towers, cables, cars, and other accessories, shall be so constructed as not to interfere with other traffic within the territory traversed by it. In case of dispute between the city authorities of Baguio and the grantee as to the location of the tramway and its supporting towers within the city limits, the matter shall be referred to the Director of Public Works for decision, whose decision, when approved by the-Governor-General, shall be final.

SEC. 4. The grantee shall begin the construction of the aerial tramway within thirty days after the acceptance in writing of the franchise and he shall fully complete the same and put it in operation for the public convenience for its entire length within six months from the date of said acceptance, and for failure to begin the work of construction or to complete the tramway and put the same operation for public convenience within the time prescribed the franchise shall be forfeited, and the grantee shall be subject to the liabilities hereinafter stated for such failure.

SEC. 5. The tramway shall be constructed in accordance with plans to be presented by the grantee and approved by the Director of Public Works, and whenever it shall be necessary in the construction of supporting towers or buildings therefor to occupy any portion of a sidewalk, street, road, thoroughfare, or other public place the grantee shall, on completion of the structure, immediately remove all rubbish, sand, earth, or other material left over from such construction, and shall leave such sidewalk, street, road, thoroughfare, or other public place as nearly in its original shape and condition as the structure will permit. In the construction of such towers

or buildings along the Benguet Road, the grantee shall use the utmost precaution and shall do nothing to endanger traffic thereon. He shall, if so required by the Director of Public Works or his duly authorized representative, during the construction of such towers have guards stationed along said road to give timely warning to approaching persons, or vehicles, thereon, and in the event of slides or damage caused by such construction he shall immediately, at his own expense, remove the obstruction and place the road in its original condition.

SEC. 6. Whenever authority shall be granted by the city council of Baguio to remove any building, or to prosecute any municipal work with which the tramway may interfere, notice of such interference shall be duly served on the grantee and he shall, within forty-eight hours from receipt of the notice, raise or remove so much of the tramway as may be necessary to the free and uninterrupted prosecution of the work. Such notice shall be made only upon the adoption of a resolution to that effect by the city council, and shall be sufficient when same shall have been served on the grantee or his authorized representative. In case of refusal on the part of the grantee to comply with the notice, the mayor of the city, with the consent of the council, shall then refer the matter to the Director of Public Works for decision.

SEC. 7. The grantee shall be under a continuing obligation to keep in good repair the aerial tramway and its structures for the entire length of the system.

SEC. 8. The construction, operation, and maintenance of the aerial tramway system herein provided for shall be subject to the following terms, conditions, and limitations:

(a) The grantee shall file a petition describing the land he desires to obtain from the public domain, showing that same is not in use for any other public purpose, and is properly necessary for the enjoyment of the franchise to construct and maintain the aerial tramway herein described, and praying that the same be conveyed to him for the uses and purposes of said franchise. The petition shall be accompanied by a plat and survey of the land described in the petition. The Director of Public Works, after an examination of the petition and the plat and after taking evidence, if necessary, shall, if he finds that the land petitioned for is necessary and proper for the enjoyment of the franchise herein granted, approve the same. The Director of Public Works shall then forward the petition with his approval to the Director of Lands, who shall, after due investigation, determine whether the land sought is public land, and is not in use for any other public purpose, and shall certify his finding to the Governor-General, who if satisfied as to the propriety and legality of granting the petition shall grant to the owner of the franchise permission to occupy and use said land for the purpose of the franchise. The Government reserves the right, however, to grant any portion of the land so used to a third person, but such grant shall, in that event, be subject to the terms and conditions of the franchise.

(b) The permission to use the land shall be in writing and shall contain a clause providing for the reversion of the land so used to the Government of the Philippine Islands whenever it shall have ceased to be used for the purpose of the franchise.

(c) So long as the franchise shall remain in force no real or personal property of the tramway actually used and necessary for the purposes