

[Act No. 484, October 20, 1902]

AN ACT PROVIDING FOR THE GRANTING OF A FRANCHISE TO CONSTRUCT AN ELECTRIC STREET-RAILWAY ON THE STREETS OF MANILA AND ITS SUBURBS AND A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE AN ELECTRIC LIGHT, HEAT, AND POWER SYSTEM IN THE CITY OF MANILA AND ITS SUBURBS, AFTER COMPETITIVE BIDDING.

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

SECTION 1. There shall be granted by the Municipal Board to the person or persons making the most favorable bid, as hereinafter provided, a franchise to construct and maintain in the streets of Manila and its suburbs an electric street-railway and a franchise to construct, maintain, and operate an electric light, heat, and power system in the city of Manila and its suburbs.

SEC. 2. Subject to the necessary amendments to be fixed by the terms of the successful bid, the form of the franchise to be granted hereunder shall be in the words and figures following:

"FRANCHISE.

"A franchise is hereby granted to _____, for the period of _____ [not more than fifty years from the date hereof], to construct, maintain, and operate an electric street railroad in the city of Manila and its suburbs, over the streets, thoroughfares, bridges, and public places set forth in part one hereof; and to construct; maintain, and operate an electric light, heat, and power system for the purpose of generating and distributing for sale light, heat, and power throughout the city of Manila and its suburbs; all in accordance with the terms and conditions set forth in the two parts hereof, respectively (the terms and conditions in part one applying only to the franchise therein referred to, and the terms and conditions in part two applying only to the franchise therein inferred to), and the laws and ordinances, not inconsistent herewith, now or hereafter in Force.

"PART ONE.

"PARAGRAPH 1. The grantee shall have the right and privilege, and is hereby authorized, subject to the laws and ordinances now or hereafter in force, not inconsistent herewith, to make all needful excavations and constructions in or upon any of the streets, thoroughfares, bridges, and public places designated in the next succeeding paragraph for the purpose of placing, removing, and repairing tracks, sidings, curves, switches, and connections, and erecting poles, wires, and other overhead structures for the maintenance and operation of an electric street railroad, and for the generation, conduction, and distribution of electric current for said street railroad and for building, maintaining, and operating power houses therefor.

"PAR. 2. The streets, thorough fares, bridges, and public places upon which the grantee is authorized to make such excavations and constructions are the following:

"(a) Commencing at the southerly end of the Bridge of Spain, to and along Calzada de Magallanes, across the Plaza de Marties to Calle Santo Tomas, thence to Calle Cabildo, thence to Calle, Fundicion, thence to Calle Palacio, thence through the wall and across the moat to Paseo do Vidal, thence along Paseo de Bagumbayan to Calle San Luis, thence along Calle Real to Calle Cabanas, thence over the Bridge of San Antonio, and to the Pasay race track.

"(b) From the easterly end of Calle Aduanas to Calle Palacio, thence to Calle de Fundicion.

"(c) From the southerly end of the Bridge of Spain to Paseo de Vidal, along said paseo to its junction with Calzada de Nozaleda, along said calzada to its junction with Calzada de San Marcelino.

"(d) From the junction of Calzada do Vidal and Calle Concepcion to Calzada do San Marcelino, along the latter calzada to its junction with Calle de Nozaleda, thence to Calle Real (Paco), and along said street to Santa Ana.

"(e) From the southerly end of the Bridge of Spain to the Bridge of Santa Cruz, across the Bridge of Santa Cruz through Plaza Goiti to Calle Echague, thence to Calle San Miguel, thence to Calle General Solano, thence to Calzada do Aviles, and along Calzada Santa Mesa to Santa Mesa.

"(f) From Plaza Goiti to Plaza Santa Cruz, thence to Calle Enrile, thence to Calle Lacoste, thence to Calle Carballo, thence to Calle Nueva, to and across the Bridge of Spain.

"(g) From the intersection of Calle San Jacinto and the Escolta, along Calle San Jacinto to Calle Sacristia, thence across the Bridge of Binondo to Calle San Fernando, thence to Calle Madrid, thence to Calle Aceyteros, thence to Calle de Sagunto, thence to Paseo de Azcarraga, thence to Calle General Izquierdo, thence to Calle San Bernaldo, thence to Calle Paz, thence to Calle Bilibid, thence to Calzada de Iris to Plaza Santa Ana, thence along Calle Alix to the Rotunda de Sampaloc.

"(h) From the intersection of Paseo de Azcarraga and Calle Ylaya along the latter street around Plaza Leon XIII, to and along Calle de Sande to the Reina Bridge.

"(i) From the intersection of Paseo de Azcarraga, along Calle de Reina Regente, across the Bridge of Maura to the intersection of the line on Calle Sacristia.

"(j) From the intersection of Calle San Bernaldo (Calle Paz) and Calle

Arranque to the intersection of Calle Arranque and Calle Lacoste.

"(k) From the intersection of Calle de Bilibid and Calle Cervantes, along said Calle Cervantes to the San Lazaro race track.

"(l) From the northerly end of the Bridge of Spain along the Escolta, across the bridge over the Sibacon Estero to Plaza Santa Cruz.

"PAR. 3. The grantee shall have the right to lay double tracks upon each of the streets, thoroughfares, bridges, and public places mentioned in the last preceding paragraph, except the following, upon which, except with the express consent of the Municipal Board to the laying of a double track, only single tracks shall be laid:

"Calle Enrile, Calle Lacoste, Calle Carballo, Calle Sacristia, where these streets are less than twenty-four feet, wide between curb lines; also Calle San Jacinto, Calle Nueva (Binondo), Calle de Cabaños; also Calle Cabildo, Calle Santo Tomas, Calle de Fundicion, Calle Palacio, Calle Aduana, these last four being the streets within the Walled City: *Provided*, That the grantee shall have the privilege, under the direction of the Municipal Board, of placing upon all of the foregoing streets the necessary turn-outs, switches, and sidings: *And provided further*, That in all streets, thoroughfares, bridges, and public places the tracks, rails, and other constructions of the grantee shall be so laid and located as to leave a clear driveway between the tracks and the curb line on at least one side of such tracks, where the width of the street between the curves makes it physically possible.

"PAR. 4. The system of electric railroad to be installed hereunder by the grantee shall be the 'overhead trolley system,' but the grantee shall have the right and privilege to modify, improve, and change such system in such manner as the progress of science and improvements in and the development of motive power may make reasonable and proper; and at any time after twenty-five years from the date hereof the grantee may be required, by ordinance or law, to remove all of its overhead wires and other structures, if reasonably practicable, and to substitute therefor underground wires, or other approved conductor or motive power.

"PAR. 5. Standard T rails of at least sixty pounds weight per yard may be used, and where used shall be laid and maintained true to the finished grade of the street or place, so that the grade of the street or place and the top of the rails shall present an unbroken surface, excepting that on the inner side of the rails of each track not more than sufficient space shall be left to allow the free passage of the car wheel flanges: *Provided, however*, That at least two miles of such tracks shall be laid with grooved rails of the most approved pattern, weighing not less than seventy pounds per yard, the Municipal Board to specify the streets or parts of streets where such grooved rails shall be laid: *And provided further*, That whenever in the future the Municipal Board shall pave streets or places in which the T rail is laid, with blocks of stone, wood, or other material the grantee agrees to substitute for the T rail in such streets, parts of streets or places, the grooved rail above described, if required to do so by the

Municipal Board.

"PAR. 6. The gauge of all tracks laid or maintained hereunder shall be four feet eight and one-half inches.

"PAR. 7. The grantee shall in all cases lay and maintain its tracks so as to conform to the grades of the streets, thoroughfares, bridges, and public places along or across which said tracks may be constructed, and whenever such graded shall hereafter be established or altered by the municipal authorities of the city of Manila the grantee shall immediately relay and maintain its tracks to such established grades at its own expense: *Provided*, That if any grade at which any such track is now laid is altered by the said municipal authorities within seven years from the date hereof, the city of Manila shall not only furnish the material to enable the grantee to conform the bed of its tracks to the altered grade, but shall also furnish the material necessary to reconstruct the cement substructure of the track of the grantee at the new grade: *And provided further*, That whenever the grade at which any such track is laid is altered by the said municipal authorities after more than seven years from the date hereof, the city of Manila shall furnish the material to enable the grantee to conform the bed of its tracks to the altered grade, less the cement substructure of the track.

"PAR. 8. The tracks, wires, and other constructions of the grantee shall be supported by and cross all bridges in the manner directed by the municipal authorities.

"PAR. 9. The grantee shall pave and keep in good and permanent repair the surface of the street between its rails and between its tracks and for eighteen inches on each side of its tracks under the supervision of the municipal authorities and in such manner as they shall prescribe: *Provided*, That if the municipality shall order a change of the kind of pavement with which any street or place over which the line of the grantee runs is paved the materials necessary to enable the grantee to change the pavement of so much of the surface of the street as it is hereunder required to keep in good and permanent repair in order to conform to the change ordered by the municipal authorities shall be furnished by the municipal authorities to the grantee.

"PAR. 10. The poles erected by the grantee for the operation of its railroad shall be of such height and shall be so located and painted as the municipal authorities shall direct. The poles shall not be of such crooked, or ungainly appearance as to disfigure the streets.

"PAR. 11. The trolley wires of the grantee may be suspended by span wires or brackets, shall have double insulation, and shall be strung at such heights above the ground as the municipal authorities shall direct. Feeder wires shall be of the insulated type known as 'triple braid weather proof,' and no overhead wire or conductor shall carry a potential greater than five hundred and fifty volts.

"PAR. 12. The grantee shall at all times keep its tracks, rolling stock, and

other constructions in good condition. Two classes of cars shall be run, and at least sixty per cent of the cars run shall be second-class cars. The grantee hereof shall at all times furnish cars of both classes sufficient to satisfy the public demand and carry comfortably all the members of the public desiring to ride thereon: *Provided*, That, after one year of operation, the Municipal Board shall have the power, with the concurrence of the grantee of this franchise, to amend this paragraph so as to require that only one class of cars shall be run, upon which the lower rate of fare shall be charged.

"PAR. 13. Every motor car run by the grantee shall be equipped with a fender of a type to be approved by the municipal authorities.

"PAR. 14. The maximum rate of speed at which the grantee may operate its cars shall be fixed by the municipal authorities.

"PAR. 15. The fare charged by the grantee shall not exceed _____ cents, in money of the United States, on a first-class car, or _____ cents, in money of the United States, on a second-class car, for one continuous ride from one point to another on the railway system of the grantee within the city limits as now or hereafter established, whether it be necessary to transfer the passenger from one car or line of the grantee to another during said ride or not: *Provided always*, That where a change of cars is necessary there shall be established by the grantee a method of transfer not unreasonably burdensome in its restrictions to the transferred passengers; and in case of a failure to comply with the foregoing requirement as to transfers it may be enforced upon application of the Municipal Board by mandamus to the proper Court of First Instance or the Supreme Court: *And provided further*, That on lines running outside of the city limits an additional fare or fares may be charged at the rate of five cents, in money of the United States, on first-class cars, or three cents, in money of the United States, on second-class cars, for each two miles or fraction thereof beyond the then city limits: *And provided further*, That the grantee shall for four years from the date hereof accept local currency in lieu of money of the United States in payment for any ride or fare at the ratio of two cents local currency for one cent in money of the United States, until such time as there shall be established in these Islands a gold-standard coinage and money thereunder shall be made legal tender. after which time the fares to be charged shall be the equivalent of those stated above in money of the United States: *And provided further*, That pending the adoption of the gold standard, if the official ratio existing between the money of the United States and local currency shall exceed two dollars and forty cents of local currency for one dollar of money of the United States, then and in that case the grantee may require from the passengers the payment for fares of sufficient local currency to be the equivalent of the fares above fixed in money of the United States at the official ratio: *And provided further*, That at any time after twenty-five years from the date hereof, upon due notice from the city of Manila to the grantee, the fares charged by the grantee may be readjusted on a reasonable basis by three arbitrators, one to be chosen by the city, one by the grantee, and the third to be selected by the two so chosen if they can agree, but if