

## [ Act No. 554, December 08, 1902 ]

### **AN ACT CONFERRING A FRANCHISE UPON THE MANILA RAILWAY COMPANY, LIMITED, TO CONSTRUCT AND OPERATE A RAILROAD FROM GUIGUINTO, ON THE PRESENT LINE OF THE MANILA AND DAGUPAN RAILROAD, TO CABANATUAN, IN THE PROVINCE OF NUEVA ECIJA, AN ESTIMATED DISTANCE OF SEVENTY-ONE KILOMETERS.**

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

SECTION 1. The Manila Railway Company, Limited, an English, corporation, which under a Spanish concession constructed and is now operating the Manila and Dagupan Railroad, is hereby authorized to construct from the town of Guiguinto, in the Province of Bulacan, a station on the line of the Manila and Dagupan Railroad, a railroad in a northeasterly direction to Cabanatuan, in the Province of Nueva Ecija, an estimated distance of seventy-one kilometers.

SEC. 2. From Guiguinto to the boundary of Bulacan and Nueva Ecija, the railway line shall pass through the towns of Quingua and Pulilan, cross by suitable bridge the River Quingua, follow the left bank of the same river, pass through the town of Baliuag and the barrio of Sampaloc, and here bending to the left pass through the towns of San Ildefonso and San Miguel de Mayumo, crossing with the necessary bridges the Pavers Masim, Gailan, and San Miguel. From the boundary line of the Province of Bulacan and Nueva Ecija the line shall run to the left of the public road to Gapan, cross the River Chico de San Tsidro to the barrio Tambo, and thence following the left bank of the River Grande de Nueva Ecija pass near the town of San Isidro and through the town of Santa Rosa to Cabanatuan.

The grantee of the franchise shall be allowed in the route described to make the variations in location which a detailed study of the ground may show to be necessary to avoid floods, heavy cutting of bank, lessening a curve, reducing a gradient, or benefitting the railroad but the line shall pass within three miles of San Isidro, the capital of the Province of Nueva Ecija. If circumstances require that the line shall run to the east of San Isidro, the town shall be put in direct communication with the railroad by means of a short branch to be constructed along the public highway.

SEC. 3. The maximum grade and minimum curve to be employed in the construction shall be two per cent and two hundred meters radius respectively.

SEC. 4. The grantee shall construct and maintain stations at the towns of Quingua, Pulilan, Balinag, San Ildefonso, San Miguel de Mayumo, Gapan, San Isidro, Santa Rosa, and Cabanatuan. At Cabanatuan, the grantee, in addition to the station house, shall construct a locomotive shed with necessary turn-table, water service, and crane, in the situation which shall be most suitable for the purposes of the railroad.

SEC. 5. All material employed in the construction of the line shall be of good class and quality adaptable to the conditions of the country. The rails shall be of steel of a weight not less than sixty-five pounds per yard, giving one hundred and two and fourteen one-hundredths tons per mile and shall be thirty feet long. Two thousand

one hundred and twelve sleepers, six feet by eight inches by five inches, of native hard wood, shall be employed per mile of track. In the case of its not being possible to obtain the number required from the forests of the Archipelago with the necessary despatch, due to want of proper machinery and insufficient labor. Australian hard woods, puriog, maire, ironbark, karri, and kauri, used on the Australian Government railways, shall be employed.

SEC. 6 . The railway shall be single line of three feet and six inches gauge (that is, the distance between the inner surfaces of the rails shall be three feet and six inches), sidings and loops necessary for the proper working of the line being provided for passing the trains at each station. The width of banks and cuttings shall be that necessary to carry the track.

SEC. 7. All materials employed in the construction of buildings shall be of good claps and quality. Roofing shall be of galvanized iron. Bridges shall be constructed of native hard wood or foreign timber, to be replaced by steel and masonry when the development of traffic shall justify the outlay.

SEC. 8. The grantee shall acquire for the construction of the railroad a strip of land thirty meters in width, except in such places where greater width is required for stations, buildings, embankments, cuts and borrow pits, quarries, and such additional lands as may be required for diversions of water, roads or highways, drainage of swamp lands, dikes and other works to protect the tracks from floods and freshets, as well as for yards, shops, wharves, platforms, storehouses, turn-outs, switches, or for any other purposes useful and proper to the railroad. In the wise when lands necessary for the proper construction of the line cannot be obtained by free arrangement with the owners, the grantee shall have the right to expropriate same in the manner established by law.

SEC. 9. Before commencing work on am one section or district of the line the grantee shall file with the Consulting Engineer of the Commission a map or plan and profile thereof showing the course and direction, accompanied by an explanatory statement as to the route and general conditions of said section or district of the proposed railroad. On approval of said plan and profile two copies shall be drawn by the grantor, one of which shall remain in the possession of the grantee and the oilier be filed in the office of the Consulting Engineer of the Commission.

SEC. 10. At points where the railroad shall cross public highways the grantee shall construct the necessary bridges and crossings so that the public communication shall not be interrupted. The grantee shall further put up the necessary notices to the public to avoid danger from passing trains, the same to be specified by the Consulting Engineer; and at points of peculiar danger for crossing, when required by the Consulting Engineer or by the provincial board of the province in which the crossing is, shall station a gate or a guard or both at the crossing to prevent accidents.

SEC. 11. The grantee shall establish along the whole length of the road a telegraph line for the exclusive use of the railroad. The posts of this line shall also carry the number of wires which the Government may consider necessary to erect for public service. The establishment, protection, and maintenance of the wires and stations necessary for public service shall be at the cost of the Government.

SEC. 12. The grantee before opening the road or portions of the road for conveyance of passengers and freight shall give notice in writing to the Consulting Engineer of the date when the railroad, or portion of the railroad will be, in the opinion of the company, sufficiently completed for safe conveyance. Upon receipt of such notification the Consulting Engineer shall himself or by his assistant forthwith examine all bridges, tunnels, and other works, locomotives and rolling stock intended to be used thereon, and if he finds the same to be satisfactory, in accordance with law, and safe for public travel, shall authorize the opening of all or a portion of the line.

SEC. 13. The grantee shall enjoy the following powers, privileges and exemptions:

(a) To occupy any part of the public domain, not occupied for other public purposes, which may be necessary for the purposes of the enjoyment of this franchise and may be approved by the Consulting Engineer. The land to be taken under this power shall be acquired by the company in the following manner: The company shall file a petition describing the land which it desires to acquire from the public domain, showing that the, same belongs to the public domain, is not in use for any other public purpose, and is property necessary for the enjoyment of the franchise to construct and maintain the railroad herein described, and praying that the same may be conveyed to it for list's and purposes of the enjoyment of said franchise. The petition shall be accompanied by a plat and survey of the land described in the petition. The Consulting Engineer, after an examination of the petition and the plat and the taking of evidence if necessary, shall approve the same, if he finds the land petitioned for to be necessary and proper for the enjoyment of the franchise herein granted. The Consulting Engineer shall then forward the petition, with his approval, to the Chief of the Bureau of Public Lands, who shall, upon due investigation, determine whether the land sought is public land, and is not in use for any other public purpose, and shall certify the same to the Civil Governor, who, being satisfied of the propriety and legality of granting the petition, shall execute a patent to the railway company for the land described in the petition and plat. The patent shall be recorded in the office of the Chief of the Bureau of Public Lands and thereafter delivered to the grantee company. The patent shall operate to convey the land described therein to the grantee company fur the uses of the franchise herein granted, but shall contain a clause providing for a reverter of the land to the Insular Government whenever it shall have ceased to be used for the purposes of the franchise.

(b) To acquire from provincial governments, municipalities, corporations, or private individuals, by contract or expropriation, land which may be necessary for the construction, maintenance and operation of the railroad, but no lands within the boundaries of any province or town shall be occupied by the grantee if the same is in actual use for provincial or municipal purposes, nor shall any land within the boundary of any town be occupied without the consent of the municipal authorities of such town. No part of a public road shall be occupied by the railroad without the consent of both the low and the provincial authorities, except such part as may he necessary in the crossing of the road by the railroad. The character of the crossing of any road shall be agreed upon by the provincial board of the province and the agents of the grantee company. In case of a difference the question shall be referred to the Consulting Engineer, whose decision shall be final.

(c) To appear, to petition, to indicate, continue or discontinue at any stage all

proceedings in or out of court; to sue and be sued; and to appoint or separate freely such employees and agents as the business of the corporation shall require, and to allow them a suitable compensation.

(d) To acquire for the purposes of the railroad by purchase, voluntary grant, or by any other lawful title, the ownership or possession of lands and other real and personal property, as well as any estate, right, interest or easement therein, and to take, hold, lease, exchange, mortgage, pledge, sell or dispose of the same or any part thereof in conformity with the law.

(e) To construct, alter, substitute, maintain and operate the railway conceded, make or construct all buildings, stations, shops, planes, tunnels, embankments, aqueducts, bridges, or other structures, wharves, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences on lands acquired, or on which the necessary right has been obtained, and to cross any railway, tramway, river, stream, water course, lake, canal, shore, road, and highway, where the necessary right has been obtained from those public or private corporations or individuals whose rights will be affected, also to direct or alter, as well temporarily as permanently, the course of any river, stream, water course or highway, or raise or sink the level thereof, in order the more conveniently to carry the same across, over, under, or by the side of the railroad, when the consent of the owners of rights or interests which may be prejudiced or injured shall have been obtained through contract, or the injury compensated for in the case of expropriation proceedings.

(f) To open quarries, to collect stone from the surface of the land, to cut timber, to mine in lands for materials, and to build and operate kilns for lime, gypsum, and brick on lands owned, occupied, leased, or under control for the purposes of the railroad.

(g) To conduct water to the railroad for the use of same, and to acquire the necessary land and to make such roads thereon as may be necessary to give access to the situations from public roads in the vicinity.

(h) To borrow such sums of money and contract such debts from time to time as may be necessary to construct, complete, maintain, and operate the railroad or for any other lawful purposes; to issue and dispose of promissory notes, debentures or other securities for any amount so borrowed or debt contracted with or without the security of the properties or properly rights of the railroad, and to secure such debts, notes, bonds, debentures or securities by a mortgage deed, creating mortgages, charges and incumbrances upon owned properties and property rights or rights of any kind, or by deeds constituting liens and charges affecting the rents and revenues of the railroad in whole or in pad. The grantee shall not have power to mortgage the railroad, construction of which is authorized herein, to the extent of more than an amount equivalent to fifteen thousand dollars a kilometer, in money of the United States.

(i) No real or personal property of the railroad actually used and necessary for the purposes of the railroad line shall be taxed by any province or municipality for twenty years from the granting of this franchise.

(j) In the case of refusal, neglect, or delay in payment of the cost and expenses of transportation and conduction of freight over the whole length or any part of the