

[Act No. 2619., February 04, 1916]

AN ACT GRANTING A FRANCHISE TO CHARLES W. CARSON TO CONSTRUCT, MAINTAIN, AND OPERATE TELEPHONE AND TELEGRAPH SYSTEMS, AND TO CARRY ON OTHER ELECTRICAL TRANSMISSION BUSINESS IN AND BETWEEN THE PROVINCES OF OCCIDENTAL NEGROS AND ORIENTAL NEGROS AND THE MUNICIPALITIES THEREOF.

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

SECTION 1. There is hereby granted for a period of fifty years'from and after the date of the passage of this Act, upon the considerations, and conditions herein contained, to Charles W. Carson, his successors or assigns, the right and privilege to construct, maintain, and operate in and between the provinces of Occidental Negros and Oriental Negros and the municipalities thereof, a telephone and telegraph system, to carry on the business of transmitting messages and signals by means of electricity in and between said provinces and municipalities and for the purpose of operating said telephone and telegraph system and of transmitting messages and signals by means of electricity, to construct telephone and telegraph lines in and between said provinces and municipalities, to construct, maintain, and operate and use all apparatus, conduits, and appliances necessary for the electrical transmission of messages and signals, to erect poles, string wires, build conduits, lay cables, and to construct, maintain, and use such other approved and generally accepted means of electrical conduction in on, over, or under the public roads, highways, lands, bridges, streets, lanes, alleys, avenues, and sidewalks of said provinces and municipalities as may be necessary and best adapted to the transmission of messages and signals by means of electricity: *Provided, however,* That all poles erected and all conduits constructed or used by the grantee, his successors or assigns, shall be located in places designated by provincial or municipal authorities, as the case may be, and poles shall be straight and smooth and erected and painted in a good, substantial and workmanlike manner to the satisfaction of such authorities, but it shall not be obligatory on the grantee, his successors or assigns, to paint poles except in centers of population or poblaciones of municipalities: *And provided further,* That said poles shall be of such a height and the wires or conductors strung or used by said grantee, his successors or assigns, shall be so placed and safeguarded as to prevent danger to life or property by reason of contact with electric light, power, or street railway wires or conductors: *And Provided further,* That upon reasonable notice and by resolution of the proper Insular, provincial, or municipal authorities, the grantee, his successors or assigns, may be required to relocate poles or remove or raise wires or other conductors so as to permit the passage of buildings or other structures from one place to another, one-half the actual cost of such" relocation of poles or raising or removal of wires or other conductors to be paid by the person at whose instance the building or structure is moved; and, at the expense of the grantee, his successors or assigns, to relocate conduits, poles, and wires and to raise or remove wires or other conductors when the Insular Government or any provincial or municipal government declares that the public interest so requires: *Provided, however,* That from any order or regulation of a provincial or municipal government requiring the grantee, his successors or assigns, to relocate conduits, poles, or wires, or to raise or remove wires or other conductors, the said grantee, his successors or assigns, shall have the

right of appeal to the Governor-General, whose decision in the matter shall be final and conclusive.

Should the grantee, his successors, or assigns, fail, refuse, or neglect within a reasonable time to relocate his poles, conduits, wires, or other conductors, or to raise his wires or other conductors when so directed by the proper Insular, provincial or municipal authorities, then said authorities may relocate said poles, conduits, wires, or other conductors or raise said wires or other conductors at the expense of the grantee, his successors or assigns : *Provided*, That the installation of all instruments, the inside wiring, and all outside construction work shall be done in accordance with the rules, regulations, or ordinances covering¹ electrical work adopted by the Insular, provincial or municipal authorities: *And provided further*, That whenever twenty-live or more pairs of open wires or other conductor are carried on one line of poles in any city or municipal center, said wires or conductors shall be placed in one cable and that whenever more than two hundred and fifty pairs of wires or other conductors in cables are carried on one line of poles, said cables shall be placed underground by the grantee, his successors or assigns, whenever ordered so to do by the proper Insular, provincial or municipal authorities: *And provided further*, That the poles erected, wires and cables strung, or conduits laid by virtue of this franchise shall be so placed as not to impair the efficient and effective transmission of messages or signals by any other company whose poles are erected, whose wires and cables are strung, or whose conduits are actually laid at the time that poles are to be erected, wires and cables are to be strung, or conduits are to be laid under and by virtue of this franchise: *Provided, finally*, That this franchise shall not be construed to include the transmission of messages by wireless telegraphy.

SEC. 2. The concession of the right, privilege, and authority mentioned in the preceding section shall not take effect unless the grantee shall accept in writing and make part of this concession the following condition, to wit:

That the grantee state in writing that he is informed of the message of the President of the United States addressed to the Filipino people and communicated to said people by the Governor-General i f the Philippine Islands on the sixth day of October, nineteen hundred and thirteen, and of the' reply message of the Philippine Assembly made in the name of the Filipino people and approved and sent on October sixteenth, nineteen hundred and thirteen; that said grantee bind himself not to engage in or aid. by means of contributions in cash or otherwise, any propaganda directed against the policy of the Government of the United States outlined in such message of the President and the aspirations of the Filipino people set forth in said reply message of the Philippine Assembly, whether, under the pretext of vested interests or under any other pretext, and that said grantee shall further bind himself to exact a similar engagement from his administrators, agents, successors, and assigns.

SEC. 3. For the purpose of erecting and maintaining poles or other supports for said wires or other conductors or for the purpose of laying and maintaining underground said wires, cables, or other conductors, it shall be lawful for the grantee, his successors or assigns, under such regulations and orders as may be prescribed by Insular, provincial, or municipal authorities, to make excavations and lay conduits in any of the public places, lands, roads, highways, streets, anes, alleys, avenues, bridges, or sidewalks in or between tha said provinces or municipalities: *Provided, however*, That any public place, .road, highway, street, lane, alley, avenue, bridge,

or sidewalk disturbed, altered, or changed by reason of the erection of poles or other supports, or the laying underground of wires or other conductors or of conduits shall wherever disturbed, altered, or changed, be repaired and replaced in a good, substantial, and workmanlike manner by said grantee, his successors or assigns, to the satisfaction of the Insular, provincial, or municipal authorities, as the case may be. Should the grantee, his successors or assigns, after reasonable written notice from said authorities, fail, refuse, or neglect to repair and replace in a good, substantial, and workmanlike manner to the satisfaction of said Insular, provincial, or municipal authorities' any part of a public place, road, highway, street, lane, alley, avenue, bridge, or sidewalk altered, changed, or disturbed by said grantee, his successors or assigns, then the Insular, provincial, or municipal authorities, as the case may be, shall have the right to have the same property repaired and placed in good order and condition at the cost and expense of the grantee, his successors or assigns.

SEC. 4. All telephone and telegraph lines and systems for the transmission of messages and signals by means of electricity owned, maintained, or operated by the grantee, his successors or assigns, shall be maintained and operated at all times in a complete, modern, and first-class style as understood in the United States, and it shall be the further duty of said grantee, his successors or assigns, to modify, improve, and change such telephone and telegraph system or systems, for the transmission of messages and signals by means of electricity, in such manner and to such extent as the progress of science and improvements in the method of transmission of messages and signals by means of electricity may make reasonable and proper.

SEC. 5. The grantee, his successors or assigns, shall keep a separate account of the gross receipts of the telephone, telegraph and electrical transmission business transacted by them in each of the municipalities of the provinces of Occidental Negros and Oriental Negros, and shall furnish to the Insular Auditor and the Insular Treasurer a copy of such account not later than the thirty-first day of July of each year for the twelve months preceding the first day of July. For the purpose of auditing the accounts so rendered to the Insular Auditor and the Insular Treasurer all of the books and accounts of the official inspection of the Insular Auditor, or his authorized representatives, and in the absence of fraud or mistake the audit and approval by the Insular Auditor of the accounts so rendered to him and to the Insular Treasurer shall be final and conclusive evidence as to the amount of said gross receipts.

SEC. 6. The grantee, his successors or assigns, shall be liable to pay the same taxes on their real estate, buildings, and personal property, exclusive of this franchise, as other persons or corporations are now or hereafter may be required by law to pay. In addition, the grantee, his successors or assigns, shall pay to the Insular Treasurer each year, within ten days after the audit and approval of the accounts as prescribed in section five of this Act, two per centum of all gross receipts of the telephone, telegraph, or other electrical transmission business transacted under this franchise by the grantee, his successors or assigns, and the said two per centum shall be in lieu of all taxes on this franchise or earnings thereof.

SEC 7. As a guaranty that this franchise has been accepted in good faith and that within nine months from the date of the passage of this Act, the grantee, his successors or assigns, will begin the business of transmitting messages by