

## [ Act No. 1700, August 30, 1907 ]

### **AN ACT TO GRANT TO THE LEPANTO MINING COMPANY, INCORPORATED, A FRANCHISE TO CONSTRUCT A HIGHWAY FROM A POINT NEAR COMILLAS, PROVINCE OF LEPANTO-BONTOC, IN A GENERAL WESTERLY DIRECTION TO THE CHINA SEA AT A POINT NEAR THE TOWN OF BANGAR, PROVINCE OF LA UNION; AND THEREON TO TAKE TOLL, TO OPERATE AS A COMMON CARRIER, AND, AT ITS OPTION, TO CONSTRUCT A RAILROAD.**

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

SECTION 1. Authority is hereby granted to the Lepanto Mining Company, a corporation duly organized and existing under and by virtue of the laws of the Philippine Islands, and to its successors and assigns, to locate and construct, and, for a period of fifty years from the date of the passage of this Act, to maintain, use, and operate a highway, under the terms and conditions set forth in this Act. The said highway shall have a minimum width of four and twenty-five hundredths meters, and shall extend from a point on the Abra River near Comillas, Province of Lepanto-Bontoc, and about four miles south of Cervantes, in a general westerly direction to the China Sea at a point near the town of Bangar, Province of La Union.

SEC. 2. During the continuance of this franchise the grantee shall enjoy the following powers, privileges, and exemptions:

(a) To occupy, with the prior approval of the Governor-General, any part of the public domain necessary for the purpose of the enjoyment of the franchise granted by this Act,

(b) With the written approval of the Governor-General, to open and work quarries and gravel pits on any public lands and to take from such lands earth, stone, timber, and other materials for the construction and maintenance of the said highway. Where, however, the said highway runs through any public lands, the grantee shall not cut any trees growing within thirty-five meters of either side of the center line of the said highway, except such as are necessary in clear sufficient ground for the construction of the said highway: *Provided, however,* That in the event of the grantee availing itself of the right to construct the railroad as authorized by this Act. then the grantee's right, if any, to cut trees within the said tract of land shall be determined by the concessionary contract hereinafter provided for. The provisions of the foregoing portions of this section shall only apply to public lands available for homestead settlement or for sale under the Public Land Act, or to timber lands of the Philippine Government, and shall not apply to lands used and assigned for other purposes.

(c) To acquire by condemnation proceedings land for the purpose of constructing the said highway where its course lies through private land. The width of the right of way so obtained shall than necessary for the location and construction of the and shall be approved by the Director of

Public right of condemnation or eminent domain shall be exercised by the grantee in accordance with the laws of the Philippine Islands at the time being in force.

(d) With the approval of the Governor-General, to cross or occupy such parts of public highways, roads, trails, alleys, avenues, and squares, and, with similar approval, to acquire title to such other municipal or provincial lands as may be necessary for the location and construction of the said highway, on terms to be agreed upon by the grantee and the proper provincial or municipal authorities, as the ease may be, and in case of failure to agree upon the terms thereof, such terms shall be fixed by the Governor-General. Lands or rights of use and occupation of lands, granted under the foregoing provisions of this section, shall revert to the governments by which they are respectively granted, upon the termination of this franchise or concession, or upon its revocation or repeal.

(e) To acquire from corporations or private individuals, by purchase, contract, lease, grant, or donation, any lands which may be necessary or useful by the construction, maintenance, and operation of the said, highway.

(f) To establish along the length of the said highway, telegraph, and other telephone, and electrical transmission lines for the exclusive use of the grantee and for such other purposes as may be approved by the Secretary of Commerce and Police. All posts for such lines shall carry free of charge the number of wires which the Philippine Government may consider it necessary to install for public service.

(g) To act as common carrier over the said highway and to carry passengers, freight, and produce for hire in all classes of vehicles, including those drawn or propelled by mechanical power: *Provided, however,* That the grantee shall establish at such points as may be fixed by the Director of Public Works, with the approval of the Secretary of Commerce and Police, suitable turnouts of such width as will enable vehicles of all classes to pass each other.

(h) To erect suitable tollgates and to collect tolls or charges for the passage over the said highway of all classes of vehicles carrying passengers, freight, or produce for hire, including those drawn or propelled by mechanical power.

All tolls or rates whether charged by the said grantee for the use of the said highway or for its services as common carrier, shall be reasonable and nondiscrimination in accordance with any public Commission or other Government.

(j) To construct upon the said highway a railroad to be operated by steam, electricity, or other motive power. In order to avail itself of the right to construct a railroad the grantee must organize a railroad corporation under the laws of the Philippine Islands, or under the laws of the United States or of any State thereof, and this franchise may be

thereupon transferred to such railroad, corporation, and thereafter the grantee shall have the right to maintain and operate a railroad upon the said highway.

The railroad shall be constructed, equipped, maintained, and operated in accordance with the laws of the Philippine Islands governing railroad corporations at the time being in force, and under a concessionary contract to be entered into between the said corporation and the Philippine Government. The Governor-General is hereby authorized to determine the terms and conditions of the said contract and to execute the same on behalf of the Philippine Government.

(j) To recover, in an action at law, with costs, the actual damages, and also exemplary damages of not less than five pesos, nor more than one hundred pesos, from any person who may unlawfully—

1. Cut, break down, or otherwise destroy any tollgate or remove earth, stone, or timber from the said highway to the damage of the same; or
2. Draw or haul any logs, timber, or other material on the bed of the said highway, unless the same shall be entirely lifted, on wheels, above the surface of the road; or
3. Drive or lead upon the said highway any vehicle with the wheels rigid with the axle to which they are attached, or any sled, or any vehicle for the purpose of handling freight or otherwise with a tire of less width than authorized by the laws of the Philippine Islands, at the time being in force, in regard to the use of well-constructed or improved public roads by vehicles: *Provided, however,* That, the said highway is hereby expressly exempted from any provisions of law authorizing the Governor-General to suspend temporarily the laws regulating the width of tires; or
4. Divert any stream of water, and thereby cause water to overflow any part of the said highway; or
5. Remove from the said highway any tool or road making material belonging to the grantee; or
6. Do any act by which the roadbed or any ditch, gutter, sluice, culvert, drain, or bridge pertaining to the said highway shall be injured or obstructed ; or
7. Cause any of the above acts to be done.

The provisions of section sixteen of Act Numbered Fifteen hundred and eleven, and of any law of the Philippine Islands whereby any of the Acts enumerated in subsection (j) of this section are made criminal offenses if committed on public highways, are hereby made a part of this franchise; and the offender or offenders may be prosecuted criminally thereunder should the grantee elect not to recover damages for the said acts in a civil action.

(k) To recover in an action at law three times the amount of said toll, with costs, pay a fine to the grantee, from any person who, being subject to toll, may unlawfully refuse to pay the same, or may turn out of the