

[Act No. 1446, January 30, 1906]

**AN ACT GRANTING A FRANCHISE TO CHARLES M. SWIFT TO
CONSTRUCT, MAINTAIN, AND OPERATE AN ELECTRIC RAILWAY,
AND TO CONSTRUCT, MAINTAIN, AND OPERATE AN ELECTRIC
LIGHT, HEAT, AND POWER SYSTEM FROM A POINT IN THE CITY
OF MANILA IN AN EASTERLY DIRECTION TO THE TOWN OF
PASIG, IN THE PROVINCE OF RIZAL.**

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

SECTION 1. A franchise is hereby granted to Charles M. Swift to construct, maintain, and operate an electric railroad, either double or single track (with the exceptions hereinafter set forth), with the necessary sidings and turn-outs, and to construct, maintain, and operate an electric light, heat, and power system along the line of said railroad and on all the streets and thoroughfares in the town of Pasig, which railroad shall begin at any point along Calle Real, Paco, Manila, between Calle Nozaleda and the San Pedro Macati road, thence along the San Pedro Macati road to a point opposite what is known as the English cemetery, and thence in an easterly direction, by private right of way. or license, to be acquired by the grantee, to the town of Pasig, in the Province of Rizal, and to such point in said town as may be agreed upon between the municipal authorities of Pasig and the grantee, and approved by the provincial board of the province, or, in case of failure to agree, then to such terminal point as may be determined upon by the Philippine Commission, crossing the Pasig River at or near the present Pasig ferry on a steel bridge to be constructed by the grantee in accordance with plans to be approved by the Director of Public Works; or on a private right of way the entire route, beginning at any point on the line of the road of the Manila Electric Railroad and Light Company on Calle Real. Paco. between Calle Nozaleda and the San Pedro Macati road and running in an easterly direction, crossing the Pasig River at the point and in the manner above provided, or, at the election of the said grantee, on a private right of way the entire route, beginning at any point on the Malate line of the Manila Electric Railroad and Light Company south of the bridge across the estero at Port San Antonio de Abad, and running in an easterly direction, across the Pasig River at the point and in the manner above provided, with the privilege in any case of connecting the said road with the present line of the Manila Electric Railroad and Light Company: *Provided*, That the bridge across the Pasig River above authorized shall be so constructed as to permit of its use as a wagon and foot bridge by the general public, and the general public shall be entitled to use said bridge as though the same were a public bridge without the payment of any fee or toll for said use. The grantee shall construct the bridge complete for his

use and for the use of the public as above provided and shall thereafter keep in good and safe repair that portion of the bridge between the outer rail and the side of the bridge, that portion between the rails, and that portion eighteen inches outside the inner rail. The remainder of the floor of the bridge shall be kept in repair by the municipality of Pasig.

SEC. 2. The grantee shall have the right and privilege, and is hereby authorized, subject to the laws 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 over which the said line is authorized to run, 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 railroad and for the generation, conduction, and distribution of electric current: *Provided*, That in every case where a street, thoroughfare, or other public place is torn up or disturbed in the construction of the electric railroad, or in the erection of poles or other overhead structures for the maintenance and operation thereof or of an electric light, heat, and power system, such street, thoroughfare, or other public place shall be replaced by the grantee in good order and condition.

SEC. 3. The grantee is hereby given the right to construct upon any street, thoroughfare, highway, or other public place outside of the city of Manila, a single line of track only, with the necessary sidings and turn-outs for the convenient operation of the line, unless by resolution of the Philippine Commission he is expressly authorized to lay a double track thereon, which double track, when constructed, shall be maintained and operated under the provisions of this franchise: *Provided*, That any track upon any such street, thoroughfare, highway, or other public place shall be laid to the grade of the said street or highway, and it shall be the duty of the grantee to maintain the roadbed between the rails and for eighteen inches on each side thereof in good and permanent repair to the reasonable satisfaction of the proper authorities, using such material therefor as the local authorities use for the remainder of the road: And provided further, That all such tracks shall be so laid, constructed, and maintained as not to interfere with the ordinary use by the general public of said street or highway, and to that end the same shall be so laid as to leave sufficient space on one or both sides thereof for vehicles to pass and repass without danger of collision with the cars being operated on said tracks.

SEC. 4. The system of electric railroad to be installed 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.

SEC. 5. Standard T-rails of at least sixty pounds weight per yard shall be used, and where the same shall pass through or over any street or public thoroughfare, shall be laid and maintained true to the finished grade of the said street or place; and the gauge of all tracks laid or maintained hereunder shall be four feet eight and one-half inches.

SEC. 6. So much of the construction herein provided for as may be within the limits of the city of Manila as now or hereafter constituted, and upon any public road, street, highway, or place within the city limits, shall be subject to the following terms, conditions, and limitations as to construction, maintenance, and operation:

- a. The grantee shall in all cases lay and maintain his tracks so as to conform to the grades of the street, thoroughfares, bridges, and public places along or across which said tracks may be constructed, and whenever such grades shall hereafter be established or altered by the municipal authorities of the city of Manila the grantee shall immediately relay and maintain said tracks to such established grades at his 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 his 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 materials to enable the grantee to conform the bed of his tracks to the altered grade, less the cement substructure of the track.

- b. The tracks, wires, and other constructions of the grantee shall be supported by and across all bridges in the manner directed by the municipal authorities.
- c. The poles erected by the grantee for the operation of said electric 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.
- d. The trolley wires of the grantee may be suspended by span wires or bracket, 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 weatherproof" and no overhead wire or conductor used as a trolley wire shall carry a voltage greater than five hundred and fifty volts, direct current, and the system used by the grantee in the generation, conduction, and distribution of electric current for the purpose of furnishing electric light, heat, and power shall be that known as the alternating-current system : *Provided*, That where it is desired to furnish heat, power, or are lighting, direct current may be used: *And provided further*, That in the carrying of currents, stringing of wires, insulation, and in all other respects the grantee shall comply with the rules and regulations adopted, or hereafter to be adopted, by the National Board of Underwriters of the United States for the safeguarding of the conduct and use of electric currents in cities.
- e. Every motor car run by the grantee shall be equipped with a fender of a type to be approved by the municipal authorities.
- f. The maximum rate of speed at which the grantee may operate his cars shall be fixed by the municipal authorities wherever the same shall be operated over or across a public street, highway, or place.
- g. Members of the police and fire departments of the city of Manila wearing official badges shall be entitled to ride free upon the cars of the grantee, subject to such reasonable and proper restrictions as may be imposed.
- h. The grantee shall hold the city of Manila harmless from all claims, accounts, demands, or actions arising out of accidents or injuries, whether to property or persons, caused by the construction or operation of the road.
- i. All reasonable or proper or necessary changes on the lines or routes of the grantee may be made by the grantee with the approval of the municipal authorities and the consent of the Governor-General.