

[Act No. 703, March 27, 1903]

AN ACT CONFERRING A FRANCHISE UPON THE MANILA RAILWAY COMPANY, LIMITED, TO CONSTRUCT, MAINTAIN, AND OPERATE A RAILROAD FROM A POINT ON THE PRESENT MANILA AND DAGUPAN RAILROAD ONE AND FIVE HUNDRED-THOUSANDTHS KILOMETERS FROM WHAT IS KNOWN AT THE PRESENT TIME AS THE TERMINUS OF SAID RAILROAD IN THE CITY OF MANILA, TO ANTIPOLO, IN THE PROVINCE OF RIZAL, AN ESTIMATED DISTANCE OF THIRTY-TWO KILOMETERS, AND TO CONSTRUCT, MAINTAIN, AND OPERATE A SPUR OR BRANCH OF SAID RAILROAD FROM ITS CROSSING OF THE RIVER SAN JUAN TO A POINT ON THE RIVER PASIG OPPOSITE THE MUNICIPALITY OF SAN PEDRO MACATI, IN THE PROVINCE OF RIZAL, AN ESTIMATED DISTANCE OF THREE 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 a point on the present Manila and Dagupan Railroad one and five hundred-thousandths kilometers from what is known at the present time as the terminus of said railroad in the city of Manila, a railroad in an easterly direction, to Antipolo, in the Province of Rizal, an estimated distance of thirty-two kilometers, and to construct a spur or branch of said railroad from its crossing of the River San Juan to a point on the River Pasig opposite the municipality of San Pedro Macati, in the Province of Rizal, an estimated distance of three kilometers.

SEC. 2. The Manila terminus of the railroad, the construction of which is authorized in the preceding section, shall be the present central station of the Manila and Dagupan Railroad at Tutuban, the junction with the existing line of said railroad being at a point one and five hundred-thousandths kilometers from what is at present known as the terminus of the said Manila and Dagupan Railroad in the city of Manila. From this point the railway line shall run easterly, passing north of the district of Sampaloc, through the district of Pandacan, passing near the present race course, commonly called the Santa Mesa Race Track; crossing by suitable bridge the River San Juan, passing between the municipalities of San Felipe Neri and San Juan del Monte, following a northeasterly course by tangents and curves bending easterly and southeasterly to the barrio of San Isidro; crossing by suitable bridge the River Mariquina to the municipality of Mariquina; running thence southeasterly to the municipality of Cainta; bending thence easterly, crossing by suitable bridges the liners Cut-cut and Cay-ticlin to the municipality of Taytay; and running thence northeasterly, by tangents and curves, to Antipolo.

The spur or branch of said road shall begin at a point near the eastern end of its crossing of the River San Juan, bending in a southeasterly direction to the River Pasig, run thence along and up said river to a point on the same opposite the municipality of San Pedro Macati.

The grantee of the franchise shall be allowed in the route described in make the

variations in location which a detailed study of the ground may show to be necessary to avoid floods or heavy cutting of bank, and to allow for lessening of curvature, reduction of gradient, or the benefiting of the railroad. If, after completed survey and detailed study of the route of said railway hereinbefore described, it shall appear to the grantee company more advantageous, the railway line may pass, continuing from the terminus of the spur or branch of said railroad hereinbefore authorized to be constructed, at a point on the River Pasig opposite the municipality of San Pedro Macati, easterly along and up the River Pasig, crossing by necessary bridges the River Mariquina at a point above the municipality of Pasig to Cainta, and continue thence to Antipolo as hereinbefore described. In the event of the acceptance of the last-described route the grantee company shall construct a spur or branch of said railroad connecting the municipalities of Cainta and Mariquina, along the route hereinbefore described for said line between said points: *Provided however*, That until such time as the route from Taytay to Antipolo can be properly surveyed and staked, the municipality of Taytay is denominated as the provisional terminus of said railroad.

SEC. 3. The maximum grade and minimum curve to be employed in the construction shall be two per centum and two hundred meters radius, respectively. The grade on curves shall be so compensated that the maximum grade on curves of minimum radius shall not exceed one per centum.

SEC. 4. The grantee shall construct and maintain stations in the district of Sampaloc, in the division of the district of Pandacan, commonly known as Santa Mesa, and in the municipalities of San Felipe Neri, San Juan del Monte, Mariquina, Cainta, Taytay, and Antipolo, and shall also construct and maintain a freight depot on the River Pasig at the terminus of the spur or branch hereinbefore authorized to be constructed. At Antipolo, and at Taytay for such period as the same is provisional terminus of said railroad, the grantee, in addition to station houses, shall construct locomotive sheds with necessary turntables, water service, and cranes in the situation which shall be most suitable for railroad purposes.

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, and shall be thirty feet long. Two thousand one hundred and twelve cross-ties, 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, such as used on the Australian government railways, shall be employed.

SEC. 6. The railway shall be a 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 class 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 necessary and proper to the railroad. In the case when lands necessary for the proper construction of the line can not be obtained by free arrangement with the owners, the grantee shall have the right to expropriate the same in the manner established by law.

SEC. 9. Before commencing work on any one section or district of the line the grantee shall file with the Consulting Engineer to 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 grantee, one of which shall remain in the possession of the grantee and the other be filed in the office of the Consulting Engineer to 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 unnecessarily. 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 uses 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 purposes, 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 then in to the grantee company for 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 municipality 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 municipality be occupied without the consent of the municipal authorities of such municipality. No part of a public road shall be occupied by the railroad without the consent of both the municipal and the provincial authorities, except such part as may be 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 in allow them a suitable compensation.

(d) To acquire for railroad purposes 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 approved by the Consulting Engineer to the Commission and 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 for railroad purposes on lands owned, occupied, leased, or under control of the grantee company.

(g) To conduct water to the railroad for the use of the same, and to acquire the necessary land and to make such roads thereon as may be necessary to give access to the stations 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 property 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 properly 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 part. 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 railroad purposes 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 line, the grantee shall have the right to detain the same until such time as the amount due shall be paid. The amount due shall include all proper charges for storage, of goods left in the care of the grantee company for over forty-eight hours after reaching their destination.

(k) To make application before the justice of the peace of the district wherein the station is situated for the sale at public auction of all articles of freight or luggage transported by the company which may have remained at such station for two months or over and not been railed for by the owner or consignee. In the before mentioned cases or when the owner or consignee can not be found or is unknown or shall refuse to receive the goods transported or pay the cost of transport, application may be made by the company to the justice of the peace for an order to sell at public auction after general advertisement for two days those goods which are of a perishable, nature, and within thirty days those not subject to deterioration. The proceeds of sale shall go first to defray the cost and expenses of said sale, and