

AN ACT CREATING THE POSITION OF SUPERVISING RAILWAY EXPERT, DEFINING HIS DUTIES, AND FOR OTHER PURPOSES.

Act No. 1507, June 29, 1906

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

SECTION 1. There is hereby created as of December ninth, nineteen hundred and five, in the Department of Commerce and Police, the position of Supervising Railway Expert at a salary of twenty-four thousand pesos per annum. The Supervising Railway Expert shall be appointed by the Governor-General, with the advice and consent of the Philippine Commission.

SEC. 2. The Supervising Railway Expert shall be supplied with an office by the Director of Public Works, who shall assign to him from the force authorized by his appropriation such stenographers, clerks, assistant engineers, draftsmen, and other employees as he may require and as may from time to time be authorized for that purpose by the Philippine Commission.

The salary of the Supervising Railway Expert shall be paid from the Insular salary and expense fund or from any appropriation specifically providing therefor. His proper contingent expenses and those of the employees assigned to him shall be paid from the appropriations of the Bureau of Public Works.

SEC. 3. The Supervising Railway Expert shall keep an account of the nature and cost of the service which he and the employees assigned to him perform in order that the Government may be in position to make a charge against any railroad constructed under guaranty, as in the instance of the Philippine Railway Company in article nine of section one of Act Numbered Fourteen hundred and ninety-seven.

SEC. 4. It shall be the duty of the Supervising Railway Expert—

(a) To advise the Secretary of Commerce and Police in regard to any concession or extension of concession if they be asked for by companies, firms, or individuals proposing to construct railroads in the Philippine Islands, whether the traction is by steam, electricity, or other motive power.

(b) To supervise the construction and operation of all railroads being constructed or operated in the Philippine Islands with a view to seeing that they comply with the terms of the concession from which they receive their privileges and with the laws of Congress and of the Philippine Islands governing such enterprises.

(c) To supervise in particular the construction of railroads—upon which interest of bonds is guaranteed under authority granted guaranteed by the terms of the Act of Congress approved February sixth, nineteen hundred and five. It shall be his duty to determine the nature and quality of all expenditures and to see that they comply with the terms of their respective concessions in all respects, and no bonds shall be issued or certified as provided in section four of the bonds Act of Congress approved February sixth, nineteen hundred and issued-five, until written certification is made to the Governor-General through the Secretary of Commerce and Police by the Supervising Railway Expert that he or his duly authorized representative has examined the line upon which such bonds are to be issued and the books and accounts of the company and that the construction has complied in every way with the terms of the concession: Provided however, That if the Supervising Railway Expert and the officers of the railway company in question differ as to the proper allowance to be made in regard to any piece of construction, the Governor-General may, after due hearing of both sides,

determine the proper amount of bonds which may be authorized, and in that instance he may certify to such bonds without previous certification by the Supervising Railway Expert.

(d) He shall examine the operation of all railroads operating under guaranty of interest authorized by the Act of Congress approved February sixth, nineteen hundred and five, with a view to determining the real cost of operation, and in the event that any company makes a claim for payment of guaranty of interest under representation that it has failed to earn the amount necessary to pay interest on the bonds, after proper examination of the operating accounts he shall send a report of the same to the Secretary of Commerce and Police and to the Insular Auditor with a certificate that he has so examined the accounts and found the representations of the company to be correct and the money to be paid under the guaranty to be properly due; or if he does not find the representations of the company to be correct he shall report the difference, showing what, in his judgment, is the proper deficit, if any, and the amount which he has found to be due by the Government toward the interest of these bonds.

(e) He shall examine annually or oftener the operations of all other railroad companies in the Philippine islands in such detail as may be required by the Secretary of Commerce and Police, and shall render to the said Secretary a report of their earnings and operations for the purpose of an exhibit to the annual report of the Philippine Commission, and shall furnish such other reports and exhibits and make such other examinations as may from time to time be required by the Secretary of Commerce and Police.

(f) He shall advise the Governor-General upon all points which require determination by the Governor-General under the terms of any Act or concessionary grant or franchise to construct or operate railroads in the Philippine Islands.

SEC. 5 The Supervising Railway Expert shall be the agent of the Governor-General and of the Secretary of Commerce and Police to make all investigations required of them by the terms of any Act or concessionary grant to a railroad, except as hereinafter provided. He shall have power to look into and examine any books and accounts, vouchers, records, or other information to which under the terms of the law the Philippine Government has access: Provided, That nothing in this Act shall be construed to exclude the Auditor for the Philippine Islands from examining from time to time, in his discretion or when requested to do so by the Governor-General, the books, records, accounts, and vouchers of any railroad company or corporation organized or operating in the Philippine Islands: And provided further, That the Governor-General or the Secretary of Commerce and Police may at any time designate in writing any other official to be his agent to make any examination or perform other duties in connection with the supervision of railroads.

Leave of absence.

SEC. 6. The Supervising Railway Expert shall be entitled to such leave of absence or commutation thereof as may be determined by resolution of the Philippine Commission.

SEC. 7. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 8. This Act shall take effect on its passage.

Enacted, June 29, 1906.

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