

AN ACT TO GRANT TO THE INSULAR COAL COMPANY, INCORPORATED, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE A RAILWAY LINE FROM THE SHORE LINE AT THE PORT OF DANAOS TO THE COAL DISTRICT OF CAMANSI

Acts No. 1835, May 21, 1908

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

SECTION 1. Authority is hereby granted to the Insular Coal Company, a corporation duly organized and existing under and by virtue of the laws of the State of New York, of the United States of America, and its successors and assigns, to construct, equip, maintain, and operate for a period of fifty years after the date of the passage of this Act, a railway line from the shore line at the port of Danaos, municipality of Danaos, Province of Cebu, Philippine Islands; running thence through the town of Danaos to a point on the Danaos River, approximately three kilometers distant from the point of beginning; thence along the left bank of the said river a distance of some six and twenty-five hundredth kilometers to a point in the coal district of Camansi : thence a distance of some two kilometers, over lands formerly claimed by the Compostela Coal Company, the total length of the proposed line being approximately twelve kilometers.

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 unoccupied public domain necessary for the purpose . of the enjoyment of the franchise granted by this Act.
- (b) 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 said railway, on terms to be agreed upon by the grantee and the proper provincial or municipal authorities, as the case 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 and concession or upon its revocation or repeal.
- (c) To acquire from corporations or private individuals, by purchase, contract, lease, grant, or donation, any lands which may be necessary for the construction, maintenance, and operation of the said railway.
- (d) Upon such terms and conditions as may be agreed upon, and at any time during the existence of this franchise, to construct, maintain, and operate such additional double tracks, loops, switches, and passing places as may be deemed necessary for the convenience and advantageous operation of said railway, the consent of the Governor-General first having been obtained, and such additions, when completed, shall become part of said railway and shall be held, maintained, and operated upon the same conditions as those which control the rest of the said railway.

SEC. 3. It shall be the duty of the grantee—

- (a) To make a proper survey of the line and route of the said railway where it crosses or runs on the public

highway or hind, and submit, within two months after the passage of this Act, a map, profile, and description of such location and route for the approval, in writing, of the Governor-General, and upon such approval by the Governor-General the railway shall be constructed over the route so approved.

(b) Where the railway is built on or alongside of or crosses any public highway, to maintain and keep in good repair the roadbed, ditches, and drains of said highway: Provided, however, That in case of a dispute between the provincial or municipal authorities and the grantee as to the material to be used and the method of repairing the road, the matter shall be referred to the Secretary of Commerce and Police, and his decision shall be final.

(c) It shall be the duty of the grantee to operate said railway, failure to operate the same for a period of six months shall operate as a forfeiture of this franchise, unless such failure was directly or primarily caused by an act of God, the public enemy, usurped or military power, martial law, riot, civil commotion, or inevitable cause.

SEC. 4. Nothing in this Act shall be construed to authorize the granty in carry passengers or freight for hire, or render any service to the public, on the said railway.

SEC. 5. The grantee, in respect to said railway, shall permit (and the right is reserved by the Philippine Government to grant permission to) any other railway now constructed or hereafter to be constructed in the Philippine Islands to cross the line of said railway on fair and equitable terms, to be determined in case of disagreement by the Governor-General of the Philippine Islands, upon petition by either party, and, upon appeal, by the Secretary of War. "

SEC. 6. The failure, refusal, or neglect¹ to comply with any of the terms or conditions required of the grantee by this Act shall forfeit this franchise, unless such failure, refusal, or neglect was directly or primarily caused by an act of God, the public enemy,' usurped or military power, martial law. riot, civil commotion, or inevitable cause.

SEC. 7. This franchise is subject to amendment, alteration, or repeal by the Congress of the United States; no stock or bonds shall be issued by the grantee hereunder except in exchange for actual cash or for property at a fair valuation equal to the par value of the stock or bonds so issued: the grantee shall not declare any stock or mild dividend.

The foregoing and all other terms and provisions of section seventy-four the Act of Congress approved July first, nineteen hundred and two, entitled "An Act temporarily to provide for the administration of affairs of civil government in the Philippine Islands, and for other purposes/" which are applicable to grantees of franchises or concessions or to their successors or assigns, are hereby applied to, incorporated into, and made a part of this franchise with the same effect as if they- were set out herein at length.

SEC. 8. The word "grantee" herein shall be held to include and apply to the successors and assigns of said grantee.

SEC. 9. The grantee may assign, transfer, or sell this franchise transfer or only after the approval of the Governor-General in writing has been obtained. In any event, the assignment, transfer, or sale shall be made only to a corporation organized under the laws of the Philippine islands or to a corporation of any State of the United States doing business in the Philippine Islands in accordance with the laws of the Philippine Islands.

SEC. 10. This Act shall take effect on its passage: Provided, however, That the grant of the franchise shall not become operative or effective unless the grantee shall, within one month after the passage of this Act, file with the Secretary of Commerce and Acceptance. Police its acceptance of the franchise and its agreement to comply with all of the terms of this Act.

Enacted, May 21, 1908.

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