

AN ACT GRANTING TO THE MARCONI WIRELESS TELEGRAPH COMPANY OF AMERICA A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE IN THE PHILIPPINE ISLANDS A STATION FOR THE RECEPTION AND TR...

Act No. 2384, February 28, 1914

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

SECTION 1. There is hereby granted and conceded to the Marconi Wireless Telegraph Company of America, a corporation organized under the laws of the State of New Jersey in the United States of America, its successors or assigns, the right and privilege of constructing, maintaining, and operating in the Philippine Islands at such places as the said company may select, subject to the approval of the Secretary of Commerce and Police, a station for the reception and the transmission of wireless long distance messages, which station may consist of two plants comprising a receiving station and a sending station.

SEC. 2. The Governor-General of the Philippine Islands shall have power and authority to permit the location of said stations or of either of them on the public domain upon such terms as he may prescribe, but no lands greater in extent than one hundred and fifty hectares shall be assigned or appropriated for the use of either of said stations.

SEC. 3. This grant and concession shall continue for a period of fifty years and is made upon the express condition that the same shall be void unless the construction of said stations is begun within two years from the date of approval of this Act and is completed within four years from said date.

SEC. 4. The said company shall not engage in domestic business in the Philippine Islands without further special assent of the Philippine Legislature, it being understood that the purpose of this franchise is to secure to the said company the right to conduct the business of long distance wireless communication with Singapore, Hongkong, Shanghai, the islands of Japan and Hawaii, and such other distant points without the Philippine Islands as the interests of the company and of trade and commerce may justify.

SEC. 5. A special right is reserved to the Government of the United States in time of war, insurrection, or domestic trouble to take over and operate the said stations upon the order and direction of the Secretary of War of the United States, the United States Government paying and compensating the said company for the use of said stations during the period that they shall be so operated by the Government.

A similar right is hereby reserved to the Government of the Philippine Islands under similar circumstances and upon similar conditions upon the order and direction of the Governor-General.

SEC. 6. The right is hereby reserved to the Government Rates, of the Philippine Islands, through the Board of Public Utility Commissioners or such other board, commission or officer as may be thereunto duly authorized, to fix the maximum rates to be charged by the said company, its successors or assigns, but in no case shall said maximum rates exceed two-thirds of the present existing rates or any future rates which may be established by

any cable company for the same service.

SEC. 7. The grantee, its successors or assigns, shall keep a separate account of the gross receipts of the business transacted by it in the Philippine Islands and shall furnish to the Insular Auditor and the Insular Treasurer a copy of such account not later than the thirty-first day of January of each year for the preceding year. For the purpose of auditing accounts so rendered to the Insular Auditor and Insular Treasurer all of the books and accounts of the grantee, its successors or assigns, so far as they relate to the business transacted in the Philippine Islands, shall be kept in the Philippine Islands, and shall be subject to the official inspection of the Insular Auditor, or his authorized representatives, and in the absence of fraud or mistake the audit and approval by the Insular Auditor of the accounts so rendered to him and to the Insular Treasurer shall be final and conclusive evidence as to the amount of said gross receipts.

SEC. 8. The grantee, its successors or assigns, shall be Taxes-liable to pay the same taxes on their real estate, buildings, and personal property, exclusive of the franchise, as other persons or corporations are now or hereafter may be required by law to pay. The grantee, its successors or assigns, shall further pay the Insular Treasurer each year, within ten days after the audit and approval of the accounts as prescribed in section seven of this Act, one per centum of all gross receipts for business transacted under this franchise by said grantee, its successors or assigns, in the Philippine Islands, and the said percentage shall be in lieu of all taxes on the franchise or earnings thereof.

SEC. 9. The grantee, its successors or assigns, shall hold accidents the Insular, provincial, and municipal governments of the Philippine Islands harmless from all claims, accounts, demands, or actions arising out of accidents or injuries, whether to property or to persons caused by the construction or operation of the stations for the reception and the transmission of wireless long distance messages of said grantee, its successors or assigns.

SEC. 10. The grantee, its successors or assigns, shall so construct and operate its wireless station or stations as not to interfere with the operation of local radio stations maintained and operated in the Philippine Islands.

SEC. 11. No private property shall be taken for any purpose by the grantee of this franchise, its successors or assigns, without proper condemnation proceedings and just compensation paid or tendered therefor, and any authority to take and occupy land contained herein shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted. All lands or rights of use and occupation of lands granted to the grantee, its successors or assigns, shall, upon the termination of this franchise or upon its revocation or repeal, revert to the Insular Government or the provincial or municipal government to which such lands or the right to use and occupy them belonged at the time the grant thereof or the right to use or occupy the same was conceded to the grantee herein, its successors, stock or bonds. or assigns. The grantee, its successors or assigns, shall not issue stock or bonds except in exchange for actual cash or for property at a fair valuation equal to the par value of the stock or bonds issued, and said grantee, its successors or assigns, shall not declare any stock or bond dividend. The grantee, its successors or assigns, shall not use, employ, or contract for the labor of persons claimed or alleged to be held in involuntary servitude. This franchise is granted subject to amendment, alteration, or repeal by the Congress of the United States.

SEC. 12. The grantee herein, its successors or assigns, shall be subject to the corporation laws of the Philippine Islands now existing or hereafter enacted.

SEC. 13. This Act shall not take effect until it shall have been expressly approved by the Secretary of War, and the grantee shall have bound himself and subscribed to the following clause in favor of the Government of the Philippine Islands:

"The grantee, his administrators, agents, assigns, and successors state in writing that they are informed of the

message of the President of the United States addressed to the Filipino people and communicated to said people by the Governor-General of the Philippine Islands on the sixth day of October, nineteen hundred and thirteen, and of the reply message of the Philippine Assembly made in the name of the Filipino people and approved and sent on October sixteenth, nineteen hundred and thirteen; that said grantee, his administrators, agents, assigns, and successors bind themselves not to do anything by means of contributions in cash or otherwise, against the policy of the Government of the United States and the aspirations of the Filipino people set forth in said messages, whether under the pretext of vested interests or under any other pretext."

Enacted, February 28, 1914.

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