

APENDICE B

FRANQUICIA DEL TRANVIA ELECTRICO DE PONCE

Fuente: AHP, caja trolí (sic), años 1886-1895: RPP, tomo 118, f. 171-172; AGPR, Obras Públicas, Ferrocarriles, caja 160, leg. 97A y Franchises Granted by the Extinct Executive Council..., Franchise Ordinance # 3, págs. 10-13.

2019

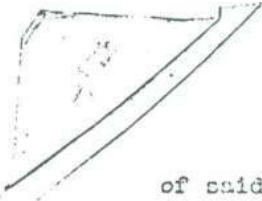
A FRANCHISE GRANTING TO W.S.H. LOTHROP, HIS HEIRS, SUCCESSORS AND ASSINGS, THE RIGHT TO CONSTRUCT AND OPERATE AN ELECTRIC STREET RAILWAY IN CERTAIN STREETS IN THE CITY OF PONCE, AND BETWEEN THE CITY OF PONCE AND THE PLAYA THEREOF.

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SECTION 1.-The Executive Council of Porto Rico does hereby ordain and enact that W.S.Lothrop his heirs successors and assings, may construct and operate an electric railway together with side tracks and switches in the City of Ponce and between the said City and the Playa thereof, for a period of sixty years (60) from the date of the final approval of this franchise by the Governor, over and along the following streets and highways in the said City of Ponce, and connecting with the Playa thereof.

SECTION 2.-The route of said railway shall be, approximately, as follows; beginig at a point on Calle Comercio in the Playa of Ponce, adjoining the lands of J.D.H.Luce, upon which it is proposed to establish certain wharves and docks, following the same streets in a west direction, near the south side walk, passing the Custon house, to the main road or highway known as the calle Real, connecting Ponce with the Playa; thence along the said main road or highway on the west side thereof, crossing the river Portugues, to the calle Marina, thence along calle Marina of the west side thereof in the City of Ponce to the north corner of the Plaza de Las Delicias and continuing along the northern side of said Plaza to the calle de la Unión; thence along the west side of the said calle de la Unión to calle Victoria; thence along the north side of the said calle de la Victoria in an easterly direction to the northwest corner of the Plaza del Mercado; thence continuing in an easterly direction along to the north side of said Plaza to calle de la Estrella; thence in the same easterly direction along the north side of

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of said calle de la Estrella to calle Mayor; thence along the east side of the said calle Mayor to calle Comercio in the said City of Ponce; thence along the east side of the said calle Comercio to calle Salud; thence along the east side of the said calle Salud to its junction with calle Marina and the main road or highway connecting Ponce with the Playa; thence returning by the route heretofore described to the starting point in the said Playa.

SECTION 3.-The right and franchise hereby granted includes the right to occupy the public highways heretofore mentioned, subject to the conditions hereinafter stated, as well as the right to condemn private property therefor, upon payment of due compensation, as provided by law, and to erect such poles and string such wires, and do such other acts subjects to the conditions hereinafter mentioned and conformably to law, as may be necessary to establish and maintain the service herein authorized.

SECTION 4.-The route of said line, the plans relative thereto, and the manner of construction, shall be submitted to an approved by the Commissioner of the Interior before work shall be begun, and material employed and the manner of construction shall be, at all times subject to the inspection of said Commissioner, or his authorized agents, for the purpose of securing compliance with such plans. Grantee, his heirs and assigns, shall make only such changes in or modifications of the plans or work, after approval by the said Commissioner, as shall be authorized or directed by the Executive Council, through said Commissioner.

SECTION 5.-The fare to be charged shall not exceed five (5) cents for one continuous passage, and grantee herein agrees that as soon as the wharves are completed in accordance with the concession -

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granted to John D. H. Luce by the Executive Council, and a tranway shall be constructed from said warves connencting with the line mentioned in the franchise herein granted, that the said fare will include passage to and from the said warves. Grantee agrees to issue to school children tickets at reduced rates.

Trains will be run so as to furnish during working hours a service of not more than ten (10) minutes beteen each train, and the rate for passengers and freight, as well as the conditions of service and the issue of transfer shall be regulated by the Executive Council.

SECTION 6.-Granty shall pay a royalty upon gross receipts as follows:

2% during the first year of operation.

3% during the second year of operation.

4% during the third year of operation.

5% during the fourth year of operation and each and every year thereafter as long as this franchise shall continue.

A re-valuation of said royalties shall be made every ten years.

SECTION 8.-Grantee shall erect and maintain at this own expense a suitable bridge built upon piles across the Portuguese River for the passage of such railway, and such bridge shall contain not less than twenty feet of clear space so as to admit the passage of public traffic over and along the same; provided, that the public use of said bridge shall not, in the judgment of the Commissioner of the Interior be permitted to interfere with the operation of the trains of the said railway.

SECTION 7.-Grantee shall pay all Insular and Municipal taxes which may be imposed in accordance with law.

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SECTION 9.-The franchise herein granted shall be accepted within thirty (30) days after approval thereof by the President of the United States, by a writing filed with the Executive Council. Provided, that the franchise shall be presented to the President within thirty (30) days after approval hereof by the Governor of Porto Rico.

SECTION 10.-Work shall be begun under this franchise within sixty (60) days from the approval thereof by the President of the United States, and the entire line shall be completed and in operation within one year from such date.

SECTION 11.-A ~~XXXXXX~~ cash deposit of five thousand (5,000) dollars, or approved security to the amount for the faithful fulfillment of the terms of this franchise shall be deposited by said grantee with the Treasurer of Porto Rico upon the acceptance thereof as heretofore stated. The said deposit shall be repaid or returned to grantee by the Treasurer upon a certificate from the Commissioner of the Interior that grantee has complied with the terms and condition of this franchise.

SECTION 12.-The term "grantee" as hereinbefore used shall be held to extend to and include, his heirs, successors and assigns.

SECTION 13.- In accordance with Section 111 of the Joint Resolution of the Congress of the United States, approved ~~xx~~ May 1, 1,900, the franchise herein granted shall be ~~subject~~ to amendment, alteration or repeal; no stock or bonds shall be issued except in change for actual cash or property at a fair valuation equal in amount to the par value of the stock or bonds issued no stock or bond dividends shall be issued; the property constructed and acquired may be purchas

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or taken by the public authorities at a fair and reasonable valuation and the Executive Council shall regulate the charges and conditions of service hereunder as hereinbefore specified.

Done in upon session of the Executive Council the
twenty seventh day of February, 1901.

WILLIAM H. HUNT,

PRESIDENTE OF EXECUTIVE COUNCIL.

Approved.

CHAS H. ALLEN

Governor of Porto Rico.