

building, lamps or other structure or object, and with the place of supply, after first securing the proper assent of the municipal authorities of said city or town, or of the county commissioners of said county, under such reasonable and proper regulations and conditions that may be prescribed by them; subject, however, also to any law or ordinance that may be passed by the municipal authorities of the city or town, or of the county commissioners, having jurisdiction, for the filling up or restoring such streets or roads to their former condition.

This section in effect gives authority to Mayor and City Council of Ocean City to grant franchise to corporation to supply electric energy through city and franchise may be granted without adequate compensation. *Purnell v. Ocean City*, 162 Md. 173.

This section referred to in deciding that if a municipality has the power to grant a franchise and a public service company uses the streets with the knowledge of such municipality, the latter may in a proper case be estopped from asserting the invalidity of the grant of the franchise; so far at least as concerns its own failure to pass an ordinance or to effectuate the grant. *Hagerstown v. Hagerstown Rwy. Co.*, 123 Md. 190.

Where a special act of the legislature authorizes a corporation to transact any business in which electricity is used, and confers upon it in Baltimore City all the rights and privileges mentioned in this section, the successor of such corporation is empowered to conduct an electric light business in Baltimore City, the city having given its assent to the use of its streets. *Brown v. Md. Telephone Co.*, 101 Md. 577. *Cf. Edison Co. v. Hooper*, 85 Md. 112.

This section referred to in deciding that an electric light company was not a "manufacturing industry" within meaning of tax exemption ordinance. History of this section. *Frederick Elec. Light Co. v. Frederick City*, 84 Md. 607.

Cited but not construed in *Mealey v. Hagerstown*, 92 Md. 745.

An. Code, 1924, sec. 179. 1912, sec. 151. 1906, ch. 167.

180. Whenever any two or more corporations of this State are engaged in furnishing to the public light by the same or different processes in the same town or city, and the holders of a majority of stock therein shall believe that such corporations can furnish a cheaper and better service by cooperation for that purpose, and shall authorize the exercise of the powers herein given, such corporations, in addition to the right to consolidate, as provided in article 23, section 45, of the code of public general laws of this State,¹ are hereby empowered to secure such joint operation by one of said corporations becoming the lessee of the property and franchises of the others, or the owner of stock therein.²

Mining Companies.³

An. Code, 1924, sec. 180. 1912, sec. 246. 1904, sec. 228. 1888, sec. 146. 1868, ch. 471, sec. 139. 1912, ch. 112. 1918, ch. 204.

181. The president and directors of any corporation mentioned in section 245 of An. Code of 1912⁴ shall be invested with full power to locate and construct a railroad or railroads, with necessary appurtenances, and shall be empowered to condemn a right of way for such purposes, beginning the same at, or near, the mines, manufactories or works of said corporation and running to any convenient point or points that may best suit the convenience and interest of said corporation, or beginning at the tipple or other works of said corporation or at a place where said corporation intends or

¹ The reference here is to the Code of 1904. The insertion of sec. 33 of this Code in place of sec. 45 would seem to be proper, but in view of some doubt as to the propriety of the change, the wording of the act of 1906 is retained.

² Secs. 152-244N and 378-381 of art. 23 of the An. Code of 1912 were repealed by the act of 1922, ch. 492—see art. 48A, "Insurance." The annotations of secs. 152-244N and 378-381 appear in this edition in footnotes to art. 48A, and art. 48A, sec. 180.

³ As to the bureau of mines, etc., see art. 89, sec. 16, *et seq.*

⁴ Sec. 245 of the An. Code of 1912 relating to mining corporations was repealed by ch. 417 of 1918.