File No. 2612 Continued.

OPINION.

2313

It seems to me, therefore, that the first step is to have the company lay before you the proper evidence of its authority to use the conduit space. If, as is probably the case, the new corporation is the result of a consolidation of the Consolidated Gas Company and the United Electric Light and Power Company, no difficulty, I think, is presented.

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By Section 46 of Article 23, relating to consolidations, it is provided that all the property and assets belonging to the former separate corporations, of whatsoever nature and description, and all the powers and rights and all the debts and liabilities of the former separate corporations, of whatsoever nature and description, shall devolve upon the new consolidated corporation.

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It is clear, therefore, under the provisions of that section that the new company becomes the owner of the existing lease between the City and the United Electric Light and Power Company by virtue of the consolidation, and no assignment of the lease is necessary. I think also, by virtue of the same section, that the consolidated company succeeds to all the rights of the constitutent companies, and, therefore, if the United Electric Light and Power Company has the right to enter the conduits, the Consolidated Gas, Electric Light and Power Company also has the same right by virtue of the consolidation.

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It is my opinion, therefore, that, if upon investigation you are satisfied that the new company has been properly formed by the consolidation of the Gas Company and the Electric Light and Power Company, its application for conduit space should be granted just as though the application has been made by the United Electric Light and Power Company.

Very truly yours,

(Signed) Edgar Allan Poe.

Deputy City Solicitor.