

File No. 39654

Baltimore, October 6, 1924.

Charles F. Goob, Esq.,  
 Chief Engineer, Electrical Commission,  
 City Hall,  
 Baltimore, Maryland:

In re: Installation of armored cable in  
 streets of New Annex by Cons. Gas  
 Electric Light and Power Co.

Dear Sir:

I acknowledge your letter of September 24th, enclosing a communication from the Consolidated Gas Electric Light and Power Company. The question directly raised by the correspondence is the authority of the Gas Company to install armored cable and conduits under the surface of the streets of the New Annex for street lighting.

Ordinarily, as you state, conduits would be laid by the City and the corporation would be required to place therein all wires, cables, etc., and the City would receive rental charges. (Article 4, Section 6, Sub-section 26, paragraph M of the Charter. Acts of 1892, Chapter 200.) Moreover the revenues from the conduit system of the City are sufficient, according to your letter, to take care of the stock debts issued therefor, as well as the interest thereon. You say that "should the policy as set forth by the Gas Company be adopted, you can readily see that all our efforts, insofar as the New Annex is concerned, will have been in vain"; also, that if the Gas Company has the power to lay conduits, and does lay them, for the accommodation of its cables, it would not be profitable for the City to lay conduits for the remaining lessees; and further that if the Company has the power, and exercises it, the City's program for the extension of conduits in the New Annex would necessarily be abandoned.

While I have considered all of these facts, the question for me to decide is one of law, being the construction of certain statutes.

The Mt. Washington Electric Light and Power Company, a Maryland Corporation, was formed under the general corporation law. Its powers were greatly enlarged by Chapter 161 of the Acts of 1896. Section 6 of the Act provided: