

File No. 39654 Continued.

"And, said corporation is hereby authorized and empowered, by and with the consent of the County Commissioners of Baltimore County to lay, purchase, construct or build lines, conductors, and conduits under, along, upon or over the roadways and streets wheresoever located in said Baltimore \* \* \*."

On July 18th, 1900, an agreement was entered into between the Company and the County Commissioners, the object of which was to furnish electric lights for County purposes in the territory of Mt. Washington, Arlington, Govanstown, Towson and Lutherville. This territory, at the time of the agreement was in Baltimore County, but a portion thereof is now in Baltimore City (Chapter 98 of the Acts of 1918). Incorporated in the agreement is this clause:

"And it is further agreed that the said party of the second part (Company) shall have the right and privilege to make such use of the County roads, streets, lands, and alleys in the said County as may be necessary, for the purpose of erecting and constructing poles, wires and conduits, and also for conducting said wires into public and private buildings for illuminating purposes."

Pursuant to Chapter 167 of the Acts of 1906 (Article 23<sup>1</sup> Section 151 of the Code), the Mt. Washington Company leased to the Consolidated Gas Electric Light and Power Company its entire property. By the provisions of that Act the latter Company became the lessee of the "franchises" of the former Company. To all intents and purposes therefore, these franchises are now lodged in the Consolidated Gas Electric Light and Power Company.

So far as the Act and the agreement are concerned, and within the limits of both, the powers granted the Company thereunder are subject to be exercised unless some statute has been since enacted limiting such exercise. The only statute which is in any way applicable is that annexing the territory or a portion thereof, subject to the agreement to Baltimore City being Chapter 82 of the Acts of 1918. A careful reading of that statute, however, discloses that the franchises of private corporations were not mentioned except as to water companies. On the contrary, Section 8 of the Annexation Act clearly provides:

"The obligation of maintaining \* \* \* the public highways \* \* \* and of performing every other governmental or municipal function heretofore performed by the County Commissioners \* \* \* in the territory, which is by this Act annexed to Baltimore City \* \* \* shall continue to rest upon the County Commissioners \* \* \* until December 31st, 1918. Beginning with January 1st, 1919, all these obligations shall pass to the Mayor and City Council of Baltimore \* \* \*."