

its consent to the construction of the portion of a railroad which affects the appellant, the latter cannot object on the ground that such consent only covers part of the railroad. See notes to section 273, and to article 33A, sections 1 and 4. *Hyattsville v. Washington, etc., R. Co.*, 120 Md. 130.

To the note to this section on page 652 of volume 1 of the Annotated Code, add "And see *Hyattsville v. Washington, etc., R. Co.*, 120 Md. 132."

263.

To the note to this section on page 653 of volume 1 of the Annotated Code, add the case of *Hyattsville v. Washington, etc., R. Co.*, 120 Md. 131.

See notes to section 261.

269.

To the first note, under the heading "Generally" to section 269 on page 656 of volume 1 of the Annotated Code, add "And see *Pitznogle v. Western Md. R. Co.*, 119 Md. 683."

As to condemnation, see article 33A.

271.***273.**

In the light of this section, of section 278 and of article 33A, section 6 (as it stood prior to the act of 1914, ch. 463), a railroad company may construct, if necessary, a crossing over a public highway. See notes to section 261, and to article 33A, section 1. *Hyattsville v. Washington, etc., R. Co.*, 120 Md. 140.

278.

The constitutionality of this section has never been assailed. This section referred to in upholding the validity of article 33A (as it stood prior to the act of 1914, ch. 463)—see notes thereto. *Pitznogle v. Western Md. R. Co.*, 119 Md. 680.

See notes to section 273.

See article 27, sections 414 and 415.

280.

See article 27, sections 414 and 415.

284.

The lease authorized by this section contrasted with the lease dealt with by article 21, sections 92 and 93. The intent of this section is that the lease referred to herein should be permanent and not redeemable, save upon the terms fixed in the lease itself. A lease held not to be in excess of the authority conferred by this section, there being nothing in the record to show that the lease included property owned by the lessor not used in connection with its railroad or the operation of its franchise. *Buckler v. Safe Deposit Co.*, 115 Md. 226.

1904, art. 23, sec. 274. 1888, art. 23, sec. 186. 1880, ch. 292. 1912, ch. 112.

293. Nothing in this article shall apply to or authorize the construction of any elevated railroad, or of any other railroad, except the surface road; and no elevated railroad company shall be incorporated, except under a special charter of the General Assembly; and no elevated railroad shall be constructed in or through the City of Balti-

*By chapter 131 of the acts of 1912, the Deer Creek and Susquehanna Railway Company and its charter, franchises, roadbeds and property are relieved from the operation of this section.