

diction, for the filling up and repaving of any street, lane or alley or road under which the said pipes may be laid. Any corporation of this or any other state which has heretofore been authorized by ordinance passed by the municipal authorities of any city or town, or by order of the proper authorities of any county, to lay or maintain mains, conduits, pipes or other structures in streets, squares, lanes, alleys, roads or other public highways and places for the transmission or supply of natural gas, is hereby authorized and empowered to use such mains, conduits, pipes, or other structures, whether now in place or hereafter constructed, for the transmission and supply of artificial gas, or a mixture of natural and artificial gas. Nothing herein shall be deemed to extend the duration of any franchise granted by any city, town or county, or to change the terms or conditions of any such franchise except as herein expressly set forth.

A corporation which has the right to use the streets of a city for its pipes for manufactured gas for lighting purposes, may not prevent a foreign corporation from laying pipes through the streets of the city, with the city's consent, to convey natural gas for fuel and light. Rights of foreign corporations. *Cumberland Gas-light Co. v. W. Va. Gas Co.*, 188 Fed. 535.

County commissioners have much greater powers over water companies laying pipes than over gas companies, as shown by a comparison of this section with sec. 329. *Consol. Gas Co. v. Baltimore County*, 98 Md. 694 (decided in 1904).

For the regulations concerning gas and electric light companies prescribed in the act creating the public service commission, see sec. 386, *et seq.*

As to "Fraud upon Gas Companies," see art. 27, secs. 179 and 180.

An. Code, sec. 150. 1904, sec. 143. 1888, sec. 111. 1890, ch. 588. 1894, ch. 308. 1910, ch. 55 (p. 72).

178. Any electric light or power company formed under this article shall have full power to manufacture, sell and furnish such quantities of electric light or electric power as may be required or desired in any city, town or county of this State, in which or adjoining which the same may be located, for lighting the streets, roads, public or private buildings, or for motive power or other purposes, and such corporation is hereby authorized and empowered to lay, construct or build lines or conductors under, along, upon or over the streets, squares, lanes, alleys and roads, paved or unpaved, and connect the same with any manufactory, public or private 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 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