

is empowered to conduct an electric light business in Baltimore city, the city having given its assent to the use of its streets. *Brown v. Md. Telephone Co.*, 101 Md. 577. *Cf. Edison Co. v. Hooper*, 85 Md. 112.

This section referred to in deciding that an electric light company was not a "manufacturing industry" within meaning of tax exemption ordinance. History of this section. *Frederick Elec. Light Co. v. Frederick City*, 84 Md. 607.

Cited but not construed in *Mealey v. Hagerstown*, 92 Md. 745.

An. Code, sec. 151. 1906, ch. 167.

**179.** Whenever any two or more corporations of this State are engaged in furnishing to the public light by the same or different processes in the same town or city, and the holders of a majority of stock therein shall believe that such corporations can furnish a cheaper and better service by cooperation for that purpose, and shall authorize the exercise of the powers herein given, such corporations, in addition to the right to consolidate, as provided in article 23, section 45, of the code of public general laws of this State,<sup>1</sup> are hereby empowered to secure such joint operation by one of said corporations becoming the lessee of the property and franchises of the others, or the owner of stock therein.<sup>2</sup>

### Mining Companies.<sup>3</sup>

An. Code, sec. 246. 1904, sec. 228. 1888, sec. 146. 1868, ch. 471, sec. 139. 1912, ch. 112. 1918, ch. 204.

**180.** The president and directors of any corporation mentioned in section 245 of An. Code of 1912<sup>4</sup> shall be invested with full power to locate and construct a railroad or railroads, with necessary appurtenances, and shall be empowered to condemn a right of way for such purposes, beginning the same at, or near, the mines, manufactories or works of said corporation and running to any convenient point or points that may best suit the convenience and interest of said corporation, or beginning at the tipple or other works of said corporation or at a place where said corporation intends or designs to erect such tipple or other works, and running either on the surface, underground, or by elevated road, or partly on the surface and partly by the other methods, or one of them, to the vein of coal or other minerals at the point at which said corporation may desire to open or work the same; and to use and control said "railroad or railroads, and the necessary vehicles and appurtenances thereto belonging"; provided however that the right of condemnation granted by this section shall in no case be allowed to interfere with the workings of any other mine or mines.

Secs. 180 to 191 referred to in deciding it to be indispensable that the use for which private property is taken should be of a public nature. Railroads constructed by mining companies are open to the public as occasion requires. *Arnsperger v. Crawford*, 101 Md. 255.

See secs. 331 to 336, and notes.

<sup>1</sup> The reference here is to the Code of 1904. The insertion of sec. 33 of this Code in place of sec. 45 would seem to be proper, but in view of some doubt as to the propriety of the change, the wording of the act of 1906 is retained.

<sup>2</sup> Secs. 152-244N and 378-381 of art. 23 of the An. Code of 1912 were repealed by the act of 1922, ch. 492—see art. 48A, "Insurance." The annotations of secs. 152-244N and 378-381 appear in this edition in foot-notes to art. 48A, and art. 48A, sec. 146.

<sup>3</sup> As to the bureau of mines, etc., see art. 89, sec. 17, *et seq.*

<sup>4</sup> Sec. 245 of the An. Code of 1912 relating to mining corporations was repealed by ch. 417 of 1918.