

franchise and to construction of extension to Havre de Grace and over streets thereof. Meaning of "charter" and "franchise." Franchises defined. Charter amended under art. 3, sec. 48, of Md. Constitution by act 1902, ch. 127. See notes to sec. 398. *Kelly v. Consol. Gas, etc., Power Co.*, 153 Md. 538 (*cf. dissenting opinion*), (decided July 23, 1927).

See notes to secs. 347, 379, and to art. 3, sec. 33, of Constitution; see also notes to art. 56, sec. 259, of Code. See sec. 380A.

An. Code, 1924, sec. 391. 1914, ch. 445, sec. 33½. 1924, ch. 542.
1927, ch. 473, sec. 391.

391. No gas corporation or electrical corporation incorporated under the laws of this or any other State shall abandon or discontinue in whole or in part, the exercise of any right or privilege under any franchise granted to it in this State in so far as such right or privilege is then actually being exercised for the public service, without having first obtained the permission and approval of the Commission, after due hearing and the determination by the Commission, that the present or future public convenience or necessity permit of such abandonment or discontinuance of the exercise of such franchise or right.

See sec. 380A.

392.

Jurisdiction of commission begins when company starts to use its granted powers and extends to activities affecting public interest. Commission has no jurisdiction over substitution of stock of no par value for par stock. Issue of unissued shares, within this section. This section prospective, but not exclusive, in its application. *Pub. Serv. Commn. v. Consol. Gas Co.*, 148 Md. 96.

See notes to sec. 347, and to art. 3, sec. 33, of Constitution.

394.

Since sec. 359 provides for appeal to courts to set aside order of Public Service Commission as being unreasonable, the discretion vested in commission by this section is limited to a reasonable exercise of commission's power in public interest. Acquisition of stock by an electrical company in another such corporation. If commission's reason for its finding is insufficient, its order should be reversed. *Utilities Co. v. Pub. Serv. Commn.*, 154 Md. 447.

See secs. 193A, 193B and 380A.

397.

See notes to sec. 392.

398.

This section read in connection with sec. 379, provides that the construction of an electric light and power system, or any extension thereof, shall not be begun without first securing the approval of the P. S. C. This section removes any doubt as to the construction of sec. 390. *Kelly v. Consol. Gas, etc., Power Co.*, 153 Md. 540.

See notes to sec. 379.

404.

Inasmuch as the commission is named to uphold validity of its order, it becomes the representative of all interests save those attacking order; City of Hagerstown proper, but not necessary, party. Waiver of venue. Suit properly begun in Baltimore City rather than Washington County. Sec. 409 imposes no limitation upon portion of this section *re* where suit may be brought. *Pub. Serv. Commn. v. Byron*, 153 Md. 468.

See notes to sec. 373.