

both inclusive, of Article 4, entitled "City of Baltimore," of the Code of Public Local Laws of Maryland, or at such other rate or rates as may be hereafter prescribed by law; provided, however, that the franchise or right so granted to the United Railways and Electric Company of Baltimore, its successors and assigns in said roads, or any of them, may in the discretion of the Board of Estimates so far as the same may be now perpetual, be in perpetuity; provided, however, that nothing herein shall be construed to make perpetual, or to grant in perpetuity, any franchise or right whatsoever (as a franchise or right in perpetuity) which heretofore has not been owned or enjoyed by the said United Railways and Electric Company of Baltimore as and for a right perpetual, or franchise or right in perpetuity.

M. & C. C. v. United Rys. & E. Co., 126 Md. 39.

1906, ch. 566, sec. 2.

800B. In view of the fact that the beds or parts of the beds, of said roads, or some of them are now occupied by the United Railways and Electric Company of Baltimore, and its rights in such roadbeds, or parts of roadbeds, are proposed to be acquired by the Mayor and City Council of Baltimore for the sole purpose of securing for the public the unconditional use thereof as public highways, the Board of Estimates is hereby authorized, in its discretion, after the acquisition of said roadbeds, or parts of roadbeds, by the Mayor and City Council of Baltimore, should the United Railways and Electric Company of Baltimore, its successor and assigns, apply for the franchise or right of using any of said roadbeds, or part of roadbeds, for its railway lines, to fix the compensation or compensations, to be paid therefor, without reference to any other application, or applications, for the same franchises or rights by any other person or corporation, and free from the obligation cast upon it by Section 37 of Article 4, entitled "City of Baltimore," of the Code of Public Local Laws of Maryland, to fix the compensation to the Mayor and City Council of Baltimore in such cases at the largest amount that it may be able by advertisements or otherwise to obtain for the franchise or right; provided, however, that said compensation, or compensations, shall in no case be fixed by said Board of Estimates at a lower sum or sums than the sum or sums which the Mayor and City Council of Baltimore shall have paid, or become obliged to pay, unto said Company, whether as the result of condemnation proceedings or otherwise, under the provisions of Chapter 274 of the Act of the General Assembly of Maryland for the year 1904, for the purpose of acquiring the respective street railway franchises, easements, interests or rights now or hereafter possessed or enjoyed by said Company in said respective roadbeds, or parts of roadbeds as to which said application or applications for new franchises or rights shall or may be made by said Company as aforesaid.

M. & C. C. v. United Rys. & E. Co., 126 Md. 39.