

(1) USE OF STREETS BY TRACKS, POLES, AND WIRES.

P. L. L. (1888), Art. 4, sec. 819A. 1890. ch. 370. 1914, ch. 859.

To regulate the use of streets, lanes or alleys in said city, by railway or other tracks, gas or other pipes, telegraph, telephone, electric light or other wires and poles, in, under, over or upon the same, and to require all such wires to be placed under ground after such reasonable notice as it may prescribe. To determine the character of the foundation to be used under and around the railway ties, and, in any case where a street is being paved by the Paving Commission or other public agency and the character of the foundation is not determined by ordinance, the same shall be determined by the Paving Commission or other public agency doing such paving, and full power to do so is hereby given. It shall be the duty of every railroad or street railway corporation occupying with its tracks any portion of the public highways of Baltimore City to put in the character of foundation determined upon in pursuance of this provision.

Ches. & Pot. Tel. Co. v. McKenzie, 74 Md. 47-48. Koch v. North Ave. Ry. Co., 75 Md. 222-229. N. Balto. Pass. Ry. Co. v. N. Ave. Ry. Co., 75 Md. 233. N. Balto. Pass. Ry. Co. v. Mayor, &c. Balto., 75 Md. 247. Lake Rol. R. R. Co. v. Baltimore, 77 Md. 380-381. Garrett v. Lake Rol. El. R. R. Co., 79 Md. 286. Postal Tel. Cable Co. v. Balto., 79 Md. 511. Edison Co. v. Hooper, 85 Md. 111. Hooper v. Balto. City Pass. Ry. Co., 85 Md. 509. Poole v. Falls Rd. Ry. Co., 88 Md. 533. C. & P. Tel. Co. v. Balto. City, 89 Md. 705. C. & P. Tel. Co. v. Balto. City, 90 Md. 638. Baltimore v. C. & P. Tel. Co., 92 Md. 692. Balto. v. Balto. Co. W. & Elec. Co., 95 Md. 239. Purnell v. McLane, 98 Md. 594. Simon's Sons v. Md. Tel. & Teleg. Co., 99 Md. 173.

Rule laid down as to extent of city's right to regulate erection of poles in the streets. City & Suburban Railway Company v. Brush Electric Co., Daily Record, December 20, 1895.

When action at law is only remedy for injuries to abutting property by the erection of a pole. Polenk v. Md. Telephone Company, Daily Record, June 13, 1901.

For further decisions relating to use of streets by tracks, poles and wires, see, N. C. Ry. Co. v. M. & C. C. of Balto., 46 Md. 423. Kirby v. Citizens Ry. Co., 48 Md. 168. Hiss v. Balto. & H. Ry. Co., 52 Md. 242. Hodges v. B. C. P. Ry. Co., 58 Md. 603. Canton Co. v. B. & O. R. R. Co., 79 Md. 432. State *ex rel.* v. Latrobe, 81 Md. 222. Birch v. Lake Rol. El. R. R. Co., 83 Md. 369. United Rys. Co. v. Hayes, 92 Md. 490. Lonaconing v. Consol. Coal Co., 95 Md. 635. B. & O. R. R. Co. v. Baltimore, 98 Md. 536. Consol. Gas Co. v. Balto. Co., 98 Md. 696.

(m) CONDUITS, ELECTRICAL COMMISSION AND RENTALS OF CONDUITS.

1892, ch. 200. P. L. L. (1888), Art. 4, sec. 819B.

To provide a series of conduits under the streets, lanes and alleys of said city, or any part or parts thereof, for the use of telephone, telegraph, electric light and other wires, either by constructing said conduits itself or authorizing their construction by such person or corporation, upon such terms as may be agreed upon. To appoint an Electrical Commission, with such powers and duties as it may deem proper or appropriate for carrying out the aforesaid provisions of this section relating to conduits. To require all such wires, or any part or parts thereof, and the poles carrying the same, to be removed from the surface of the streets, lanes or alleys of said city, or any part or parts thereof, and to require such wires to be placed in such conduits, all under such penalty as it may pre-