

A municipality may be estopped by the acts of its officers, etc., from asserting the invalidity of a grant of franchise.

Hagerstown v. Hagerstown Rwy., 123 Md. 183.

A municipal corporation may set up a plea of *ultra vires* to enter into a given contract, or do a given act, even though the other party to the contract has expended money on the faith of said contract.

Hagerstown v. Hagerstown Rwy., 123 Md. 183. Minor Privilege Cases, 131 Md. 600.

1908, ch. 151.

**37A.** Anything in the preceding sections of this Charter to the contrary notwithstanding, where ordinances now stand referred, or shall hereafter stand referred, to the Board of Estimates of the Mayor and City Council of Baltimore, in the manner provided for in the preceding section of this Charter, granting franchises or rights in the water front, wharf property, land under the water, public landings, wharves or docks, of the Mayor and City Council of Baltimore, or in any portion or portions thereof, the said Board shall be empowered to fix the compensation for the franchise or right in their discretion at such sum as they shall deem reasonable and adequate, and in addition to the power of fixing said compensation as aforesaid, and of prescribing the terms and conditions of the grant in the manner provided for in the preceding section of this article, shall be empowered, where there are two or more applicants for the franchise or right who are prepared to pay said compensation, fixed as aforesaid, to grant said franchise or right to either one of said applicants, to the exclusion of the other, or of the rest of said applicants, as it may deem best for the interests of the City of Baltimore; and it is also the purpose of this section that where there are one or more of such applications for the franchise or right in space, included in, but less in dimensions than the space embraced in another or other of such applications, the said board shall, in addition to the power of fixing said compensation as aforesaid, and of prescribing the terms and conditions of the grant as aforesaid, be also empowered to determine, in its discretion, whether the grant shall be made to the applicant, or to one of the applicants, applying at said compensation fixed as aforesaid for the franchise or right in the greater space, or to the applicant or one of the applicants, applying at said compensation, fixed as aforesaid, for the franchise or right in the lesser space accordingly, as the said Board may deem best for the interests of the people of Baltimore. No grant of the franchise or right in any of the public property mentioned in this section of this Charter, or in any portion or portions thereof, shall be made by the City Council, except for the compensation, and upon the terms and conditions, and to the grantee or grantees approved by a vote or resolution of the said Board, entered on the minutes or records of the said Board, and attached to the ordinance granting the franchise or right to the grantee or grantees, approved by the said Board, with the signatures of a majority of the said Board signed to the same.