

386.

Commission has no jurisdiction to authorize sale by municipality of property dedicated to public use; powers conferred upon commission are of a regulatory nature and do not include either granting or withdrawal of franchises. *Worcester v. Hancock*, 151 Md. 678.

See secs. 193A and 193B, and notes to sec. 392.

As to condemnation by gas companies, see sec. 337A.

387.

Cited but not construed in *Ruark v. Engineers' Union*, 157 Md. 585.

388.

This section referred to in construing secs. 337, 390 and 398—see notes thereto. *Kelly v. Consol. Gas, etc., Power Co.*, 153 Md. 537.

Cited but not construed in *Potomac Ed. Co. v. Pub. Serv. Commn.*, 165 Md. 472.

See notes to secs. 347, 392 and 39, and to art. 3, sec. 33, of Constitution.

An. Code, 1924, sec. 390. 1912, sec. 447. 1910, ch. 180, sec. 33 (p. 379).
1924, ch. 48, sec. 447. 1927, ch. 338.

390. No gas corporation or electrical corporation incorporated under the laws of this or any other State shall begin construction, or exercise any right or privilege under any franchise granted after April 5, 1910, or under any franchise theretofore granted but not theretofore actually exercised, or make any extension of its lines, works or system, without first having obtained the permission and approval of the Commission; provided, that such permission and approval shall not be necessary for any extension within any city or town in which the said corporation has lawfully commenced operations, or for an extension within territory already actually served by it, necessary or desirable in the ordinary course of business. Before such certificate shall be issued a certified copy of the charter of such corporation shall be filed in the office of the Commission, together with a verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities. No municipality, except the Mayor and City Council of Baltimore, shall build, maintain and operate for other than municipal purposes any works or systems for the manufacture and supplying of gas or electricity for lighting purposes without a certificate of authority granted by the Commission. If the certificate of authority is refused, no further proceedings shall be taken before the Commission, but a new application may be made therefor after six months from the date of refusal.

Franchise from Havre de Grace held necessary before Gas & Electric Company could enter that city, and consent of P. S. C. necessary both to exercise of 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.

When Public Service Commission has decided that the erection by the Gas Co. of a line of steel towers and wires encircling the city was a mere extension within the territory already served and did not require approval of the Commis-