

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. 409. *Kelly v. Consol. Gas, etc., Power Co.*, 153 Md. 538 (*cf.* dissenting opinion), (decided July 23, 1927).

See notes to secs. 345, 388, and to art. 3, sec. 33, of Constitution; see also notes to art. 56, sec. 312, of Code. See sec. 390.

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 Commission, held that the Court of Appeals would accept such decision in a suit to condemn land for the purpose. *Improvement Co. v. Gas, etc., Co.*, 156 Md. 581.

Corporation constructing pipe line through state for transmission of gas, without intention of distributing gas therefrom to Maryland consumers, does not need permission of P. S. C. *Pub. Serv. Commn. v. Gas, etc., Corp.*, 162 Md. 288.

This section referred to in construing art. 56, secs. 294-310. *Pub. Serv. Commn. v. Williams*, 167 Md. 330.

This section referred to in construing sec. 179. *Purnell v. Ocean City*, 162 Md. 174.

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

402. 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. 390.

An. Code, 1924, sec. 392. 1912, sec. 448. 1910, ch. 180, sec. 34 (p. 380). 1918, ch. 408, sec. 34. 1920, ch. 474, sec. 448.

403. A gas corporation or electrical corporation organized or existing, or hereafter incorporated, under or by virtue of the laws of the State of Maryland, may issue stocks, bonds, notes or other evidences of indebtedness payable at periods of more than twelve months after the date thereof, when necessary for the acquisition of property, the construction, completion, extension or improvement of its plant or distributing system, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for the reimbursement of moneys actually expended from income, or from any other moneys in the treasury of the corporation not secured by or obtained from the issue of stocks, bonds, notes or other evidence of indebtedness of such corporation, within five years next prior to the filing of an application with the Commission for the