

the County Commissioners, having jurisdiction, for the filling up or restoring such streets or roads to their former condition.

366. Any of the corporations formed under class thirteen, Section 28 of this Article, as codified by the Code of 1904, shall have the power which is conferred upon telegraph companies incorporated under this Article by Section 324, and may construct and lay any part of its line or lines underground or any route for which it is authorized to construct such lines in whole or in part, above ground, and such corporation may acquire by condemnation and property or right whatsoever necessary for its purposes in its discretion, either in fee simple or the use thereof in fee simple, or for a less estate, either in the manner set forth in Sections 251 and 152, or Sections 360 and 365 of this Article; provided, however, that all corporations incorporated, or to be incorporated by virtue of said Section 28, class thirteen, and all corporations heretofore or hereafter incorporated under the provisions of this Act, shall obtain the assent and approval of the Mayor and City Council of Baltimore City, before using the streets or highways of Baltimore City, either the surface or the ground beneath the same.

The provisions of this proviso, however, not to apply to such corporations as are now in practical operation and have laid or constructed their lines, pipes, mains or other structures, or any part thereof in the City of Baltimore, except as to the use and occupancy by them of new and additional streets and highways in the City of Baltimore by their lines, pipes, mains or other structures.

Approved April 1, 1910.

CHAPTER 541.

AN ACT to repeal and re-enact with amendments Section 170 of Article 23 of the Code of Public General Laws of Maryland of 1904, title "Corporations," subtitle "Insurance Department," being also Section 126c of Article 23 of the Code of Public General Laws of Maryland of 1888 as enacted by Section 1 of Chapter 1 of the Acts of the General Assembly of Maryland passed at its January Session of 1902.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 170 of Article 23 of the Code of Public General Laws of Maryland of 1904, title "Corporations," subtitle "Insurance Department," being also Section 126c of Article 23 of the Code of Public General Laws of Maryland of 1888 as enacted by Section 1 of Chapter 1 of the Acts of the General Assembly of Maryland, passed at the January