

[171.] 4.

No railroad constructed by such corporation shall pass through the limits of any incorporated city or town without the consent of the corporate authorities thereof; nor through any dwelling house, warehouse, stable, yard, garden or orchard, without the written consent of the owners of the same.

REVISOR'S NOTE: This section formerly was Art. 23, § 171.

Former § 171 is not retained in the Code because it is apparently obsolete. However, it is transferred to the Session Laws to avoid any inadvertent substantive effect that its repeal might have.

[172.] 5.

The president and directors of any such corporation, or a majority of them, or any person authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, stone or other materials which may be wanted for the construction or repair of said railroad or railroads, for the purchase or for the use and occupation of the same, or may obtain such land, earth or stone by condemnation.

REVISOR'S NOTE: This section formerly was Art. 23, § 172.

Former § 172 is not retained in the Code because it is apparently obsolete. However, it is transferred to the Session Laws to avoid any inadvertent substantive effect that its repeal might have.

[173.] 6.

The citizens of this State or any corporation now or hereafter to be incorporated under the authority of **[this article] ARTICLE 23 OF THE CODE IN EFFECT ON SEPTEMBER 30, 1998, OR THE CORPORATIONS AND ASSOCIATIONS ARTICLE** shall have the right to connect with the railroad or railroads hereby provided for, any other railroad, if, in the judgment of any three of the county commissioners of the county for the time being, passed upon hearing of all parties interested, no injury will be done by such connection to the railroad of said corporation.

REVISOR'S NOTE: This section formerly was Art. 23, § 173.

Former § 173 is not retained in the Code because it is apparently obsolete. However, it is transferred to the Session Laws to avoid any inadvertent substantive effect that its repeal might have.

The reference to "the Corporations and Associations Article" is added to reflect that, at the time former § 173 was enacted, Article 23 contained all the general corporation law provisions recodified as the Corporations and Associations Article by Chapter 311 of the Acts of 1975. This addition reflects the Public Utility Companies Article Review Committee's interpretation of legislative intent. No substantive change is intended.

The only other changes are in style.