

Public Service Commission.**413.**

It is immaterial whether a water supply is being furnished by an individual or a corporation; all alike are within the jurisdiction of the commission under the express language of the portion of this section dealing with water companies. The supplying of water to about one hundred dwellings is a public service. The police power extends not only to the regulation of rates but to other matters connected with a service afforded the public. Regulation of water rates held not to impair obligation of contract; police power. *Yeatman v. Pub. Ser. Com.*, 126 Md. 516.

The public service commission law does not take away the right of a railroad to condemn property and rights for its construction. The commission is not the tribunal to determine such questions as whether a charter is valid, that being purely a judicial question. If the commission authorizes the construction of a road, such authorization includes the right to cross tracks along the route. The commission may determine whether a crossing shall be at, under or above grade; such determination may be made after the passage of an order approving the construction of the road. *City & Sub. R. R. Co. v. W., W. & G. R. R. Co.*, 122 Md. 656.

No power is conferred upon the public service commission to order a railroad to rebuild and operate a branch which was abandoned long before the passage of the public service commission law; what amounts to an abandonment. *Pub. Ser. Com. v. P., B. & W. R. R. Co.*, 122 Md. 439.

As to public motor vehicles and the duties of the public service commission relative thereto, see article 56, sections 189 and 195 *et seq.*

1916, ch. 272, sec. 1¾.

413B. The term Common Carrier when used in this sub-title shall likewise include all bridges now or hereafter erected over a stream or river dividing two counties in the State of Maryland or between this State and another State by any corporation authorized to charge and collect toll from persons using the same as foot passengers and for vehicular traffic of every kind.

1910, ch. 180, sec. 2 (p. 342). 1914, ch. 750. 1916, ch. 713.

414. There shall be a public service commission, and the same is hereby created and established, which said public service commission shall be vested with and possessed of the powers and duties in this sub-title specified, and also all powers necessary or proper to enable it to carry out fully and effectually all the purposes of this sub-title.

The said public service commission shall consist of three members, all of whom shall be appointed by the governor, and one of whom shall be designated by the governor to be and, upon being so designated, shall be the chairman of said commission.

Each commissioner, at the time of his appointment and qualification, shall be a resident of the State of Maryland, and shall have resided in said State for a period of at least five years next preceding his appointment and qualification, and he shall also be a qualified voter therein and not less than twenty-five years of age.

One of said commissioners shall hold office for two years from the beginning of his term of office and until his successor shall qualify; one of said commissioners shall hold office for four years from the begin-