

which he may have under existing law: Any common carrier issuing such receipt shall be entitled to recover from the person, firm or corporation who may be responsible for such loss, damage or injury, such amount as it may be required to pay to the owners of such containers, as may be evidenced by any receipt or judgment therefor: No common carrier shall charge a greater rate where such receipts are issued than they would otherwise be entitled to charge for the services performed.

See section 336, *et seq.*

1914, ch. 445, sec. 26½.

438A. The provisions of the next preceding section forbidding the construction by any common carrier, railroad corporation, or street railroad corporation, of a railroad or street railroad or any extension thereof, or the exercise by any such common carrier, railroad corporation, or street railroad corporation of any franchise or right under any provision of the railroad law or of any other law not lawfully exercised before the passage of this act, without the permission and approval of the Commission first obtained, and empowering the Commission to grant such permission and approval whenever it shall after due hearing determine that such construction or such exercise of the franchise or privilege is necessary or convenient for the public service, shall likewise apply to the abandonment or discontinuance in whole or in part by any common carrier, railroad corporation, or street railroad corporation of the exercise of any such franchise or right, in so far as it is then actually being exercised for the public service; but every common carrier, railroad corporation, or street railroad corporation shall have the right to discontinue the operation of any portion or all of any of its existing lines whenever any franchise under which any line or any portion of same is operated, shall have been repealed by Act of the Legislature or any municipal corporation or other governing body; provided said common carrier, railroad corporation, or street railroad corporation can show that they are not earning, at the time of such repeal, their operating expenses and other fixed charges upon the whole of such line, or upon such part thereof where any existing franchise shall have been repealed.

439.

The control of the Public Service Commission over a railroad is limited to the latter's operations within this state. The commission may require statements of the facts relating to issues of stocks, bonds, etc., so that it may be determined whether such issue is *bona fide* and for value; where the enterprise is one to be conducted wholly within the state, the commission may sanction or disapprove the proposition. While an interstate carrier may be made subject to the control of each state as to matters affecting the operations of the company in such state, beyond that, state legislation is powerless. The commission has no supervisory powers over the expenditures of money in other states, nor the apportionment of the expenditures of a railroad's monies as between different states, nor can it pass upon the wisdom of construction work to be performed in other