

and selling for distribution, or distributing hot or cold water, steam or currents of hot or cold air for motive power, heating, cooking, refrigeration, or for any public use or service in any city, town or village in this State.

The public service commission law is not invalid under art. 8 of the Declaration of Rights directing that the legislative, executive and judicial powers of the government shall be kept separate, nor is it open to the objection that it makes no provision for an appeal to the courts from an order of the commission—see secs. 404 and 407. Telephone companies are subject to the operation of the public service commission law—see section 399. The purpose of the public service commission law is to place all corporations handling public utilities under supervision and control of said commission with power in the commission to regulate rates, but until the commission does so regulate, any acts in force respecting rates remain unimpaired. See note to sec. 304. *Gregg v. Public Service Commission*, 121 Md. 1; *Chenoweth v. Public Service Commission*, 143 Md. 627.

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 construction of 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.

In view of the public service commission law, so much of sec. 87 of the charter of Crisfield as attempts to invest it with the power to regulate telephone rates, violates that portion of art. 3, sec. 33, of the Md. Constitution, which prohibits the passage of a special law for a case covered by an existing general law. Intent of the legislature in adopting the P. S. C. law. Distinction between special and public local acts. *Crisfield v. C. & P. Tel. Co.*, 131 Md. 444.

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 P. S. C. has no jurisdiction over controversies as to the correctness of water bills, or how much the consumer owes. Injunction to prevent cutting off of water. *Carter v. Suburban Water Co.*, 131 Md. 95.

The owner of an automobile who carries five men to and from their work for an agreed compensation is not a common carrier and does not operate his car "for public use," and hence need not comply with art. 56, sec. 247. *Towers v. Wildason*, 135 Md. 683. *Cf. Goldsworthy v. Public Service Comm.*, 141 Md. 680.

As to public motor vehicles and the duties of the public service commission relative thereto, see art. 56, secs. 247 and 254, *et seq.*

The Baltimore Refrigerating and Heating Company held to be at least a *quasi* public service corporation. The definition of "heating and refrigerating companies" in this section, referred to. *Homer v. Balto. Rfg. & Heating Co.*, 117 Md. 420.

See notes to sec. 381.

An. Code, sec. 413A. 1914, ch. 445, sec. 1½. 1924, ch. 48, sec. 413A.

**347.** The term common carrier, when used in this sub-title, shall likewise include all automobile transportation companies, and all persons and associations of persons, whether incorporated or not, operating automobiles, or motor cars, or motor vehicles, for public use, in the conveyance of persons or property within this State; and every municipal corporation of this