

An. Code, 1924, sec. 347. 1914, ch. 445, sec. 1½.

345.¹ 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 State engaged in the business of manufacturing and supplying or of supplying gas or electricity for other than municipal purposes shall be included within the terms "Gas Corporation" and "Electrical Corporation," as defined in the next preceding section of this sub-title, and shall be subject as other gas and electrical corporations are to the provisions of this sub-title.

Subsequent to decision in *Hagerstown v. Littleton*, 143 Md. 595, P. S. C. refused Hagerstown authority to issue bonds for construction of electric light plant. Necessity of applying to P. S. C. for authority to issue bonds for such construction, notwithstanding amendment of this section and sec. 401 by act 1924, ch. 48, and passage of act 1924, ch. 380, authorizing issue of bonds. Classification of cities for purpose of legislation. See notes to art. 3, sec. 33, of Constitution. Injunction. *Littleton v. Hagerstown*, 150 Md. 166 (*cf.* dissenting opinion). But see *Public Serv. Commn. v. Byron*, 153 Md. 483, and notes to sec. 409.

This section referred to in construing secs. 294-310 of art. 56. *Public Serv. Commn. v. Williams*, 167 Md. 330.

See notes to sec. 388.

City of Hagerstown required under this section and sec. 401 to obtain the authority of the public service commission before constructing and operating an electric light plant for the sale of current to residents of that city, and before issuing bonds for that purpose. Injunction. *Hagerstown v. Littleton*, 143 Md. 595.

See notes to sec. 344.

An. Code, 1924, sec. 348. 1916, ch. 272, sec. 1½. 1929, ch. 482.

346. The term Common Carrier when used in this sub-title shall likewise include all bridges now or hereafter erected by any corporation authorized to charge and collect toll from persons using the same as foot passengers and for vehicular traffic of every kind.

Public service commission law does not withdraw from a corporation the control of its financial policy. Commission has no jurisdiction to direct establishment of depreciation reserve and annual addition thereto. Supervision of commission over corporate accounts. Function of court in reviewing finding of commission as to reasonable rates. Burden of proof. Fair value of bridge held to be the issue rather than original cost or cost of acquisition. Method of finding value. Rates, and allowance for maintenance, held unreasonable. *Havre de Grace Bridge Co. v. P. S. C. of Md.*, 132 Md. 18.

An. Code, 1924, sec. 349. 1912, sec. 414. 1910, ch. 180, sec. 2 (p. 342). 1914, ch. 750. 1916, ch. 713, 1924, ch. 534, sec. 414. 1927, ch. 201, sec. 2.

347. 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 so being 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

¹ The act of 1924, ch. 48, having been declared unconstitutional in *Littleton v. Hagerstown*, 150 Md. 163—see also *P. S. C. v. Byron*, 153 Md. 484—this section is codified as it stood prior to the act of 1924.