

the final order to be passed by the said court, or any order determining the merits of the said application or any part thereof to the court of appeals, and the said appeal shall be heard and determined at the first term of the said court next after the transmission of the transcript of the record of the said appeal to the said court; and in the event of an appeal as aforesaid, the said court of appeals shall have authority to pass such order in relation to the costs of the said proceeding as may seem right and proper.

See sec. 425, *et seq.*

1904, art. 23, sec. 274. 1888, art. 23, sec. 186. 1880, ch. 292.

293. Nothing in this article shall apply to or authorize the construction of any elevated railroad, or of any other railroad, except a surface road; and no elevated railroad company shall be incorporated except under a special charter of the general assembly; and no elevated railroad shall be constructed in or through the city of Baltimore, or in or through any of the counties of the State, except under a special charter of the general assembly.

A structure held to be an "elevated railroad" within the meaning of this section; the facts that the road is elevated owing to engineering difficulties, and that the elevated structure is but a fractional part of the road, are immaterial. *Koch v. North Ave. Ry. Co.*, 75 Md. 224.

Ibid. sec. 275. 1888, art. 23, sec. 187. 1886, ch. 134, sec. 1.
1910, ch. 725 (p. 80).

294. In case of the sale of any railroad situated wholly within this State, or partly within this State and partly within an adjoining State, or the District of Columbia, heretofore or hereafter made by virtue of any mortgage or deed of trust, whether under foreclosure or other judicial proceedings, or pursuant to any power contained in said mortgage or deed of trust, the purchaser or purchasers thereof or his or their survivor or survivors, representatives or assigns may, together with their associates, if any, form a corporation for the purpose of owning, possessing, maintaining and operating such railroad, or such portions thereof as may be situated within this State, by filing in the office of the secretary of state a certificate of the name and style of such corporation, the number of the directors of the same, the name of its first directors, the period of their service not exceeding one year, the amount of the capital stock of such corporation, and the number of shares into which it is to be divided, and the par value thereof, which may consist wholly of common stock, or partly of common stock and partly of preferred stock, and the whole or any part thereof may be issued as fully paid up stock in payment or part payment for the road as purchased, and for the construction and equipment thereof, and shall not in the aggregate exceed the amount of stock which the corporation, whose road shall have been purchased as aforesaid, was entitled to issue, and the persons signing such certificate, and their successors, shall be a body corporate and politic by the name specified in such certificate, with power to sue and be sued, contract and be