

cause or, upon hearing of the matter, the said judge, if he deem such course proper or necessary, shall pass an order directing the sheriff to summon a jury of six persons, who shall be freeholders not interested in such roads, unless it be as users thereof, to meet on the part or parts of the road mentioned in such petition upon a day to be named in such order; and said jurors being first sworn by such sheriff, true inquiry to make as to the condition of the road complained of, shall view the part or parts of the road complained of, and determine upon such view and the evidence of such witnesses as may be produced by the petitioners or the company as to the condition of such road, and the time such condition may have continued; and an inquisition in writing, specifying with particularity the places and the character of such places in such road, if any, which are not in the condition required by the terms of the law under and by which such company was incorporated shall be signed and sealed by such jurors, and returned by the sheriff to the clerk's office of the circuit court for the county, or to the clerk's office of the superior court of Baltimore city; and if said inquisition shall find that said road is not in good order and repair, or not of the width required by its charter, any judge of said court may, within ten days after the return thereof, confirm the same, and order that tolls shall not be charged by such company at the gates next to on either side of the place or places in said road so out of order, repair or of such insufficient width, until said road shall be put in good order and repair and properly widened; and until the further order of such court. the petitioners or the company may, before the confirmation of such inquisition, demand a trial by a jury in court whether said road is in good order and repair or of the proper width, or may move to quash the proceedings for matter of law, and the court may adjudge, on the finding of the jury or otherwise, as may be just, in accordance with the principles of law, and may give judgment for costs against the petitioner or petitioners, county or city, or against the corporation, or apportion the costs in its discretion; provided, however, that the confirmation of the inquisition shall not be delayed more than fifteen days by the filing of any motion to quash or for a jury trial by the corporation, unless such corporation shall give a bond, to be approved by the court, conditioned for the refunding of all tolls collected after the expiration of ten days from the return of the inquisition, if the same be affirmed after such motion or trial by jury, at any time during the progress of these proceedings the corporation against which such petition is filed, may show to the court in which such petition is filed, by affidavits or otherwise, that the defects complained of in such petition have been remedied, and if said court be satisfied, either by affidavits, the testimony of witnesses or by the return of a commission of three freeholders appointed by said court, that the defects complained of in such petition have been repaired and remedied, then the petition shall be dismissed with costs, in the discretion of the court as aforesaid, and the corporation be allowed to collect tolls. Either the petition or the corporation against which such petition is filed shall have the right to