

appeal to the court of appeals of Maryland from any final order of such judge or court.

The act of 1894, ch. 607, held constitutional and valid. It did not provide for the taking of private property, but simply adopted a method for compelling the corporation to comply with its obligations and the law. While the statute did not provide in terms for notice to the company, it clearly contemplated a notice being given before the inquisition. Since the act of 1894 did not provide for an appeal, no appeal lay (prior to the act of 1908, ch. 451). *Back River Co. v. Homberg*, 96 Md. 435 (decided in 1903).

The act of 1894, ch. 607, held to be more favorable to a turnpike company than the provisions of its charter, and that said act was not at variance with the proceedings contemplated by the company's charter as to make them onerous, oppressive or unconstitutional. This section applied. *Williamsport, etc., Turnpike Co. v. Startzman*, 86 Md. 364 (decided in 1897).

1904, art. 23, sec. 354. 1888, art. 23, sec. 243. 1868, ch. 471, sec. 116.

393. If the inquisition shall be finally confirmed, and the said road shall not be put in good order and repair within thirty days thereafter, the said court may order that the right of the corporation to charge tolls on any part of said road within the limits of said county be forfeited, until it shall be made to appear to said court by said corporation that the whole of said road within said county has been put in good order and repair, when said order of forfeiture may be rescinded by the said court.

Cited but not construed in *Williamsport, etc., Turnpike Co. v. Startzman*, 86 Md. 369.

Ibid. sec. 355. 1888, art. 23, sec. 244. 1868, ch. 471, sec. 117.
1906, ch. 503. 1908, ch. 240, sec. 355.

394. If, within six months after the date of an order of the court forfeiting the right of the corporation to charge tolls, the said road shall not have been put in good order and repair within the limits of the county in which said order may have been passed, the said road within said county shall be forfeited by the corporation, and shall vest in the county commissioners, who shall cause the same to be put and kept in good order or repair, and collect tolls sufficient for that purpose, or may transfer the same to another corporation in their discretion, in which case the new corporation shall have the same rights and franchises and be subject to the same conditions and forfeitures as the original corporation constructing said road; provided, however, that whenever proceedings as aforesaid have been instituted against the turnpike company incorporated under any special act of assembly containing provisions for penalties or forfeitures other than those in this article prescribed, it shall be the duty of the clerk of the court in which such proceedings were so instituted upon the expiration of the period of six months after the passage of the order of court prescribed in section 392 of this article, to certify to the governor of Maryland the fact, if such be then the case, that such order was passed and stands unrevoked; thereupon it shall be the duty of the governor to direct the State's attorney of said county to forthwith file a petition in such court in the name of the State of Maryland, praying the forfeiture of the charter of the company so in default, and reciting the proceedings aforesaid,