

No injunction shall issue suspending or staying any order of the commission, except upon application to one of the judges of the supreme bench of Baltimore city, or to the circuit court of one of the counties, and upon notice to the commission and after hearing.

1910, ch. 180, sec. 44 (p. 389).

**458.** If, upon the trial of such action, evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the commission, or any commissioner, or additional thereto, the court, before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the commission and shall stay further proceedings in said action for fifteen days from the date of such transmission.

Upon the receipt of such evidence the commission shall consider the same and may alter, modify, amend or rescind its order relating to such rate, or rates, tolls, charges, schedules, joint rate or rates, regulations, practice, act or service complained of in said action, and shall report its action thereon to said court within ten days from the receipt of such evidence.

If the commission shall rescind its order complained of, the action shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of, and judgment shall be rendered thereon as though made by the commission in the first instance.

If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

1910, ch. 180, sec. 45 (p. 389).

**459.** Either party to said action, within twenty days after service of a copy of the order or judgment of any court of Baltimore city or of the circuit court of any county, may appeal to the court of appeals of Maryland. Where an appeal is taken the cause shall, on the return of the record of the proceedings to the court of appeals of Maryland, be immediately placed on the docket of the then pending term of the court of appeals, and shall be assigned and brought to a hearing in the same manner as other causes on the docket.

1910, ch. 180, sec. 46 (p. 389).

**460.** In all trials, actions and proceedings arising under the provisions of this sub-title, or growing out of the exercise of the authority and powers granted herein to the commission, the burden of proof shall be upon the party adverse to such commission, or seeking to set aside any determination, requirement, direction or order of said commission, to show by clear and satisfactory evidence that the determination, requirement, direction or order of the commission complained of is unreasonable or unlawful, as the case may be.