

tioner 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 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 said petition is filed, may show to the Court in which such petition is filed, by affidavit 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 free-holders appointed by said Court; that the defects complained of in such petition have been repaired and remedied, then said petition shall be dismissed with costs, in the discretion of the Court as aforesaid.

Either the petitioners or the corporation against which said petition is filed have the right to appeal to the Court of Appeals of Maryland from any final order of such judge or Court.

The provisions of this section shall not apply to Frederick County.

See notes to this section (as it stood in 1911) in volume 1 of the Annotated Code.

Water Companies.

398.

As to condemnation, see article 33A.

Condemnation of Property by Corporations.

399.

As to condemnation, see article 33A.

405.

As to condemnation, see article 33A.

Foreign Corporations.

412.

This section is practically section 409 of article 23 of the Code of 1904 with the additional provision for controversies between foreign corporations and residents of Maryland. This section does not repeal or modify section 67 of chapter 240 of the acts of 1908—see section 92 of this article. *Hagerstown Brewing Co. v. Gates*, 117 Md. 353.

Public Service Commission.

413.

The public service commission law is not invalid under article 8 of the Declaration of Rights directing that the legislative, executive and judicial powers of the government shall be kept separate, nor is it open to the objection that it makes no provision for an appeal to the courts from an order of the commission—see sections 457 and 459. Telephone companies are subject to the operation of the public service commission law—see section 453. The purpose of the public service commission law is to place all corporations handling public utilities under the supervision and control