

If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

The court in considering the question of unreasonableness of rates fixed by the commission should have before it the evidence produced before the commission. Carriers may not be required to perform services at rates less than the actual costs of such services. See notes to secs. 368 and 408. *Public Serv. Com. v. N. C. Rwy. Co.*, 122 Md. 387.

See notes to secs. 346, 379 and 404.

An. Code, sec. 458A. 1914, ch. 445, sec. 44½.

406. Before the trial of such action a transcript duly certified by the Secretary of the Commission of all the papers and proceedings, including evidence, in the case before the Commission except such as are omitted by the stipulation in writing of the parties to such action, shall be filed by the Commission in such action and shall be evidence in like manner as the originals transcribed.

An. Code, sec. 459. 1910, ch. 180, sec. 45 (p. 389).

407. 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.

This section referred to in connection with the power of the commission under sec. 377—see notes thereto. *N. C. Rwy. Co. v. Public Serv. Com.*, 124 Md. 147.

See notes to secs. 304, 346 and 404.

An. Code, sec. 460. 1910, ch 180, sec. 46 (p. 389).

408. 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.

The court has no authority to determine what would be a reasonable rate for the service required or to establish rates, but is limited to determining whether the rates fixed by the commission are unreasonable or unlawful; this section applied. Evidence held admissible. See notes to secs. 368 and 405. *Public Serv. Com. v. N. C. Rwy. Co.*, 122 Md. 388.

See notes to sec. 348.

An. Code, sec. 461. 1910, ch. 180, sec. 47 (p. 390).

409. In all actions and proceedings in court arising under this sub-title, all processes shall be served and the practice and rules of evidence shall be the same as in civil actions, except as otherwise herein provided. Every sheriff or other officer empowered to execute civil processes shall

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