

passage of locomotives, cars and tonnage at a rate of tolls for passage of trains and tonnage not exceeding the rate per ton per mile, or proportionate part of a mile so used, as is charged for through freight per ton per mile; provided, however that the right of any road to use the track of any connecting road under this section shall not be extended to a greater distance than five miles.

This section is not applicable to a railroad chartered prior to its adoption, because such railroad's charter being a contract, could not be impaired or affected by subsequent legislation to which the company did not assent. The fact that under the defendant's charter, other roads have the right to connect with it, does not give rise to the application of this section. This section held not to have been accepted by the defendant railroad company. *Pennsylvania R. R. Co. v. B. & O. R. R. Co.*, 60 Md. 266.

An. Code, 1924, sec. 228. 1912, sec. 291. 1904, sec. 272. 1888, sec. 184. 1874, ch. 446, sec. 2.

230. If any railroad company in this State shall fail or refuse to comply with the provisions of the preceding section, the party aggrieved shall have the right to recover, upon suit in any court of this State that has jurisdiction, a sum not less than five hundred dollars or more than one thousand dollars for each day of such refusal or neglect.

See notes to sec. 229.

An. Code, 1924, sec. 229. 1912, sec. 292. 1904, sec. 273. 1888, sec. 185. 1864, ch. 371. 1876, ch. 221.

231. If any person is or shall be aggrieved by any company incorporated by the laws of this State with authority to transport or carry persons or property for hire, by reason of anything done or omitted to be done by the said company, in violation or contravention of its duty in regard to the transportation or carriage of property or persons as aforesaid, it shall and may be lawful for such person to apply by petition in a summary way to the circuit court for the county or superior court of the city of Baltimore, where said company shall have an office for the transaction of business, for relief against the said alleged grievance; and thereupon the said court shall appoint a short day for hearing the matter of the said petition, of which said company shall have notice; and on hearing the parties, or in case the said company shall fail to appear and show cause against the said application, on examination of the said petition and the evidence which shall or may be produced by the petition in support thereof, the said court shall pass such order for relieving the said petitioner or otherwise as to justice shall appertain; and the said court shall have full power to enforce obedience to the said order by writ of injunction or attachment, or other process which would be applicable in the enforcement of the said order in the event that the same had been passed by the said court in the exercise of its general equity jurisdiction; and the said court shall have power to provide for the examination of witnesses by an examiner or under a commission or by deposition, and for taking or collecting other necessary evidence to be used at the hearing as aforesaid, and for the trial of issues involving any controverted matter of fact by a jury under the direction of the said court, if the said court shall deem such trial to be proper; and either party may appeal from the final order to be passed by the said court, or any order determining the merits of the said application or any part thereof to the court of appeals, and the said appeal shall be heard and determined at the first term of the said court next after the transmission of the transcript of the record of the said appeal to the said court; and in the event of an appeal as aforesaid, the said court of appeals shall have authority to pass such order in relation to the costs of the said proceeding as may seem right and proper.

See sec. 368, *et seq.*