

to the courts shall be taken or exercised within sixty days after the entry or rendition of such order or determination, and the right to commence any such action, proceeding or suit, or to take or exercise any such appeal or right of recourse to the courts, shall determine absolutely at the end of such sixty days after such entry or rendition thereof.

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.

Public Service Commission Law does not withdraw from a corporation the control of its financial policy. Commission has no jurisdiction to direct establishment of depreciation reserve and annual addition thereto. Supervision of commission over corporate accounts. Function of court in reviewing finding of commission as to reasonable rates. Burden of proof. Fair value of bridge held to be the issue, rather than original cost or cost of acquisition. Method of finding value. Rates, and allowance for maintenance, held unreasonable. *Havre de Grace Bridge Co. v. P. S. C. of Md.*, 132 Md. 18.

Courts may restrain by preliminary injunction the violation by a public service corporation of order of the P. S. C. An order of the commission remains in force until it is revoked or restrained as pointed out in this and the two following sections. Duty of obedience is imperative and mandatory. Distinction between the proceeding under this section and under sec. 394. The express mention of an injunction in sec. 394 does not exclude court's power to issue a preliminary injunction. Preliminary injunction should have issued. *Public Service Comm. v. Kensington R. R. Co.*, 131 Md. 654.

Inasmuch as the commission is named to uphold validity of its order, it becomes the representative of all interests save those attacking order; City of Hagerstown proper, but not necessary, party. Waiver of venue. Suit properly begun in Baltimore City rather than Washington County. Sec. 420 imposes no limitation upon portion of this section *re* where suit may be brought. *Pub. Serv. Commn. v. Byron*, 153 Md. 468.

Bill of W. B. & A. Ry. Co. attacking order of P. S. C. permitting bus company to enter non-competitive field in which railroad was furnishing adequate service was held sufficient as against demurrer. *Pub. Serv. Commn. v. Williams*, 166 Md. 278.

In a proceeding under this section, defense by demurrer, as well as by answer, is permissible. *Baldwin v. Pub. Serv. Commn.*, 160 Md. 204.

This section referred to in construing sec. 359. *Potomac Ed. Co. v. Pub. Serv. Commn.*, 165 Md. 466.

Cited but not construed in *Potomac Ed. Co. v. Pub. Serv. Commn.*, 165 Md. 460.

Complaint against Pub. Serv. Commn. for not applying art. 56, secs. 311, 312 and 316, as to co-operative associations operating milk trucks over same route as complainant, was sustained. *Pub. Serv. Comm. v. Tide Water Express Lines*, 168 Md. 587.

This section referred to in construing art. 56, secs. 311-322. See notes thereto. *Co-operative Co. v. P. S. C.*, 168 Md. 97.

Cited in *Zoning Appeals Board v. McKinney*, 174 Md. 561.

In view of this section and sec. 418, the Public Service Commission Law is not open to the objection that it allows no appeal to the courts. Delay in objecting to order. See notes to secs. 305 and 344. *Gregg v. Public Service Commission*, 121 Md. 32.

Cited in *Public Service Comm. v. Md. Bay Co.*, 176 Md. 64.

Cited in construing Sec. 349 and Secs. 311 and 312 of Art. 56. *Public Service Comm. v. Bakery & Dairy*, 176 Md. 193.

See notes to secs. 344, 376, 381, 388, 416 and 419.

An. Code, 1924, sec. 405. 1912, sec. 458. 1910, ch. 180, sec. 44 (p. 389).

416. 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.