

more, 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 petitioner 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.

Montel v. Consolidation Co., 39 Md. 164.

1880, ch. 292.

186. Nothing in this article shall apply to or authorize the construction of any elevated railroad, or of any other railroad, except a surface road; and no elevated railroad company shall be incorporated except under a special charter of the general assembly; and no elevated railroad shall be constructed in or through the city of Baltimore, or in or through any of the counties of the State, except under a special charter of the general assembly.