

In construing and enforcing the provision of this sub-title relating to forfeitures and penalties, the act of any director, officer or other person acting for or employed by any common carrier, railroad corporation, street railroad corporation or other corporation subject to this sub-title, acting within the scope of his official duties or employment, shall be in every case and be deemed to be the act of such common carrier or corporation or person.

An action to recover a penalty or a forfeiture under this sub-title may be brought in any court of competent jurisdiction in this State in the name of the State of Maryland, and shall be commenced and prosecuted to final judgment by counsel to the commission. In any such action all penalties and forfeitures incurred up to the time of commencing the same may be sued for and recovered therein and the commencement of the action to recover a penalty or forfeiture shall not be, or be held to be, a waiver of the right to recover any other penalty or forfeiture; if the defendant in such action shall prove that during any portion of the time for which it is sought to recover penalties or forfeitures for a violation of an order of the commission the defendant was actually and in good faith prosecuting a suit, action or proceeding in the courts to set aside such order, the court shall remit the penalties or forfeitures incurred during the pendency of such suit, action or proceeding. All moneys recovered in any such action, together with the costs thereof, shall be paid to the state treasurer, except one-fourth of the moneys recovered (exclusive of costs), which shall be paid to the mayor and city council of Baltimore.

A petition filed by the Public Service Commission under this section held good on demurrer. Where the owner of a truck hires it to B for the purpose of transporting such persons as the latter designates, he is a common carrier and must secure a permit from the Public Service Commission. *Towers v. Wildason*, 135 Md. 677, distinguished. *Goldsworthy v. Public Service Comm.*, 141 Md. 676.

Bill for injunction filed under this section, properly dismissed—see notes to sec. 346. *Towers v. Wildason*, 135 Md. 682.

This section referred to in construing sec. 365—see notes thereto. *Smith v. Northern Central Ry. Co.*, 119 Md. 484.

See notes to secs. 381 and 404.

An. Code, sec. 441. 1910, ch. 180, sec. 29 (p. 373).

**384.** The commission may investigate freight rates on interstate traffic of common carriers within the State, and when such rates are, in the opinion of the commission, excessive or discriminatory, or are levied or laid in violation of the interstate commerce law, or in conflict with the ruling, orders or regulations of the interstate commerce commission, the commission may apply by petition to the interstate commerce commission for relief, or may present to the interstate commerce commission all facts coming to its knowledge, as to violation of the rulings, orders or regulations of that commission, or as violations of the interstate commerce law.

See secs. 210, 265, 271, 364 and 373.

An. Code, sec. 442. 1910, ch. 180, sec. 30 (p. 373).

**385.** The commission shall, whenever it may deem it desirable to do so, investigate and ascertain the fair value of property of any corporation subject to the provisions of this sub-title and used by it for the convenience