

An. Code, sec. 451. 1910, ch. 180, sec. 37 (p. 382).

396. Before proceeding under a complaint presented as provided in this sub-title, the commission shall cause notice of such complaint, and the purpose thereof, to be served upon the person or corporation affected thereby. Such person or corporation shall have an opportunity to be heard in respect to the matters complained of at a time and place to be specified in such notice. If an investigation be instituted upon motion of the commission the person or corporation affected by the investigation may be permitted to appear before the commission at a time and place specified in the notice and answer all charges which may be preferred by the commission. After a hearing and after such investigations as may have been made by the commission or its officers, agents, examiners or inspectors, the commission within lawful limits may, by order, fix the maximum price, according to law, of gas and electricity to be charged by such corporation or person, or may order such improvement in the manufacture or supply of such gas, in the manufacture, transmission or supply of such electricity, or in the methods employed by such person or corporation as will, in its judgment, justly and lawfully improve the service. The price so fixed by the commission shall be the maximum price to be charged by such person or corporation for gas or electricity in such municipality or county until the commission shall, upon complaint, as provided in this section, or by the corporation interested, or upon its application for a new adjustment of rates or upon an investigation conducted by the commission on its own motion, again fix the maximum price according to law of such gas or electricity. In determining the price to be charged for gas or electricity the commission may consider all facts which, in its judgment, have any bearing upon a proper determination of the question, although not set forth in the complaint and not within the allegations contained therein.

An. Code, sec. 452. 1910, ch. 180, sec. 38 (p. 383).

397. Every gas corporation and electrical corporation and the officers, agents or employees thereof shall obey, observe and comply with every order made by the commission under authority of this sub-title, so long as the same shall be and remain in force. Any such corporation, or any officer, agent or employee thereof, who, knowingly, fails or neglects to obey or comply with such order, or any provision of this sub-title, shall forfeit to the State of Maryland not to exceed the sum of one thousand dollars for each offense. Every distinct violation of any such order of this sub-title shall be a separate and distinct offense, and in case of a continuing violation each day shall be deemed a separate offense. An action to recover such forfeiture 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 of 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 an action to recover a penalty of 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