

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 of 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. 344. *Towers v. Wildason*, 135 Md. 682.

Cited but not construed in *Ruark v. Engineers' Union*, 157 Md. 585.

This section referred to in construing sec. 373—see notes thereto. *Smith v. Northern Central Ry. Co.*, 119 Md. 484.

See notes to secs. 391 and 415.

An. Code, 1924, sec. 334. 1912, sec. 441. 1910, ch. 180, sec. 29 (p. 373).

395. 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.

Cited in *Inter-Island Co. v. Hawaii*, 305 U. S. 312.

See secs. 213, 266, 272, 370 and 381.

An. Code, 1924, sec. 385. 1912, sec. 442. 1910, ch. 180, sec. 30 (p. 373).

396. 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 of the public. For the purpose of such investigation the commission is authorized to employ such engineers, experts and other assistants as may be necessary. Such investigations shall be prosecuted with diligence and thoroughness, and the results thereof reported to the legislature at each regular session. Such valuation shall show the value of the property of every such corporation as a whole, and the value or its property in each of the several counties and municipalities within the State of Maryland. Every such valuation shall be so made and ascertained by the commission that as far as possible it shall not disturb the value of bonds of said corporation issued prior to April 5, 1910.

Every such corporation shall furnish to the commission from time to time, and as the commission may require, maps, profiles, contracts, reports of engineers and other documents, records and papers, or copies of any and