

tricity 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.

FORFEITURE FOR NON-COMPLIANCE WITH ORDER OF COMMISSION.

SEC. 38. *And be it further enacted,* That 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 Act, 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 Act, 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 Act 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 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 the suit, or proceeding in the courts to set aside such order, the court shall remit the penalties or forfeitures incurred during 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 thereof, which shall be paid to the Mayor and City Council of Baltimore.

Whenever the Commission shall be of the opinion that a gas corporation or electrical corporation is failing or omitting, or about to fail or omit, to do anything required of it by law or by order of the Commission, or is doing anything or about to do anything or about to permit anything to be done, contrary to or in violation of law or of any order of the Commission, it shall direct Counsel to the Commission to commence an action or proceeding before one of the Judges of the Supreme Bench of Baltimore City or in one of the Circuit Courts of the counties, in the name of the