

this State to be a full and adequate description of the equipment now used by said company in furnishing the service mentioned in this proviso, which description or a copy thereof, duly certified by said clerk, shall be taken as a true description of said equipment in all proceedings, whether civil or criminal, which may hereafter be taken to enforce the requirements of this proviso or of the sections of this article therein mentioned, and the said equipment shall always include and secure for each subscriber a separate wire; and if any individual, company or corporation owning, controlling, managing or operating a telephone line or lines within the limits of this State, shall at any time hereafter neglect or refuse to furnish the equipment and service mentioned in this proviso to any person or corporation entitled thereto under the terms of the sections of this article enumerated in said proviso, the said individual, company or corporation so refusing or neglecting, and the officers or agents of any such company or corporation, and the agents of every such individual, shall be liable to indictment therefor, and upon conviction thereof shall be fined for each offense not less than fifty dollars, nor more than two hundred dollars, in the discretion of the court; and provided also that any person entitled to telephone service under the provisions of said sections 368 to 373 (both inclusive), but no other person, shall have the right and privilege to use, without extra charge, any other telephone equipment, with the consent of the subscriber to the last mentioned equipment, and any individual, company or corporation, or the officers and agents of any such company or corporation, and the agents of every such individual refusing or neglecting to allow such right or privilege shall be liable to indictment, and upon conviction thereof shall be fined for each offense not less than fifty dollars nor more than two hundred dollars, in the discretion of the court.

The description of telephone equipment set out in this section, has no application to cases in which parties have entered into lawful contracts in which they fix for themselves the terms of their contracts, and define what they are contracting for. *Simons Co. v. Md. Telephone Co.*, 99 Md. 170. And see *Maryland Telephone Co. v. Simons Co.*, 103 Md. 139.

See sec. 454.

1908, ch. 280.

**374.** Telegraph companies engaged in the business of transmitting communications by telegraph in the State of Maryland, and charging tolls therefor, shall show conspicuously on each and every telegram delivered the time it was filed for transmission and the time it was received at the office from which it is to be delivered. The time of filing the telegram at place of origin and the time received at destination of each and every telegram transmitted, as provided in this section, shall appear on each and every telegram under the captions "time filed" and "time received." Failure to comply with the provisions of this section shall be punishable by a fine of not less than ten dollars (\$10), nor more than two hundred dollars (\$200) for each and every telegram delivered in violation thereof.