

the court; all fines to be imposed under this section shall be paid to the State.

An indictment should name the person to whom the liquor was sold, or state that the purchaser was unknown to the jurors. The particular Sunday upon which the liquor was sold need not be stated in the indictment. *Capritz v. State*, 1 Md. 573.

See notes to sections 436 and 437.

### Sodomy.

1904, art. 27, sec. 387. 1888, art. 27, sec. 250. 1860, art. 30, sec. 201. 1793, ch. 57, sec. 10. 1809, ch. 138, sec. 4.

**439.** Every person convicted of the crime of sodomy shall be sentenced to the penitentiary for not less than one year nor more than ten years.

An assault with intent to commit sodomy, held to be punishable by the act of 1793, chapter 57. In an indictment for sodomy, it is unnecessary to lay the *carnaliter cognovit*. *Davis v. State*, 3 H. & J. 157.

### Telegraphs—Injury to.

*Ibid.* sec. 388. 1888, art. 27, sec. 251. 1868, ch. 471, sec. 134.

**440.** Any person who shall unlawfully and intentionally injure, molest or destroy any of the lines, posts, piers or abutments, or the materials or property connected with the working of any telegraph lines, shall on conviction thereof be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county or city jail not exceeding one year, or both, at the discretion of the court before which the conviction shall be had.

### Telegraphs and Telephones.

*Ibid.* sec. 389. 1888, art. 27, sec. 252. 1868, ch. 471, sec. 135. 1900, ch. 610.

**441.** Any person connected with any telegraph or telephone corporation, company or individuals operating said lines for profit in this State, either as clerk, operator, messenger, or in any other capacity, who shall wilfully divulge the contents or nature of the contents of any private communication entrusted to him for transmission or delivery, or who shall wilfully refuse or neglect to transmit or deliver the same, shall, on conviction before any court having criminal jurisdiction, be adjudged guilty of a misdemeanor, and shall suffer imprisonment in the jail in the county or city where such conviction shall be had for a term of not more than three months, or shall be fined not exceeding five hundred dollars, or both, in the discretion of the court.

### Theatrical Exhibitions—Waitresses.

*Ibid.* sec. 390. 1888, art. 27, sec. 253. 1864, ch. 399.

**442.** It shall not be lawful for any proprietor, lessee or manager of any theatre, museum or other place of amusement to employ women or girls as waiters, or to permit them to act in such theatre or place of amusement, or among the audience or frequenters of such theatre