

thirty miles and not more than fifty miles, one cent a mile; where the distance is more than fifty miles, fifty cents; and one-half a cent for each mile in excess of fifty miles.

See sec. 400 and note to sec. 304.

An. Code, sec. 370. 1904, sec. 335. 1892, ch. 387, sec. 232C.

306. The word "telephone" wherever used in sections 304 to 309, shall be construed to include, and consist of a receiver, a transmitter, a magneto or call-bell, or cell battery, a backboard, a battery box and all necessary appliances now and hereafter in use for and constituting a telephone equipment as now or heretofore rented by telephone companies to their patrons and subscribers.

Definition of word "telephone" as 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. Maryland Telephone Co.*, 99 Md. 170. And see *Maryland Telephone Co. v. Simons Co.*, 103 Md. 139.

See notes to sec. 304.

An. Code, sec. 371. 1904, sec. 336. 1892, ch. 387, sec. 232D.

307. Every telephone company with wires wholly or partly within this State and engaged in a general telephone business shall, within the local limits of such telephone company's business, supply all applicants for telephone connections and facilities with such connections and facilities, without discrimination or partiality; provided such applicant comply or offer to comply with all reasonable regulations of the company; and no such company shall impose any conditions or restrictions upon any such applicant that are not imposed impartially upon all persons or companies in like situation, nor shall such companies discriminate against any individual or company engaged in any lawful business, or between individuals or companies engaged in the same business, by requiring, as a condition for furnishing such facilities that they shall not be used in the business of the applicant, or otherwise, for any lawful purpose.

This section referred to in construing sec. 337—see notes thereto. *Webster v. Susquehanna Pole Line Co.*, 112 Md. 427.

See sec. 400 and notes to sec. 304.

An. Code, sec. 372. 1904, sec. 337. 1892, ch. 387, sec. 232E.

308. Any owner, operator, agent or other person who shall collect or receive for the rental or use of any such telephone and line any sum in excess of the ratio fixed by sections 304 and 305 shall upon conviction be fined not less than one hundred dollars for each offense.

See notes to sec. 304.

An. Code, sec. 373. 1904, sec. 338. 1894, ch. 207, sec. 232F.

309. But any person, firm or corporation may contract in writing or partly in print and partly in writing, and not otherwise, with any individual, company or corporation now or hereafter owning, controlling, managing or operating any telephone line or lines within the limits of this State, for such special form, description and amount of telephone equipment and service, expressed in such contract, as such person, firm or cor-