

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 305 to 310 (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. 411 and notes to sec. 305.

An. Code, 1924, sec. 310. 1912, sec. 374. 1908, ch. 280.

311. 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.

This section relates only to messages from one point in the state of Maryland to another point in the state, and is a valid exercise of police power. This section is mandatory and cannot be waived by sender of a message so as to relieve the company from complying with its provisions, nor can sender be required to pay costs of notations as to time. *Postal Telegraph Co. v. State*. 110 Md. 613.

Turnpike, Plank Road and Passenger Railway Companies.

An. Code, 1924, sec. 314. 1912, sec. 382. 1904, sec. 343. 1888, sec. 233. 1868, ch. 471, sec. 107. 1882, ch. 456.

312. Corporations for making turnpikes, or plank roads, or passenger railways outside of the limits of the city of Baltimore, may be formed as hereinbefore provided; no such passenger railway to exceed twelve miles in length; and such turnpikes, plank roads, or passenger railways may be constructed on the bed of any county road or on part of the bed thereof, the consent of the county commissioners of the county in which said road may lie, having been first given in writing and recorded among the proceedings of said county commissioners, and also recorded in the book or journal of proceedings of said corporation; the location of the bed of any part of said county road may be changed by said corporation, for the purpose of a better construction of said turnpike, or plank road, or passenger railway; provided, the land to be occupied be obtained by agreement with the owners thereof, or by condemnation; at least fifteen feet in width of the