

sending or desiring to send such despatch ; provided, however, that arrangements may be made with the proprietors or publishers of newspapers for transmission of intelligence of general and public interest, for the purpose of publication out of its order.

Telegraph and telephone companies are engaged in a public service and must perform their duties impartially and without discrimination, subject to reasonable rules and regulations. They cannot be exonerated from the performance of this duty by any conditions or restrictions imposed by a contract with the owner of the invention applied in the exercise of the employment. The legislature has full power to regulate and control such companies within reasonable limits. *Mandamus properly issued. Chesapeake, etc., Telephone Co. v. Baltimore, etc., Telegraph Co., 66 Md. 410.*

Where a company had adopted rules and regulations as it was authorized to do by art. 26, sec. 117, of the Code of 1860, a person dealing with it was bound to know that the engagements of the company were controlled by such rules and regulations, and hence they were engrafted into the contract. Those dealing with the company must be supposed to know its rules and regulations. What a company's rules and regulations cannot protect it against. *U. S. Telegraph Co. v. Gildersleeve, 29 Md. 247; Birney v. New York, etc., Telegraph Co., 18 Md. 356; Greer v. Western Union Tel. Co., 143 Md. 675.*

Limitation of liability of telegraph company to defaults on its own line, upheld; judgment for defendant in action for non-delivery of money sent by telegraph, affirmed. *Greer v. Western Union Tel Co., 143 Md. 675.*

See sec. 401.

An. Code, sec. 364. 1904, sec. 329. 1888, sec. 229. 1868, ch. 471, sec. 134.

**300.** Any person who shall unlawfully and intentionally injure, molest or destroy any of said 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.

An. Code, sec. 365. 1904, sec. 330. 1888, sec. 230. 1868, ch. 471, sec. 135.

**301.** Any person connected with any such corporation in this State, either as clerk, operator messenger, or in any other capacity, who shall wilfully divulge the contents or the 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, 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, in the discretion of the court.

An. Code, sec. 366. 1904, sec. 331. 1888, sec. 231. 1868, ch. 471, sec. 136.

**302.** If the wires or cords of any telegraph line be located or stretched, or extended from one post or pole to another in such manner as to prevent the owner of any timber growing along the line of such telegraph corporation from cutting and felling the same, and the owner thereof in cutting or felling such timber shall injure the wires, cords or posts of such telegraph line, he shall not be liable to an action for damages, unless it shall appear that in such cutting and felling, or in having the same cut or felled, the said owner wilfully and intentionally injured such wires, cords and posts.

See notes to sec. 293.