

whenever such consolidation as aforesaid is made, a certificate of the same and of the particulars thereof shall be executed and acknowledged by the president or other principal officers of said corporations so consolidating, which said certificate shall be recorded in the clerk's office of the superior court of Baltimore City, if the principal office of the said consolidated corporation in this State is located in Baltimore City, or in the office of the clerk of the circuit court for that county in which the principal office of said consolidated company in this State is located, and when said consolidated company is formed it shall be subject to the provisions of this article as far as the same are applicable.

See secs. 33 and 412.

An. Code, 1924, sec. 299. 1912, sec. 363. 1904, sec. 328. 1888, sec. 228. 1868, ch. 471, sec. 133.

300. Persons, associations or corporations, owning any telegraph line doing business within the State, shall receive despatches from and for other telegraph lines, associations and companies, and from and for any individual, and shall transmit such despatches in the manner established by the rules and regulations of such telegraph lines, and in the order in which they are received, with impartiality and good faith, under the penalty of one hundred dollars for every neglect or refusal so to do, to be recovered, with costs of suit, in the name and for the benefit of the person or persons 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. 412.

An. Code, 1924, sec. 300. 1912, sec. 364. 1904, sec. 329. 1888, sec. 229. 1868, ch. 471, sec. 134.

301. 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.