

the boundaries thereof, and along and upon any postal roads and postal routes, roads, streets and highways, or across any of the bridges or waters within the limits of this State, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, without their being deemed a public nuisance, or subject to be abated by any private party; provided, the same shall not be so constructed as to incommode injuriously the public use of said postal roads or postal routes, roads, highways and bridges or injuriously interrupt the navigation of said waters, or interfere with the convenience of any land owner more than is unavoidable; and this section shall not be so construed as to authorize the construction of any bridge across any of the navigable waters of this State; but the said corporation shall be responsible for any damages which any person or corporation may sustain by the erection, continuance and use of such fixtures; and in any action brought for the recovery thereof by the owner or possessor of any lands, the damages to be awarded may, at the election of such corporation, include the damages for allowing the said fixtures permanently to continue; on payment of which damages, the right of the corporation to continue such fixtures shall be confirmed, as if granted by the parties to the suit; provided, that no person or body politic shall be entitled to sue for or recover damages as aforesaid, until the said corporation, after due notice, shall have failed or refused to remove, in reasonable time, the fixtures complained of; or the president and directors of the said company may apply to a justice of the peace of the county or city where such lands are, and such justice shall thereupon issue his warrant, directed to the sheriff of said county or city, commanding him to summon twelve disinterested persons, qualified to serve as jurors, to meet at the proper place, as directed by the said justice; and the sheriff shall qualify the said persons, by oath or affirmation, faithfully to perform the duties required of them by the next succeeding section.

The owner of a lot abutting on a street in which telephone or telegraph poles are erected, may recover for such direct and immediate injuries as he sustains by such erection. The owner of the fee in the bed of the street may recover damages for the additional servitude imposed by such erection. The planting of a pole in a highway or street is not a public nuisance, but as to a country highway, is an appropriation of private property. Distinction between the uses to which city streets and country roads may be put. If the company elects to pay damages only for the period up to the bringing of the suit, subsequent suits may be brought. Injunction. Limited effect of this section. Measure of damages. *Chesapeake, etc., Telephone Co. v. Mackenzie*, 74 Md. 46.

See sec. 405, and notes to sec. 357.

1904, art. 23, sec. 325. 1888, art. 23, sec. 225. 1868, ch. 471, sec. 130.

**360.** The said jury shall make a just and equitable appraisalment of all the loss or damage that may be sustained by any person or corporation, on or over whose lands or bridges said posts, piers or abutments are intended to be placed, and shall make a true return and inquisition thereof, in writing, under their hands and seals.