

## Sec. 36.

This section referred to in construing article 15, section 1, of the constitution, and the act of 1910, chapter 180 (creating the public service commission)—see notes to the former and to article 23, section 414, of the code. *Thriff v. Laird*, 125 Md. 62.

## Sec. 37.

This section referred to in construing article 15, section 1, of the constitution, and the act of 1910, chapter 180 (creating the public service commission)—see notes to the former and to article 23, section 414, of the code. *Thriff v. Laird*, 125 Md. 62.

## Sec. 38.

This section referred to in construing article 15, section 1, of the constitution, and the act of 1910, chapter 180 (creating the public service commission)—see notes to the former and to article 23, section 414, of the code. *Thriff v. Laird*, 125 Md. 62.

## Sec. 40.

Where property does not abut on the portion of a street which is closed, and ingress and egress to and from the property has not been affected, but the direct approach to it by way of the closed street is cut off, a more circuitous route being required, an appeal from the refusal of the commissioners for opening streets to allow damages, is properly dismissed; the property is not "taken" in the constitutional sense, and the owner is not entitled to damages. Cases reviewed. *German Lutheran Church v. Baltimore*, 123 Md. 145.

If property is not "taken," but mere inconvenience of access or diminution of light and air is caused, this section is not violated, and equity will not interfere; recovery at law. Cases reviewed and distinguished. *Baltimore v. Bregenzer*, 125 Md. 82; *Taylor v. Baltimore*, 130 Md. 142.

On appeal from the award of the commissioners for opening streets of the City of Baltimore, the city, as well as the property owner, is entitled to a jury trial; this is true though the appeal is taken by the property owner. History of this section. *Patterson v. Baltimore*, 127 Md. 235.

An award of damages for the opening of a street which did not include compensation for the resulting injury to the land not taken, would not constitute just compensation within the meaning of this section. *Baltimore v. Megary*, 122 Md. 28.

For a railroad to allow steam or hot water from its round-house to flow over adjoining land so as to make a deep ditch or ravine, and by undermining the soil wash away a bridge, is a "taking" of property within the meaning of this section; hence, relief may be granted in equity. When the plaintiff will be limited to damages at law. Cases reviewed. *N. C. Ry. Co. v. Oldenburg*, 122 Md. 248.

The discharge of sewage from a disposal plant near plaintiff's property so as to cause odors thereon and thus depreciate its value, held not to be a "taking" within the meaning of this section; recovery of damages at law. Cases reviewed. *Taylor v. Baltimore*, 130 Md. 137.

This section referred to in construing article 15, section 1, of the constitution, and the act of 1910, chapter 180 (creating the public service commission)—see notes to the former and to article 23, section 414, of the code. *Thriff v. Laird*, 125 Md. 62.

See notes to article 23 of the Declaration of Rights and to article 72, section 85 of the code.

## Sec. 43.

To the first and second notes to this section on pages 60 and 61 of volume 3 of the Annotated Code, add *Masterman v. Masterman*, 129 Md. 171.