

The owner of a lot abutting on a street may recover for such direct and immediate injuries as he sustains by the erection of telegraph, etc., poles. Recovery by owner of fee in the street. 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.

This section did not give the right to telegraph or telephone companies to make special or exclusive use of the state's property without compensation. The legislature has not delegated to the state roads commission the authority to impose charges upon new users, or create a new liability upon telegraph and telephone companies for the use of the state roads. The commission, however, as the assignee of the turnpike road, may enforce an existing liability founded upon a contract acquired in the purchase of such turnpike. *C. & P. Tel. Co. v. State Rds. Comm.*, 134 Md. 4. Inasmuch as the city of Baltimore has full and complete control over its streets and highways, the enforcement of an ordinance providing that the *C. & P. Telephone Company* should pay a pole rental for the use of streets within the section added to the city by the act of 1918, ch. 82, held not to violate this section or impair contract obligation. *Baltimore v. Ches. & Pot. Tel. Co.*, 142 Md. 82.

Contention that this section and sec. 337 confer upon telegraph and telephone companies power to construct lines upon highways or across bridges or waters in Maryland, by the erection of fixtures free of charge, overruled. State roads commission, under the facts, has authority to recover compensation for the use of the state for defendant's use and occupation of Conowingo Bridge. 132 Md. 194, distinguished. Demurrer. Prayers. *American Telegraph & Telephone Co. v. State Rds. Comm.*, 134 Md. 14.

The general privilege accorded telegraph and telephone companies to construct lines on public highways without liability for the creation of a nuisance, does not obligate state to permit any individual company to occupy and use state highways without compensation. City's right to charge for poles erected in streets, affirmed. While state has the right to impose a charge upon use of state roads for construction of conduits and manholes, this authority has not been delegated to state roads commission. A permit from the commission, however, in exercise of its regulative powers, held necessary; injunction properly refused. *C. & P. Tel. Co. v. State Rds. Comm.*, 132 Md. 197.

See sec. 337 and notes to sec. 293.

An. Code, sec. 360. 1904, sec. 325. 1888, sec. 225. 1868, ch. 471, sec. 130.

296. 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.

An. Code, sec. 361. 1904, sec. 326. 1888, sec. 226. 1868, ch. 471, sec. 131.

297. The sheriff shall make return of the inquisition so found, to the clerk of the circuit court for the county, or the superior court of Baltimore city, who shall file the same and lay it before the said court at its next session; and such inquisition shall be confirmed by said court, unless good cause be shown to the contrary; and when confirmed, shall be recorded by the clerk, at the expense of the corporation; but if set aside, the said court may direct another inquisition to be taken in the manner above prescribed. The valuation of such loss or damage, when paid or tendered to the owner or owners of the property, or his, her or their legal representatives shall entitle the said corporation to the easement thus valued, as fully as if it had been conveyed to the said corporation by the owner or owners of the same; and the valuation, if not received when tendered, may, at any time