

(b) (1) If the person filing suit for damages under this section prevails, the [telegraph or telephone] company may elect to pay damages for allowing the [telegraph or telephone] company to maintain the [telegraph or telephone] facilities permanently.

(2) If the damages paid include damages for allowing the [telegraph or telephone] company to maintain the [telegraph or telephone] facilities permanently, the right of the [telegraph or telephone] company to maintain the [telegraph or telephone] facilities permanently shall be confirmed as if the right were granted by the parties to the suit.

8-106.

(a) To obtain an easement, the president and directors of a telegraph or telephone [company] COMPANY, ~~OR, AS OR A CORPORATION AUTHORIZED UNDER § 5-410 § 5-410(A)(3) OF THIS ARTICLE, AN ELECTRIC COMPANY~~ may apply to the circuit court of the county containing the land or bridge where the [telegraph or telephone] TELEGRAPH, TELEPHONE, OR ELECTRIC facilities will be placed to empanel a jury to appraise the loss or damage that will be sustained by the owner or possessor of the land or bridge.

(b) (1) (i) The jury shall make a return and inquisition in writing that is signed and sealed by each juror.

(ii) The return and inquisition shall state the amount of the loss or damage.

(2) (i) The county sheriff shall return the jury's inquisition to the clerk of the circuit court of the county.

(ii) The clerk shall file the inquisition with the court.

(3) Except as provided in paragraph (4) of this subsection, the court shall confirm the inquisition of the jury and the clerk shall record the inquisition at the expense of the [telegraph or telephone] company.

(4) For good cause, the court may set aside the inquisition and direct another inquisition to be taken as provided in this section.

(c) (1) When the value of the loss or damage is paid or tendered to the owner of the land or the legal representative of the owner of the land, the [telegraph or telephone] company is entitled to the easement as if the owner of the land conveyed the easement to the [telegraph or telephone] company.

(2) If the value is not received when tendered, it may be received at any time without costs by the owner of the land or the legal representative of the owner of the land.

12-101.

(d) (2) "Excavation" includes grading, trenching, digging, ditching, drilling, augering, tunnelling, scraping, cable or pipe plowing and driving A MASS OF material [mass].