

show cause, if any they have, why the same should not be confirmed during the ten days succeeding the filing of the said award; and if the appraisers appointed as hereinbefore provided should be unable to agree upon an award, they shall so report to the said Court, and new appraisers shall be appointed, who shall proceed as above provided; and new appraisers may in like manner be appointed from time to time, until an award shall be agreed upon; the said award shall lie in Court ten days subject to exception, and either the petitioner or any defendant or any owner or reputed owner of any interest in the property sought to be condemned whether he shall have previously appeared to the said petition, or shall have been made a party thereto or not, shall have the right to file exceptions to said award; upon such exceptions being filed the Court shall, as soon thereafter as conveniently may be, have the same heard, tried and determined in Court before a jury, unless a jury trial is waived, or by the Court if a jury trial is waived; in the same manner and governed by the same rules of law as to the admission of evidence and instructions to the jury as now apply to the trial of appeals in cases growing out of the opening of highways. Upon the request of any party or any juror the Court shall send the jury to view the premises in the same manner as is now done in actions at law by consent. The Court shall have the same power as in ordinary cases at law, to strike out the verdict of the jury and grant a new trial. If no exception be filed to the award of the appraisers, the same shall stand confirmed at the end of ten days after the filing of same. After the confirmation of all the awards of the appraisers to which there are no exceptions, after the rendition of the judgment of the Court upon the exceptions thereto, if said exceptions are tried before the Court, or after the judgment of the Court upon the verdicts of the jury, if said exceptions are tried before the jury, the petitioner shall pay to the owner or owners of the property condemned, the amount so awarded to them respectively; or, in case any owner refuses to receive the amount awarded to him, or is out of the jurisdiction of the Court, the petitioners may pay the same into Court into the hands of the clerk thereof for the use of such owner, and upon such payment being made, the petitioner shall become vested with the title to the property so condemned, or the interest of the defendants therein; subject, however, to the right of appeal from said judgment by any party interested in said property hereinafter provided for. The title acquired in any condemnation proceeding under this act shall be absolute, or fee simple, or all the right, title and interest of all the parties