

to the proceedings, unless otherwise specified in the judgment of condemnation.

6. From any judgment that the property be condemned, or dismissing the petition, an appeal may be taken to the Court of Appeals within ten days after the entry of said judgment, but not afterward, and the record shall be sent up to the Court of Appeals within thirty days after the entry of the appeal.

Every appeal from any judgment in proceedings under this act shall stand for hearing at the next term after the record is received by the clerk of the Court of Appeals, if the Court be not sitting, or at the pending term if the Court be in session, and the Court of Appeals may advance any such appeal as to the Court may seem proper, if the final decision be that the petitioner is not entitled to condemn the property a reasonable counsel fee to be fixed by the Court shall be awarded to counsel for the defendant and taxed against the petitioner, together with the other costs of the case.

7. The State, and any municipal or other corporation, commission, board, body or person, which under the laws of this State, has the right to acquire property by condemnation, shall acquire such property, if condemnation proceedings be resorted to, in pursuance of, and under the provisions of, this article, anything in any other Public General Law or Public Local Law or private or special statute to the contrary notwithstanding; provided, however, that nothing in this article contained shall apply to or change the present law or procedure for the opening, closing, widening or straightening of highways.

8. In any proceedings under this article, the petitioner shall pay all the costs in the lower Court to be taxed as in ordinary actions at law, and also the cost of the compensation to the appraisers to be fixed by the Court, and also the usual *per diem* to the jurors, in the case of a jury trial, which shall be taxed among the costs of the case, to be paid by the petitioner. The costs in the Court of Appeals, in any appeal from any proceedings under this article, shall be paid as directed by said Court, in the same manner as costs in appeals from ordinary actions at law.

SEC. 2. *And be it further enacted*, That this act shall take effect from the date of its passage.

Approved April 8, 1912.