

of Appeals, if that Court be not sitting, or at the pending term if the Court is then in session, and the Court of Appeals may advance the hearing of such appeal in its discretion, and 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.

1912, ch. 117. 1914, ch. 463, sec. 15.

14. 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.

1912, ch. 117. 1914, ch. 463, sec. 16.

15. In any proceeding 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 usual *per diem* to the jurors in the trial of the case which shall be taxed along with the other costs in the case. The costs in the Court of Appeals in any appeal from any proceeding under this Article shall be paid as directed by said Court in the same manner as costs in appeals from ordinary actions at law.

1912, ch. 117. 1914, ch. 463, sec. 17.

16. In case any defendant shall appeal within the time aforesaid to the Court of Appeals, from any final judgment in said lower Court, condemning his property and awarding him damages and costs as aforesaid, the petitioner, if he or it so desires, may at any time after the entry of said appeal tender to such defendant or defendants appealing, the amount of the compensation, damages and costs so awarded by said jury and the judgment of said Court, and if any such defendant or defendants shall refuse to accept such tender of said judgment and costs, then such petitioner may pay the same into said Court into the hands of the Clerk thereof for the use of such defendant or defendants so appealing, and to be thereafter paid over by such clerk to said defendant or defendants at any time such defendants will accept and receive the same, and upon such tender and refusal, the petitioner may at the time of such payment into Court, file with the said Clerk a bond to the State of Maryland in such penalty as said Court may prescribe, conditioned that in case said judgment shall be reversed, the petitioner shall well and truly pay and satisfy such defendant or defendants so appealing, all damages which may be caused such defendants by the