

petitioner, by taking possession and using the property of such defendant or defendants before the final determination of his or their appeal, which bond shall be executed by the petitioner, together with a surety or sureties approved by said Court, or the Clerk thereof, and upon said payment into Court, and the filing of such bond, the petitioner may at once, without waiting for the determination of said appeal, take possession of such property or estate or interest therein, of such defendant or defendants so appealing from said judgment. If said judgment shall be affirmed by the Court of Appeals, said bond shall thereby be discharged, and title to said property shall then vest in the petitioner as aforesaid, but if said judgment shall be reversed by the Court of Appeals, then said petitioner shall at once abandon and surrender possession of said property or estate of such defendant or defendants, and said bond shall thereupon be liable to such defendant or defendants prevailing upon such appeal, for all damages as aforesaid which have been occasioned to such defendants by the petitioner, in taking possession and using the said property, before the final determination of said appeal.

1912, ch. 117. 1914, ch. 463, sec. 18.

17. In the event that Section 16 should be declared void for any reason by any Court of last resort, such invalidity of Section 16, if so declared, shall not affect the validity or effect of any of the other Sections of this Article, it hereby being declared to be the intention of the Legislature that, even if Section 16 be declared void, the remainder of the Article shall stand, and to have the same effect as if said Section 16 had never been enacted therewith.