

property the amount of such appraisement and give bond, with penalty to be fixed by the Court and security to be approved by the Court, to pay any additional amount which may be awarded by a jury in said case, and, thereupon, at any time after thirty days thereafter, the petitioner may take possession of the property and proceed with the improvement for which the same is sought to be condemned; and the acceptance of said sum by the property owner shall not prejudice his contention, if he makes such contention, that he should be allowed a larger sum, but the case shall proceed and the jury shall fix the damages to be awarded for said property, as if said payment had not been made, and, in the event that a larger sum is fixed than said payment, the difference shall thereupon be paid to the property owner and the petitioners shall pay the costs, but, if the jury fix a less amount than the appraisement, the property owner shall not be obliged to return any of the amount of appraisement so received, but shall pay all costs of said proceedings, except the compensation to the appraisers. In the event that the owner, or one of the owners, of such property is a minor, insane, unknown, or otherwise incapable of receiving said payment, or in case the owner or owners of such property refuse to accept said payment, the same may be paid into Court and, upon such payment being made and security given as aforesaid, the petitioners may take possession forthwith of the property so sought to be condemned and the same proceedings shall be had as if the payment were made to the property owner. The property owner may file exceptions to the amount awarded by the appraisers and demand a jury trial thereon at any time before the expiration of the time for taking an appeal from the assessment of benefits by the Commissioners for Opening Streets in the matter of opening, extending, widening, straightening or closing said street. And, in the event that a part only of a lot or of a lot and improvements is taken under Sections 1 and 2 hereof, and benefits are assessed by the Commissioners for Opening Streets against the owner of the remainder of said lot or of said lot and improvements, and an appeal is taken from said assessment of benefits, the said appeal shall be filed in the case in which the said part of said lot or of said lot and improvements has been taken, and the exceptions from the award of damages by the appraisers, if such exceptions are filed, and the appeal from the assessment of benefits shall be tried together.

1914, ch. 150, sec. 3.

829C. That, upon any appeal being taken to the Baltimore City Court from any action of the Commissioners for Opening Streets, in fixing the damages to be awarded for any property proposed to be taken for a public highway, or part thereof, the said Court, upon application of the Mayor and City Council of Baltimore, may appoint three disinterested appraisers to appraise the damages to be awarded to the owner of said property; said appraisers shall return their appraisement within ten days, and, upon payment of the amount of such appraisement and giving security as hereinabove provided in Section 829B, the Mayor and City Council of Balti-