

acquired in any condemnation proceeding under this Article, shall be an absolute or fee simple title, and shall include and be all the right, title and interest of each and all the parties to the proceedings, whose property has been so condemned, unless otherwise specified in the judgment of condemnation.

16. [Every appeal from any judgment in said proceedings to the Court of Appeals of Maryland under this Article, shall stand for hearing at the next term after the record is received by the Clerk of the Court 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 after an appeal to the Court of Appeals the final decision be that the petitioner is not entitled to condemn the property, a reasonable counsel fee to be fixed by the Court of Appeals shall be awarded to counsel for the defendant and taxed against the petitioner, together with the other costs of the case.*

19. 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 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.

21. Upon the filing of a petition of condemnation by the State Roads Commission under this Article, the Court or any Judge there-