

peal is not provided for, an appeal may be taken by either party to the court of common pleas of the county within thirty days from the filing of the report.

Any such appeal taken shall be signed by the party taking the same or by his agent or attorney, and shall be accompanied by an affidavit of the party appellent, or of the agent or attorney, that the same is not for the purpose of delay, but because the affiant firmly believes that injustice has been done.

When no such appeal is taken and judgment is entered, and the party to whom damages have been awarded refuses to accept payment of such award or judgment, then it shall be lawful for such township, upon petition to the court after notice as ordered by court, to pay the amount of the award and costs into the court. The court, upon such payment, shall order the satisfaction of the award or judgment.

(b) Procedure for the Exercise of Eminent Domain and for the Assessment of Damages and Benefits

Section 1920. Petition for Viewers; Time of Meeting.—Except as in this act otherwise provided, in case the compensation for damages or benefits accruing from the exercise of the right of eminent domain and/or from the erection and construction of public improvements have not been agreed upon, the court of common pleas, or any law judge thereof in vacation, on application thereto by petition by the township or any person interested, shall appoint three viewers, from the board of viewers of the county, and appoint a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the line of the improvement and view the same and the premises affected thereby.

Section 1921. When Viewers May be Appointed.—The viewers provided for in the preceding section may be appointed before or after the entry, appropriation, or injury of any property or materials for constructing such improvements.

Section 1922. Notice of Meeting of Viewers.—Except when otherwise in this act provided, the viewers shall give at least ten days' notice of the time of their first meeting, by publication in one or more newspapers of general circulation in the township, and by hand-bills posted upon the premises, or otherwise as the court shall direct.

Section 1923. Swearing Viewers; Hearings; Schedules of Damages and Benefits.—The viewers, having been sworn or affirmed faithfully, justly and impartially to decide and a true report to make concerning all matters to be submitted to them and in relation to which they are authorized to inquire, and having viewed the premises and examined the property, shall hear all parties interested and their witnesses and shall de-

termine the damages for property taken, injured or destroyed, if any, and to whom the same is payable, and having determined the damages, together with the benefits, they shall prepare a schedule thereof.

Section 1924. Assessment of Damages and Benefits.—The damages may be paid in whole or in part by the township, or may be assessed in whole or in part upon the property benefited. In the latter case, the viewers, having first determined the damages apart from the benefits, shall assess the total cost of the improvement, or so much thereof as may be just and reasonable, upon the properties peculiarly benefited, including in the assessment all parties for which damages have been allowed, and shall report the same to the court. The total assessments for benefits shall not exceed the total damages awarded or agreed upon.

Section 1925. Assessment Awards.—In proceedings to assess damages and benefits, if the property is both benefited and damaged by such improvements, the excess of damages over benefits, or the excess of benefits over damages, or nothing in case the benefits and damages are equal, shall be awarded to or assessed against the several owners of property affected thereby.

Section 1926. Separate Reports of Damages and Benefits.—The preceding section shall not prevent the viewers from making a separate report of the damages and benefits, respectively. In such event, if the damages to the property of any person be greater than the benefits, or if the benefits, be greater than the damages, or if the damages and benefits be equal, in either case the viewers shall strike a balance and carry the difference forward to another column, so that the assessment shall show what amount is to be received or paid by the property owner and the difference only shall be collectible of or paid to such property owner. Appeals taken from the report of the board of viewers shall be from such net amount only.

Section 1927. Notice when Schedules will be Exhibited.—The viewers shall give notice to all parties to whom damages are allowed, or upon whom assessments for benefits are made, of a time not less than ten days thereafter, and of place where the viewers will meet and exhibit their schedule and hear all exceptions thereto.

Section 1928. Service of Notices.—Such notice shall be given, in the manner provided by law for the service of a summons in a personal action, if the parties can be found in the township; or upon an adult person residing upon the property affected by the assessment, in case the owner or reputed owner cannot be found; and to all others by publication in the newspaper or newspapers in which the first notices of the view were published, and by posting conspicuously on the premises.