

the exercise of the right of eminent domain, it shall be competent for all witnesses called, when duly qualified, to state their opinion as to the market value of the property before the exercise of the right of eminent domain and as unaffected by it and its market value immediately after the exercise of the right of eminent domain and as affected thereby:

(a) To state, in detail and costs, all the elements of benefit or damage which they have taken into consideration in arriving at their opinion;

(b) In arriving at their opinion as to the market value immediately after the exercise of the right of eminent domain, to add to their opinion of the market value before such exercise, the cost or value of all the element of benefit or advantage, and to deduct therefrom all disadvantage or damage in order to arrive at the market value after such exercise of the right of eminent domain and as affected thereby;

(c) In all proceedings to assess damages or benefits for the opening of any street, alley, or other highway, to take into consideration, as one of the elements of advantage or disadvantage, the cost of street improvement.

In all claims for damages against a township, arising from the exercise of the right of eminent domain, it shall be competent for the party or parties claiming damages to offer in evidence, as a declaration against interest, the value of the property affected as assessed for the purpose of taxation.

Section 1915. Proceedings where Assessments by Viewers Waived.—In any proceeding to ascertain the damage caused to any owner of lands, by reason of the appropriation of a right of way or easement by any township, where the owner and township cannot agree upon the amount of damage done, the parties may, by agreement, waive the right to have such damages assessed, and the owner may file his claim in the court of common pleas of the county, and rule the defendant to plead thereto within fifteen days from the service of such rule upon the township, and the suit shall be proceeded with as if an award of viewers had been filed and an appeal had been taken therefrom.

Either party to such an action may, on motion, have the jury visit and view the premises over or through which the proposed right of way or easement may extend.

Section 1916. Appeals in Eminent Domain Proceedings; Payment of Money into Court.—In all cases of damages assessed against any township for property taken, injured or destroyed by the construction or enlargement of their works, highways, or improvements, whether such assessment shall have been made by viewers, or otherwise than upon trial in court, and an ap-

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 appelland, 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 handbills 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-