

to be heard thereon, or unless such person shall waive such notice. Any person interested may appeal to the Circuit Court for Montgomery County from the final order of ratification or rejection of such report or award by the said county commissioners, the parties to such appeal to be arranged in the record of proceedings as their actual interest may require, said appeal to be taken within the time and subject to the provisions hereinafter contained. If after any of the proceedings aforesaid it shall be finally determined that private or corporate property or any interest therein is to be taken for public purposes, then the entire cost thereof and all damages to be paid to persons or corporations found to be damaged by such taking or use shall be deemed due and payable by the said county commissioners, and all benefits found due from the persons or corporations against whom the same were assessed as aforesaid shall be due and payable to the said county commissioners, and such assessment or award shall be considered a tax and lien upon the property real and personal, of the person or corporation so assessed, to the same extent and as fully as the State and county taxes, and subject to the same limitations to time, if not paid within thirty days of the final order of ratification of such award or return, and may be collected by the treasurer of the county by an action of debt or in the same manner as taxes are ordinarily collected, or by a bill in equity at the instance of the treasurer for the enforcement of such lien. And it is further provided that when any road so opened, altered or relocated cannot be conveniently drained by ditches or drains alongside of the same, the examiners so appointed as aforesaid shall provide for such drains upon property outside the limits thereof, and to provide for carrying off the surface water to the nearest or most convenient place of discharge, and shall in making their estimates of the cost of said road include reasonable compensation to the person whose property is so used, and award such compensation as a part of the damages, and assess the same as a part of the benefits arising from the construction of said road, and report their action in the premises to the said commissioners as a part of their return and award; and whether such be specifically returned or not, the examiners shall, in their return and award, be deemed to have taken into consideration the damage to abutting property which may arise from all proper and necessary drainage of said road at the time of such award or any time thereafter; provided, that no provision as aforesaid shall be made for draining surface water from said roads over or across the property of any person who has had notice of the proceedings and an opportunity to be heard and appeal as herein provided.