

port upon the need for such improvement and the cost thereof, (and if there be no road superintendent at the time said appointment should be made hereunder the examiner appointed by said Commissioners and the examiner appointed by the said petitioners shall select the third examiner); and if the Commissioners shall determine, after such report thereon, that such improvement should be made, they shall determine the amount to be appropriated from the road monies of the county or district for such improvement, if any, and what proportion of the costs shall be paid by the petitioners and others interested in the work, and shall have the power to determine what individuals would be damaged and what individuals would be benefited thereby, and the amount of such individual damage and benefit, and to allow and assess the same; provided the amount of individual damage and individual benefit shall not be finally fixed until notice shall be given to the persons to be affected, and to have the opportunity to be heard, such persons to have the right to appeal from the final decision of the said County Commissioners to the Circuit Court for the County; and such assessment or reward shall be considered a tax and lien upon the property, real and personal, of the person or corporation assessed to the same extent and as fully as State and County taxes, and subject to the same limitations as 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 manner as taxes are ordinarily collected, or by bill in equity, at the instance of the treasurer, for the enforcement of the lien. The procedure in such cases shall conform to that provided in Section 771 of this Article.

1910, ch. 484, sec. 177K. 1912, ch. 790, sec. 459.

757. Whenever any owner of property in Montgomery county shall have opened, laid out or graded any avenue or road for the public convenience, and is willing to dedicate the same to public uses, by a good and sufficient deed duly delivered and presented for record, the said county commissioners are authorized to accept the same, if, in their opinion, the same be necessary and convenient for public use, and upon such acceptance, which shall be endorsed upon and recorded with the deed, said avenue or road shall be kept in good order and repair as the county roads; provided, however, that said road shall not be less than thirty feet in width, and duly and properly graded, in the judgment of the said county commissioners; and provided, further, that a plat of the road so dedicated shall be furnished with and made a part of said deed and recorded therewith, and a duplicate plat shall be furnished for preservation among the records of the said county commissioners.

1910, ch. 484, sec. 177L. 1912, ch. 790, sec. 460.

758. Whenever any road shall have been in use by the public for twenty years, though the same may never have been condemned or granted as a public highway, the said county commissioners, if they deem public necessity requires the adoption of the same as such, shall declare the said