

or right proposed to be condemned; determine the probable cost thereof and the names of the property owners who will be benefited or damaged thereby, and the amount to which each will be so benefited or damaged and shall assess the cost of said road, property or right to be condemned as aforesaid, and damages and benefits caused thereby upon the persons interested and the county, respectively, in such proportions as they shall deem just and proper, including in such assessments such damages as may be occasioned by any change of or necessity for fencing along the line of said proposed road; and if they shall decide that a road or portion of a road be closed, they shall likewise make an estimate of the damages and assess the benefits occasioned thereby. The examiners shall return such assessments to the said county commissioners as a part of their return, and the said county commissioners shall thereupon cause notice to be given to all persons assessed of their respective assessments for the damages and benefits so returned by the examiners, by publication in one or more of the newspapers published in Montgomery County once a week for two successive weeks, and of the date on which objections to such returns and award will be heard by the said county commissioners, the date of such hearing to be not less than twenty days from the date of such return by the examiners, and copies of such advertisement shall be served personally where practicable, or left upon the premises of the persons so assessed.

1912, ch. 790, sec. 463.

761. If any person or body corporate or taxpayer of any district interested in the opening, altering, relocating or closing of any road, as aforesaid, or the condemnation of any such property or property right, shall feel aggrieved by the award, report or return of said examiners, he, she or it shall file objections thereto in writing with the said County Commissioners on or before the date fixed by the notice last aforesaid for the hearing of such objections, and the said commissioners, on the day so fixed for said hearing, shall proceed to consider the award, return and proceedings of the examiners, and all the proceedings in the case, and they may modify or confirm, reject, reverse, alter, amend or correct the award, return of report or proceedings, or return the same to the examiners for alterations, re-corrections or amendments; provided, however, that said return or report, after having been altered, modified or amended as aforesaid, either by the said commissioners or examiners, shall not be finally ratified and confirmed until after the expiration of ten days from the date of such change, and an opportunity given by the parties interested to be heard on such change; and provided, further, that the said commissioners or examiners shall not make any change which requires the road or right to be condemned to pass through or along or injuriously affect the property of any person not originally notified of the proceedings, or whose name did not appear in such original advertisement, without giving such person at least five days' notice of such intended change, and an opportunity to be heard thereon, or unless such person shall waive such notice. Any person interested may appeal to the Circuit Court for Montgomery