

he shall be excused from doing such labor that year in any other parish.

Returns of highways to be made to the Clerks of the Peace and by them registered.

*XII. And be it further enacted,* That the Commissioners for each town or parish for which they shall be appointed, shall from time to time enter in writing all the highways or roads laid out or altered and sign the same, and make a return thereof into the office of the Clerk of the Peace for the county in which such highway or roads are laid out, to be by such Clerk entered in a book kept for that purpose, and whatsoever the said Commissioners shall do according to the powers given them in this act being so entered shall be valid and good to all intents and purposes whatsoever; and that every Commissioner who shall refuse or neglect to perform the duty enjoined and required of each of them as aforesaid, shall forfeit and pay for every such refusal or neglect a sum not less than *twenty shillings* nor more than *five pounds* to be recovered and applied as aforesaid.

Commissioners refusing or neglecting the duty enjoined them to forfeit not less than twenty shillings nor more than five pounds.

Commissioners, if on the oath of twelve freeholders it appear to be necessary, may lay out private roads

*XIII. AND WHEREAS,* it may be necessary to lay out private roads within the several counties in this province: *Be it further enacted,* That upon application to the Commissioners,

appointed as aforesaid for any town or parish, for a private road, such Commissioners shall view the same, and if they are of opinion such road is absolutely necessary, and *twelve* principal freeholders to be summoned, in manner aforesaid under oath shall be of the same opinion, the said Commissioners are hereby empowered to lay out such road. *PROVIDED,* That they shall not lay out such road through any person's land without the consent of the owner or owners thereof, or agreeing with and paying to him or them the value of the land so to be laid out into such highway with such damages as he or they may sustain by the said road; and in case they cannot agree then the true value shall be set and appraised by the Justices of the Peace issuing such warrant as aforesaid for the summoning such freeholders and by the oath of the said freeholders so summoned; and all the expenses and charges attending the said road shall be paid by the person or persons applying for the same; and the said road when laid out shall be for the only use of the person or persons who shall pay for the same, his and their heirs and assigns; but for no other use and purpose than that of a road—*PROVIDED ALWAYS,* That the owner or owners of the land through which such private road may be laid shall not be prevented from making use of such road if he shall signify his intention of making use of the same at the time when the jury are to ascertain the value of the

Owners of land through which private roads are laid out, to be paid the value thereof, to be estimated by agreement of the Parties, or by oath of the said freeholders.

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