

road is situate, at a certain time to be named in such warrant, to examine the proposed road, alteration, or extension, so applied for, the said Commissioners, or any two of them, to be present at the same time; and if the said Jury, who are to be sworn by any Justice of the Peace, find that such road, alteration or extension is necessary, the said Commissioners, or any two of them, if they approve of such finding, shall lay out the same immediately, after which the Jury shall be duly sworn to assess the damages, and shall forthwith proceed to assess the same; and the said Jury, in their assessment of damages, shall take into consideration the benefit, if any, to the owner of such lands by the laying out such roads.

4. No such road shall be open for public use until the damages assessed be paid to the owner or owners of the land, unless the said owner or owners thereof shall consent in writing to the opening of the same.

5. When any two of the Commissioners shall deem it necessary to lay out any highway over any lands, and the owner or owners consent in writing that such highway may be laid out and opened, the Commissioners may proceed to lay out and open the same, and such consent in writing shall be filed by the said Commissioners with the return of such highway.

6. If in any such alteration a new road be opened, and the old road or any part of it be shut up and revert to the owner of the land on which said new road may pass, the Jury shall take into consideration the value of such old road or any part thereof so shut up, in diminution of the damages: Where roads are laid out, altered or extended under any Law relating to highways, and the damages, if any, paid as aforesaid, the Commissioners or Surveyors may enter on and open such roads, and remove therefrom any obstructions.

7. The Commissioners, upon application for a private road, shall view the same, and upon the written consent of the owner of the land, may lay out the road; if the owner object, a Jury shall be summoned as hereinbefore directed, at the instance of the Commissioners, or party or parties interested, which Jury shall determine as to the necessity of the road, and if deemed necessary, and the parties disagree as to damages, they shall proceed to assess the same; and when assessed, the amount shall be paid the owner or owners of the land through which