

make order for the payment thereof by the inhabitants of such Parish or Parishes in the said County as they the said Justices shall think ought to bear the same, and in such proportion upon each Parish as they the said Justices shall think just and reasonable, and thereupon shall issue their Warrants to the Assessors of such Parish or Parishes for the assessing and levying the several sums allowed and ordered as aforesaid; which sums shall be rated, assessed and collected in such manner and under the same regulations, restrictions, penalties and forfeitures as County charges are rated, assessed and collected, and shall be paid into the hands of the persons for whom such damages may have been assessed.

IX. Provided always, and be it enacted, That if any Road or Highway so to be laid out or altered, shall not in the opinion of the said Commissioners be necessary or useful for the Parish generally in which the same is situated, but intended merely for the particular convenience of a certain portion, district or neighbourhood, whether lying wholly in one Parish or between two or more Parishes, they shall report the same to the said Justices in General Sessions, specifying in such report, the bounds and limits of such portion, district or neighbourhood, together with the names of the persons resident in the same, which said Justices are hereby authorized and required to examine into the matter, and if they shall be of the same opinion as the Commissioners, then to appoint two or more persons within the said district or neighbourhood to be Assessors, who shall thereupon assess the damages which may be sustained in laying out such Road, upon the said persons resident in the said district or neighbourhood, in the same manner as if such district or neighbourhood were a distinct Parish, and the like proceedings may be had for levying and recovering the said Assessment, as are now provided for the collection of other rates for County charges.

Roads not considered necessary for the Parish generally, to be reported to the Sessions, who may appoint Assessors, &c.

X. 'And whereas it may be necessary to lay out private Roads within the 'several Counties in this Province;' Be it enacted, that upon application to the Commissioners appointed as aforesaid, for any Town or Parish for a private Road, the Commissioners shall view the same, and if they are of opinion that such Road is necessary, may with the written consent of the owner or owners of the land, proceed to lay out the same, and if any objection be made by the owner or owners of the land, then a Jury of twelve disinterested freeholders shall be summoned in manner as directed in and by the fifth section of this Act either on the application of the said Commissioners, or any of the parties interested; and in case the said Jurors under oath, shall be of opinion that the said Road is necessary, then 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, to be expressed in writing as aforesaid, or agreeing with or paying to him or them the value of the land so to be laid out into such Road, 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 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; provided always, that no such private Road shall be laid out more than two rods wide against the consent of the owner or owners of the lands through which the same is to pass.

Private Roads may be laid out by the Commissioners on application, consent, &c.

XI. And be it enacted, That the width of all Highways or Public Roads hereafter to be laid out, shall be left to the discretion of the Commissioners for the time being of the Town or Parish where such Highways or Public Roads may be laid out, so that they do not exceed six rods, and are not less than four rods.

Width of Highways

XII. And be it enacted, That in all cases where a Jury shall be summoned, under any of the provisions of this Act, the said Jurors shall be allowed for their services respectively, for each time they shall be so summoned, the sum of two shillings and six pence each; and the Officer who shall summon the same shall be allowed the sum of ten shillings for his services in summoning such Jury, and attending them; and the whole of the sum necessary to bear such expenses shall be deposited in the hands of the said Commissioners by the person or persons applying for such Jury, previous to the issuing of the Warrant by the Justices for summoning such Jury; and the said Commissioners are hereby required to pay the Officer summoning the said Jury his legal fees for such service, and also, on return of the verdict, to pay the said Jurors the sum of two shillings and six pence each as aforesaid; and in all cases where such Jury shall return an affirmative verdict, in any way connected with a Public Road or Highway, the amount of expenses in this section named shall be included in the assessments provided in the eighth and ninth sections of this Act, and collected as therein directed, as the case may be, and when collected, paid over to the person or persons who may have advanced the same.

Fees of Jurors and officer summoning.