

22. If application be made to a Commissioner for a private road, he shall view the same, and upon the written consent of the owner of the land, and with the approval of the Board, may lay out the road; if the owner object, a jury shall be summoned as hereinbefore directed, at the instance of the Commissioner 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 the damages, the jury shall proceed to assess the same; and when assessed, the amount shall be paid the owner or owners of the land through which the road passes, before such road be opened for use, unless such owner consent in writing to open the same; the expenses of laying out the road shall in the first place be paid by the applicant, and no such private road shall be laid out more than two rods wide, against the consent of the owner of the land through which it passes; provided that no buildings shall be erected within two rods of the centre of any road so laid out.

23. When an alteration shall be made in any road or highway under this Act, the Board may order the road or portion of road abandoned, or intended so to be, to be closed up and properly fenced by the proprietor or proprietors on either side thereof; provided that the closing up of such road shall not cut off any such proprietor from access to the new road, or other public highway. In assessing damages for any alteration of a road, the jury shall take into consideration the value of the land which shall thereby revert to any proprietors affected by such alteration.

24. The piece or portion of road or highway so ordered to be closed up, shall not thereafter be considered public, but no road or highway shall be so closed up or fenced, until the new road shall be good and passable. The Commissioner shall have power and authority to enter upon and open any new road to be opened under this Act, and to remove therefrom any obstructions which he may deem necessary to have removed.

25. The Justice issuing a summons, and presiding at an investigation by a jury, shall receive two dollars; each juror summoned and attending, shall receive one dollar; and the officer for summoning, shall receive one dollar; the sum necessary to meet such expenses shall be paid by the parties applying for the road, previous to the issuing of the warrant; the Commissioner shall pay the Justice, officer, jurors, and witnesses, the before named fees; and in every case of investigation of a public road, if the jury find such road necessary, all such expenses, with the amount of the assessment for damages as aforesaid, shall be laid by the said Commissioner before the next General Sessions.

26. The Sessions, when such assessment of damages shall be laid before them, shall during such Session make an order that the amount thereof, together with such expenses, shall be assessed upon the Parish in which such road is situate, and issue their warrant therefor; to be assessed, levied and collected as other County rates, and paid by order of the Sessions to the parties entitled.

27. If the Board shall consider the proposed opening or alteration of any highway unnecessary or objectionable, or that the damages assessed by any such jury are insufficient or excessive, they may direct the Commissioner to take no further steps for laying out, or recording, or opening the same, until the objections made by them can be referred to the Sessions.

28. Should the Board thus suspend proceedings in relation to the opening or alteration of a road, they shall report their so doing, with the reasons therefor, in writing, to the next General Sessions; and the Sessions may examine into the same, and make such order as to the Justices shall seem meet in the premises.

29. Public roads shall not be more than six nor less than four rods wide.

30. All roads not recorded, upon which public money has been expended, are hereby declared public roads or highways.

31. The Commissioner shall carefully mark out all the roads laid out, altered or extended, under his direction, designating their width either by a line of stakes on each side, or by one line of stakes in the centre of the same, clearly marking out the place of beginning and the place of ending; and shall set forth in writing the width, marks, bounds and lines of all such roads as have been laid out, altered, extended, or shut up, and within three months thereafter make return thereof to the Clerk of the Peace, who shall enter the same in a book to be kept for that purpose.

32. Whoever shall have altered, encroached on, obstructed or encumbered, or shall hereafter alter, encroach on, obstruct or encumber any highway, or shall dig or make any hole or excavation therein, or remove or cause to be removed therefrom any earth, stone, gravel, sand, or other material in use or intended to be used in making or repairing any highway, or shall fill up or obstruct any ditch or watercourse in any such highway, without the license of the Commissioner, shall for each offence forfeit eight dollars; and if the offender do not remove such encroachment or obstruction, or fill up any such hole or excavation, or restore or replace such earth or other material, within three days thereafter, he shall again forfeit the like sum of eight dollars, and so on in like manner until the same be removed, repaired or restored; should the offender not be known, the Commissioner, if the incumbrance be saleable, shall, unless sooner claimed, after three days' public notice, sell the same, and apply the proceeds to repairing such road; if not saleable, he shall cause the same to be removed.

33. Every horse-sled or sleigh, drawn or driven on any road or highway, shall have fastened to it or to the harness of the horse or horses drawing the same, two or more bells, so as to be distinctly heard, under the penalty of one dollar for each offence, to be paid by the owner or driver of such sled or sleigh.

34. For each neglect of or refusal to perform any duty required of the Clerk of the Peace, Commissioner or other person under this Act, the officer or person guilty of such neglect or refusal shall be liable to a penalty not exceeding ten dollars, but no such penalty shall be enforced unless the prosecution for the same shall have been commenced within six months after the committal of the offence.

35. Any penalty imposed by this Act may be recovered on the information of the Commissioner or other person, and in the manner provided by Chapter one hundred and sixty one, Revised Statutes, Section thirty two, except that one half the penalty shall go to the informer or prosecutor, and the other half to the County Treasurer, and be placed by him to the credit of the Board for the Parish for which such penalty was recovered; and further provided, that costs may be taxed and allowed, and judgment given to the defendant,