

**\*\*\*Adopted\*\*\***

**SUBSTITUTE 1 FOR AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1457**

**By Senator(s) Blackmon**

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

8           **SECTION 1.** Section 65-7-201, Mississippi Code of 1972, is  
9 amended as follows:

10           65-7-201. When any person shall desire to have a private  
11 road laid out through the land of another, when necessary for  
12 ingress and egress, he shall apply by petition, stating the facts  
13 and reasons, to the county court of a county that has elected to  
14 come under the provisions of Section 9-9-1, and otherwise, to the  
15 circuit court of the county where the land is located. The court  
16 sitting without a jury shall determine the reasonableness of the  
17 application. The owner of the property shall be a necessary party  
18 to the proceedings. If the court finds in favor of the  
19 petitioner, the same proceedings shall be had thereon as in the  
20 case of a public road; but all damages that the jury determines  
21 that the landowner should be compensated for shall be assessed  
22 against and shall be paid by the person applying for the private  
23 road, and he shall pay all the costs and expenses incurred in the  
24 proceedings.

25           **SECTION 2.** This act shall take effect and be in force from  
26 and after its passage.

**Further, amend by striking the title in its entirety and**

**inserting in lieu thereof the following:**

1           AN ACT TO AMEND SECTION 65-7-201, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT PROCEEDINGS TO ESTABLISH A PRIVATE WAY OF  
3 NECESSITY THROUGH THE LANDS OF ANOTHER FOR THE PURPOSE OF ALLOWING  
4 INGRESS AND EGRESS SHALL BE FILED WITH AND DETERMINED BY THE  
5 COUNTY OR CIRCUIT COURT OF THE COUNTY WHERE THE LAND IS LOCATED;  
6 AND FOR RELATED PURPOSES.