

Dec. Ses. 1817

ter the time so appointed, every such stockholder, his, her, or their assignee, shall, in addition to the payment so called for, pay at the rate of five per cent. per month for delay of such payment; and if the same, and the said additional penalty, shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid in part on such account of such share or shares, the same shall be forfeited to the said company, and may and shall be sold and assigned by the president and managers of said company, to any person willing to purchase the same, for such price as can be obtained for the same, and the purchaser or purchasers aforesaid shall have all the benefit and advantage of such assignment and purchase, as if he, she or they, had been an original stockholder.

May agree
with owners of
land.

10. *And be it enacted*, That the respective presidents and managers shall agree with the owner or owners of the land through which the same may pass, for the purchase of the same, (if the owner shall require any compensation therefor,) and in case of disagreement, or in case the owner shall be a *feme covert*, or *non compos*, or under age, or out of the state, in such case the compensation to the owner or owners aforesaid, for the land aforesaid, shall be ascertained and paid in the manner hereinafter provided for ascertaining and paying the value of materials for making said road.

Damages.

11. *And be it enacted*, That in all cases where stone, gravel, earth or sand, not already quarried or dug for the use of the owner, or for sale, shall be necessary for making or repairing either of the said turnpike roads, the president and managers of the said company, or a majority of them, or any person authorised by them, may agree with the owner or owners of said materials for the purchase of the same, or with the said owner or owners of the land on which the same may be for the purchase of said land, and in case of disagreement, or in case the owner should be a *feme covert* or *non compos*, or under age, or out of the state or county, the president of the company, or any person authorised by him for that purpose, shall apply to a justice of the peace for the county wherein the said materials may be, which justice shall thereupon issue his warrant, directed to the sheriff of the county, commanding him to summon twelve disinterested persons, qualified to serve as jurors in the county court, to meet at a place where the said materials may be, and the said sheriff shall qualify the said persons either by oath, or affirmation, (as the case may be,) justly, truly and impartially, to value the damages which may be sustained by the owner or owners of the materials required by such company; and the said persons shall, after valuing the damage which may be sustained by the owner or owners of such materials, and return, under their hands and seals to the justice who issued the warrant, one copy of their said valuation, one other copy to the president of the said company, and one other copy to the owner or owners of the said materials, if such owner shall reside in the county where the said materials may be, and shall not be under any legal disability to receive the money adjudged, and give sufficient discharge therefor; and the president and managers shall pay, or secure to be paid, the damages so adjudged, before they shall proceed to remove the said materials; and if the owner or owners of such materials shall reside out of the county, or be under legal disability, then the

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