

equal to the sums before paid in part, on 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 advantages of such assignment and purchase, as if he, she or they, had been an original stockholder.

CHAP. 71.

10. AND BE IT ENACTED, That the said road be made in, over and upon, the bed of the present road, as laid out and used; *Provided always*, that should it appear on a resurvey of any part of the said road, by sworn surveyors, that a considerable saving in distance or in expense would arise to the company, that in all such cases it shall be lawful to depart from the tract of the road so originally laid down, and improve the shorter or less expensive route; *Provided also*, that in all such deviations the road shall not be diverted or taken from any town or village through which it now passes, nor shall it pass through the meadows, gardens, orchards or grain fields, whilst the grain or crop is growing therein, without the consent of the proprietor or proprietors thereof; *And provided also*, that where the tract of the original road shall be departed from, the president, managers and company, 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 should 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, before the direction of the said road shall be altered or changed.

Road to be made over bed of present road  
Provisos

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 of the said turnpike road, 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 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

May agree with owners for stone, gravel, &c