

9. AND BE IT ENACTED, That after thirty days public notice in all the public papers aforesaid, of the time and place appointed for the payment of any proportion of the said capital stock of the said company, if any stockholder shall neglect to pay such proportion at the place appointed, for the space of thirty days after 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.

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Stockholders delaying payment 30 days after time appointed, to pay 5 per cent per month, &c.

10. AND BE IT ENACTED, That 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 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 herein after provided for ascertaining and paying the value of materials for making said road.

Company may agree with owners of land for purchase thereof.

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 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 discharges therefor, and the

May agree for stone, gravel, &c. if possible, if not jury may be summoned to assess damages.