

**CHAP. 159** 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 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, or the managers may at their option enforce payment of any instalment, by warrant or action as the case may require.

Turnpike to  
to be made on  
bed of Liberty  
Road.

Provisoes.

May agree  
with owners,  
&c.

**SEC. 10.** *And be it enacted,* That the said turnpike road be made in, over and upon the bed of the present Liberty road, as laid out and used. *Provided always,* that should it appear on a resurvey of any part of the said Liberty road, that a considerable saving 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 less expensive route. *Provided also,* that where the tract of the original road shall be departed from, the president, managers and company, may agree with the owner of the land through which the same may pass, for the purchase of the same, if the owner shall require any compensation therefore, and in case of disagreement, or if the owner be a feme covert or non compos, or under age, or out of the State, the compensation to owner or owners shall be ascertained and paid in the manner herein after provided, for ascertaining and paying for the value of the materials for making said road.

**SEC. 11.** *And be it enacted,* That in all cases where stone, gravel, earth or sand, not already quarried or dry 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 twenty disinterested persons, qualified to serve as jurors in the county court, to meet at a place where the