

part of the said road, that a considerable saving in CHAP. 196.  
 expense would arise to the company, that in all such  
 cases, it shall be lawful to depart from the track of the  
 road so originally laid down, and improve the less ex-  
 pensive route; *provided also*, that where the track 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 therefor, 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 hereinafter provided for ascertaining and pay-  
 ing for the value of materials for making said road.

SEC. 11. *And be it enacted*, That in all cases where To contract, etc  
 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 plank or 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 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 Country, the presi-  
 dent 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 said  
 materials may be, four of whom may be stricken off the  
 panel by the said president and directors, or their agents,  
 and four by the person or persons interested, or in his  
 her or their absence, by the sheriff, and the said she-  
 riff shall qualify the said twelve remaining 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 such materials  
 required by such company, and the said persons shall,  
 after valuing the damages which may be sustained by  
 the owner or owners of such materials, return under  
 their hands and seals to the justice who issued the war-  
 rant, 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 materials, if such owner shall