

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.

DEC. Sess.
1814.

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 their hands and seals, to the justice who issued the warrant, one copy of their said valuation, one other *company*† 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 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 any legal disability, then the

Stone, gravel
&c.—damages
—bond &c.

* The words "sheriff of the" are here omitted in the engrossed bill.

† This word is "copy" in the original bill.