

5. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Commissioners under this Act to treat, contract and agree, with the owners of, and persons interested in any lands, tenements, hereditaments and premises, with their appurtenances, which they shall deem necessary to purchase for the purpose of widening, diverting, altering and improving, any of the Turnpike roads, for the purchase thereof, and for the loss or damage such owners or persons may otherwise sustain, and also to contract and agree with any person or persons whomsoever, for the purchase or demise from him, her, or them, of and to hold, any land or ground for the purpose of digging stones, gravel and materials therefrom, for the repair or use of the said roads, and at any time after to sell the ground so purchased, by public auction or tender: *Provided always,* That the entering into any such agreement or contract shall not be compulsory against any person or persons unwilling to enter into the same: and after any new road shall be completed, the lands or grounds constituting any former road or roads, or so much and such part thereof, as in the judgment of the Commissioners may thereby become useless or unnecessary or shall and may be stopped up as public highways, shall be vested in and shall and may be sold and conveyed by the said Commissioners in the manner before mentioned, and the money arising from such sale shall be applied for the purposes of this Act, for repairing and maintaining the Turnpike roads; or it shall be lawful for the said Commissioners, instead of making such sale as aforesaid to give up to the owners of any adjoining lands whose building, land or ground shall be taken for the purposes of this Act, any part or parts of the present or old roads in lieu of and in exchange for the same in such way and manner as such Commissioners and Owners or Proprietors shall agree upon and think fit.

Commissioners to agree with owners for purchase of lands required.

Agreement not to be compulsory on owners.

Roads no longer used vested in Commissioners and may be sold or conveyed in lieu of lands taken.