

ny, or their agents, or those contracting with them for making or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a jury formed in a manner hereinafter prescribed, and that it shall not be necessary, after such view, in order to the use or occupation of the same, to wait the issue of proceedings upon such view, and the inquest of the jury, after confirmation, and after payment or tender of the valuation shall be a bar to all actions for taking or using such property, whether commenced before or after such confirmation, or the payment of the said valuation.

SEC. 4. *And be it enacted*, That this act shall take effect and be in full force from the time when the Legislature of the State of Delaware, with the assent of the New Castle and Frenchtown Company, expressed and certified according to the provisions of the several acts of the Legislature of the State of Delaware, incorporating the said company, and relating thereto, shall have passed an act incorporating a company with all necessary power to construct a rail road from the line dividing the States of Maryland and Delaware, at the point to which the rail road of the Chesapeake and Delaware rail road company, or of any rail road company which has been or may be incorporated by the Legislature of Maryland, at its present session, shall be constructed to any convenient point of the Delaware river or bay, south of the town of New Castle, and north of the mouth of Apoquinnimick creek.

SEC. 5 *And be it enacted*, That the president and directors of said company, or a majority of them, or their agents, may agree with the owner or owners of land, earth, timber, gravel, or other materials, or any improvements for the construction or repairs of said road, or its works, for the purchase or use and occupation of the same, and in case they cannot agree, or if the owner or owners of any of them be a feme covert, under age, non compos mentis, or out of the county in which the property wanted may be, when such lands or materials may be needed, on application to a justice of the peace of such county, he shall issue his warrant under his hand and seal, directed to the sheriff of the said county, requiring him to summon a jury of twenty inhabitants of said county, to meet on the land to be valued on a day specified in said warrant, not less than five nor more than ten days after issuing the same, and in case any of the jurors aforesaid do not attend, the said sheriff shall, instan-

CHAP. 249.

When to be operative

Inquisition—how and when taken