

CHAP. 249. ter, summon as many jurors as may be necessary, with the jurors in attendance, and from them, each party, his, her, or their agent, or if either be not present in person or by agent, the sheriff may strike off four jurors for each of the absent parties, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the said sheriff shall administer to each of them an oath or affirmation, as the case may be, that he will justly and impartially value the damage which the owner or owners of said land will sustain, by the use or occupation of the same required by the company, and benefit resulting to the said owner or owners, from constructing such rail road through or along the property of the said owner or owners, but only in extinguishment of the claim of damages; and the said jury shall reduce their inquisition to writing, shall sign and seal the same, and it shall be then returned by the said sheriff to the clerk of his county, and by such clerk filed in his court, and shall be confirmed by said court at its next session, if no sufficient cause be shewn to the contrary, and when confirmed, shall be recorded by said clerk, at the expense of said company; but if set aside, the said court may direct another inquisition, to take place in the mode before described, and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity of duration of the interest in the same, valued for the company; and such valuation, when paid or tendered to the owner or owners of said property, or his, her, or their legal representatives, shall entitle the said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same; and the said valuation, if not received when tendered, may, at any time thereafter, be received from the said company, without costs, by said owner or owners, or his, her, or their legal representatives.

Conditions on which other roads may be made across this road

SEC. 6. *And be it enacted,* That if any other rail road, or any public highway, shall be authorised by the Legislature, or any courts of this State, the direction of which shall lead across the rail way authorised by this act, it shall be the duty of the New Castle and Frenchtown Turnpike and Rail Road Company, to permit such other rail road, or such public highway, to cross the aforesaid rail road, the incorporated company, or person or persons, or county opening such other rail road, or such public highway,