

Harford Turnpike Company, and to construct and operate a double track passenger railway upon the said turnpike road, and to enter into contracts with the said turnpike company in respect to said matters, which contracts the said turnpike company is hereby authorized and empowered to make; provided, that the said railway company, in exercising the power hereby conferred in constructing and operating the said railway, shall avoid, as far as practicable, interfering with the ordinary travel on said turnpike, and that a sufficient portion of the said turnpike, say twenty-five feet, shall be preserved as a driveway; and provided further, that whereon said railway track or tracks shall be constructed in the middle of said turnpike, the said track or tracks shall be laid with flat tram girder rails, and the space between the said tracks, and for two feet outside same, shall be paved and kept in repair by the said railroad company.

May use turnpike.

SEC. 2. *And be it enacted*, That if the said Baltimore City Passenger Railway Company shall fail to agree with the said Baltimore and Harford Turnpike Company as to such use of said turnpike road or construction of said railway, then the said Baltimore City Passenger Railway Company shall be and it is hereby empowered to acquire the easement and estate in said turnpike road, necessary for the exercise of the said rights in the first section of this act mentioned, by condemnation proceedings under the two hundred and forty-eighth and the succeeding sections of article twenty-three of the Code of Public General Laws, sub-title "Condemnation of Property by Corporations;" provided, that if any application shall be made by the said railway company under the said sections of the Code aforesaid, to acquire right to use any part of the said turnpike road lying wholly in the city of Baltimore, such application may be made to any judge of the Supreme Bench of Baltimore city; and if for the use of any part of the said turnpike road lying wholly in Baltimore county, the application may be made to any judge of the Circuit Court of Baltimore county; and if for the use of a part of said turnpike road lying partly in Baltimore city and partly in Baltimore county, it may be made either to any judge of the Supreme Bench of Baltimore city or to any judge of the Circuit Court for Baltimore county, as the said railway company may elect; and subsequent proceedings shall be accordingly, and as provided in the said sections under said sub-title of article twenty-three of the Code aforesaid, and the warrant be directed to the sheriff of Baltimore city or to the

Power of condemnation.