

Proviso. railway upon the bed of the said Turnpike road, with power also to alter the grade thereof; and they may construct their said railway and run their cars thereon subject only to such regulations and conditions as may be prescribed by said Turnpike Company; *provided*, however, that the rate of fare to be charged by said Railway Company shall not exceed the sum of five cents per passenger for each mile or fraction of a mile between the city of Baltimore and the terminus of the road.

Mode of proceeding in case of condemnation.

Proviso.

Sec. 7. *And be it enacted*, That in case the said Company shall not be able to agree with the President and Managers of the Baltimore and Harford Turnpike Company for the construction and establishment of their railway upon the bed of the said turnpike road, then they shall be and they are hereby authorized to make and construct the said railway of a width not exceeding sixty feet, with the necessary additions for excavations and embankments upon a line running in the same general direction with the said turnpike road, by the most practicable route from the northeasterly limits of the city of Baltimore to Bel Air, and for that purpose, if the same be necessary or expedient, to cross the said turnpike road and any other public roads wherever the line of the said railway may intersect the same; *provided*, that in case the consent of the owner or owners of any ground to be occupied by said railway cannot be obtained, that the President and Directors of said Company may agree with the owners of land for the purchase and occupation of the land required for said road, and also for the purchase of stone, gravel, earth or timber required in the construction thereof, and in all cases where they are unable to agree with such owner or owners, or where he or they shall be a *feme covert*, infant or *non compos mentis*, the said President, upon giving notice in writing of not less than twenty days to the parties interested, may apply to a Justice of the Peace of Baltimore or Harford counties, who shall thereupon issue his warrant to the Sheriff of either of said counties, commanding him to summon twenty disinterested persons qualified to act as Jurors in the Circuit Courts of Baltimore or Harford counties, as the case may be, to meet upon the land, and after four of the Jurors so summoned are stricken off the