

ditions 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 twenty cents per passenger between the city of Baltimore and the village of Catonsville, and fifteen cents per passenger between the village of Catonsville and the village of Ellicott's Mills, and from said village of Ellicott's Mills to the village of Clarksville, on the more practical route, subject to the same restrictions and regulations contained in the seventh section of this bill relating to said road from Baltimore to Ellicott's Mills, in the event of the consent of the president and managers of the Baltimore and Frederick Turnpike Company shall not be obtained.

CHAP. 34.

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 Fredericktown 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 authorised 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 western limits of the city of Baltimore, to the village of Catonsville, and thence to the village of Ellicott's Mills and Clarksville, 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 mentus, 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 Howard counties, who shall thereupon issue his war-

Railway, if not made on the turnpike road, may be made on other route.

Proviso.