

proceedings, instituted in the Circuit Court for Baltimore County in equity, to set aside their findings on such ground. Whenever said engineers may require and determine that the City of Baltimore shall construct a road to replace any road diverted, altered, closed or destroyed, or to be diverted, altered, closed or destroyed, in the course of the work contemplated by this Act, said city shall have power to agree with the owners of land, property, or things, to be taken or injuriously affected in the construction thereof, and, in default of agreement, to condemn the right of way under the provisions of Sections 1 and 3 of this Act, authorizing the condemnation of property, land or things for the purposes of this Act, or may, at its election, make application to the Highways Commission of Baltimore County, or other proper authorities for the opening or alteration of such road, in which latter event the proceedings upon application shall be those prescribed by law for the opening or alteration of roads in Baltimore County, except that no land owner shall be assessed for any part of the cost thereof, the whole of such cost to be borne by the City of Baltimore. In the event of disagreement between the said engineers, as to any matter devolved upon them by the terms of this section, they shall call in as a third arbiter, a non-resident engineer, skilled in the construction, or maintenance of highways, and bridges, to be selected by the Governor of Maryland, on the application of either of said engineers, in the event of them being unable to agree on such third person, the decision of any two of the board thus selected to be binding on the parties, and to be final and conclusive, unless impeached for fraud as aforesaid.

1908, ch. 214, sec. 10.

826K. That so soon as the Mayor and City Council of Baltimore shall be ready to begin work under this Act, the Roads Engineer of Baltimore County, for the time being, and the City Engineer of Baltimore City, for the time being, shall, together, make a careful inspection of all public roads, and portions of public roads, and of all bridges, of Baltimore County, certain or likely, in the opinion of said Roads Engineer, to be used by the Mayor and City Council of Baltimore, or its agents, or contractors, for teaming, or hauling, in connection with said work, and shall thereupon draw up a memorandum, in writing, one duplicate whereof shall be filed and kept in the office of the County Commissioners of Baltimore County, and the other duplicate whereof shall be filed and kept in the office of the Comptroller of Baltimore City, certifying to the precise condition, at that time, in point of repair in their opinion, of all such roads, and portions of roads, and of all such bridges, and thereafter, at regular intervals of six months, there shall be a similar inspection by said officers of all such roads, and portions of roads, and of all such bridges, and immediately after such inspection, said engineers shall, in like manner, draw up a similar memorandum in writing, duplicates whereof shall be filed and kept in like manner as aforesaid, certifying in precise terms to the physical and pecuniary extent, to which, in their opinion, such roads and portions of roads, and such bridges shall have been injured by reason of the