

and City Council of Baltimore may by ordinance impose. Such replacement shall be effected for the convenience of the public upon such terms as may be agreed upon between the Highways Commission of Baltimore County or other proper authorities and the Mayor and City Council of Baltimore. In the event of a disagreement between them as to the location or character of the substituted road or bridge, or as to any other terms of the replacement, the matter shall be referred to the Roads Engineer of Baltimore County, for the time being, and the City Engineer of Baltimore City, for the time being, who shall have plenary power to consider and decide all questions in connection with such replacement, and to determine where, how, and in what manner and within what time, said replacement shall be effected by said city. No such road, or part thereof, or bridge of any such turnpike company or companies, proprietor or proprietors, shall be closed or altered, in whole or in part, under the provisions of this Act, until another shall have been constructed and opened to the public in lieu thereof as herein provided. Said engineers shall have full power and authority to summon, and require the attendance of all witnesses in connection with their inquiries under this section, and to require that their testimony shall be taken under the oath required by law, the same to be administered by the Clerk of the Circuit Court for Baltimore County, or by some Justice of the Peace in and for Baltimore County. The said engineers and the third person hereinafter mentioned, if there be such, shall each receive a per diem of \$10 while actually engaged in work imposed or authorized by this section, the same and all the other reasonable expenses of said engineers, including compensation to witnesses at the regular rates, and the employment of a secretary, if such employment be deemed necessary by said engineers, to be paid by the City of Baltimore. The decision of said engineers in all matters between the City and Baltimore County, that may devolve upon them under this section, shall be final and conclusive unless impeached for fraud in appropriate 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 by way of replacement as aforesaid 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 under such 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