

connection with the work herein contemplated, it shall be the duty of said City to replace the same, at its own expense, as nearly as possible, with a suitable and convenient road or bridge in lieu thereof; provided that the said Mayor and City Council of Baltimore shall not have the power, anything in this Act or in any other Act to the contrary notwithstanding, to condemn any such state road or bridge under the jurisdiction of the State Roads Commission, but shall have the right to divert, alter, close or destroy any state road or bridge under the jurisdiction of the State Roads Commission, when necessary in the course of such work, only by agreement with the State Roads Commission, on such terms as to replacing the same for the convenience of the public as may by said State Roads Commission be required. In the event that said City and the State Roads Commission may not be able to agree upon the terms under which said state road or bridge is to be altered, diverted, closed or destroyed, or upon the location or character of the state road or bridge to replace the same, or upon any other terms as to the replacing of the same, the matter shall be referred to the Chief Engineer of the State Roads Commission, for the time being, and the Chief Engineer of Baltimore City, for the time being, who shall have plenary power to consider and decide all questions in connection with such diversion, alteration, closure or destruction of such state road or bridge, and to determine where, how and in what manner, and within what time, the same shall be replaced by said City. No state road or bridge 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, and 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 oath, as required by law. The said Engineers and the third person hereinafter mentioned, if there be such, shall each receive a per diem of ten dollars while actually engaged in work imposed or authorized by this section, the same and all other reasonable expenses of said Engineers, including 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 the State Roads Commission which 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.