

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 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 of Baltimore City, to set aside their findings on such ground. Whenever said Engineers may require and determine that the Mayor and City Council of Baltimore shall construct a road to replace any state 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 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 State Roads Commission for the opening or alteration of such state road, in which latter event the proceedings shall be those prescribed by law for the opening or alteration of state roads, 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 Mayor and City Council 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, an 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 they are 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. All costs and expenses incurred in connection with any such arbitration proceedings shall be paid by the Mayor and City Council of Baltimore.

The powers and duties of the Director of Public Works of Baltimore City under this section may, at any time, with the consent of the Mayor of Baltimore, be delegated by him to one of his assistant engineers, or such powers may be exercised and duties performed by some third party to be named by the municipal agency charged with the duty of carrying the work under this Act into execution. The powers conferred and the duties imposed by this section upon the Chief Engineer of the State Roads Commission may at any time, with the consent of the said State Roads Commission, be delegated by him to one of his assistant engineers.

SEC. 7. *And be it further enacted,* That as soon as the Mayor and City Council of Baltimore shall be ready to begin work under this Act, the Roads Engineer of any county affected, and the Director of Public Works of Baltimore City, shall together make a careful inspection of all public roads, and portions of public roads, and of all bridges of such 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 such county, and the other duplicate whereof shall be filed and kept in the office of the Comptroller of