

notify said state roads commission by written notice to the chairman of said commission, on or before the first day of March in each year, and shall request of said commission plans and specifications and an estimate of the cost of the proper performance of said work according to said plans and specifications.¹

Where a certain sum or so much thereof as may be necessary is appropriated for building roads during a fiscal year, but a portion of such sum is not withdrawn from treasury during that year though same is necessary for accomplishment of purpose named in act, such unexpended balance should not revert to general treasury, and if it does so revert should be restored to credit of roads commission. The legislative intent controls. *McMullen v. Zouck*, 130 Md. 543.

Sec. 33 of art. 91 of Code of 1904 (corresponding with latter portion of the present sec. 43) was held to constitute the voluntary feature of act of 1904, ch. 225, known as "Shoemaker Road Law." Object of act of 1904. *Fout v. Frederick County*, 105 Md. 565.

For other cases dealing with act of 1904, ch. 225, see *Frederick County v. Fout*, 110 Md. 167; *Anne Arundel County v. United Rys. Co.*, 109 Md. 384; *Symons v. Road Directors*, 105 Md. 256; *Bonsal v. Yellott*, 100 Md. 496.

This section referred to in construing sec. 57—see notes thereto. *Weller v. Mueller*, 120 Md. 637.

See notes to art. 3, sec. 34, of the Maryland Constitution, and to art. 91, secs. 44 and 59, An. Code.

An. Code, sec. 67. 1904, sec. 34. 1904, ch. 225, sec. 2. 1910, ch. 217, sec. 34 (p. 315).
1916, ch. 645, sec. 67.

44. Whenever the owners of two-thirds of the front feet of the lands binding upon any public road or section of road, not less than one-half mile long, shall present a petition to the County Commissioners of the county where such road or section of road may be situated stating in said petition the desire of said petitioners to have said road, or section thereof, constructed or repaired under the provisions of this sub-title the said County Commissioners shall thereupon give ten days' notice in some newspaper published in said county of their intention to take up the matter for a hearing on some certain day to be named therein so that all persons interested may have an opportunity of being heard and should said road or section thereof be constructed or repaired under the provisions of this sub-title, they shall assess one-tenth of the total costs of same upon the abutting property according to the front foot rule of apportionment and the amount so assessed upon each piece or parcel of land shall become a lien thereon to the amount of said assessment and shall be collected as other county taxes are collected, or in such manner as the said commissioners may prescribe, and said County Commissioners shall have power to pass all necessary resolutions prescribing the manner and time of making said assessment; provided, however, that before any assessment made by the County Commissioners or its authorized agent under this section or any resolution shall be finally ratified, ten days' notice at least shall be given in one newspaper published in said county of the date and place when said assessment is to be taken up for final ratification, and an opportunity shall be afforded all persons interested therein to appear and

¹ While title of act of 1910, ch. 217 (p. 214), does not mention sec. 30 of Code of 1904 among the sections repealed, sec. 1 of said act expressly repealed said section, and it is therefore treated as repealed, along with secs. 26 to 29 and 31 and 32 of the Code of 1904, sub-title "Public Road."