

be heard. Immediately upon final ratification on said assessment it shall become due and collectible in the manner hereinbefore set forth. Upon the filing of said petition by said owners as aforesaid it shall be the duty of said Board of County Commissioners to make such a request to the State Roads Commission as set forth in Section 43 of this Article.

Where a road was petitioned for under act of 1904, ch. 225, a contract whereby contractors relieved petitioners of a portion of obligation which latter contracted to perform, was against public policy and void. Meaning of term "public policy." *Walsh v. Hibberd*, 122 Md. 171.

This and the following sections referred to in a bill of complaint involving construction of act of 1914, ch. 836, revising charter of Ellicott City. *Ellicott City v. Howard County*, 127 Md. 581.

The words "ten per centum of the cost of such construction or repairs" refer to whole cost of such construction, and not to net cost to county. *Frederick County v. Fout*, 110 Md. 174 (decided prior to the act of 1910, ch. 217).

For cases involving act of 1904, ch. 225, see *Frederick County v. Fout*, 110 Md. 167; *Fout v. Frederick County*, 105 Md. 560; *Anne Arundel County v. United Rys. Co.*, 109 Md. 384; *Bonsal v. Yellott*, 100 Md. 496.

See note to sec. 59.

An. Code, sec. 68. 1904, sec. 35. 1904, ch. 225, sec. 3. 1910, ch. 217, sec. 35 (p. 316).

**45.** If the said state roads commission, after the receipt of the notice mentioned in section 43, or that mentioned in section 44, and due examination, shall be of the opinion that the proposed construction or repair of roads mentioned in such notice would be generally promotive of the objects herein contemplated, and that the said road or proposed road is a right and proper one under the circumstances to be built or improved, and if the amount appropriated by the State under section 60 and apportioned by section 56 to the roads of the county in which said proposed road or extension is located shall be sufficient for the outlay necessary therefor, the said state roads commission shall make or cause to be made, necessary surveys, and draw up, or cause to be drawn up, plans and specifications for the proposed work, and shall furnish an estimate in detail of the cost of performing such work according to such plans and specifications.

See notes to sec. 44.

An. Code, sec. 69. 1904, sec. 36. 1904, ch. 225, sec. 4. 1910, ch. 217, sec. 36 (p. 316).

**46.** The specifications shall require the construction and improvement, within a reasonable time, of a macadamized or of a telford or of other stone road, or a road constructed of gravel, or of other good material, in such a manner that the same will be, with reasonable repairs thereto, at all seasons of the year, firm, smooth and convenient for travel.

The geological and economic survey may use their judgment in selecting from the designated types of road construction or their equivalents. They may select vitrified brick. *Anne Arundel County v. United Rys. Co.*, 109 Md. 391 (decided prior to act of 1910, ch. 217).

See notes to sec. 44.

An. Code, sec. 70. 1904, sec. 37. 1904, ch. 225, sec. 5. 1910, ch. 217, sec. 37 (p. 316).

**47.** The board of county commissioners so requesting plans and specifications of said state roads commission shall, on the order of the said state roads commission, and within one month of the receipt of said order, pay out of the funds of the county such cost of surveying, mapping, calculating,