

An. Code, sec. 72. 1904, sec. 39. 1904, ch. 225, sec. 7. 1910, ch. 217, sec. 39 (p. 317).

51. On the day stated in such advertisements, the proposals shall be publicly opened and read and the contract shall be awarded to the lowest responsible bidder, provided his bid does not exceed the amount estimated by the state roads commission aforesaid as a proper maximum cost of said work; and provided further, that any and all bids may be rejected in the discretion of the county commissioners, and if all bids shall exceed the amount specified, or be rejected, then no contract shall be given unless the county commissioners and the state roads commission shall both agree to give the same, and proceedings may be had anew in the same manner as first provided, and the contractor shall in all cases before entering upon his work be required to execute a contract with the board of county commissioners to perform the work according to the specifications, and also give bond to said county commissioners conditioned for the faithful performance of such contract in a sum not less than the total amount of the contract and with such incorporated surety company as surety as the board may approve.

Neither the surety nor principal on a bond given under this section is liable to a sub-contractor for an amount due him by contractor. *Holt v. State Roads Commission*, 124 Md. 69.

See notes to sec. 44.

An. Code, sec. 73. 1904, sec. 40. 1904, ch. 225, sec. 8. 1910, ch. 217, sec. 40 (p. 318).

52. All contracts for work to be done under the provisions of this sub-title shall be subject to the approval of state roads commission.

See notes to sec. 44.

An. Code, sec. 74. 1904, sec. 41. 1904, ch. 225, sec. 9. 1910, ch. 217, sec. 41 (p. 318).

53. In order that the State may be assured of the proper execution and performance of such contract made under the provisions of this sub-title, it shall be the duty of the state roads commission to maintain immediate supervision in such manner as it shall deem proper of such execution and performance of each of said contracts; the cost of such supervision shall be paid to said state roads commission by the comptroller of the State of Maryland out of the appropriation apportioned to the county and applicable to the particular road or extension being constructed as provided for by this sub-title.

This section referred to in holding that "The Road Directors of Allegany County" were not responsible for an injury occurring in connection with work being done under act of 1904, ch 225, by an independent contractor. *Symons v. Road Directors*, 105 Md. 257 (decided prior to act of 1910, ch. 217).

See notes to sec. 44.

An. Code, sec. 75. 1904, sec. 42. 1904, ch. 225, sec. 10. 1910, ch. 217, sec. 42 (p. 318).

54. As the work under any such approved contract progresses, as provided in said plans and specifications, and at such proper stages in the performance of such contract or work as may be designated by the state roads commission, it shall be the duty of the state roads commission to certify the fact of such partial or total completion to the board of county commissioners of each county, respectively, together with an itemized statement of the cost of the work performed under said contract, including