

vision of this Section, the other fifty per cent. (50%) thereof to be expended by the State Roads Commission for the construction and/or reconstruction of Lateral and Farm to Market Roads as provided in Sub-Section (a) hereof; provided, however, that the County Commissioners of Frederick County are hereby directed to request the return of the county roads maintenance to Frederick County.

(e) If any County now or hereafter shall have and maintain a Roads Department in charge of a roads engineer having a degree of civil engineering and experience in road and bridge building, or who has had at least ten (10) years' practical experience in road and bridge building in a supervisory and executive capacity, then the County Commissioners of such County may require the State Roads Commission and the Comptroller to pay over to them as hereinafter provided, up to fifty per cent. (50%) of the amount to which such County is entitled under the provisions of this Section, for the construction and/or re-construction of Lateral and Farm to Market Roads to be expended by the County Commissioners of such Counties under the supervision of the County Roads Engineer, the cost of such projects to be paid by the State Roads Commission to the County Commissioners of such Counties, upon the submission by them of satisfactory evidence of the expenditures or costs for the purposes herein set forth. Before the construction or re-construction of any such roads by the County Commissioners, the County Commissioners shall furnish to the State Roads Commission in writing a statement showing the location of the road or bridge proposed to be constructed, the length thereof and the type and character of construction, together with a copy of the complete specifications for such road or bridge and an estimate of the cost thereof. No construction shall be commenced on any such project until the same shall have been approved by the State Roads Commission.

(f) If the County Commissioners of any County shall desire to avail themselves of the provisions of either Sub-Sections (d) or (e) of this Section, they shall notify the State Roads Commission before September 1st of their intention to avail themselves of the provisions thereof for the succeeding two fiscal years. In the event that the County Commissioners of any County shall avail themselves of the provisions of Sub-Sections (d) or (e) of this Section, the State Roads Commission or the Comptroller shall before any monies are paid over to the Commissioners of such County, reimburse the said Commission for any sums due by such County for monies expended in said County by said Commission under Sub-Section (a) or (b) of this Section.¹

Petition for writ of mandamus to compel State Roads Commission to pay Commissioners of Carroll County portion of lateral road gasoline tax fund denied, as funds must be expended as provided for by this section; legislation required to make change. *Carroll Co. v. State Roads Comm.*, Daily Record, Oct. 24, 1939.

The maintenance of county roads by the State Roads Commission under secs. 9-19 does not relieve the County Commissioners from liability for injuries due to defective and unsafe condition of the highway. *Howard Co. v. Leaf*, Daily Record, Oct. 30, 1939.

1937, ch. 458. 1939, ch. 63.

10. Out of the appropriation of the "One and one-half cent Lateral County and Municipal Road Gasoline Tax Fund" created by Section 243, Article 56 of the Annotated Code of Maryland, allocated by the said State Roads Commission of Maryland to Montgomery County, the State Roads Commission shall pay to Garrett Park, Town of Washington Grove,

¹ Sec. 2, ch. 766, 1939 provides that sec. 19 shall continue and be in force until repealed.