

37.

This section cannot be construed as only applicable to the highways after the improvements thereon by the commission have been completed. See notes to section 34. *United Rys. & Elec. Co. v. State Roads Com.*, 123 Md. 584.

39G.

See notes to section 40.

1918, ch. 295, sec. 6.

39K. The actual cash proceeds of the sale of the certificates of indebtedness to be issued under the Act of 1918, Chapter 295, shall be paid to the Treasurer of the State, upon the warrant of the Comptroller, and such proceeds shall be used exclusively for the following purposes, to wit: The Comptroller shall immediately upon the sale of, and payment for said bonds or certificates of indebtedness, first return to and credit the Treasury for whatever advances or payments may have been made, as provided for by Section 5 of the Act of 1918, Chapter 295. The remainder of the proceeds of said loan shall be turned over or credited to the State Roads Commission, and by it used, expended and applied as follows: One-fifth of such remainder shall be used and expended in the City of Baltimore for the grading, paving and curbing of such streets, and highways, or portion of such streets or highways in said City of Baltimore, as may be selected by the State Roads Commission. After the Commission has provided for this expenditure, then the Commission shall apply and expend the balance then remaining, to such amount as may be necessary, for the purpose of carrying out the obligations assumed by the State under the Act passed by this General Assembly assenting to the provisions of the Act of Congress, approved July 11th, 1916, entitled "An Act to provide that the United States shall aid the States in the contribution of rural post roads, and for other purposes." After the Commission has provided for the aforesaid obligations, then the remainder of the said balance shall be used and expended, subject to the judgment and discretion of the State Roads Commission, and in such manner and order of priority as may be determined by it, for and on account of the completion and extension, and thereafter for the maintenance of the State Roads System of Maryland.*

40.

While the courts have the power to prevent the commission from diverting funds appropriated by the legislature for one road to the construction of another, to justify such action it would have to be very clearly shown that the funds were being improperly used. Action of commission upheld. *Magruder v. State Roads Commission*, 125 Md. 526.

48.

The state roads commission is a *quasi* corporation: its powers and duties. For all matters within the scope of its duties and obligations the

*For full details of the "Road Loan of 1918," see the act of 1918, chapter 295; see also article 31, section 62.