

him. The amount of said check shall be five hundred dollars. The checks of the unsuccessful bidders shall be returned to them after opening the bids and awarding the contract to the successful bidder; provided, however, that said commission, with the consent of a majority of all its members, may itself do any part or parts of any such work under such conditions in every respect as it may prescribe by day labor, whenever the chief engineer, in writing, shall recommend that course.

Where loan made to contractor upon condition that it be and was used for material in road construction, bond of contractor not liable, loan being made without knowledge of material men or surety, though bond provided for payment of persons furnishing material or performing labor. *Casualty Co. v. State*, 147 Md. 558.

Bond of contractor for materials and labor does not cover rent and depreciation of steam shovel leased to sub-contractor as part of his regular business equipment. *State v. Natl. Surety Co.*, 148 Md. 222.

Sub-contractor or materialman may not sue on bond of contractor guaranteeing performance of contract. *Baltimore v. Casualty Co.*, 146 Md. 512

Hauling of sand, gravel, etc., is labor or material within statute and bond executed thereunder. *London, etc., Indemnity Co. v. State*, 153 Md. 310.

See notes to sec. 50.

### 34.

See notes to sec. 50.

An. Code, 1912, sec. 48. 1910, ch. 116, sec. 32P (p. 304).

**35A.**<sup>1</sup> For the purpose of making and maintaining connections between any highways or the parts of any highway constructed or improved under the provisions of the preceding Sections, the State Roads Commission shall have the power to build bridges; and to acquire by purchase, condemnation, or otherwise (and to maintain when so acquired) any existing bridges along, in the line of, or connected with any such highway or highways. And in the exercise, but not in limitation, of the power hereby granted, the State Roads Commission is authorized and directed for the purpose of connecting the system of State Roads in Harford and Cecil Counties, to acquire by purchase, condemnation or otherwise (and when so acquired to maintain) the Conowingo Bridge across the Susquehanna River, together with all land, roads, approaches, rights, franchises and easements belonging to any person or corporation, and necessary or convenient for the purpose aforesaid; or in case the judgment or verdict of condemnation shall be deemed excessive, with reference to said Conowingo Bridge, by the State Roads Commission, the said Commission may within thirty days after the final judgment or verdict of condemnation shall have been entered, reject the same and then shall proceed by way of purchase or condemnation, or both, to acquire any and all necessary approaches for a bridge across the Susquehanna River and at such point in the vicinity of the said Conowingo Bridge as may seem best for the public advantage in judgment of said Commission, and the said Commission to proceed after acquiring the necessary approaches and other property rights to erect a new bridge at that point out of the money available for any purpose under this Section; provided, however, that should the purchase or condemnation of said bridge, or the building of a new bridge in lieu thereof aggregate more