

reason of the failure of the bidder to promptly and properly execute a bond for the completion of the work.

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 the said Commission may itself do any part or parts of any such work under such conditions in every respect as it may prescribe by day labor in all cases wherein the funds provided for the carrying on or performance of such work are provided by the government of the United States of America, or any agency thereof, and the said government, or any agency thereof, shall require that such work be performed by day labor employed by said Commission. And provided further than nothing in this section shall be construed to prohibit the use by the said Commission of free labor supplied by relief or charity agencies or organizations.

In case of receivership of contractors, unpaid balances on contract to be applied to claims for labor and material in preference to general creditors. *Carney v. U. S. F. & G. Co.*, 168 Md. 134.

An. Code, 1924, art. 91, sec. 31. 1912, art. 91, sec. 37. 1908, ch. 141, sec. 32E. 1912, ch. 371, sec. 32E. 1924, ch. 312. 1931, ch. 539, sec. 7.

8. Said Commission shall keep all State highways reasonably clear of brush and maintain same in good condition; shall cause suitable shade trees to be planted thereon, if practicable, and may establish and maintain watering troughs upon such highways. Said Commission may give suitable names to the State highways and change the name of any highway which becomes a part of the State highway. The said Commission is hereby authorized and empowered, in its own discretion, to adequately mark for direction and distance all improved highways in the State.

See sec. 44.

1933, ch. 425, sec. 7A. 1939, ch. 766.

9. The "One and One-half Cent Lateral Road Gasoline Tax Fund," created by Section 243 of Article 56 of the Annotated Code of Maryland, as said Section is amended by Chapter 766, Acts of 1939, shall be disbursed by the State Treasurer monthly (less such sum to be retained by the Comptroller, as in the judgment of the Comptroller, shall be sufficient to enable him to pay promptly all claims for refunds, and less three-eighths of the appropriation to the Comptroller for maintaining the Gasoline Tax Collection Department in the office of the Comptroller), as follows: three-tenths thereof, less refund exemptions provided by Section 244 of said Article 56, to be credited to the account of the State Roads Commission of Maryland and to be paid by the State Roads Commission to the Mayor and City Council of Baltimore in monthly installments for use by the Mayor and City Council of Baltimore for any purposes in connection with the construction, reconstruction, maintenance or repair, of the street and highway system of the City of Baltimore, or for the payment of highway debt service, that is to say, interest, sinking fund or maturity requirements with respect to bonds or other evidences of debt issued by the City of Baltimore for the construction, reconstruction, maintenance, or repair of streets and highways in the City of Baltimore. The balance shall be credited to the account of the State Roads Commission of Maryland, to be paid out of the Treasury of the State, only upon the warrant of the Comptroller, and shall be allocated by the State Roads Commission of Maryland, to the Counties of the State, in the proportion which the