

maintenance thereof. Provided, that one-half of the construction cost of such bridge, archway, culvert or roadbed shall be paid for by the railroad and one-half by the state roads commission.

See notes to sec. 28.

An. Code, sec. 61. 1910, ch. 116, sec. 32Z3 (p. 311). 1918, ch. 306.

**39.** For the purpose of building and constructing or maintaining any roads, bridges and highways under the provisions of this act, or for the purpose of working in any stone quarry operated by said commission, the said commission is hereby authorized to make requisitions on the Board<sup>1</sup> of Welfare for as many inmates of the Maryland Penitentiary and the Maryland House of Correction as may be necessary for said purpose; and the said Board of Welfare is hereby directed to furnish the same with such guards or keepers as can be spared from their duties at said institutions; and any additional guards or keepers necessary for the safe keeping of said inmates shall be furnished and appointed by said commission. The said commission shall in conjunction with the aforesaid Board of Welfare provide for the maintenance and safe keeping of said inmates of the House of Correction and the Maryland Penitentiary while so employed.

See art. 27, secs. 676 and 712, *et seq.*

The acts of 1916, ch. 556, and 1918, ch. 354, held valid and not to impair obligation of a contract for convict labor made prior to their adoption. Specific performance; injunction. Nature and scope of police power. Cases reviewed. Jones Hollow Ware Co. v. State Rds. Comn., 134 Md. 104.

An. Code, sec. 63. 1910, ch. 501, sec. 32W (p. 311).

**40.** Whenever, for the purpose of building a new road or widening any existing road or crossing the tracks of any railroad, it shall become necessary to condemn any land or water or any interest in, under or over the same which the state roads commission is authorized to acquire under the preceding sections of this article, it shall and may be lawful for said commission to proceed as follows: The commission shall cause to be prepared a preliminary report, with such plat or plats as may be necessary and showing: (a) The description, quantity and nature of the property to be taken; (b) the amount of damages awarded therefor; (c) the amount of benefits assessed to the adjoining land (which shall not exceed the damages awarded and costs of condemnation), and which in case of a railroad crossing shall be governed by the section of this sub-title for such cases provided; (d) the names of the persons interested in the property taken or benefited, with their respective estates and interests therein (and if any such estates or interests shall belong to the unknown heirs of any deceased owner, the report shall so state); (e) and the damages and benefits awarded or assessed to each. Upon completion of such report the state roads commission shall, by an advertisement inserted twice successively in one or more newspapers published in the county where the land lies, give notice to the parties interested (naming them) that such preliminary report is open to inspection at the office of the commission, and that during a period of fifteen days from the date of the first publication of such notice

<sup>1</sup> Formerly the state board of prison control.