

1904, art. 77, sec. 22. 1888, art. 77, sec. 19. 1872, ch. 377. 1892, ch. 538.  
1900, ch. 389. 1904, ch. 584.

**23.** The board of county school commissioners are hereby declared to be a body politic and corporate by the name and style of the board of county school commissioners of ——— county, and by that name shall have perpetual succession, and shall be capable to sue and be sued, to use and have a common seal, and the same at their pleasure to alter or break, and to exercise all the powers and privileges hereby granted to or vested in them; and every county superintendent or assistant county superintendent shall have power to take affidavits and administer oaths in all matters pertaining to public schools, but without charge or fee.

At common law no action for tort could be maintained against a board of county school commissioners, nor is there any statute making them so liable. Such board is given no power to raise money to pay damages, and all of their funds are appropriated to specific purposes from which they can not be diverted. The language "shall be capable to sue and be sued", construed. *Weddle v. School Commissioners*, 94 Md. 342.

No single member of the county board can bring a suit, where the ground of action is a matter affecting the corporation as a whole. *Jones v. Keating*, 55 Md. 149.

Prior to the act of 1870, ch. 377, the county school commissioners, while not incorporated, were a *quasi* corporation. *School Commissioners v. School Commissioners*, 35 Md. 202.

The members of the board of county school commissioners are not "civil officers" within the meaning of article 2, section 15, of the state constitution, and hence, prior to the act of 1900, ch. 29, they were not subject to removal by the governor—see section 29. *School Commissioners v. Goldsborough*, 90 Md. 198.

See sections 6 and 22 and notes.

*Ibid.* sec. 23. 1888, art. 77, sec. 20. 1872, ch. 377.

**24.** All the property, estates, effects, money, funds, claims and State donations heretofore vested by law in the public school authorities of any county, for the use and benefit of public, primary, free or high schools, are transferred to and vested in the board of county school commissioners and their successors in office.

See notes to sec. 23.

*Ibid.* sec. 24. 1888, art. 77, sec. 21. 1872, ch. 377. 1900, ch. 520.  
1904, ch. 584.

**25.** The board of county school commissioners shall have the general supervision and control of all the schools in their respective counties; they shall build, repair and furnish school houses; they shall purchase and distribute text-books; they shall, after advising with the principal of the school to which the teacher is to be appointed, appoint all assistant teachers; they shall have authority to consolidate schools when, in their judgment, consolidation is practicable and desirable, and to arrange for and to pay charges of transporting pupils to and from such schools, and shall perform such other duties as may be necessary to secure an efficient administration of the public school system, subject to the provisions of this article.

It is requisite for the effectual discharge of the duties of the county school commissioners, that except so far as restrained by law, each board should have the power to select its own agents. *Duer v. Dashiell*, 91 Md. 667.