

the advice and consent of the senate, appoint, and if such vacancy shall occur during the recess of the senate, he shall appoint a proper person or proper persons to fill such vacancy or vacancies; and the nomination of the person or persons thus appointed during such recess, or of some other person in his or their place, shall be made to the senate within thirty days after the next meeting of the legislature.

When an election of a county commissioner is declared void, the governor should be notified so that he may fill the vacancy. *Handy v. Hopkins*, 59 Md. 172.

1904, art. 25, sec. 4. 1888, art. 25, sec. 4. 1860, art. 28, sec. 2. 1804, ch. 73, secs. 3-6.

4. They may sue and be sued, and may sue for any injury done to the property of the county, or to recover possession thereof, or may be sued by any claimant of such property.

This section referred to in determining whether the county commissioners were liable for personal injuries (see notes to section 1). *Anne Arundel County v. Duckett*, 20 Md. 475.

Cited but not construed in *Prince George's County v. Mitchell*, 97 Md. 339. See notes to sec. 1.

*Ibid.* sec. 5. 1888, art. 25, sec. 5. 1860, art. 28, sec. 3. 1853, ch. 372. 1854, ch. 297.

5. The number of county commissioners in each county shall be as fixed by the code of local laws for each county.

*Ibid.* sec. 6. 1888, art. 25, sec. 6. 1860, art. 28, sec. 4. 1853, ch. 239, sec. 4.

6. They shall meet in their respective counties within sixty days after their election and qualify by taking the oaths required by law, and shall meet once a quarter, and as much oftener as the necessities of the county may in their judgment require; provided, however, that the meeting to make the annual levy of taxes shall be held previous to the first day of July in each year.

The power to levy under this section is the power to levy only for the year in which the meeting takes place. The levy can not include prior years. *B., C. & A. Ry. Co. v. Wicomico County*, 93 Md. 130.

Taxes for the current year may be levied after July first. The construction of this section should be reasonable and liberal in order to support the action of the commissioners. *American Coal Co. v. Allegany County*, 59 Md. 195; *B., C. & A. Ry. Co. v. Wicomico County*, 93 Md. 122; *Hopkins v. Van Wyck*, 80 Md. 18.

See notes to sec. 7.

*Ibid.* sec. 7. 1888, art. 25, sec. 7. 1860, art. 28, sec. 5. 1817, ch. 78. 1823, ch. 62. 1835, ch. 307. 1853, ch. 239, sec. 2.

7. They shall levy all needful taxes on the assessable property within the county liable to taxation and provide for collecting the same, and they may make such levy in whole or in part by estimate; they shall provide for the support of the courts, compensate jurors and county or State witnesses, levy for outpensions allowed by themselves or the trustees of the poor, and such sums as may be necessary to pay accounts allowed by them for the funeral expenses of paupers, and pay and discharge all claims on or against the county which have been expressly or impliedly authorized by law.