

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.

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 cannot be diverted. The language "shall be capable to sue and be sued," construed. *Weddle v. School Commissioners*, 94 Md. 342; *Fisher Co. v. Mackall*, 138 Md. 593.

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

Prior to 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 meaning of art. 2, sec. 15, of the state Constitution, and hence, prior to act of 1900, ch. 29, they were not subject to removal by Governor—see sec. 59. *School Commissioners v. Goldsborough*, 90 Md. 198.

See secs. 6 and 39 and notes.

An. Code, sec. 24. 1904, sec. 23. 1888, sec. 20. 1872, ch. 377. 1916, ch. 506, sec. 24

41. All the property, estate, effects, money, funds, claims and state donations heretofore vested by law in the public school authorities of any county, for the benefit of public, primary, free or high schools, are transferred to and vested in the county boards of education, and their successors in office. The county boards of education are authorized, empowered, directed and required to maintain a uniform and effective system of public schools throughout their respective counties. Real and personal estate granted, conveyed, devised or bequeathed for the use of any particular county or school district shall be held in trust by the county board of education for the benefit of such county or school district, and such grants and bequests shall be exempt from all State and county taxes. Moneys invested in trust for the benefit of the public schools of any county or city shall be exempt from State, county or local tax.

See notes to sec. 40.

An. Code, sec. 25. 1904, sec. 24. 1888, sec. 21. 1872, ch. 377. 1900, ch. 520. 1904, ch. 584. 1914, ch. 480. 1916, ch. 506, sec. 25.

42. The county superintendent of schools shall be the executive officer, the secretary and treasurer of the county board of education. He shall attend all meetings of the board and of its committees, except when his own tenure, salary, or the administration of his office are under consideration, and shall have the right to advise on any question under consideration, but shall have no right to vote.

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

The court declined to interfere with a consolidation of schools—see notes to secs. 11 and 72. *School Commissioners v. Morris*, 123 Md. 400.

The legislature may authorize the county commissioners, they being a public corporation, to lease a building for school purposes. *Webster v. Cambridge Seminary*, 73 Md. 210.

The county school commissioners are proper parties to demand performance by county commissioners of their duty to levy taxes under sec. 90. *Worcester County v. School Commissioners*, 113 Md. 312.

Cited but not construed in *School Commissioners v. Goldsborough*, 90 Md. 203.