

provisions of this section shall receive the sum of two hundred and fifty dollars per annum in full compensation for all services rendered by him as such attorney to said board of commissioners for Cecil county.

**Authority of county commissioners.**

County commissioners have limited authority and persons dealing with them are charged with knowledge of the extent of their powers. Their charters need not specifically designate every act they may do, nor every officer they may appoint. It is the duty of county commissioners to assess unassessed lands for taxation; hence, they may employ a person to make abstracts of title of unassessed lands, and if his report is adopted, or, being received, ought to be adopted, they must pay for it. *Tasker v. Garrett County*, 82 Md. 153.

County commissioners can only perform acts expressly or impliedly permitted by their charter. *Peter v. Prettyman*, 62 Md. 571.

County commissioners have discretion to determine which public roads at any time need repairing, etc., and the amount to be expended. *Blundon v. Crosier*, 93 Md. 358.

County commissioners may provide by an agreement for construction, grading and bridging of a road to the *satisfaction of the roads engineer*. *Riggs v. Winterode*, 100 Md. 444.

County commissioners may appoint all other officers, etc., required for county purposes in addition to those provided for by Constitution or acts of assembly. *Washington County v. Nesbitt*, 6 Md. 470.

County commissioners may contract for a fireproof vault in which to keep court records. *Smith Fire Proof Co. v. Monroe*, 97 Md. 371.

A local law providing for the appointment of a treasurer for Carroll county, held not to operate to impair or diminish powers of county commissioners under this section. *Frownfelter v. State*, 66 Md. 84.

**Personal Injuries.**

County commissioners are liable to one injured by reason of their failure to perform the duty imposed by this section, the same being imperative and not discretionary; neither fact that a private corporation has contracted to keep road or bridge in repair, nor that such corporation is responsible for its being out of repair, relieves county commissioners from such liability. Bridge held to be a county bridge. *Eyler v. Allegany County*, 49 Md. 269; *B. & O. R. R. Co. v. Howard County*, 111 Md. 184; *Adams v. Somerset County*, 106 Md. 201; *Baltimore County v. Wilson*, 97 Md. 209; *Calvert County v. Gibson*, 36 Md. 229; *Baltimore County v. Baker*, 44 Md. 9; *Anne Arundel County v. Duckett*, 20 Md. 475; *Richardson v. Kent County*, 120 Md. 155.

What must be shown to hold county commissioners liable for personal injury due to their failure to keep a road or bridge in repair? It is not necessary to trace knowledge of a defect to commissioners—knowledge acquired by road supervisor is imputed to them. Commission's liability is statutory, and they cannot excuse themselves by fact that road supervisor is also required to keep road in repair. Misleading instructions. *Adams v. Somerset County*, 106 Md. 202; *Harford County v. House*, 106 Md. 442; *Baltimore County v. Wilson*, 97 Md. 209; *Richardson v. Kent County*, 120 Md. 155.

Where a private corporation is responsible for a road's being out of repair, and county commissioners have been compelled to pay damages on account thereof, they have a right of action against the private corporation, and fact that commissioners knew that the road was out of repair and had failed for several years to remedy the same, is no defense to such action. When the judgment in suit against county commissioners is conclusive in suit against private corporation, and when it is only admissible as part of plaintiff's case. *B. & O. R. R. Co. v. Howard County*, 111 Md. 184; *Eyler v. Allegany County*, 49 Md. 269.

A party injured by reason of a defective bridge or road, has his election whether he will sue county commissioners, or bond of road supervisor. *Eyler v. County Commissioners*, 49 Md. 273; *Calvert County v. Gibson*, 36 Md. 235.

Under this section and secs. 2 and 12, where county commissioners actually build and maintain a bridge over a boundary river between Maryland and another state under an agreement with, and partly at expense of, the county on the opposite side of river, they are liable for a condition which renders it unsafe although such bridge is within bounds of a municipal corporation vested with general power over its streets and highways. *Allegany County v. Seaber*, 123 Md. 530.