

Generally.

Where county commissioners act within their jurisdiction in opening and closing roads, mere errors or irregularities in their proceedings are reviewed only upon appeal to circuit court, and do not give rise to relief in equity. County commissioners held to have jurisdiction under this section and secs. 2 and 13, and that their jurisdiction, when once attached, is exclusive. This section construed in connection with local act of 1900, ch. 685 (applicable to Baltimore county). *Jenkins v. Riggs*, 100 Md. 436.

The provisions of this article are not repealed by a local law unless the two are in conflict. It is the duty of county commissioners to have as many appointees as are necessary to keep up the bridges and supervise the roads, and they must see that their appointees do the work. Act of 1874, ch. 274, relating to Baltimore county, does not expressly or impliedly repeal the provisions of this article. County commissioners, held liable for injury due to their failure to repair a bridge. *Baltimore County v. Baker*, 44 Md. 9.

The powers and duties of county commissioners under this section, contrasted with the road system introduced by the Shoemaker law—see art. 91, sec. 43, *et seq.*, particularly sec. 58. The two systems are distinct and independent and cannot be combined. *Anne Arundel County v. United Rys. Co.*, 109 Md. 385.

Since county commissioners constitute a corporation, the alleged pernicious activity of one of the members in relation to a matter to be acted upon by the board, cannot be imputed to latter. *Jay v. Harford County*, 120 Md. 51.

What is a "public road"? *State v. Price*, 21 Md. 454.

The control of the court house vested by this section in county commissioners, cannot be given to the court crier. *Prince George's County v. Mitchell*, 97 Md. 336.

The county commissioners being a corporation, embezzlement by their clerk is within the scope of art. 27, sec. 129. *Denton v. State*, 77 Md. 529; *State v. Denton*, 74 Md. 517.

This section, and secs. 2 and 13, referred to in upholding the constitutionality of art. 91, sec. 46, *et seq.* *Bonsal v. Yellott*, 100 Md. 500.

For a case involving the act of 1853, ch. 239, sec. 1, see *Anne Arundel County v. Duckett*, 20 Md. 475.

This section referred to in upholding constitutionality of an act authorizing county commissioners to appoint a game warden to be recommended by Game and Fish Protective Association. *McCurdy v. Jessop*, 126 Md. 321.

This section was repealed as to Prince George's county by the act of 1900, ch. 346. *Blundon v. Crosier*, 93 Md. 359. (See also act 1910, ch. 90.)

Cited but not construed in *Prince George's County v. Commissioners of Laurel*, 51 Md. 461.

An. Code, sec. 2. 1904, sec. 2. 1888, sec. 2. 1888, ch. 467. 1906, ch. 249.

2. They shall also in their respective counties have control over all the public roads, streets and alleys, except in incorporated towns in their respective counties, and make such rules and regulations for repairing, cleaning, mending and perfecting the same, and providing for the payment of the cost of the same, as they may deem necessary; they shall also have power to levy a tax or license fee upon dogs and bitches owned, kept or harbored within their respective counties, and to provide for the enrollment of said dogs and bitches, and the collection of the tax or license fee thereon; and out of the tax or license fees so collected they may provide for reimbursing owners of sheep or cattle for losses sustained by the killing of sheep or cattle by dogs and bitches other than those owned, kept or harbored by the owner of said sheep or cattle; they may make all necessary rules and regulations for allowing and paying bounties for the killing of hawks, owls, crows, minks, foxes, wild-cats and other and like destructive and harmful wild animals and birds; they may make all nec-