

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 not liable for injuries to person due to unsafe condition or inadequate lighting of stairway in Court House. *Harford County v. Love*, 173 Md. 433.

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. Commissioner'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.

### 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 of 1924 Code. 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. 140. *Denton v. State*, 77 Md. 529; *State v. Denton*, 74 Md. 517.