

This section, and secs. 2 and 13, referred to in upholding the constitutionality of art. 91, sec. 46, *et seq.* (1924 Code). *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This section was repealed as to Prince George's County by the act of 1900, ch. 346.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; *Gaver and Frederick Co.*, 175 Md. 648.

Cited in construing Art. 89B, Secs. 9-19. *Howard Co. v. Leaf*, Daily Record, Oct. 30, 1939.

An. Code, 1924, sec. 2. 1912, 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 necessary rules and regulations for the erection or removal of gates and fences across or obstructing the public highways in their respective counties.

This section referred to in a case involving the right of a municipal corporation to an accounting from a county for a proportion of county road tax which should be paid to the city for its streets, etc. *Carroll County v. Westminster*, 123 Md. 199.

This section and sec. 1 confer the power and impose the duty upon the county commissioners to keep the public roads in a safe condition; hence, they are liable for injuries resulting from the failure so to do. This liability arises from these sections, and where they are prevailed over by a local law depriving the commissioners of such powers and duties, their liability no longer exists. *Baltimore County v. Wilson*, 97 Md. 209. And see *Bonsal v. Yellott*, 100 Md. 500; *Richardson v. Kent County*, 120 Md. 155.

What must be shown to hold the county commissioners liable for personal injuries due to their failure to keep the road or bridge in repair. It is not necessary to trace knowledge of a defect to the commissioners—knowledge acquired by the road supervisor is imputed to them. The commissioners' liability is statutory, and they cannot excuse themselves by the fact that the road supervisor is also required to keep the road in repair. Misleading instructions. *Adams v. Somerset County*, 106 Md. 202; *Baltimore County v. Wilson*, 97 Md. 209; *Harford County v. House*, 106 Md. 443.

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

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

This section was repealed as to Prince George's County by the act of 1900, ch. 346. *Blundon v. Crosier*, 93 Md. 358. (See also act 1910, ch. 90.)

This section and sec. 14 referred to in holding that Road Directors of Allegany County could condemn land for highway purposes in incorporated town; power to build permanent and temporary bridge. *Brady v. Road Directors*, 148 Md. 506.

Cited in construing Art. 89B, Secs. 9-19. *Howard Co. v. Leaf*, Daily Record, Oct. 30, 1939.

See notes to sec. 1.

1937, ch. 155.

3. The County Commissioners of each county and the legislative body of each incorporated city or town in the State shall have full power and