

That the return of examiner is ratified prematurely, is an irregularity to be corrected on appeal to the circuit court, and not a jurisdictional matter to be considered in court of appeals. *Smith v. Goldsborough*, 80 Md. 62.

An. Code, 1924, sec. 157. 1912, sec. 103. 1904, sec. 102. 1888, sec. 98. 1853, ch. 220, sec. 12.

158. The examiners shall be entitled to a compensation for their services and attendance not exceeding two dollars a day, to be ascertained by the county commissioners, which, with all charges arising from the survey or attendance of witnesses or other expenses, shall in the discretion of the county commissioners be paid by the petitioners, or levied, collected and paid by the county, or apportioned between the petitioners and the county, as heretofore directed.

An. Code, 1924, sec. 158. 1912, sec. 104. 1904, sec. 103. 1888, sec. 99. 1853, ch. 220, sec. 10.

159. In all cases where the county commissioners shall adjudge that a road be opened or altered they shall at the usual time for levying taxes levy on the assessable property of the county a sum sufficient to open or alter said road, and also sufficient to pay the damages awarded, if it shall have been adjudged that the damages be paid by the county, or such proportion of the said sums as shall have been adjudged to be paid by the county; and it shall be the duty of the county commissioners to open or alter the road as soon as it can conveniently be done.¹

See sec. 8 and notes to sec. 144.

As to the right of appeal from the action of the county commissioners, see art. 5, sec. 91. See also *Miles v. Stevenson*, 80 Md. 367.

An. Code, 1924, sec. 159. 1912, sec. 104A. 1916, ch. 263.

160. The County Commissioners of the several counties of this State, shall, within four months after June 1, 1916, erect and thereafter maintain at each intersection of a county road with the State roads and State aid roads, in their respective counties, a sign or finger board, substantially made, on which shall be legibly painted, in letters at least three inches in height, the name of the principal place or places to which such county road leads, with the distance thereto from such State or State aid road, such sign or finger board to be securely fastened on a substantial post firmly placed in the ground. In all counties of the State wherein the jurisdiction over the county roads is vested by law in any board or other officials, the duties herein imposed upon the County Commissioner shall be and become the duties of such "board or other officials."

An. Code, 1924, sec. 160. 1912, sec. 104B. 1916, ch. 263.

161. Any person defacing, injuring or destroying any sign or finger board erected or maintained under the preceding Section shall be subject, upon conviction, before any Justice of the Peace or by the Circuit Court for any of the counties, to a fine of not more than fifty dollars for each offense, or confinement in the County Jail for not less than ten days nor more than thirty days, or both fine and imprisonment.

¹ Secs. 104 to 121 of art. 25 of the Code of 1904, sub-title "Private Roads," were declared to be unconstitutional in *Arnsperger v. Crawford*, 101 Md. 225. Although this decision was apparently *obiter dictum*—the appeal being dismissed—it is thought proper to omit said sections. For other cases affecting said sections, see *Jay v. Michael*, 92 Md. 209; *Owings v. Worthington*, 10 G. & J. 293; *Miles v. Stevenson*, 80 Md. 367; *Hoshall v. Hoffacker*, 11 Md. 364.