

county bear to the then existing miles of public road in all of the counties applying as determined by the said state roads commission, unless a balance remains unallotted under the arrangement above prescribed, in which event said balance may be apportioned in the same manner among the counties which have not received the full amount of their applications.

See notes to sec. 44.

An. Code, sec. 78. 1904, sec. 45. 1904, ch. 225, sec. 13. 1910, ch. 217, sec. 45 (p. 319). 1916, ch. 536.

57. Any road heretofore or hereafter constructed under the provisions of this sub-title shall thereafter be a State Road and the State Roads Commission shall have the same authority over said road as it has over other State roads or highways and shall maintain and repair the same as a part of the State Roads System. Provided they are first put in good repair by the Counties.

While this section deals particularly with a different class of road improvements from those to which fund in controversy is applicable, it refers in terms to suits for violation of any of provisions of sub-title under which it is codified with respect to any roads within county; term "sub-title" as used in last sentence of this section may be given its ordinary application consistently with purpose and effect of road law as a whole, and hence its meaning will not be restricted. Under this section, circuit court for Baltimore county has jurisdiction over suit by taxpayers of Baltimore county against state roads commission (one of whose members resides in Baltimore county), to restrain said commission from diverting money directed by act of 1912, ch. 370, to be used in Baltimore county, to construction of roads in other counties. Taxpayers of Baltimore county have a right to maintain the above suit. *Weller v. Mueller*, 120 Md. 638. And see *Fisher Co. v. Mackall*, 138 Md. 592.

Equitable relief against a breach of contract by state roads commission cannot be denied on the ground that the plaintiff has an adequate remedy at law, since the commission has no authority to raise money to pay damages. (Decided without regard to change made in this section by act, 1916, ch. 536, or to act, 1920, ch. 505.) Certain equitable relief held beyond power of court. See notes to sec. 30. *Fisher & Carozza Co. v. Mackall*, 138 Md. 592.

See notes to secs. 27 and 44.

An. Code, sec. 79. 1904, sec. 46. 1904, ch. 225, sec. 14. 1910, ch. 217, sec. 46 (p. 320).

58. In any county in which the control of the public roads is now or may hereafter be vested in any body other than the board of county commissioners, said body shall have all the powers and privileges conferred by this sub-title on the board of county commissioners and be subject to all the duties and obligations imposed by the terms of this sub-title upon the board of county commissioners of the respective counties of the State.

See notes to sec. 44.

An. Code, sec. 80. 1904, sec. 47. 1904, ch. 225, sec. 15. 1910, ch. 217, sec. 47 (p. 320).

59. Nothing in this sub-title shall be taken to alter, abridge, or in any way affect the present method of road construction or repair by the respective counties, at their own expense or otherwise, as now authorized by law.

The act of 1904, ch. 225, made no attempt to deal in a general comprehensive manner with county roads, but dealt only with general provisions. This section shows that act of 1904 did not repeal local enactments providing for apportionment of moneys raised for taxation for road construction or repair in the several counties, nor did that act interfere with legislation to regulate these matters within limits of incorporated cities or towns. *Carroll County v. Westminster*, 123 Md. 206.