

Sylvan Valley News

ONLY NEWSPAPER IN TRANSYLVANIA COUNTY

A HOME PAPER FOR HOME PEOPLE—ALL HOME PRINT

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THE NEW ROAD LAW

An act to provide for constructing and maintaining public roads in Transylvania county.

The General Assembly of North Carolina do enact:

Section 1. That the board of county commissioners of Transylvania county shall, in order for the proper construction, maintenance and amending the said roads of Transylvania county at the time of levying general state and county taxes in each and every year levy a special tax on all property subject to taxation under the state laws of North Carolina, of not less than ten cents nor greater than twenty cents on the hundred dollars worth of property and not less than thirty cents nor more than sixty cents on the poll, said taxes to be collected as all other taxes, but to be kept separate in the tax books of said county and to be set aside as a special road fund to be used by the township from which such tax is collected for maintaining, improving and amending the public roads, culverts and bridges of said township, except as hereinafter provided: Provided, the sheriff or tax collector collecting the said taxes shall only retain three per cent of the amount collected of the said funds for collecting and paying the same over to the county treasurer, and the said treasurer shall only receive two per cent for receiving and paying out said road funds.

Sec. 2. That all able-bodied males of Transylvania county between the ages of eighteen and forty-five years, except regularly ordained ministers of the gospel and residents of incorporated towns, shall be subject to road duty, and shall work on the public roads of said county five days of eight hours each in each and every year and at such time and place and in such manner as may be designated by the road overseer of the township in which said road subject may reside; but said road subject shall not be required to work out of the section or district to which he has been assigned: The said township overseer shall give to each road subject in his jurisdiction three days notice by personal warning or by leaving a written or printed notice at the home or residence of such road subject, specifying in said notice the time and place such road work is to be begun and performed, also designating in said notice the tool or implement with which such person shall be required to work; provided, that any road subject may, in lieu of working five days on the public roads, pay to said township overseer on or before the first day of April in each year, or the time when he is first warned, the sum of five dollars for the succeeding year and shall receive from said overseer a receipt for one year's road duty, or may on or before the first day of April, July, October and January of each year, pay to said overseer one dollar and twenty-five cents quarterly in advance, or may at the time he is summoned pay to said overseer the sum of one dollar for each day summoned for which payment the said overseer shall issue his receipt and which receipt shall exempt said road subject from road work for the year, quarter or days for which same was issued: Provided, further, that any person physically unable to work the public roads may be exempt therefrom by order of the board of county commissioners. Provided, that if any person between the ages of eighteen and twenty-one subject to road duty under the provisions of this act, shall be a bona fide student of any public or private school he shall not in such case be required to perform road duty while attending such school.

Sec. 3. That any road subject who has been duly summoned and who, without legal excuse, fails to work on the said roads as summoned, or make the payments provided for in the preceding section shall be guilty of a misdemeanor, and shall upon conviction be fined

three dollars and the cost in every case in which he is convicted, or he may be sentenced to work on the road for each offense for a term not exceeding five days. And it shall be the duty of said overseer to cause a warrant to issue for the arrest and trial of said defaulting subject, and if any road overseer fails to perform his duty in this respect, he shall also be guilty of a misdemeanor, and upon conviction be fined five dollars and the cost, and shall be liable upon his bond for the time of the subject which was not worked out.

Sec. 4. That the board of county commissioners shall on or by the first day of May, one thousand nine hundred and thirteen, appoint some competent road man as township overseer for each township in the county whose duty it shall be to take charge of, to look after and maintain, repair, and keep in repair, all of the public roads in the township in which he is appointed. He shall summon the various hands in the said townships and work them on such roads therein to which they have been assigned, for at least five days in each and every year, subject to the provision for paying cash in lieu of such time as designated in section two of this act, beginning with the first day of April in each year. But before summoning the said hands, as hereinbefore provided, he shall divide the roads of said townships into road districts and assign the hands to same, the said hands to be assigned to that road district to which he nearest resides. Said township overseer shall be appointed for a term of one year, and until his successor is elected and qualified, as hereinafter provided, but subject to removal for inefficiency or other cause by the board of commissioners, or a majority thereof. The compensation of the said township overseers to be fixed by the board of commissioners, but not to exceed one dollar and fifty cents per day, and shall give bond in the sum of two hundred dollars for the faithful performance of his duty. Provided, that the qualified voters of each township in Transylvania county shall elect a road overseer for their respective townships at the general election to be held in the year one thousand nine hundred and fourteen, and every two years thereafter; said election to be held under the laws governing general elections for the election of county and township officers.

Sec. 5. The said township overseer shall keep a book designating the districts in his said township with the names of each hand allotted thereto and shall mark opposite each man's name the number of days worked by each hand, and the date such work was done, and the amount paid by such hand, when paid, and for what year, quarter or day such amount was paid; said overseer shall keep in said book an itemized statement of all funds received by him for road purposes, to whom the same was paid, giving name of each person, and the purpose for which same was paid, and shall, on or before the first Monday in April, July, October and January of each and every year, render the county commissioners a verified statement of all his transactions and dealings as township road overseer for the preceding quarter, which itemized and verified report shall be turned over to the county commissioners for their inspection and approval or disapproval, and then to be filed in the office of the register of deeds for public inspection.

Sec. 6. That the township overseer shall at the end of each week, or oftener if necessary, give to each person employed by him to work on the roads of his township, a written order to the county commissioners for the payment of the same, who upon approval of same shall issue their warrant upon the county treasurer for the payment of same; of which order he shall keep a stub and shall specify in said order the township in which

the work was done for which the order was issued; and the overseer of each township shall, at the end of each quarter of the year, render to the county commissioners a verified itemized statement of all orders given by him, who to and for what purpose, and stating therein for what township same was paid; which report shall be carefully examined by the board of commissioners and approved or disapproved and filed with the register of deeds for public inspection; and if the said commissioners shall find any of the township overseers wrongfully paid out or misapplied and of the road funds they shall hold said overseer and his bondsman accountable therefor. And any township overseer may provide for the use of a split-log drag on the roads of his township whenever in his judgment he may think it advisable so to do.

Sec. 7. That in addition to the means of laying out new roads as now provided for in chapter sixty-five of the revisal of one thousand nine hundred and five, the board of county commissioners may, upon recommendation of the township overseer, of the township in which said new road is said to be had, or to the laying out of a new road, upon it being made to appear to said board that all persons interested in any of the lands adjoining to or over which the said road or roads are to be constructed or amended have at least ten days written notice of the time when said recommendations are to be passed upon by the said board, the said board shall have the power and are hereby authorized to order the laying out of said roads or the amending of any old road, and when said order shall have been made it shall be the duty of said township overseer to summon three disinterested citizens who are in no wise interested in any of the premises to be effected by said constructing or amending of said road, assess the damages to the land over which the said new or amended road has been located by the road authorities. And in assessing the said damages the said three freeholders shall take into consideration the actual damages done to the premises over which the road is to be constructed valuing it according to the amount of land taken and the damage to the land through which it goes; and shall also take into consideration the benefit to the said land on account of having a good road built through and by the same. And shall allow the said land owner damages against the county for such amount as he may sustain over and above the benefits received by him on account of the road. Provided, however, that if the said land owner or the board of county commissioners, or either of them is not satisfied with the amount of damages they may appeal to the superior court for the trial of said issue as to damages.

Sec. 8. That all bridges in Transylvania county that are now county charges shall be kept up at the expense of the county, and all new bridges to be constructed in any township of said county that cost twenty-five dollars or more shall be constructed by the county under the direction of the county commissioners, and paid for by the county, and that chapter sixty-five of the revisal of one thousand nine hundred and five shall apply to the roads and bridges of Transylvania county, except as modified or changed by the provisions of this act.

Sec. 9. That upon the going into effect of this act all road funds in the hands of any of the old road officers shall be paid over to the county treasurer of said county to be disposed of under the provisions of this act.

Sec. 10. That if any of the officers who have been assigned duties under the provisions of this act shall willfully and negligently fail to perform such duties shall be guilty of a misdemeanor, and upon

Continued on page six.

SUPERIOR COURT

The regular spring term of Superior court met Monday afternoon, the delay having been caused by the failure of the judge to arrive in time to convene court Monday morning. Judge W. J. Adams is presiding, and the court was soon organized and ready for business.

The following was empanelled for grand jury: T. L. Gash, foreman; J. M. Zachary, G. G. Ballard, J. D. Smith, C. W. Talley, W. P. McGaha, W. M. Brown, M. R. Corn, B. P. Merrell, W. V. Bryson, P. E. Alexander, A. C. Landreth, G. T. Mull, L. W. Duncan, B. A. Frady, John Owen, Jr., T. T. Loftis, R. M. Galloway.

A large number of criminal cases were on the docket and quick work was made of them, a large number entering pleas of guilty, and receiving sentences, for the most part, in fines.

The following cases have been disposed of as we go to press:

State v. Carl Banther, drunk and disorderly, not guilty.

State v. R. H. Bellamy, destruction of personal property, nol pros.

State v. Carl Ray, disturbing religious worship, not guilty.

State v. Flora Duncan, retailing, capias and continued.

State v. George Parton, assault, plead guilty, \$10 and costs.

State v. Faris Guthrie, assault, plead guilty, judgment suspended on payment of costs.

State v. George Fortune, resisting officer, plead guilty, \$10 and costs.

State v. Jason McCall and Julian Owen, disturbing religious worship, judgment suspended on payment of costs. Defendants to appear from term to term to show good behavior.

State v. Harland McGaha, giving whiskey to minor, nol pros.

State v. Richard Patterson, abduction, plead guilty, judgment suspended on payment of costs.

State v. Fred Byce and Charlie Byce, assault, plead guilty, \$10 and costs.

State v. Plato Stancel, house-breaking, plead guilty.

State v. Lat Sherlin and J. B. Sherlin, assault, plead guilty, \$10 and one-fourth of costs.

State v. Walter Benjamin, assault, plead guilty, judgment suspended on payment of costs. Defendant to furnish \$100 bond for good behavior.

State v. John D. Galloway, to show good behavior, capias.

State v. Claude Mason and Griffin Owen, assault, not guilty.

State v. Adger Robinson, disturbing religious worship, mistrial.

State v. Claude Mason, assault with deadly weapon, jury trial.

State v. Walking Bear, practicing medicine without license, capias and continued.

State v. Sam Anders, retailing, guilty. Judgment not pronounced.

State v. Fred Gash, false pretense, nol pros.

State v. Bryant Morrison, assault, judgment suspended on payment of costs. Defendant to appear at court for two years to show good behavior, and give bond for \$50.

State v. W. W. Singleton, assault with deadly weapon, not guilty.

State v. Jule Anders, blockading, not guilty.

In our absence from the office for a short time this week an article was left in the News office for publication which was in answer to Mr. B. W. Henderson's article on the condition of certain road amendments in Hogback township, signed "Former Board of Road Trustees of Hogback Township." The News will be glad to print this article if some responsible gentleman will come forward and attach his name to it. The News has an iron-clad rule which does not permit the publication of any article with any personalities in it unless some one will sign his name to it.

SELICA SCHOOL CLOSES

The Selica graded school, after a very successful term of six months, closed last Friday. A well gotten up program was rendered by the students who demeaned themselves well and gave no little pleasure to the audience. It isn't so much of the last day we wish to speak—it spoke for itself in terms that reflected honor upon all parties concerned—but to express in behalf of the entire patronage appreciation of the work done the preceding days.

Really, did you know there was a school being taught for the last six months at Selica? Why, it was scarcely known in the immediate community save by the mothers, and that because of the lunch baskets they were required to fill every morning. The children returning home evening after evening, then week after week with "no news," no achievements or disasters, no hair-breadth escapes from the rod, etc., grew so monotonous that inquiries ceased and the school ceased to be a subject of gossip. Whether the boys on their way to and from school were restrained by mandate or by force of personal contact from the outbursts of pent-up mirth, so it was that another reminder of the existence of a school was removed.

Inside there was no ado made over anything or any one; no wanton display to court applause, but quick, earnest, faithful, heart to heart work the first day and the last day. They gave satisfaction, each in his or her peculiar field. A number, not all of the patrons, we are sorry to say, visited the school in its closing and unanimously voted resolutions of thanks and appreciation of the services rendered and for the manner in which they were rendered.

Principal H. R. McCausland's residence is Harriston, Va., that of Misses Matilda and Esther Gray, Cullasaja, N. C. They in returning to their respective homes have "vanished," but their "smiles remain" with us. ALICE.

PENROSE SCHOOL CLOSES

The Penrose school closed last week with appropriate commencement exercises. On Tuesday night a program was given by the pupils and a recitation contest was held to select a representative for the school at the contest to be held in Brevard at the county commencement. Miss Ina Talley was declared the winner and will represent Penrose school at the county commencement.

On Wednesday morning the graduating exercises were held and the diplomas were delivered by County Superintendent T. C. Henderson. Diplomas were given to the following students: Misses Ossie Clayton, Lillie Collins, Ina Talley, and Messrs. Lauder Lyday, Vergil Lyday and Spurgeon Ledbetter.

After these exercises a meeting of the Betterment Association was held and officers for the ensuing year were elected.

MORE SUGGESTIONS

Mayor—W. M. Henry.
Aldermen—J. W. Duckworth, J. M. Kilpatrick, J. E. Cox, W. L. Aiken, F. E. Shuford.

For biliousness, malaria and constipation, the proper remedy is SIMMONS' RED Z LIVER REGULATOR. The first dose makes you feel better and a little more of the same medicine cures you completely. Price, large package, \$1.00; small size, 25c. Sold by S. M. Macfie. adv

Pains in the back, and the irregularities to which women are subject, yield at once to DR. SIMMONS' SQUAW VINE COMPOUND. It is as pleasant to take as the juice of a sweet orange. Price \$1.00 per bottle. Sold by S. M. Macfie. adv