

Phone No. 93.

L. D. MILLER, Manager

PUBLISHER'S ANNOUNCEMENT.

The Tribune is published at Rutherfordton, N. C., every Thursday by THE TRIBUNE PUBLISHING COMPANY. Subscription price: One year, \$1; six months, 70 cents; three months, 40 cents, invariably in advance. A subscriber in ordering the address of his paper changed, will indicate the address to which it is going at the time he asks for the change to be made. Advertising rates will be furnished on application. Obituary notices and cards of thanks will be charged for at the rate of one cent per word. Brief letters of local news from any part of the county will be thankfully received. Correspondents will please mail their communications so as to get them to the office by Monday. The Tribune is the best advertising medium in this section, and advertisements may feel sure that through its columns they may reach all of Rutherford and a large portion of the best people of the adjoining counties.

THURSDAY, MARCH 19, 1903.

AROUND CHIMNEY ROCK

New Cottage--Serious Condition of Good Citizen--Other News.

CHIMNEY ROCK, March 16th.

—Engineer Dalton and crew, L. Lee and Ted Morrison, were on a visit to the Logan House Sunday afternoon. We are always glad to see the "boys" as they are pleasant, intelligent gentlemen, and are much pleased with our section. Mr. Dalton hails from New York city and likes our country fine if we only had a railroad.

Mr. William Jones, one of Chimney Rock's good citizens, is in quite feeble health and his mind seems entirely gone, but fortunately he remains at home and is easily controlled. This is the second attack Mr. Jones has had, one similar to this some years ago. His family has the sympathy of the entire community and we trust he may soon recover.

Mr. Samuel Baker's brother-in-law of Olney, Ill., is expected soon on a visit. Mr. Charles Sager, of the same town, who has been with the camping party all winter, returned to his home today greatly improved in health and much pleased with our country.

B. F. Freeman, of Bat Cave, has been confined to his room for some days with grip, but we are glad to note he is much improved and able to be at his post of duty.

Hon. J. B. Freeman, representative from Henderson county, visited his mother, Mrs. J. H. Freeman, since his return from Raleigh.

Mr. W. S. Shittle, who has been at home for some time improving his orchard, has returned to Fair View and will engage in his former occupation, teaching. Will has taught several schools around here and is an excellent instructor.

Architect D. W. Foster and brother have completed the weatherboarding and covering of D. L. McAllaney's nice new cottage, in full view of Chimney Rock.

Mrs. D. M. Taylor, of Uree, is quite feeble we hear. We hope she may soon recover.

The farmers generally are grunting and grumbling over so much rainy weather and are longing to see the sun shine in order that they may make ready to pitch their crops.

Notwithstanding the inclement weather and muddy roads, the "water" wagons continue to roll Ashevilleward. There are several thousand bushels of potatoes yet in our community to be disposed of and this isn't much of a "water" country either.

Poe W. Eskridge, the popular manager of the Rutherfordton Telephone Co., was along our line a few days since remodeling and straightening up things generally.

Court Adjourns.

On account of a telegram announcing illness in the family of Judge E. B. Jones, court adjourned this afternoon and the judge left on the evening train. That part of the civil docket not disposed of will be taken up at the September term.

Four New Cases of Smallpox.

Four new and well developed cases of smallpox broke out at the home of Mr. George Bigger, staff last Thursday. Those having the disease this time are Mr. and Mrs. Biggerstaff, son Lee and 11 the daughter Ocie. Miss Mary, the other daughter, has entirely recovered.

La Grippe coughs yield quickly to the wonderful curative qualities of Foley's Honey and Tar. There is nothing just as good. Sold by The City Drug Store.

Foley's Kidney Cure makes the kidneys and bladder right. Contains nothing injurious. Sold by The City Drug Store.

A Severe Cold for Three Months. The following letter from A. J. Nussbaum, of Batesville, Ind., tells its own story. "I suffered for three months with a severe cold. A druggist prepared some medicine, and a physician prescribed for me, yet I did not improve. I then tried Foley's Honey and Tar and eight doses cured me. Refuse substitutes. Sold by The City Drug Store."

Cough Settled on Her Lungs. "My daughter had a terrible cough which settled on her lungs," says N. Jackson, of Danville, Ill. "We tried a great many remedies without relief, until we gave her Foley's Honey and Tar which cured her." Refuse substitutes. Sold by The City Drug Store.

THE PROPOSED ROAD LAW.

Full Text of the New Bill to be Voted on Tuesday After the First Monday in May.

An act to provide for the better working of the public roads and highways of Rutherford county.

The General Assembly of North Carolina do enact:

Section 1. That the board of county commissioners of Rutherford county, shall, in order to provide for the proper construction and improvement and maintenance of the public roads of the county, at their regular meeting in June of each and every year, provided a majority of the votes cast in the election, or elections, to be held as hereinafter provided, shall be "For Road," levy a special tax on all property subject to taxation under the State law in said county of not less than five cents nor greater than twenty-five cents on the hundred dollars worth of property, and not less than fifteen cents, nor greater than seventy-five cents on the poll: The constitutional limit to be observed at all times: said taxes to be collected as all other taxes, and to be kept separate in the tax books of the county, to be set aside as a special road fund to the credit of the respective townships in said county from which said road fund is derived and to be used in the construction, maintenance and improvement of the public roads of the county, the purchase of such materials, implements, teams, wagons, camp outfit, quarters or stockades, for the use and safe keeping of the convict force as may be found necessary in the proper carrying out of this work, and for the employment of such additional labor as may be deemed necessary: Provided, however, that the money raised by the aforesaid levy in each township, shall be used and expended on the roads of said township and that each township share the benefit on the entire road collected on the property and polls of said township under the aforesaid levy, and provided that the money raised under this section, as far as possible, be used for permanent improvements.

Section 2. That there shall hereafter be elected by the board of county commissioners at their regular meeting in June, after the adoption of this law, and at their regular meeting in January of each and every year thereafter a superintendent of roads, who shall be paid such compensation as may be paid out of the county road and bridge fund and who, after January shall hold office for one year or until his successor has been elected and qualified, as provided for in this act: Provided, that the said superintendent of roads may at any time be removed by the board of county commissioners after having been given ten days notice and a hearing, when in the opinion of the board there exists good and sufficient cause for such action; and for malfeasance or misconduct in office he may be removed by them without further notice than may be necessary in order to give him a hearing. It shall be the duty of said superintendent of roads, subject to the approval of the board of county commissioners, to supervise, direct and have charge of the maintenance and building of all public roads in the county, and he shall submit to the board of county commissioners a monthly report concerning the work in progress and the moneys expended, and he shall submit quarterly a report on the condition of the public road and bridges and plans for their improvements, and he shall include in this quarterly report an inventory of the tools, implements, teams and other equipments on hand. Said superintendent before entering upon the duties of his office shall deposit with the board of county commissioners a good and lawful bond, to be approved by the said board of commissioners, for the sum of two thousand (\$2,000) dollars as a guarantee of the faithful and honest discharge of the duties of his office, which bond shall be duly registered in the office of the register of deeds and filed with the clerk of the superior court of the county. In case of the death or resignation or removal of said superintendent it shall be the duty of the county commissioners to elect at their first meeting thereafter a road superintendent, who shall hold office at the discretion of said board of county commissioners or until the regular January meeting of said board and until his successor has been elected and qualified: Provided, that when in the opinion of the board of commissioners in any county coming under the provisions of this act not regularly employing a convict force on its public roads, the appointment of a road superintendent is consistent with the best interest of such county, the said board shall not be required to comply with the requirements of section two of this act, but may in lieu thereof appoint directly one supervisor of roads in each township, and each supervisor in the township for which he is appointed shall perform the duties and assume the responsibilities in this act otherwise required of the county road superintendent; he shall be subject to dismissal under the same terms as laid down for the road superintendent; and he shall give a good and lawful bond, satisfactory to the board of commissioners, for not less than twice the amount of the road tax in his township for any one year, under the same conditions as laid down for said road superintendent and he shall be paid such remuneration as may be agreed upon by the board of county commissioners. Provided, such county supervisor shall be paid for his services out of the road fund arising from and credited to his township.

Section 3. That the board of county commissioners or the road superintendent, subject to the approval of said board shall appoint with power at any time to remove or continue such guards as may be needed to take charge of the convict force, and also one or more persons in each township of the county to be known as township supervisors of roads who shall supervise the road work in the township for which they are appointed for such parts thereof as superintendent may direct. The said guards and township supervisors shall be paid for such time as they may be required to give to this work such compensation per day during such time as they are actually employed in working on the public roads, as may be agreed upon by said superintendent and approved by the board of county commissioners, the guards and the township supervisors to be paid out of the respective township road funds.

Section 4. That all able bodied male persons of the county between the ages of 21 and 45 years except residents of incorporated cities and towns, shall work on the public roads of said county for four days (of 9 hours each) in each and every year at such time and place and in such manner as may be designated by the road superintendent or township supervisors: Provided, that the said superintendent or supervisor in each township shall give to each person of his own township who is subject to road duty at least three days notice by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place, when and where such work is to be performed, and also designating in such notice the tool or implement with which such person shall be required to work: Provided further that in case of washout or other unexpected obstruction to travel the three days' notice shall not be necessary, and any person liable to road duty in the township in which such obstruction to travel may occur shall upon being properly summoned by said superintendent or supervisor of roads, respond to such summons with reasonable promptness: Provided further, that any person may in lieu of working four days on the public roads pay on the first day of May, after the adoption of this act and on or before the first day of April of each year thereafter to the county treasurer or road superintendent the sum of \$2.00, and it shall be the duty of said treasurer or road superintendent upon the receipt of said money or any part thereof to issue to said person a receipt for the same, stating in such receipt the amount and the year for which the same was paid. All moneys paid to the superintendent as provided for in this act shall on the first Monday of each month after being received by him be turned over to the county treasurer and credited to the road fund of the township from which the same was paid, and the same shall be expended in the improvement of the roads in that township from which it was paid. If the road superintendent fails to turn over to the county treasurer money so collected on the first Monday of each month after its receipt he shall be guilty of a misdemeanor: Provided that no person liable for road duty under this section shall be required to work on the public roads outside of the township and road district in which he resides, the boundaries of the road districts within each township to be fixed by the county commissioners.

Section 5. That proper implements and tools for working public roads of the county as provided by section 4 of this act may be supplied by the county road superintendent or county commissioner and shall be paid for out of the road funds of the township in which the said implements or tools are to be used: Provided, that until the county road superintendent shall be able to supply the necessary implements and tools he may and is hereby empowered to compel all persons working on the public roads of the county to provide themselves with such implements as are commonly used when working on said road as the superintendent or supervisor may designate in his notice or summons as being necessary. Provided further that the county commissioners, for the purpose of encouraging road improvement, shall have the right to lend to any township without compensation, or upon such compensation as in their discretion they may deem wise, such road machinery, tools, implements and fixtures as may have been purchased by the county out of its bridge road fund.

Section 6. That on or before the 15th day of April of each and every year the county treasurer shall furnish to the road superintendent and each township supervisor, an alphabetical list by townships of all persons who have paid their money requirements in lieu of the number of days of road labor for that year, the said treasurer having as many such lists prepared as shall be needed and the county road superintendent or treasurer shall furnish each township supervisor a copy of such list of those who have paid for that year in his township or district, as provided in section 4 of said chapter 581 are amended by this act. That the supervisor shall carefully list all persons of road age within their respective townships or districts, check off the names of all those found on the list who have paid money in lieu of their labor requirement for that year, and furnish to the commissioners or superintendent of roads, copies of such lists of persons liable for road duty in each district, and those who have paid in lieu thereof. A list of such persons liable to road duty in each township, who have at any time during the year failed to work on the public road after having been duly notified, are to pay as provided for in section 4 of said chapter 581, of Law of 1899 as

amended by this act, shall be within 15 days submitted by the county superintendent or township supervisor, to a justice of the peace in the township in which such person resides, and it shall be the duty of such justice of the peace to issue his warrant for such person and proceed against them according to law: Provided, however, that the defaulting party may be prosecuted at any time and by any citizen of our county.

Section 7. That all prisoners confined in the county jail, under a final sentence of the court for crime, or imprisoned for non payment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for non payment of costs, and all persons who would otherwise be sentenced in said county to the state prison for a term of less than ten years, shall be worked on the public roads of the county: Provided, that in case the number of such persons in any county, at any time, be less than 10 the commissioners of the county may arrange with the commissioners of any neighboring counties for such exchange of prisoners during alternate months or years, as will enable each co-operating county to thereby increase the number of prisoners at work on the public roads at any given time. And upon application of the said road superintendent of the county, or that of the chairman of the board of county commissioners, the judge of the superior court, or the justice of the criminal court, the justice of the peace and the principal officer of any municipal or any other inferior court, it shall be the duty of the said judge or justice of the peace, or principal officer to assign such persons convicted in his court to said road superintendent or road supervisor in any township making such provision for the same, for work on the public roads of said county or township; All such convicts to be fed, clothed and otherwise cared for at the expense of the township where they are worked: Provided, further, that in case of serious physical disability, certified by the county physician persons convicted in said superior, criminal or inferior court may be sentenced to the penitentiary or the county jail.

Section 8. That when the county commissioners of Rutherford county shall have made provisions for the expense of supporting and guarding, while at work on the public roads of the county, or township thereof, a larger number of prisoners than can be supplied from that county, upon application of the commissioners of said county to the judge of the superior and criminal courts, the justices of the peace and the principal officers of any municipal or other inferior court presiding in any other county, or counties which do not otherwise provide for the working of their own convicts upon their own public roads, shall sentence such able bodied male prisoners as are described in section 7 of this act, from such other counties to work on public roads of said county or townships applying for the same in the order of their application, and the cost of transporting, guarding and maintaining such prisoners as may be sent to any such county or counties applying for the same shall be paid by the county or township applying for and receiving them out of the road fund of each county or township: Provided, that any aid all such prisoners from such other counties may at any time be returned to the keeper of the common jail of such counties, at expense of the county having received and used them.

Section 9. For the purpose of this act the roads and ways of the county are hereby classified as follows: (a) The thoroughfares include the most important public roads which usually lead through two or more townships or county and are extensively used by the traveling public. These become the highways of the county as they are properly graded and drained and have their surfaces improved by being covered with broken stones, gravel, shells or suitable mixture of sand and clay. (b) The neighborhood or branch roads or public roads which are usually to the limits of one or two townships and generally lead from neighborhoods or settlements to main thoroughfares. (c) Cartways, which have no general public junction, are private ways opened up to allow one or more persons on foot, on horseback, or with any vehicle, to pass to and from his or her property through lands belonging to other parties in order to reach the public road.

Information and advice concerning the re-location and general improvement of these public roads shall be furnished to the county authorities by the State Highway Commission. And the said highway commission is hereby made the interpreter of and may revise the specifications for road building provided in this act and it shall further prescribe the general regulations for the management of prisoners working on the public roads. That the thoroughfares or highways as defined above to be improved or constructed in accordance with the provisions of this act, prior to the inauguration of any such permanent improvements on the road or highway to be so improved or constructed, shall be first carefully surveyed and located by an engineer or surveyor trained and experienced in such work, aided by the county road superintendent or supervisor and such assistants as it may be necessary for him to employ, the same to be paid out of the road fund of the county, for services and expenses, as may be agreed upon by the county commissioners. All such public roads or highways where changed or hereafter located or re-located or widened, shall be given a grade

Working Over Time.

Eight hour laws are ignored by those tireless little workers--Dr. King's New Life Pills. Millions are always at work, night and day, curing indigestion, biliousness, constipation, sick headache and all liver and bowel troubles. Easy to get, pleasant to take. Only 25c. at T. E. Twitty's, and Thompson & Watkins' drug store.

It Saved His Leg.

P. A. Danford of LaGrange, Ga., suffered for six months with a frightful running sore on his leg; but writes that Buckley's Arnica Salve wholly cured it in five days. "For rheums, wounds, piles it is the best remedy in the world. Cure guaranteed. Only 25c. Sold by T. E. Twitty, Thompson & Watkins' druggists.

no where greater than ten feet in one hundred feet, and they shall have width of not less than twenty feet clear of ditches, logs, trees and other obstructions: Provided that where the roadway may be located on the steep slope of a mountain its width shall not be less than sixteen feet between ditches, or where blasted out in hard rock the width of such roadway shall not be less than thirteen feet: Provided further, that these thoroughfares or highways shall have a right-of-way of sixty feet wide, but the width of the roadway within the limits here specified shall be decided by the board of commissioners. All such roads shall be thoroughly drained, and where ever it may be necessary to turn water across them this shall be done by putting in sewer pipes or other forms of covered drains or culverts.

The neighborhood or branch roads as defined above shall have a right-of-way of thirty feet, but the width and grade of the roadway, and specifications under which these roads shall be kept in repair shall be decided by the county superintendent of roads or the supervisor in that township or district, subject to the approval of the board of county commissioners and said roads may be re-located or otherwise changed in the manner provided for in this act. The amount and nature of the labor to be performed under this act, in the maintenance and repair or change of anyone of these roads, or parts thereof, shall be at the discretion of the superintendent or supervisor in charge of said roads. Cartways as defined above, are to be kept in repair by parties using the same. Any party desiring a cartway opened up over lands of other persons may file his petition for the same before the board of county commissioners through the road superintendent of the township or district in which such cartways is to be located, praying for a cartway to be kept open across such other person's land, leading to some public road; and upon his making it appear to the board that the petitioners, had ten days' notice of his intention, the board shall hear allegations of the petitioner and the objections, if any, of the owner or owners or their representatives, and if sufficient reason be shown shall order the constable or other officer to summon a jury of five free holders to view the premises and lay off a cartway not less than fourteen feet wide and assess the damages, if any, the owner of such land may sustain thereby, which, with the expense of making the way, shall be paid by the petitioner; and the way shall be kept open for the free passage of all persons on foot or horseback or in wagons or any other vehicle whatsoever. Cartways, laid off according to the provisions of this section, may be changed or discontinued upon application by any person concerned, under the same rules of proceedings as they may be first laid off, and upon such terms as the board of county commissioners shall deem equitable and just. And any person through whose land a cartway may pass may erect gates or bars across same; if any person shall leave open, break down or otherwise injure such gates or bars he shall forfeit and pay, for every such offense, ten dollars to the person creating the same or the owner of the land; and if the offense shall be maliciously done he shall be guilty of a misdemeanor: Provided, that in case a cartway has not been granted by natural consent of the interested parties and without official sanction the same shall not be closed by any party until opportunity has been given for the establishment of such a cartway as herein provided for; and any person so closing a cartway in violation of this provision shall be guilty of a misdemeanor.

Section 10. That for the purpose of carrying out the provisions of this act the said superintendent and supervisors are hereby authorized to enter upon any unoccupied lands near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved lands planted or left for ornament or shade, to dig or caused to be dug and carried away any gravel, sand, clay or stone which may be necessary to construct, improve or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands and the timber or improvements thereon as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest ditch, water-course or waste ground and shall be kept open by the said superintendent or supervisors and shall not be obstructed by the owner or occupant of such lands or any other person or persons under the penalty of forfeiting a sum of not less than five dollars nor exceeding ten dollars or imprisonment or work on the public roads of the county for not less than ten nor exceeding twenty days for each and every offense, said penalty to be collected by the said superintendent or supervisors if in money and paid over to the township in which the offense was committed, and applied to the road fund of the county. If the owner of any lands or the agent or agents of such owner having in charge lands from which timber, stone, gravel, sand or clay were taken as aforesaid shall present an account of the same through the county road superintendent at any regular meeting of the county commissioners within thirty days after the taking and carrying away of such timber, stone, gravel, sand or clay, it shall be the duty of said commissioners to pay for the same a fair price out of the township road fund

wherein said material was used; and before deciding upon this they may cause to be appointed an impartial jury of three freeholders, one to be selected by the county road superintendent, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the board of commissioners their decision for revision or confirmation: Provided, that said land owner or his agent shall have the right of appeal as provided for in section thirteen in this act.

Section 11. That, subject to the approval of the board of county commissioners, the county superintendent of roads is hereby given discretionary power, with the aid of a competent engineer or surveyor, to locate, relocate or change any part of any public road where in his judgment such location, relocation, or change will prove advantageous to public travel. That when person or persons on whose lands the new road is to be located claims damages therefor, and within thirty days petitions the board of county commissioners for a jury to assess the damages, the said commissioners within not less than fifteen nor more than sixty days after the completion of said road shall order said jury of three disinterested free holders to be summoned by the sheriff or constable as provided by law, who shall give land owners or their local representatives forty-eight hours' notice of the time and place, when and where said jury will meet to assess damages; and said jury being duly sworn in considering the question of damages shall also take into consideration the benefits to public travel and to the owner of the land, and if said benefits be considered equal to or greater than the damages sustained the jury shall so declare; and it shall report in writing its findings to the board of county commissioners for confirmation or revision. Provided, that if said land owner be a non resident of the county and have no local representative it shall be deemed sufficient service of such notice for said sheriff or constable to forward by the United States mail a written notice of the purpose, time and place of such meeting to said jury to the last known post office address of such land owner seven days in advance of such meeting, and also to post a notice of the same far seven days at the court house door of said county.

Section 12. The county commissioners shall cause to be set up along the highways and principal roads of the county substantial mile-posts on which are indicated the distance from the county seat; and at important road crossings and forks the commissioners shall cause to be erected guide-boards on which are indicated the principal place or places to which these roads lead and the distance to the same. That if any person or persons shall willfully alter, deface or otherwise injure any such posts or guideboards, every person so offending shall, upon conviction thereof before any justice of the peace, be fined any sum not less than five nor more than twenty-five dollars and cost, or imprisoned or sentenced to work on the public roads not less than five nor more than twenty-five days, and the money when collected shall be, by the justice of the peace collecting the same, paid over to the treasurer of the road fund for use in the district where the offence was committed.

That any person or persons who shall willfully obstruct any public road of the county, or who shall cut, girdle or undermine or in any way weaken and leave standing any tree or trees where they may fall across and obstruct any public road, or who shall interfere with or in any way willfully or without having taken the precaution, damage any public road, culvert or bridge, or who shall in any way interfere with any officer, laborer or prisoner working on the same, shall be guilty of a misdemeanor and shall be fined or sentenced to work on the public roads at the discretion of the court. And any officer or employee appointed by virtue of this act or to whom duties are assigned in this act, who shall fail to make complete returns within the time prescribed therein, or who shall otherwise fail to discharge the duties imposed upon him by this act, and any person or persons or corporations who shall violate any of the provisions of this act, shall in all cases, whether penalties for such failure are or are not prescribed in this act, be guilty of a misdemeanor. All fines imposed and collected in accordance with this act shall be turned over by the person collecting same to the road fund of the township interested.

Section 13. That the county treasurer shall be and he is here appointed treasurer of the road fund of the several townships in the county of Rutherford and for the faithful keeping and disbursing of said money, the bond of such treasurer shall be liable, and for his services in receiving such fund, he shall receive such commission as the board of county commissioners may agree upon, not to exceed two per centum of all moneys disbursed hereunder. He shall keep a separate account for each township in which the offense was committed, and applied to the road fund of the county. If the owner of any lands or the agent or agents of such owner having in charge lands from which timber, stone, gravel, sand or clay were taken as aforesaid shall present an account of the same through the county road superintendent at any regular meeting of the county commissioners within thirty days after the taking and carrying away of such timber, stone, gravel, sand or clay, it shall be the duty of said commissioners to pay for the same a fair price out of the township road fund

wherein said material was used; and before deciding upon this they may cause to be appointed an impartial jury of three freeholders, one to be selected by the county road superintendent, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the board of commissioners their decision for revision or confirmation: Provided, that said land owner or his agent shall have the right of appeal as provided for in section thirteen in this act.

Section 14. The county treasurer shall keep a separate account of the township road fund as above provided, from the accounts of the county road and bridge fund, and all his disbursements of said two funds and he shall make a written report thereof to the board of county commissioners at their regular meeting on the first Monday in August and February of each and every year, giving a statement of the disbursements from the two funds during the preceding six months, which reports, or the substance thereof, shall be published by said commissioners in at least one newspaper published in the county seat for at least one insertion: Provided that the board of county commissioners of the county, for the purpose of prosecuting the road work of the county or any township thereof, are hereby authorized and empowered to borrow money at a legal rate of interest until the taxes are levied and collected in accordance with the provisions contained in section 1 of this act, and the sum so borrowed shall be paid out of the taxes so collected for and applicable to any township for which said money is borrowed: Provided further, that the said board shall not borrow a sum to exceed two-thirds of the amount of the taxes to be levied and collected for the said county or township road fund.

Section 15. The board of commissioners of Rutherford county, may at its discretion, at its regular meeting in June, or at any regular meeting on or prior to the 1st Monday in June, reduce the number of days of labor, required for road purposes in the county, or any township thereof, to two days, reducing also in such case the money to be paid in lieu of such labor, at the rate of fifty cents for each day reduced.

Section 16. The board of commissioners of Rutherford county, shall at their regular meeting on the first Monday in March order an election to be held in the county of Rutherford and the townships thereof, on Tuesday after the first Monday in May, submitting to the voters of the county and the respective townships therein, the question of the approval of this act and said commissioners shall give notice of said election at the court house door in Rutherfordton North Carolina, and in some newspaper published in the county, and said commissioners, when the aforesaid election is ordered, shall appoint the registrars for said election, one for each voting precinct in the county, and the judges of election, two for each voting precinct of the county, with power in the chairman of the board of commissioners to fill any vacancies, or to substitute their appointees, if reason shall exist therefor and notice shall be given to the respective persons of their appointment and the registration books of the county shall be placed in the hands of the registrars so appointed, and the registration books shall be kept open for the registration of any persons entitled to register and not hitherto registered, and said election shall be held in accordance with the general provisions of law for holding elections except as same may be modified herein.

Section 17. That the election officers shall appoint one of their number to make return of the registration books and poll books and also a return of the vote from his precinct and return to be made on Monday, May 11th, 1903, and the board of commissioners of Rutherford county shall have power to fill any vacancies, or to substitute their appointees, if reason shall exist therefor and notice shall be given to the respective persons of their appointment and the registration books of the county shall be placed in the hands of the registrars so appointed, and the registration books shall be kept open for the registration of any persons entitled to register and not hitherto registered, and said election shall be held in accordance with the general provisions of law for holding elections except as same may be modified herein.

Section 18. That the county treasurer shall be and he is here appointed treasurer of the road fund of the several townships in the county of Rutherford and for the faithful keeping and disbursing of said money, the bond of such treasurer shall be liable, and for his services in receiving such fund, he shall receive such commission as the board of county commissioners may agree upon, not to exceed two per centum of all moneys disbursed hereunder. He shall keep a separate account for each township in which the offense was committed, and applied to the road fund of the county. If the owner of any lands or the agent or agents of such owner having in charge lands from which timber, stone, gravel, sand or clay were taken as aforesaid shall present an account of the same through the county road superintendent at any regular meeting of the county commissioners within thirty days after the taking and carrying away of such timber, stone, gravel, sand or clay, it shall be the duty of said commissioners to pay for the same a fair price out of the township road fund

wherein said material was used; and before deciding upon this they may cause to be appointed an impartial jury of three freeholders, one to be selected by the county road superintendent, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the board of commissioners their decision for revision or confirmation: Provided, that said land owner or his agent shall have the right of appeal as provided for in section thirteen in this act.

Section 19. That, subject to the approval of the board of county commissioners, the county superintendent of roads is hereby given discretionary power, with the aid of a competent engineer or surveyor, to locate, relocate or change any part of any public road where in his judgment such location, relocation, or change will prove advantageous to public travel. That when person or persons on whose lands the new road is to be located claims damages therefor, and within thirty days petitions the board of county commissioners for a jury to assess the damages, the said commissioners within not less than fifteen nor more than sixty days after the completion of said road shall order said jury of three disinterested free holders to be summoned by the sheriff or constable as provided by law, who shall give land owners or their local representatives forty-eight hours' notice of the time and place, when and where said jury will meet to assess damages; and said jury being duly sworn in considering the question of damages shall also take into consideration the benefits to public travel and to the owner of the land, and if said benefits be considered equal to or greater than the damages sustained the jury shall so declare; and it shall report in writing its findings to the board of county commissioners for confirmation or revision. Provided, that if said land owner be a non resident of the county and have no local representative it shall be deemed sufficient service of such notice for said sheriff or constable to forward by the United States mail a written notice of the purpose, time and place of such meeting to said jury to the last known post office address of such land owner seven days in advance of such meeting, and also to post a notice of the same far seven days at the court house door of said county.

Section 20. The county commissioners shall cause to be set up along the highways and principal roads of the county substantial mile-posts on which are indicated the distance from the county seat; and at important road crossings and forks the commissioners shall cause to be erected guide-boards on which are indicated the principal place or places to which these roads lead and the distance to the same. That if any person or persons shall willfully alter, deface or otherwise injure any such posts or guideboards, every person so offending shall, upon conviction thereof before any justice of the peace, be fined any sum not less than five nor more than twenty-five dollars and cost, or imprisoned or sentenced to work on the public roads not less than five nor more than twenty-five days, and the money when collected shall be, by the justice of the peace collecting the same, paid over to the treasurer of the road fund for use in the district where the offence was committed.

That any person or persons who shall willfully obstruct any public road of the county, or who shall cut, girdle or undermine or in any way weaken and leave standing any tree or trees where they may fall across and obstruct any public road, or who shall interfere with or in any way willfully or without having taken the precaution, damage any public road, culvert or bridge, or who shall in any way interfere with any officer, laborer or prisoner working on the same, shall be guilty of a misdemeanor and shall be fined or sentenced to work on the public roads at the discretion of the court. And any officer or employee appointed by virtue of this act or to whom duties are assigned in this act, who shall fail to make complete returns within the time prescribed therein, or who shall otherwise fail to discharge the duties imposed upon him by this act, and any person or persons or corporations who shall violate any of the provisions of this act, shall in all cases, whether penalties for such failure are or are not prescribed in this act, be guilty of a misdemeanor. All fines imposed and collected in accordance with this act shall be turned over by the person collecting same to the road fund of the township interested.

Section 21. That the county treasurer shall be and he is here appointed treasurer of the road fund of the several townships in the county of Rutherford and for the faithful keeping and disbursing of said money, the bond of such treasurer shall be liable, and for his services in receiving such fund, he shall receive such commission as the board of county commissioners may agree upon, not to exceed two per centum of all moneys disbursed hereunder. He shall keep a separate account for each township in which the offense was committed, and applied to the road fund of the county. If the owner of any lands or the agent or agents of such owner having in charge lands from which timber, stone, gravel, sand or clay were taken as aforesaid shall present an account of the same through the county road superintendent at any regular meeting of the county commissioners within thirty days after the taking and carrying away of such timber, stone, gravel, sand or clay, it shall be the duty of said commissioners to pay for the same a fair price out of the township road fund

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Section 22. That, subject to the approval of the board of county commissioners, the county superintendent of roads is hereby given discretionary power, with the aid of a competent engineer or surveyor, to locate, relocate or change any part of any public road where in his judgment such location, relocation, or change will prove advantageous to public travel. That when person or persons on whose lands the new road is to be located claims damages therefor, and within thirty days petitions the board of county commissioners for a jury to assess the damages, the said commissioners within not less than fifteen nor more than sixty days after the completion of said road shall order said jury of three disinterested free holders to be summoned by the sheriff or constable as provided by law, who shall give land owners or their local representatives forty-eight hours' notice of the time and place, when and where said jury will meet to assess damages; and said jury being duly sworn in considering the question of damages shall also take into consideration the benefits to public travel and to the owner of the land, and if said benefits be considered equal to or greater than the damages sustained the jury shall so declare; and it shall report in writing its findings to the board of county commissioners for confirmation or revision. Provided, that if said land owner be a non resident of the county and have no local representative it shall be deemed sufficient service of such notice for said sheriff or constable to forward by the United States mail a written notice of the purpose, time and place of such meeting to said jury to the last known post office address of such land owner seven days in advance of such meeting, and also to post a notice of the same far seven days at the court house door of said county.

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Section 24. The county commissioners shall cause to be set up along the highways and principal roads of the county substantial mile-posts on which are indicated the distance from the county seat; and at important road crossings and forks the commissioners shall cause to be erected guide-boards on which are indicated the principal place or places to which these roads lead and the distance to the same. That if any person or persons shall willfully alter, deface or otherwise injure any such posts or guideboards, every person so offending shall, upon conviction thereof before any justice of the peace, be fined any sum not less than five nor more than twenty-five dollars and cost, or imprisoned or sentenced to work on the public roads not less than five nor more than twenty-five days, and the money when collected shall be, by the justice of the peace collecting the same, paid over to the treasurer of the road fund for use in the district where the offence was committed.