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## THE ROAD LAW FOR BERTIE COUNTY.

### An Act for the Working, Laying Out, Repairing, Improving and Draining of the Public Roads of Bertie County.

(The General Assembly of North Carolina Do Enact.)

Sec. 1. That the Commissioners of the County of Bertie, and they are hereby charged with the duty of laying out, maintaining, draining, improving and the general management of all public roads, cart ways, high ways, bridges and ferries in said county, and that all authority over said roads now conferred upon said board

Sec. 2. That the Treasurer of the county shall be ex-officio treasurer of the road fund of said county, and for the faithful keeping and disbursing of said fund the board of said treasurer shall be liable. All road tax, either general or special levied by the county or any township, and all other moneys from whatever source, belonging to the road fund of said county shall be paid into his hands, and he shall pay all accounts against the road fund, upon order to do so by the board of county commissioners, and he shall receive as compensation for such payments one and one-half per cent of the amounts so paid out and disbursed.

Sec. 3. The treasurer shall keep a separate account of the road fund of the county and shall on the first Monday in December of each and every year, and at any other time when demanded by the said board of commissioners so to do make to them a written report giving a statement of the receipts and disbursements of the road fund during the preceding year, which report together with that for all other county expenses shall be published in one newspaper in the town of Windsor, in such manner and for such time as is now required for the publication of such county statements.

Sec. 4. All accounts against the road fund of the county shall be presented to board of county commissioners in the same manner that other accounts are now presented, and be proved and paid by them in the same manner, upon the warrant of said board as is usual in the payment of county indebtedness.

Sec. 5. That the said board of county commissioners shall have power to employ and appoint all such agents, servants, and laborers as in their discretion are needed for the purpose of carrying out the provisions of this act, and shall have authority to cancel in such contract made with any person. It shall also have authority to require of any such person bond in any sum they may name, conditioned for the faithful performance of the duties they may impose.

Sec. 5. That the County of Bertie is hereby divided into nine road districts, the boundaries of which shall be the same as the boundaries of the present townships of said county. That the said county commissioners may appoint any and all agents they may see fit for the purpose of supervising the work on said roads in any of the said townships or road districts and they county commissioners are hereby expressly authorized to pur-

chase all such teams, wagons, machinery, tools, implements and every other thing needed by them for the purpose of carrying out the provision of this act, and all such property shall belong to the county road fund of Bertie, and when any of the same is disposed of by said board of county commissioners, the proceeds thereof shall be placed to the credit of the road fund of said county.

Sec. 6. The board of county commissioners shall have power to let out to responsible parties the keeping in repair of any part of said roads, when ever in their discretion such course seems wise. Such persons shall enter into a contract in writing with said board of county commissioners, who shall require sufficient bond in such sum as they may name for the faithful carrying out of any such contract.

Sec. 7. That all persons confined in county jail under final sentence of the court for crime, or imprisoned for the non payment of costs or fine or under final judgement of any court of said county, and all persons sentenced from said county to state's prison for a term less than ten years, shall be worked on the public roads of said county or on the county farm at Austin, as the said board of county commissioners may direct; provided, that the commissioners of Bertie county are authorized to receive from any other county in North Carolina any convicts sentenced to labor on public roads, upon such terms as may be mutually agreed on, and that said board of commissioners are expressly authorized and charged with the duty of providing for the care of and maintenance in comfortable quarters of all prisoners committed to their charge for such road duties, and they may adopt all such reasonable rules and regulations as the may deem necessary for the conduct and management of said prisoners not inconsistent with the laws of North Carolina.

Sec. 8. That, for the purpose of this act the agents of said board and all persons employed by them are authorized to enter upon any lands of any persons in Bertie county for the purpose of making all necessary surveys, changes of road, locating roads, draining roads and otherwise carrying out the provisions of this act, and the said board is authorized to determine upon the width of all roads in said county, not to exceed 40 feet wide, and for the purpose of carrying out the provisions of this act the officers and employees of said board are authorized to enter upon any uncultivated lands near to or adjoining said roads, to cut and carry away timber, except trees or groves on improved land, planted or left for ornament or shade, to dig, and to carry away any gravel, sand, clay or stone which may be necessary to construct, improve or repair said road, and to enter upon any lands adjoining or lying near the road in order to make drains or ditches through the same as may be necessary for the betterment of the roads, doing as little injury to said land and im-

provements thereon as the nature of the case and the public good will permit, and any owner or occupant of such land or any other person who shall interfere with the working of the road as herein provided for, or stop up any drain herein provided for shall be guilty of a misdemeanor and upon conviction fined not less than five nor more than ten dollars or be imprisoned at work on the public roads of the county or at the Co. Farm not less than ten nor more than twenty days for each and every offence.

Sec. 9. That it shall be the duty of the county commissioners to pay to the owner of lands for any timber, stone, gravel, sand or clay taken therefrom, such reasonable amounts as may be agreed upon by the said owner or supervisor or person taking said material, upon account for same to be presented to and approved by the board of county commissioners.

Sec. 10. That for the purpose of carrying out the provisions of this act the board of county commissioners of Bertie county is expressly authorized to continue in session as many days after the first Monday in every month as they may deem proper, and they shall receive therefor the same per diem now received by them or hereafter allowed by law for service as county commissioner.

Sec. 11. That the said commissioners are expressly authorized to relocate or change any part of any public road whenever in their judgment such relocation or change will prove advantageous to the public travel, and that when any person or persons on whose land a new road or part thereof is to be located, claims damages therefor, and the said board of commissioners cannot agree upon the amount to be paid him; he or they may file their petition before the clerk of the superior court of Bertie County, asking the assignment of damages, which shall be a special proceeding conducted under the same rules and regulations and in the same manner now prescribed for other special proceedings with the right of jury trial upon appeal from the final order of the clerk. No sum for benefit shall be deducted from the price of the land actually taken from said owner and such owner upon dissatisfaction with the final judgement of the clerk may appeal as aforesaid to the superior court of Bertie county at a term time, where all questions of law and fact filed in said proceeding may be heard and determined by a jury, if a jury trial be demanded.

Sec. 12. That all persons and employees appointed by virtue of this act or to whom duties are assigned under this act, who shall fail to make complete returns within the time required, or who shall otherwise fail to discharge the duties imposed by this act, shall be guilty of a misdemeanor.

Sec. 13. The board of county commissioners are expressly given authority to lay out ferries and authorize the erection of bridges in any manner they see fit.

Sec. 14. It shall be the duty of every person or corporation who shall construct any ditch or drain or culvert across a public road or high-

way, to keep it up in good condition at his or their own expense, and they shall construct and keep in repair the approaches to said bridges in a manner acceptable to the county commissioners. Any person or corporation who shall fail to perform the duties imposed by this section, having been warned by the chairman of the board of county commissioners leaving at his residence or the residence of his agent, or having been notified verbally by said chairman, and having failed to perform said duties acceptable to the board of county commissioners shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than fifty dollars.

Sec. 15. All railroads and incorporated companies shall each keep at their own expense all bridges on or over highways or public roads, or roads not public but used as neighborhood roads, and all crossings which they have severally made it necessary to be built or made in establishing their respective roads, and upon failure to do so shall be guilty of a misdemeanor and fined at the discretion of the superior court, and shall forfeit and pay to the road fund \$25, for each ten days they shall fail to perform the duties of this section.

Sec. 16. It shall be the duty of the county commissioners as said roads progress from time to time, to cause to be set up along the highways and public thoroughfare of said county substantial mile posts, on which shall be indicated the distance from the county seat, and at important crossings and forks on said highways and roads said commissioners shall cause to be erected guide boards on which shall be indicated the important places to which each road leads and the distance from the same, and if any person shall wilfully demolish throw down, alter or deface any such post or guide board, he shall be guilty of misdemeanor and upon conviction thereof fined not exceeding \$25, and costs or imprisoned not more than 30 days and sentenced to work on said public roads.

Sec. 17. It shall be unlawful for any person, corporation or firm to obstruct the drainage of any public road or highway in any manner, or empty the water from any of the ditches or drains into any such road or highway, and any such person, firm or corporation so offending shall be guilty of a misdemeanor, and for every five days after notice, shall neglect or refuse to remedy such offence, shall pay a penalty of \$5.

Sec. 18. It shall be unlawful for any person or corporation which shall have been granted license to erect poles or wires along the right of way

of public roads of the county to allow the same to interfere in any way with public travel or to suffer the same to remain in a condition dangerous to the public or to interfere in any way with the grades of said roads, and any person or corporation who shall fail or refuse to remedy such conditions shall be guilty of a misdemeanor and upon conviction thereof, fined not exceeding fifty dollars, and their license to use said road may be revoked by said board.

Sec. 19. It shall be the duty of the chairman of the board of commissioners to sue for all penalties imposed under this act, and to pay them over to the county treasurer for the benefit of the road fund.

Sec. 20. That the board of county commissioners for Bertie county are hereby authorized to levy at the June session of their board annually for public road purposes a tax not to exceed twenty cents on the one hundred dollars worth of property and sixty cents on the polls, and the chairman of the board of county commissioners shall place the same on the tax list of the current year to be included in and collected with the annual taxes, and it shall be the duty of the sheriff to collect said taxes as in the case of other special taxes and pay over to the treasurer of the county who shall place the amount collected for each township or road district to the credit of said township or road district and the county commissioners of the county shall expend said sum upon the roads of said township or road district and not otherwise.

Sec. 21. That when in any township in the county a petition is presented to the board of county commissioners signed by a majority of the qualified voters of said township asking that a special tax be levied for road purposes, the said county commissioners shall at their next regular meeting in June levy in such township, such additional special tax as they may have been requested to levy for the benefit of the road fund of that township, not to exceed ten cents on the one hundred dollars valuation of property and thirty cents on the polls; said tax to be levied and collected as provided for other road taxes in this act; and such taxes shall be used only on the roads of the township or road district for which said taxes were collected, and the treasurer of the county shall keep a separate account of the same.

Sec. 22. That for the purpose of purchasing such necessary material machinery teams, wagons and other things as may be needed to begin the work of carrying out the provisions of this act, the board of county commissioners of Bertie County are expressly authorized to issue five thousand dollars of bonds of the county to bear

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