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**Abstract of Road Law,**

—PUBLISHED BY ORDER OF—

**Greenbrier County Court**

—FOR THE BENEFIT OF—

**SURVEYORS OF ROADS.**

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*Co. 1881*

1874



# Abstract of Road Law,

—PUBLISHED BY ORDER OF—

## Greenbrier County Court

—FOR THE BENEFIT OF—

### SURVEYORS OF ROADS.

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Every Surveyor of Roads shall cause the roads and bridges to be put in good order, of the proper width, drained, kept clear of all obstructions, and remove all dead timber standing within fifty feet thereof. He shall put up a guide-board at forks of county roads. All bridges must be made twelve feet broad with railing on each side, not less than three feet high. When a county road is suddenly obstructed at any time of the year, or a bridge rendered unsafe, he shall immediately order out such number of persons liable to work on the roads as may be necessary.

He shall, before the first day of September in each year, expend upon the roads of his precinct, all labor, or commutation money, or as much as may be necessary to put his road in good condition. He shall refuse to receive commutation after the



first day of September in each year. He shall report (to Road Commissioners) the amount of money and labor expended on his road during the year, and from whom such money was received, and to whom and for what purpose it was paid. He shall report assessments returned to him uncollected.

Every male person not under twenty-one nor over fifty years of age, who resides in any road precinct, and is not a pauper, having had at least three days' notice, shall, between the first day of April and the first day of September in each year, attend in person or by sufficient substitute with proper tools, and work on the county road in such precinct under the direction of the Surveyor thereof, at such places and on such days during the said period as the said Surveyor may appoint, at least two days, if that number be necessary. And the County Court of every county in which the said two days' work shall be insufficient to open, construct and keep in good repair the roads and bridges thereof, shall at a session of said Court held prior to the first day of May in each year, prescribe by order of the Court the manner in which the same shall be done, after expending thereon the two days' work aforesaid, whether entirely by a tax on property, entirely by labor, or partly by tax and partly by labor; and it shall prescribe, provide for and lay a sufficient amount of tax or labor, or both, as the case may be, to open, construct and keep in good repair the roads and bridges in their county during each year; *Provided*, That not more than four days' work by any person shall be required in any year, and if said four days' work are not sufficient, with or without the tax imposed, to put and keep the roads and bridges in any county in good repair, the Court shall levy a sufficient tax for the purpose as aforesaid.— Every person required by the County Court under the provisions of this section to work on roads, shall perform such additional number of days' work thereon, as may be prescribed by such order, not exceeding, however, two days. But any person re-

quired to perform labor under the provisions of this section may commute therefor by paying to the Surveyor such sum per day for every days' work so required of him, as shall be fixed by the County Courts, not less than seventy-five cents nor more than one dollar and twenty-five cents. The County Court shall have power to transfer and require the Surveyor and hands of any road precinct to work upon the roads of another precinct in the same district, in cases of emergency, or of the opening of new roads, and any Surveyor or hands failing to work on the roads of the precinct to which they may be, by order of the Court transferred, shall be subject to the same penalties as if they had failed to work on the roads of their own precinct when lawfully required to do so.

Every person failing to attend and perform the labor required by the next preceding section, or to pay the commutation mentioned in said section, or if he attend at the day and place required, and shall refuse to obey any lawful order or direction of the Surveyor, or spend the time in idleness or inattention to the work assigned him, shall be proceeded against as follows: The Surveyor of roads for his precinct shall, in a book to be kept by him for that purpose, assess him with a road tax of one dollar and twenty-five cents for each day he shall fail as aforesaid, to work as required and for which he shall not have paid the commutation aforesaid, in form or effect as follows: "A — B —, to road precinct No. —, in the district of —, in the county of —, Dr., To road tax for failing to perform — days' work on roads, at one dollar and twenty-five cents per day, \$ —," and shall place a duplicate of such assessment in the hands of a Constable in the county for collection within ten days after the first day of September in each year and take his receipt therefor. Such receipt shall be in form or effect as follows: "Received this — day of — eighteen — of A — B —, Surveyor of roads or precinct No. —, district of —,



assessments of road tax for collection as follows, namely: Against C — D —, for — days' work, \$—; against E — F —, for — days' work, \$—," and so on, as to each party who failed to work. Constable to collect by distraint or otherwise. Appeal from improper assessment within six months to County Court.

If any one works out more than his time under direction of Surveyor, he is entitled to a receipt which can be used as a credit on some other year.

If any person assessed with any road tax desire to pay the same, or any part thereof in labor, he shall work on the county roads or bridges in his district, if the same constitute but one road precinct, at such times and places as shall be appointed by the Surveyor, or if there be more than one such precinct in the district, at such times and places as the County Court may direct. *Provided*, That in case there be more than one road precinct in the district, and there be a necessity for the expenditure of such tax, in the precinct where such person resides, then such labor shall be performed in that precinct. Such labor shall be performed in all cases under the direction of the Surveyor, and the price thereof shall be such as may have been fixed by the County Court, at a session thereof held prior to the first day of April in each year, and it shall be the duty of the County Court at such session to fix the price of such labor, at a sum not less than seventy-five cents, nor more than one dollar and twenty-five cents. When any such labor is performed by, or on behalf of any person assessed with such road tax, the Surveyor within whose precinct such labor is performed, shall give the person performing such labor a certificate setting forth the number of days and fractional parts of days' labor performed by such person, together with the money value thereof, as ascertained at the price so fixed by the County Court. The sheriff shall receive such certificate in discharge of any road tax with which such

person may be charged, to the amount specified in said certificate, and the amount of such certificate shall be allowed to the sheriff in his settlement for the collection of the road tax. Any Surveyor knowingly giving a certificate to any person charged with road tax for a greater amount than the labor actually performed by such person, shall amount to, at the price fixed as aforesaid, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten nor more than one hundred dollars. *Provided, further,* That any County Court may, when there is a necessity for doing so, as to any district, direct that not exceeding one-third of the amount levied under the preceding section or the whole amount so levied shall be collected in money, and paid into the county treasury to the credit of the road fund.

Any person who shall kill a tree and leave it standing within fifty feet of a road; or obstruct a bridge; or obstruct or injure any road or any ditch made for draining a road, shall on conviction be fined not less than ten nor more than fifty dollars.

If necessary, Road Surveyor may be allowed one dollar per day for not exceeding two days warning hands to work. Give copy of law to his successor.

The Road Commissioners are to assign road tax, control the money paid on account of road tax, and to use the same as they think best for roads and bridges; to recommend changes of roads, overseers or hands, if they see any reason for it, and make a report before the October term of the balance due to or from each overseer, as well as the other matters necessary to enable the County Court to act intelligently in any case which may come before them in relation to roads and bridges; to report all persons liable to work on public roads, who are not assigned to some Surveyor appointed since October 1st, 1881.

Surveyors must settle with Road Commissioners before they receive any compensation or resign, and swear in like other officers.



Cash in Sheriff's hands on account of road levy is controlled by Road Commissioners, and may be used to pay overseers, buy tools, build bridges, &c., but it does not follow that where road tax is assigned to be worked out that the cash paid in lieu of work will go on same road, as the matter is for the Road Commissioners to determine where it shall be used in their district. Road Commissioners settle with Commissioner of Accounts, who will give them a statement of cash in Sheriff's hands due their district.





