

The Road Law.

Section 1. Be it enacted by the General Assembly of the State of South Carolina: The County Board of Commissioners shall take charge of and superintend the repair of the highways in the County, the bridges shall be repaired under their supervision, and the expenses of the same shall be paid out of the treasury raised and appropriated for this purpose. All the work on bridges given out by the County Supervisor and County Board of Commissioners, where the amount shall exceed the sum of ten dollars, shall be done by contract. When the amount shall exceed the sum of one hundred dollars, the County Supervisor and County Board of Commissioners are hereby required to advertise the same in at least one of the papers in the such County; said proposals shall in all cases be accompanied by one or more surities; when the amount is less than one hundred dollars and more than ten dollars, the County Supervisor and County Board of Commissioners are required to advertise the same by posting a notice in three public places, one of which must be at the place where the work is to be done; said notices, to be posted ten days prior to the day on which the work is to be let, and the County Supervisor and County Board of Commissioners shall have the right to reject any or all bids, in their judgment the interest of the County so requires.

Sec. 2. Each township in the several Counties of the State and in any County where no township exists each tax district shall constitute a highway district.

Sec. 3. The County Board of Commissioners of the several Counties of this State are authorized and empowered, jointly or separately, to establish and maintain such free ferries over the streams of this State and to discontinue the same, as in their judgment may seem best; and that all ferries are required to be kept open for use from 5:30 a. m. to 9:30 p. m.

Sec. 4. All roads, highways and ferries that have been laid out or appointed by virtue of an Act of the General Assembly, or any order of court, or by any order of the County Board of Commissioners, are declared to be public roads and ferries, and the County Supervisor and County Board of Commissioners shall have the control and supervision thereof. In those counties where the Township Board of Commissioners have not been abolished, they shall be in each township or tax district in any County where no township exists under the supervision of the Township Board of Commissioners and the County Board of Commissioners. The Township Board of Commissioners, in those counties where they exist, are incorporate, and the Township Board of such township shall be their corporate name. The said County Supervisor and County Board of Commissioners shall have full power and authority to order the laying out and repairing of public roads where necessary, to appoint where bridges or ferries or fords shall be made, to discontinue such roads bridges and ferries as shall be found useless, and to alter roads so as to make them more useful.

Sec. 5. The road bed shall not be less than 16 feet wide, exclusive of side ditches, roots and other obstructions, unless otherwise ordered by the County Board of Commissioners, and be posted with substantial mile posts, and where roads runs through lands where water stands or flows, the roads must be ditched on either side and the road bed raised. The County Board of Commissioners may also open new public roads and widen or change the location of old public roads, where, in their judgment, such change would be for the material interest of the traveling public. They may obtain the right of way by gift or purchase, or they may condemn the land therefor and assess the compensation and damages as hereinafter provided. They shall have power to call to their assistance a surveyor, who shall survey and lay off such road, under their direction, so that the grade shall not ex-

ceed seven and a half inches to the road. The County Board of Commissioners requiring such right of way shall give ten days notice, in writing, to the owner of the land over which such right of way is required, of their intention to condemn and establish such right of way, and of the time and place when and where the compensation and damages therefor will be assessed. If the owner of such land be a non resident of the County, the notice may be served upon his agent or tenant, or any other person in possession thereof; but in such case at least fifteen days notice must be given. If there be no agent, tenant or other person in possession, the notice may be served by depositing it in the post office, postage prepaid, directed to the owner at his last known place of residence; and by publishing such notice for at least two weeks in one of the newspapers published in the county wherein the land is situated. For the purpose of this section the guardians of infants, the committees of idiots or other persons non compos mentis, and trustees, shall be deemed to be owners of the lands of their wards and cestuis que trustent. In case an infant owner has no guardian, or an idiot or other person non compos mentis has no committee, service may be made upon the person whom they severally reside, and upon the Probate Judge of the county, who shall appoint guardians ad litem to appear and represent them. In case the interests of any guardian or committee shall be opposed to those of his ward, a guardian ad litem shall be appointed by the Probate Judge, who shall have authority to appear and represent such ward. No member of the Board who is personally interested or who is related by blood or marriage within the sixth degree to any person claiming compensation and damages, shall serve while the case of such person is under consideration. The places of disqualified members of the Board shall be filled pro tempore by appointment to be made by the Clerk of the Court. All persons interested shall have the right to introduce testimony and to be heard in argument upon the matter of compensation in damages. After hearing the evidence and arguments, the Board shall render its decision by resolution, which shall be recorded in its minutes. Upon the resolution of the Board fixing the amount of the compensation and the damages in any case, a warrant may be drawn on the County Treasurer for the amount so fixed, and the Treasurer shall pay the same out of any funds in his hands applicable to such purposes. Any person interested may appeal to the Court of Common Pleas from the decision of the Board: Provided, The notice and grounds of appeal be served upon the Supervisor of the county and filed with the Clerk of said Court within ten days after the decision of the Board. The Clerk shall docket such appeal on Calendar No. 1, and they shall be heard in said court de novo before a jury, unless the right to jury trial be waived, as in other cases provided by law. Such appeals may be called up for trial out of their order by either party. The verdict of the jury in such cases shall be final, unless set aside for the reasons for which verdicts may be set aside in other cases, or unless the judgment of the court thereupon be reversed for error of law, on appeal to the Supreme Court. After tender of the amount found by the Board for compensation and damages, the pending of an appeal, either in the Circuit or the Supreme Court, shall not operate to stay the opening, widening or changing the location of such roads, but the acceptance of the amount tendered shall operate as an abandonment of the appeal. In case the amount tendered be refused, it shall be deposited with the Clerk of the Court for the owner, and the Clerk shall give his official receipt therefor, and shall pay the same to the owner upon demand and take his receipt therefor. Unless the appellant shall recover on the appeal in which he shall be the actor, twenty per cent. more than fixed by the Board, he shall pay the costs and disbursements of the appeal, and judgment may be entered against him therefor. In assessing compensation and damages for rights of way, only the actual value

of the land to be taken therefor, and any special damages resulting therefrom shall be considered, and due allowance shall be made for any special benefit which may accrue to the owner, including the value of the old road, if the same revert to such owner. It shall be the duty of each and every overseer to work the roads under his charge thoroughly as he goes, arching the same to the centre, with drain on each side to convey the water, and, when necessary, to protect such drains from washing by placing in stone, gravel or other substance; whenever it is necessary to convey water to or to provide for it to cross any road, he shall have the drains across such road laid in stone, gravel or other hard substance, when such material is conveniently obtainable and of such width as to afford an easy crossing where a bridge may not be necessary; and he shall protect the roads by suitable drains from interference by cultivation or otherwise; he shall open, or cause to be opened, all public roads or highways which have been or may hereafter be laid out and established in his road district, and keep them in repair, and remove, or cause to be removed, all obstructions that may from time to time be found therein; for which purpose he is hereby authorized to enter upon any uncultivated lands, or improved lands unincumbered by crops, near to and adjoining such road, and to cut and carry away timber, except trees or groves on improved lands planted or left for ornament or shade, either in the fields, around the springs, or about the dwelling houses or appurtenances, and any rail timber when other timber may be procured at or near the place, and to dig or cause to be dug and carry away any earth, gravel, sand or stone which may be necessary to make, improve or repair said roads, for which compensation shall be made, except within grounds of any persons inclosed for cultivation without consent of owner; and to enter on any lands adjoining or lying near the road to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands and improvements thereon and timber as the nature of the case and public good will permit; and the drains and ditches so made shall be kept open by such overseer, and shall not be obstructed by the owner of the land, or any person having the same in charge.

Sec. 6. All persons from the age of eighteen to fifty years of age inclusive in this State, except those excepted in this Act, shall be liable to road duty.

All male persons coming within the ages so fixed and able to perform or cause to be performed the labor herein required, except ministers of the Gospel in actual charge of a congregation, teachers employed in a public school, school trustees during their term of office, and persons permanently disabled in the military (To be Continued.)

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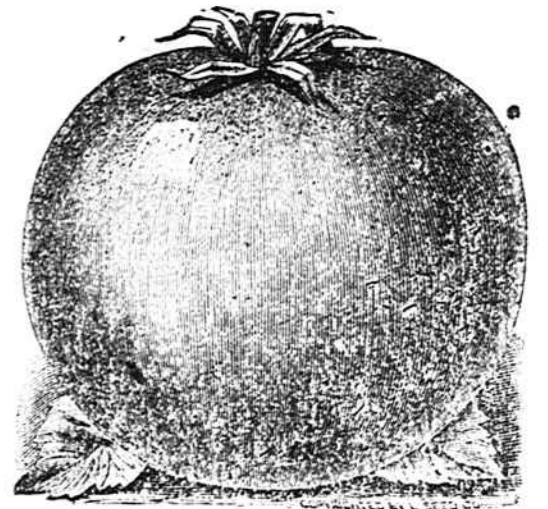
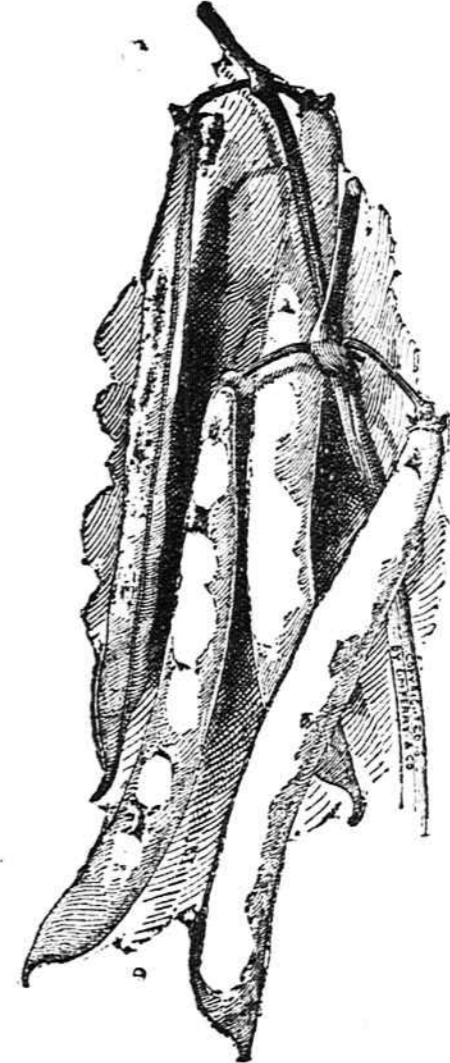
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