

SEC. 15. This act shall be taken notice of by all courts in the same manner as the General Law of the State, and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict this act shall control as to the counties of Hill, Hunt, Jackson, Bee and Falls.

SEC. 16. The fact that there is now no sufficient general road law in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate by two-thirds vote, yeas 21, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 2nd day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

MONTGOMERY COUNTY—ROAD SYSTEM.

S. B. No. 212.]

CHAPTER XLV.

An Act to provide a more efficient public road system for the county of Montgomery.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That each member of the commissioners court of Montgomery county shall be ex-officio road commissioner of his respective district and, under the direction of the commissioners court, shall have charge of all teams, tools and machinery belonging to the county and placed in their hands, and it shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads, and the making, changing and repair of roads, and the building and repair of bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to their regular bond as such commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of the county, for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law or by the commissioners court, and that they will account for all property or money belonging to the county that may come into their possession; provided, that with the consent of the commissioners court, any one of said commissioners shall be allowed to appoint a competent person as deputy road commissioner, who shall be required to execute the same bond required of commissioners in this section; and such deputy road commissioner shall be entitled to the same compensation that

is allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any compensation as road commissioners when a deputy commissioner has been appointed, except for work done by him as such road commissioner in case of urgent necessity.

SEC. 2. The commissioners court of said county shall have full power and authority, and it shall be its duty to adopt such system for working, laying out, draining and repairing the public roads in said county as it may deem best, and from time to time said court may change its plan or system of working. Said commissioners shall have power to purchase such teams, tools and machinery for the working of its road. Said court shall have power to construct, grade or otherwise improve any road or bridge by contract. In such cases said court or county judge may advertise, in such manner as said court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county, for the use and benefit of the road and bridge fund, with good, sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids. At the time of making such contract the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the same shall not be used for any other purpose, and it can only be paid out on the order of said court, and the said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents a day on his fine first and then on the costs for each day he may labor. Such commissioners court may provide such regulations and punishments as may be necessary to cause such convicts to perform good work, and may provide a reward not exceeding ten dollars, to be paid out of the road and bridge fund, for the capture and delivery of any escaped convicts, to be paid to any person other than the guard or person in charge of such convict at the time of his escape, which reward shall be taxed against such convict and worked out or paid by him as part of the cost. The commissioners court may grant a reasonable commutation of time for which a convict is committed, as a reward for faithful services and good behavior, in no case to exceed one-sixth of the whole time. The commissioners court may, at a regular term, make such provisions for prisoners' clothing, bedding, food, medicine and medical attention and guards for the safe keeping and humane treatment of convicts. Said court may allow to the officers and witnesses such amount of their costs for the arrest and conviction of such convict as it may deem best; provided, that it shall not allow to any officer an amount greater than the following: county judge, three dollars; county attorney, five dollars, including commissions; county clerks and justices of the peace, one dollar and seventy cents; sheriffs and constables, five dollars, which amount shall be paid to the officers out of the road and bridge fund, upon the order of said court, when such fine and costs shall have been worked out, as provided in this section; provided, that this

shall not be construed as to relieve any convict from payment of all costs for which he would be liable under the General Laws of this State.

SEC. 4. Each county commissioner shall have control over all road overseers in his district; and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the district of said overseer, so far as he has been supplied therewith by the commissioners court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioners and shall fix the liability of the overseers; and any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damage to the same while in his possession, caused by his negligence or want of due care of the same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners court. It shall be the duty of the road overseer, when he has finished work on his roads, to return to said commissioner all teams, tools and machinery received from him, and take up the receipt given therefor.

SEC. 5. It shall be the duty of the county commissioner when acting as road commissioner to inform himself of the condition of the public roads of his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all road overseers in his district, and the provisions of this section shall extend to work done under contract, unless by special provisions in the contract the road commissioner is relieved of the duties herein required.

SEC. 6. The commissioner may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the term of service, as prescribed by the General Laws of the State, shall be extended beyond that time; and provided, that all road hands in any district shall, as far as practical, be worked a uniform time. Each road overseer, or in his absence, any one deputized by him, shall have full control of all road hands within his road district, and shall see that each hand, when he is called out, performs a good day's work; if any hand when so called out shall fail or refuse to perform a good day's work or to work in the manner the overseer may direct, shall be liable to the same penalty as if he had failed to appear in obedience to the summon. The commissioners may allow any overseer who shall be engaged in the discharge of the duties of his office for more than five days in any one year a compensation not to exceed one dollar a day for the time so served; provided, that he shall make oath that the account is just and due.

SEC. 7. Any citizen of Montgomery county liable for road duty who shall before the February term of the commissioners court of each year, pay to the county treasurer the sum of three dollars, shall be exempt from road duty for such year. The treasurer shall receive and receipt for all moneys so paid him, and shall place the same to the credit of the road and bridge fund, and shall keep a separate account for each district from which it is received. The treasurer shall, on the first day of the February term of the commissioners court, or as soon thereafter as practical,

furnish to each county commissioner a list of all persons in their respective districts that have paid the sum provided in this section.

SEC. 8. Every person liable to work on roads by paying to his road overseer, at any time before the day appointed to work on his road, the sum of one dollar for each day that he is summoned and one dollar and fifty cents for each day he is summoned to furnish his team for road work, shall be exempt from working or furnishing his team for each day paid for, and also exempt from any penalties for failure to work or furnish such team for the time for which he has so paid.

SEC. 9. Each person summoned to work on a road shall take with him an ax, pick, spade, plow, scraper, or such other tool as may be desired and directed by the overseer, or if he has no such tool as is desired and directed by the overseer to take with him, he shall take such suitable tools as he may have; provided, the county shall be liable for, and the commissioners court, under such regulations as they may prescribe, shall pay for all breakage or damage to such tools as may have resulted from public road work, and not caused by the negligence of the person furnishing the same. Such road overseer may also summon and require such road hand to bring with him for public road work such team or teams he may have on hand suitable for road work; provided, that such hand shall be allowed two and one-half days' time for each day put in by a hand with his team, and one and one-half days' time for his team without such hand.

SEC. 10. If any person liable to work on the public roads, after being legally summoned, shall intentionally fail or refuse to attend either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay such overseer one dollar per day for each day he may have been notified to work the road, or to pay said overseer the sum of one dollar and fifty cents for each day he may have been summoned to furnish himself and team for road work, or having attended shall fail to perform good service or any duty required of him by law or the person under whom he may work, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding ten dollars.

SEC. 11. At the regular term of the commissioners court in February of each year all road overseers shall make their reports, under oath, upon forms furnished by said court, which said report shall be examined by said court, and all accounts for services or labor performed for over work by such overseer during the past year, and of moneys had and expended by him shall be audited and settled, and as soon thereafter as possible said commissioners court shall appoint and commission road overseers for the succeeding year; any road overseer intentionally failing to perform his duties as said road overseer, or failing or refusing to make his report as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law or the commissioners court or by the commissioner of his district, or his deputy, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall become necessary to occupy any land for the opening, straightening, widening or draining or repair of any road or part thereof, if the owner and commissioners court cannot agree upon

the price of such land or the damage to be paid, the county may proceed to condemn the same in the same manner that a railroad can condemn land for right of way, and the same proceedings may be had and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 13. It shall be lawful for any delinquent poll taxpayer in Montgomery county to perform two days service upon the public roads in his road precinct in each and every year, in discharge of said delinquent poll tax, unless the poll tax now provided for by the General Laws of Texas shall be changed, in which case a proportionate time for service shall be held to discharge said delinquent for one year's poll taxes; provided further, that this act shall not be held to annul any laws upon the general statutes of Texas for the collection of delinquent poll taxes, but cumulative thereto in Montgomery county; and provided further, that such delinquent taxpayers shall perform such road service under the direction of the overseer, under the same regulations herein provided for parties subject to road service under the General Laws of the State; and it shall be the duty of the tax collector to furnish a list of all delinquent poll taxpayers of each district to the commissioner of said district before the first day of March of each year.

SEC. 14. The commissioners court shall be authorized to levy and collect a tax of not exceeding fifteen cents on the hundred dollars to be used exclusively for road and bridge purposes, and the same shall be disbursed by the said court as they may deem best; provided, said court shall set aside annually, out of said fund, a sum sufficient to pay interest and provide a sinking fund necessary to discharge all outstanding bridge bonds as they mature.

SEC. 15. Whenever a majority of the property taxpayers of Montgomery county, voting at an election for that purpose, shall favor, the commissioners court of said county shall be authorized to levy and collect a special tax of not exceeding fifteen cents on the one hundred dollars for road and bridge purposes, the same to be disbursed as hereinbefore provided.

SEC. 16. Whenever the cost of a piece of road improvement or the cost of a bridge shall exceed two hundred dollars, the commissioners court shall cause the same to be done by contract as hereinbefore provided.

SEC. 17. Every county commissioner shall as soon as practical, after the February term of the commissioners court, take a list of all hands in his district, and also the number of miles of road in his district to be worked; and the condition of such roads, and the approximate amount of work each and every road shall require to keep the same in, as far as possible, uniform condition, and apportion said hands so that no set of hands shall be required to do more work than their proportionate share of road work in said district.

SEC. 18. Every county commissioner, when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners court, shall be entitled to two dollars per day for services actually performed; provided, said sum to be paid him shall not exceed thirty dollars per quarter, which amount shall be paid out of the road and bridge fund, when the account shall have been approved by the

commissioners court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, specifying the number of days actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner, either for himself or his deputy, while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his roads, or for any other road service.

SEC. 19. This act shall be taken notice of by all courts in the same manner as a general law of this State, and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict this act shall control as to Montgomery county; and all local or special laws in conflict herewith are hereby repealed.

SEC. 20. The fact that there is now no sufficient general road law in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 24, nays 0; and passed the House of Representatives by two-thirds vote, yeas 103, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 2nd day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Became a law April 15, 1901.

MATAGORDA COUNTY—ROAD SYSTEM.

H. B. No. 360.]

CHAPTER XLVI.

An Act to create a more efficient road system for Matagorda county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county, and providing for a penalty for the escape of county convicts; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams and road work; and providing for the condemnation of land for public road purposes; and providing for the working of delinquent poll taxpayers on the public roads, and relieving road hands from the performance of road work by the payment of the sum of three dollars; and providing for elections for issuance for bonds for bridge purposes; and providing further, making this law cumulative of the General Laws, and in case of a conflict this act to govern as to Matagorda county, Texas, and creating an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners court of Matagorda county, Texas, shall be ex-officio road commissioners of their respective districts,

G. L.