

portion of such costs, such officers shall receive only fifty cents on each dollar of the pro rata of costs due such officers.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 1st 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 and Acting Secretary of State.]

Takes effect 90 days after adjournment.

FAYETTE, UVALDE AND FRIO COUNTIES—ROAD SYSTEM.

H. B. No. 240.]

CHAPTER XLIX.

An Act to create a more efficient road system for Fayette, Uvalde and Frio counties, Texas, and making the county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for working of county convicts upon the public roads of said counties, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll taxpayers residing in cities and towns as well as in the country on the roads, and relieving them from the performance of said work by the payment of the sum of three dollars; providing for the ages of male persons liable to serve as overseers and to work on the public road of the county; providing for a special road and bridge tax to be levied for Fayette, Uvalde and Frio counties; and providing further, making this law cumulative of the general laws, and in case of a conflict this act to govern as to Fayette, Uvalde and Frio counties, Texas, and to repeal special road law, Chapter 54, Acts 1891, Twenty-second Legislature, as to Fayette and Frio counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners courts of Fayette, Uvalde and Frio counties shall be ex-officio road commissioners of their respective precincts, and under the direction of the commissioners court shall have charge of all teams, tools, machinery and appliances belonging to the county and placed in their hands by the said court; and it shall be their duty, under such rules and regulations as the commissioners courts shall prescribe, to superintend the laying out of new roads, or changing of established roads, and the building or repairing of bridges, the working, laying out, draining, building and repairing of public roads, the control over all road overseers and such other matters pertaining to public roads and bridges in their respective precincts as the commissioners courts may require.

SEC. 2. Each of said commissioners shall, before entering upon the duties of his office, execute a bond of one thousand dollars, with two or

more good and sufficient sureties, payable to the county judge of said county and his successors in office, for the use and benefit of the road and bridge fund, conditioned that he will perform all duties required of him by law, or by the commissioners courts, and that he will properly account for all money or property belonging to the county and that may come into his possession.

SEC. 3. It shall be the duty of the road commissioner to inform himself of the condition of the public roads and bridges in his precinct, and he shall determine what character of work shall be done upon said roads or bridges, and shall direct the manner of grading, draining or otherwise improving the roads, or repairing bridges, which directions shall be observed and obeyed by all road overseers and employes of his precinct.

SEC. 4. Each road commissioner shall have control over all road overseers in his precinct, and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the said overseer's road district, so far as he has been supplied therewith by the commissioners courts, taking the receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer for the liability of the commissioner, and shall fix the liability of the overseer, and any commissioner or overseer who shall have been entrusted with any team, tool or machinery belonging to said county shall be liable for any damage that may occur to the same while in his possession, caused by his negligence or misconduct.

SEC. 5. Each road commissioner shall take charge of all teams, machinery, tools and implements placed under his control by the commissioners courts, and execute his receipt therefor, which shall be filed with the county clerk, and he shall be responsible for the safe keeping of all such teams, machinery, tools and implements, and the proper expenditure and paying out of any money belonging to the road or bridge fund that may come into his hands by donations, or so far as he has been supplied therewith by the commissioners courts, and upon the expiration of his term of office, or in case of his resignation or removal, he shall deliver all such property and money to his successor, or such other person as the commissioners court may direct.

SEC. 6. Each road commissioner shall see that all roads and bridges in his precinct are kept in good repair and he may, under the direction of the commissioners courts, inaugurate and carry out a system of working, grading and draining the public roads in his precinct. He shall have the general supervision over all county convicts worked on roads in his precinct, but this shall not prevent the commissioners court from employing some other person to watch and manage such convicts and direct the work done by them.

SEC. 7. Each road commissioner may require each road overseer in his precinct to call out the hands in such numbers as may be sufficient to perform the work, and require overseers to work all the road hands in their particular district for the term of five days in each year, and shall see to it that overseers measure their roads, set up mile posts, place proper index boards, and replace mile posts and index boards as required by law.

SEC. 8. Each road commissioner shall keep an accurate account of all moneys received by him on account of the road fund or bridge fund

and shall make a report under oath to the commissioners courts at each regular term thereof, showing an itemized account of all money belonging to the road or bridge fund he has received, from whom or what source received, and what disposition he has made of the same; the condition of all roads, bridges and culverts in his precinct; what, if any, new roads, and kind, should be opened or discontinued; and what, if any, bridges, culverts or other improvements are necessary to place the roads in his precinct in good condition, and the probable cost of such improvement; the name of every overseer who has failed to work the road or in any way neglected to perform his duty, and such other matter as the court may desire information upon; and shall make such other report at such times as such court may require.

SEC. 9. Each road commissioner shall obtain from the tax collector of his county, after the first day of February and before the first day of March, of each year, a full list of the delinquent poll taxpayers of his precinct for the previous year, and the persons in said list as delinquent poll taxpayers, shall be subject to road duty for the period of three days during such year, and shall be summoned as in other cases, to work the roads in the road district or precinct in which such person may reside; and the performance of the road service provided for in this article shall not exonerate the person from any other road duty to which the person performing the same may be subject, but this shall be taken as cumulative; and all persons so appearing on said list, who are delinquent poll taxpayers, and residing in incorporated cities or towns in the county, shall also be subject to road duty for the period of three days during such year, and they shall be apportioned among the overseers in charge of roads leading out of such city or town in which they reside, as the road commissioner may deem best, to be summoned by such overseers as in other cases, to work the roads in the road precinct to which they are assigned.

It shall be the duty of the road overseer, whenever any defaulting poll taxpayer shall have discharged the poll tax by labor, to report the same to the road commissioner, who in turn reports the same to the commissioners courts, to be credited to the party on the delinquent tax rolls returned by the tax collector to the court for the amount thus satisfied; said overseer shall also report the same in his regular report to the commissioners courts.

But any person delinquent for poll taxes, summoned on the road under the provisions of this article, may satisfy said summons and be relieved from said duty by paying to the road commissioner the sum of three dollars, all of which shall go to the road fund to the credit of the commissioners precinct in which such person resides; and said road commissioner shall keep strict and accurate account of all money received, report the same to the commissioners courts, and pay over the same promptly to the county treasurer, who shall credit same to the special road fund, to be kept by him for such precinct.

If any person, liable under the law to work upon the public roads shall wilfully fail or refuse to attend, either in person or by substitute, at the time and place designated by the road overseer of his district or precinct, after being legally summoned, or shall fail, on or before the day for which he is summoned to attend, to pay such overseer the sum of one dollar per day for each day he may have been notified to work on the

road, or having attended, shall fail to perform any duty required of him by law and such overseer, he shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not exceeding ten dollars.

SEC. 10. Each road commissioner shall be entitled to two dollars per day for service actually performed, not to exceed seventy-five dollars in any one quarter, said per diem to be paid out of the road 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 affidavit to same, that the account is just, due and unpaid, and that the work was actually performed by him, and that it was necessary to be done; and said account shall specify the number of days work by him, and the dates thereof, and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner and receiving pay therefor.

COMMISSIONERS COURT.

SEC. 11. The commissioners courts of Fayette, Uvalde and Frio counties shall have full power and authority; and it shall be their duty to adopt such system for working, laying out and draining and repairing the public roads in said counties as they may deem best, and from time to time said counties may change their plan and system for working the same. The commissioners courts of said counties shall have power to purchase such teams, tools and machinery as may be necessary for the working of their roads, or to hire all necessary road machinery, tools, implements, teams and labor or either, to grade, drain, build or repair the roads of such counties, and to make all reasonable and necessary rules, orders and regulations not in conflict with law for laying out, working and otherwise improving the public roads, and to utilize the labor and the money expended thereon and to enforce the same. But no change in any road shall be made that lengthens the same, unless same be made to place the road on better ground.

SEC. 12. The commissioners courts of said counties may make contracts for all supplies and materials to be used in feeding the hands and teams employed on the public roads and in the work of the same, and may provide the necessary tents for the same.

SEC. 13. The commissioners court or road commissioners may accept donations of money, lands, labor and men, teams, tools, implements or machinery or any other kind of property or material to aid in building roads or bridges in the county or precinct, and the court may authorize any person to make a drain along any public road for the purpose of draining his land, and require the person draining his land to do such work under the direction of the road commissioner of the precinct.

SEC. 14. The commissioners courts shall see that the road and bridge funds of their respective counties is judiciously and equitably expended on the roads and bridges of the counties, and, as nearly as the conditions and necessity of the roads will permit, it shall be expended in each justice's precinct in proportion to the amount collected in such precinct; and in expending money in building permanent roads the money shall first be used only on first or second class roads.

SEC. 15. The commissioners courts of said counties shall have power and authority to build or construct, or cause to be built or constructed,

in their respective counties, lasting or permanent county roads and bridges of some permanent or durable material, to be selected and agreed upon by said commissioners courts, and may also construct drains and ditches to carry off the water from such road or roads and from lands adjacent thereto, whenever same can be done, and may take and condemn any land or lands necessary for the purpose of constructing roads or drains, and it may authorize the road commissioners, overseers or contractor to enter upon and take from any land adjacent to any public road, earth, gravel, stone or other material necessary for the construction, repair, grading or improvement of such roads or drains under its general powers of eminent domain.

SEC. 16. Whenever the said courts shall deem it necessary or expedient to build or construct permanent roads and bridges or either, they may order such roads and bridges to be surveyed and laid out and proper profiles and estimates thereof made by a competent civil engineer, the county surveyor, or other competent person, to be employed by the county for that purpose, and constructed under the supervision of the road commissioner and a civil engineer or county surveyor or other competent person.

SEC. 17. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening, grading, making embankments, filling or draining any road or part thereof, if the owner of such land and the commissioners court cannot agree upon the damages to be paid, the county may proceed to condemn the same in the same manner that a railroad company, under the law now existing or hereafter passed, may 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; provided, that nothing contained in this section shall be held to repeal the provisions of the General Law relating to the opening of public roads by jury of view; this section shall be held to be cumulative thereof, and the commissioners courts of Fayette, Uvalde and Frio counties may act under such General Law or the provisions of this section at their option in such case.

SEC. 18. The commissioners courts of said counties may require all county convicts, not otherwise employed, to labor upon the public roads of such counties, under such regulations as they may prescribe for the working of such convicts within the limits of said counties, and each convict so worked shall receive a credit of fifty cents on his fine and costs for each day he may labor. Such courts may provide such reasonable regulations and punishments as may be necessary to require such convict to labor; but no convict shall be required to labor on Sunday. Said courts may provide such reasonable remedies necessary to prevent a convict from escaping, and may provide necessary houses, prisons, provisions, clothing, bedding, food, medicine and medical attention for the convicts, and guards for the safe keeping of the convicts; and may provide a reward, not to exceed ten dollars, to be paid out of the road fund, for the recapture and delivery of any escaped convict, 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 added to said convict's fine and costs, and he shall be required to work out the same.

Said courts shall, at a regular term, allow to the officers and witnesses

so much of the amount of their costs for the arrest and conviction of said convicts due them, and adjudged against said convicts as have been worked out at fifty cents per day, as is provided for in Article 3742, Revised Civil Statutes of 1895. The said amount shall be paid out of the road fund upon the order of the court, when said fine and costs have been worked out as provided in this section; provided, that this act shall not be construed so as to relieve any convict from payment of all costs for which he would be liable under the General Laws of this State.

SEC. 19. Whenever a special tax for the maintenance of the public roads is levied and collected, as provided for in Section 9, of Article 8, of the Constitution, or otherwise, the commissioners courts of said counties shall not be compelled to require persons subject to road duty to work on the roads, as prescribed in existing General Laws, but said courts may cause said roads to be worked wholly by taxation, or by taxation in connection with road service, as such courts may deem best. And the said courts shall have authority to employ such labor as may be necessary to work the public roads of the counties, to be paid for out of the road fund; such labor shall be under the control of the road commissioner of the precinct in which the road is located; provided, that no contract shall be made that will necessarily extend beyond the term of office of commissioners making such contract.

SEC. 20. The commissioners courts of said counties may, when deemed best, construct, grade, gravel, drain, or otherwise improve any road or bridge by contract. In such case said courts or the county judges may advertise, in such manner as the courts may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond in such amount as said courts may determine, with good and sufficient sureties, payable to the county judges and their successors in office, for the faithful compliance with such contract, but said courts shall have the right to reject any and all bids.

SEC. 21. Whenever the commissioners courts of said counties may deem best to build or construct, or cause to be built or constructed, lasting or permanent roads in the counties, or grade, gravel or otherwise improve such road, by contract or otherwise, and find it necessary to widen the road or to make as straight a road as is practicable, said courts shall have power and may employ a competent surveyor, who shall be an engineer, to make a proper survey of such road or so much thereof as said courts may deem necessary to be built, constructed or otherwise improved, together with the frontage of each tract of land abutting on said road.

SEC. 22. The surveyor shall, as soon as practicable after his employment, proceed to make an accurate survey and system of levels of the necessary grade line of said road, and shall cause substantial stakes or monuments to be placed along said lines at intervals of one hundred feet, together with such intermediate stakes as may be necessary, numbered progressively, and shall establish permanent marks along said lines at intervals of one mile or less, as may be necessary, and establish by stake or monument of different character and appearance from all other stakes and monuments, the highest point upon said road between natural water courses crossed by said road; said surveyor shall also meas-

ure and establish by suitable marks the frontage of each tract of land abutting on said road, and ascertain and give the name of each owner thereof, and if there be a natural waterway adjacent to the line of said road and the same is necessary to be utilized as an outlet to lead the water at any point from said road and its ditches, the surveyor shall measure the distance to same, and run the line of levels thereto at the nearest practicable point on said road and ditch. He shall prepare a map showing the location of said road, together with the positions of stakes or monuments with numbers corresponding with those on the ground and the position of marks, with the elevations referred to. Said map shall also show the lines and distances of the frontage of adjacent land and the name of the owner and the course and distances to any adjacent water course, together with a profile of the line of the road, which shall show the assuming datum, the natural grade line of the road and the proposed grade line of the road, not to rise or fall in lineal course more than fifteen inches to the sixteen and one-half feet; and the said map, or the explanation of the same, shall, in tabular form, give the height of grade, width at bottom and width at top, and at each 100 feet stake or monument upon the following basis or datum: For first class roads entire width to be 60 feet, grade 20 feet wide at bottom; second class roads to be 50 feet wide, grade 16 feet at bottom; third class roads thirty feet wide, grade fifteen feet wide at bottom. Said map or explanation to the same shall show the total number of yards to be excavated, and the number of yards to fill, and an estimate of the cost of each portion of the road lying between each 500 feet stake or monument, together with an estimate of the total cost of the whole work for said road and the proper drainage; and the surveyor shall, as soon as the survey is completed, prepare and file, together with his report and map as herein provided for, specifications in detail for the execution of the same, together with the statement of the locality of all necessary culverts or drainage and the dimensions and character of material required therefor. The survey report map, explanations, specifications and estimates herein provided for shall be filed by the surveyor with the clerk of the commissioners courts as soon after his employment as may be practicable, having in view an accurate and complete report upon the physical conditions to be met with in the construction of said road or section thereof.

SEC. 23. At any regular, called or special session of the commissioners court, after the filing of the surveyor's report, map, explanation, specifications and estimate of the surveyor, provided for in this act, it shall appear to the courts from such a report, that it be necessary to occupy any lands adjacent to the road surveyed for the purpose of opening, widening, straightening, grading and draining, or either, any such road or any part thereof, if the owner of such land and the county cannot agree upon the damages, if any, to be paid, the county may proceed to condemn the same as herein provided for in Section 17 of this act, or the owner may appoint five freeholders of the county, not interested directly in the construction of the proposed work as a land owner adjacent to or abutting on said road, and not kin to any of the parties so directly interested therein, who shall constitute a jury of view, who shall meet at a time and place to be specified by said court in the order appointing them and the clerk of the court shall thereupon issue to each of the said jury of view a copy of the order of court and a precept to the

sheriff to serve the same upon the jurors, within ten days after such order was made, and the sheriff receiving such copies shall serve the same upon the jurors by delivering to each of them in person a copy of the order provided for, or by leaving such copy at the usual place of abode of such juror within ten days after the sheriff receives said copies, and he shall make his return to the clerk on the precept, stating the date and manner of service, or, if service has not been made, stating the cause of his failure to make same; and any juror, summoned as such, who shall fail or refuse to perform the services required of him by law as such juror shall forfeit and pay for every such failure the sum of ten dollars, to be recovered by judgment upon suit of the county attorney in the name of the county, in any court of competent jurisdiction of the county in which such defaulter may reside.

SEC. 24. The jury of view shall proceed, with the road commissioner of the precinct where the surveyed road is located, who shall take with him the original report, map, explanation, specifications and estimate of the surveyor, for the use of the jury, at the time and place specified in the order of the court appointing them, after notice has been given to each abutting land owner as hereinafter provided, and after having taken the following oath before any officer authorized to administer the same, to wit: "I do solemnly swear that I am not directly interested in the construction of the proposed road, or any lands abutting on the same, and that I will assess the damages to land owners, if any there be, according to law, without bias or prejudice, malice or hatred, to the best of my knowledge and ability, so help me God." And after viewing the road and abutting lands surveyed by the engineer, and after hearing all protests, claims and remonstrances offered and presented, taking into consideration the relative amount of benefit derived by said land from the construction of such road, and they shall assess the amount of damages or compensation due to each land owner, if any, for land to be taken, necessary to be occupied for the purpose of opening, widening, straightening, grading and draining, or either, any such road or any part thereof, or through whose land any lateral ditch or drain is or may be constructed under the order of appointment, necessary to drain the road; which damages or compensation assessed, if any, shall first be ordered to be paid by the county, out of the road fund of the county, and the treasurer shall have paid the same, or secured its payment by special deposit of the amount in his office, subject to the order of such owner, and shall notify such owner by mail or otherwise of such deposit.

SEC. 25. The road commissioner shall issue a notice in writing to the land owner of each abutting tract of land along said road a part of whose land is sought to be taken for the road, and to each land owner through whose land a ditch or drain for the road is sought to be made, or to his or their agent or attorney, of the time and place when the jury will assess the damages incidental to the taking of the land or construction of a ditch for the road, which notice shall be served by any person competent to testify, or through mail by registered letter, upon such owner, his agent or attorney at least five days before the day named therein. If such owner is a non-resident and his address is known, and has no agent or attorney in the county, the notice shall be given by registered letter through the mail ten days prior, and if his residence or address is unknown, by publication for four weeks in a newspaper pub-

lished in the county, prior to the date named for the meeting of the jury of view. The cost of such registered mail notice and such publication shall be paid by the county, on an order of the court, and proper returns of said notice showing how same has been served shall be filed with the report of the jury of view.

SEC. 26. Any person whose land may be affected by such road and its lateral drain ditches, if any, may at any time stated in such notice or previously thereto present to the jury a statement in writing of any objections to or dissatisfaction therewith, and any claim for damages which he may have sustained by the reason of the taking of his land for road purposes and the making of lateral drain ditches, and a failure to make such objections or claims for damages or compensation in writing, as herein specified, shall be deemed a waiver of all claim or right thereto, all of which objection or claim shall be returned to the commissioners court in connection with the report of the jury of view; provided, that any abutting land owner shall have the right also to appear before and be heard by the commissioners court on his protest or remonstrance or claim against the action of the jury of view.

SEC. 27. The jury of view shall make a report to the commissioners court, as soon as practicable after their meeting, signed by at least three of said jury, and duly verified under oath, of their actions and findings in the manner; and shall return with their report the name of each land owner, the number of acres and the amount of damages assessed or compensation awarded for each land owner. The road commissioner shall carefully preserve from damage and duly return with the report of the jury of view the maps, profile, explanation, specifications and estimates of the surveyor, and all claims and objections presented by the land owners, and all notices and returns of service thereof on land owners, agents and attorneys, and the same shall be filed with the clerk of the commissioners court and shall become a public record and be preserved as such, and the court shall act upon such report at the next regular term, and approve or reject the same.

SEC. 28. If the commissioners court shall approve of the report of the jury and order that such road and lateral ditches, if any, to be opened, they shall consider the assessment and damages by the jury and claimant's statement thereof, and allow to such owner just damages or adequate compensation for the land taken, and when paid, or secured by deposit with the county treasurer to the credit of such land owner, they may proceed to have such road and lateral drain ditches, if any, opened and constructed, by contract or otherwise, as they deem best.

If the land owner is not satisfied with the assessment by the commissioners court he may appeal therefrom as in cases of appeal from judgments of justices court, but such appeal shall not prevent the commissioners court from opening the road and drain ditches, if any, and improve the same, but shall be only to fix the amount of damages in controversy between the owner and the county, and if a greater amount of damages is obtained on appeal, the county shall pay the excess and the costs, but if no greater damages are obtained the party taking the appeal shall pay all costs.

SEC. 29. The said jury of view shall each receive the sum of two dollars per day as compensation for their services for each day so actually engaged; and said surveyor and engineer shall receive as compen-

sation such sum as may be allowed by the commissioners court, not to exceed five dollars per day.

SEC. 30. In all cases where the cost of material and labor exceed the sum of two hundred dollars, it shall be the duty of said court to construct, grade or gravel or otherwise improve any road or bridge by contract, the same to be advertised for as provided by said commissioners court.

SEC. 31. At the regular or at any called term in November, 1901, and every two years thereafter at its November term, the commissioners court shall appoint overseers for each first, second and third class public road, or for each road precinct in the county, and to remove the same at any regular or called term in the year, when they prove inefficient or incapable upon the report of the road commissioner, and to appoint others in their places, and the court shall also apportion all the able bodied male persons in the county, subject to road duty, to the several road overseers, and the hands shall, as near as practicable, be apportioned to work on the road or road precinct nearest to their place of abode.

SEC. 32. The commissioners court may allow to any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation not to exceed one dollar and twenty-five cents per day, when such service is performed by him upon a written order or recommendation of his road commissioner; and the court may allow to any owners who have been warned by an overseer of a public road upon the written order of the road commissioner to bring any teams and wagons, plows, scrapers or any road implements, for service on the roads, pay at the rate of one dollar and fifty cents per day for double teams, two dollars per day for double team and wagon, and one dollar and fifty cents per day for single team and wagon or cart.

SEC. 33. In order that the intent and provisions of this bill may be carried out, and further, if it is found necessary, in order to raise the funds to meet the costs of this road system, the commissioners court of Fayette, Uvalde and Frio counties are hereby authorized, if in their judgment it becomes necessary, to assess and collect a tax on all property of the counties not to exceed fifteen cents on the one hundred dollars valuation, this tax to be known as the road and bridge tax, and is to be applied only to the construction, grading, graveling, draining or otherwise improving any roads or bridges in the counties, and for no other purpose, and it is understood that all other funds that are now used for road and bridge purposes are to be continued as they are now used, and the tax specified and authorized by this section is to be considered supplemental thereto, and in no case shall the tax contemplated added to any other road or bridge tax ever exceed the sum of fifteen cents on the one hundred dollars of taxable values for road and bridge purposes.

SEC. 34. As this act contemplates a system of good roads for Fayette, Uvalde and Frio counties, which will necessarily take a number of years to complete, nothing in this act is to be construed to prevent the assessment and collection of road and bridge taxes not to exceed fifteen cents per one hundred dollars of taxable values in these counties when an election for that purpose has been held according to law, as provided for in Section 9, Article 8, of the Constitution, in these counties.

ROAD OVERSEER AND ROAD HANDS.

SEC. 35. All male persons between the ages of twenty-one and fifty years shall be liable, and it is hereby made their duty, when appointed to serve as overseers, and to work on, repair, clean out and perform such labor on the public roads, under provisions of the General Law on roads and bridges of the State and of this act, except invalids, members of any company of volunteer guards organized under provisions of the title "militia" and the members of all volunteer fire companies in the active discharge of their duties as firemen, who shall be exempt; and no person shall be compelled to serve as overseer or to work on a road who has not been residing in the county in which he is summoned to work for the space of fifteen days immediately preceding such summons.

SEC. 36. All persons liable to road duty in the counties of Fayette, Uvalde and Frio shall be compelled to serve as overseer or to work on any public road or roads five days in each year and not less than five days in each year, but no person shall be compelled to work outside of his road precinct.

SEC. 37. The term "road," as used in this act, includes roadbed, ditches, drains, bridges, culverts, and every part of such road, and the term "work" and "working" include the opening and laying out of new roads, widening, constructing, draining, repairing and everything else that may be done in and about any road.

SEC. 38. Any able bodied male person residing in these counties and subject to road duty may, by paying the sum of three dollars to the road commissioner of his precinct, who shall give his receipt for same, expressing that it is in lieu of road service for that year, and who exhibits such receipt to the overseer of the precinct or to the person working him, such receipt will be sufficient excuse when shown to the overseer or person working him to work the road, the overseer making a note of such receipt and returning same in his report to the commissioners court. No hand is to be excused from service on the road for a term of five days in each year for any temporary sickness or disability, but each one must work at least five days in each year, and in case of removal from one section to another of the county, the road overseer shall, upon request of such road hand, give him a certificate showing the number of days he has actually worked during the year, and such hand will be due the remainder of the time to the county wherever he may reside in it, and he must be required to work his full time out, unless excused in accordance with this act.

SEC. 39. It shall be the duty of the hands after being warned by a proper person, as now provided for under the General Laws of the State in regard to roads and bridges, to promptly appear at the place and at the time warned to appear and report to the overseer of the road, and to obey the orders of the overseer or road commissioner, and proceed to work under their directions; and shall bring with him an axe, grub-hoe, mattock, shovel, crow-bar or such other tool as the overseer may direct, or such as he may have suitable for road work.

SEC. 40. Any road overseer who shall have been entrusted with any teams, tools, implements or machinery belonging to the county necessary in working the road in his precinct shall be liable for any damages that may occur to the same while in his possession, caused by his negligence

or want of due care of same, and he shall not use or permit the same to be used for private purposes whatever, and it shall be his duty, when he has finished work on his road, to return to the road commissioner of his precinct all teams, tools, implements or machinery received from him and take up receipt given therefor.

SEC. 41. Every overseer of the said counties shall cause the road or roads in his precinct to be worked at least five days in each year.

SEC. 42. Each overseer shall report in writing and under oath to the commissioners courts of these counties at the November regular term thereof in each year, giving the number of hands and their names, and the names of the farms or places from which he got the hands in his precinct liable to work on the roads, the number of days he has caused his road to be worked; the condition of such road and bridges, culverts and drains; number of proper mile posts set up, all sign boards put up at forks or crossings of his road with others; the amount of funds received by him for his road, and from whom received and for what purpose, and to whom and for what purpose paid out or expended; and the amount, if any, of funds that remain in his hands; and he shall pay over to the road commissioners any such funds which may remain in his hands, take receipt therefor and to state in his report; also what plows, scrapers, implements, machinery or other tools belonging to the county are in his possession and where they are located, and he shall make a like report to the road commissioner of his precinct on the first Monday in February, May, August and November of each year, and such other reports as such road commissioner may require from time to time, that are reasonable and necessary to subserve the interest of the county.

SEC. 43. This law shall be cumulative of all other laws on the subject of roads and bridges not in conflict herewith, and when otherwise provided herein such general laws shall apply; but in case of conflict with other general laws the provisions of this act shall govern so far as concerns Fayette, Uvalde and Frio counties, and an act passed at the regular session of the Twenty-second Legislature, _____ day of _____, 1891, Chapter 54, Acts 1891, providing a special law for Grayson, Dallas, Galveston, Brown, Comanche, Mills, Fannin, Travis, Hunt, Kaufman and Fayette counties is hereby repealed as to Fayette county; and this act shall be taken notice of by all courts in the same manner as the General Laws of this State.

SEC. 44. The great necessity for this law, there being no law existing upon the subject that is sufficient to enable the people of these counties to improve and construct the roads and bridges as they should be, creates a public necessity and emergency requiring that the rule that bills be read on three several days in each house be suspended, and the same is hereby 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 was reported to the Senate, where it was amended and passed by two-thirds vote, yeas 23, nays 0; House concurred in Senate amendments, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 1st day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objec-

tions 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.

HOUSTON COUNTY—ROAD SYSTEM.

H. B. No. 375.]

CHAPTER L.

An Act to create a more efficient road system for Houston 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 working of county convicts upon the public roads of said county, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict, and providing for the employment of surveyor or engineer; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll taxpayers residing in cities and towns as well as in the country on the roads, and relieving them from the performance of said work by the payment of the sum of two dollars; providing for the ages of male persons liable to serve as overseers and to work on the public roads of the county; providing for a special road and bridge tax to be levied for Houston county; and providing further, making this law cumulative of the general laws, and in case of a conflict this act to govern as to Houston county, Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners court of Houston county shall be ex-officio road commissioners of their respective precincts, and under the direction of the commissioners court shall have charge of all the teams, tools, machinery and appliances belonging to the county and placed in their hands by the said court, and it shall be their duty, under such rules and regulations as the commissioners court shall prescribe, to superintend the laying out of new roads, or changing of established roads, and the building or repairing of bridges, the working, laying out, draining, building and repairing of public roads, the control over all road overseers, and such other matters pertaining to public roads and bridges in their respective precincts as the commissioners court may require.

SEC. 2. Each of said commissioners shall, before entering upon the duties of his office, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county and his successors in office, for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law, or by the commissioners court, and that he will properly account for all money or property belonging to the county and that may come into his possession.

SEC. 3. It shall be the duty of the road commissioner to inform himself of the condition of the public roads and bridges in his precinct, and he shall determine what character of work shall be done upon said roads or bridges, and shall direct the manner of grading, draining or otherwise improving the roads, or repairing bridges, which directions shall be observed and obeyed by all road overseers and employes of his precinct.