2/12/34

A Motion was made by M.F.Robinson, and seconded by E.A. Cobb to adopt the Depository report for school funds. The motion carried and the Court authorized the County Clerk, W.N. Smith to approve the report.

Signed: 1. E. A. Cobb.
2. M.F.Robinson.
3. J.P. Davis.
4. M.O. Holmes.

ORDER DECLARING RESULT OF BOND ELECTION.

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

On this, the 12th day of February A.D. 1934, came on to be considered the returns of an election held on the 3rd day of February A.D. 1934, in East Mountain Common School District No. 31, of this County, upon the question of issuing Thirty Five Thousand Dollars ($35,000.00) of schoolhouse bonds for said district, One Thousand Dollars ($1,000.00) due and payable on December 15, 1935, Seventeen Thousand Dollars, ($17,000.00) due and payable December 15, 1936, and Seventeen Thousand Dollars ($17,000.00) due and payable December 15, 1937, and bearing five per centum (5%) interest per annum, and levying a tax upon all taxable property within said district sufficient to pay the current interest, on said bonds and provide a sinking fund sufficient to pay the principal at maturity, and

It appearing that said election was, in all respects, legally held, and that said returns were duly and legally made and that there were cast at said election forty one (41) votes, of which number there were cast:

"For the issuance of bonds and the levying of a Tax in payment thereof" 41 votes:

"Against the issuance of bonds and the levying of a tax in payment thereof; 1 vote;

And it appearing to the Court from said returns that a majority of the legally qualified property taxpaying votes of said District, voting at said election, voted for the issuance of said bonds, and the Court does hereby declare the proposition for the issuance of said bonds to have been adopted, and that this Court is authorized to issue said bonds and to levy and to have assessed and collected said tax.

J. R. Hinson, County Judge, Upshur County, Tex.
E. A. Cobb, Commissioner, Prec. No. 1
M.F. Robinson, Commissioner, Precinct No. 2
J. P. Davis, Commissioner, Precinct No. 3,
M. O. Holmes, Commissioner, Precinct No. 4

ORDER AUTHORIZING THE ISSUANCE OF BONDS IN
THE EAST MOUNTAIN COMMON SCHOOL.
DISTRICT NO. 31

THE STATE OF TEXAS | IN THE COMMISSIONERS' COURT
COUNTY OF UPSHUR | OF UPSHUR COUNTY.

On this, the 12th day of February A.D. 1934, the Commissioners' Court of Upshur County, Texas, convened in regular session, at a regular term, the following members thereof, to-wit:

J. R. Hinson, County Judge; E. A. Cobb, Commissioner, Precinct No. 1; M. F. Robinson, Commissioner, Precinct No. 2,; J.P. Davis, Commissioner, Precinct No. 3; M. O. Holmes Commissioner, Precinct No. 4; being present, and among other proceedings, passes the following order:

WHEREAS, at an election held for the purpose on the 3rd day of February A.D. 1934, a majority of the legally qualified resident property taxpaying voters of East Mountain

Common School District No. 31, of this County having at said election voted in favor of the issuance of the bonds hereinafter described and in favor of the tax hereinafter levied:

THEREFORE, Be It Ordered by the Commissioners' Court of Upshur County, Texas.

I.

That the Bonds of said District to be called "East Mountain Common School District No. 31, Schoolhouse Bonds" to be issued on the faith and credit of said East Mountain Common School District No. 31, of said County, for the purpose of constructing and equipping an addition of brick and tile material to the East Mountain public free school building in said District, and for the purpose of constructing and equipping a public free school building of wood with brick veneer to be used as a teacherage, within said district.

II.

That said bonds shall be numbered consecutively from 1 to 35, inclusive, shall be of the denomination of One Thousand ($1000.00) Dollars each aggregating Thirty five thousand ($35000.00) Dollars.

III.

That said bonds shall be dated the 15th day of February 1934, shall become due and payable serially as follows: Bond No. 1, in the sum of One Thousand ($1000.00) Dollars on December 15th 1935, Bonds No. 2 to 18, inclusive, aggregating seventeen Thousand ($17000.00) Dollars on December 15th 1936, and Bonds No. 19 to 35 inclusive, aggregating Seventeen Thousand ($17000.00) Dollars on December 15th 1937.

IV.

That said bonds shall bear interest at the rate of five per centum per annum payable semi-annually on the 15th day of July, and the 15th day of December of each year.

V.

That the principal of and the interest on said bonds shall be payable upon presentation and surrender of bonds or proper coupons, in lawful money of the United States of America, at the office of the State Treasurer, Austin, Texas, or at office of County Treasurer of Upshur County, Texas, or at the Farmers & Merchants National Bank of Gilmer, Texas at the option of the holder.

VI.

That the said bonds shall be signed by the County Judge, countersigned by the County Clerk, and registered by the County Treasurer, and the seal of the Commissioners' Court shall be impressed upon each of them. The fac-simile signatures of the County Judge and the County Clerk shall be printed or lighographed on the coupons.

VII.

That the form of each of said bonds shall be substantially as follows:

NO_____ $1,000.00

UNITED STATES OF AMERICA

STATE OF TEXAS

COUNTY OF UPSHUR

EAST MOUNTAIN COMMON SCHOOL DISTRICT NO. 31
SCHOOL HOUSE BOND.

This is to Certify that the County of Upshur, in the State of Texas, for and on behalf of East Mountain Common School District No. 31, of said County, hereby promises to pay to bearer on the 15th day of December, A. D. 1935, 1936 or 1937, as the case may be, the sum of One Thousand($1000.00) Dollars in lawful money of the United States of America, together with interest thereon from the date hereof at the rate of five per centum per annum, interest payable semi-annually on the 15th day of July, and the 15th day of December of each year, principal and interest payable upon presentation and surrender of bond or proper coupon at

the office of the State Treasurer, Austin, Texas, or at office of County Treasurer of Upshur County, Texas, or at the Farmers & Merchants National Bank of Gilmer, Texas, at the option of the holder.

This bond is one of a series of thirty-five bonds, numbered consecutively from 1 to 35 inclusive, of the denomination of One Thousand ($1000.00) Dollars, each aggregating Thirty-five Thousand ($35000.00) Dollars, issued by the Commissioners' Court of said County on the faith and credit of East Mountain Common School District No. 31, of said County for the purpose of constructing and equipping an addition of brick and tile material to the East Mountain Public free school building in said District, and for the purpose of constructing and equipping a public free school building of wood with brick veneer to be used as a teacherage, within said District, for said East Mountain Common School District No. 31, under and by virtue of Chapter 13, Title 49, R.S. 1925, and amendments thereto and the Constitution and laws of said State, and in pursuance of an order passed by the Commissioners' Court of Upshur County, Texas, which order is of record in the Minutes of said Court.

The date of this bond, in conformity with the order last above mentioned, is the 15th day of February, A.D. 1934.

And it is hereby certified and recited that all acts, conditions and things required to be done and performed precedent to and in the issuance of this bond have been properly done, happened and performed in regular and due form as required by law, and that the amount of this issue of bonds does not exceed any Constitutional or statutory limitation.

In Testimony Whereof, said Commissioners' Court of Upshur County, Texas, has caused the seal of said Court to beaffixed hereto and this bond to be signed by the County Judge, countersigned by the County Clerk and registered by the County Treasurer of the date last above named.

J.R.Hinson, County Judge
Upshur County, Texas.

Registered:
W.A.Lunsford,
County Treasurer, Upshur County, Texas.

Countersigned: W.M.Smith,
County Clerk, Upshur County, Texas.

VIII.

That the coupons attached to said bonds shall be substantially in the following form:

FIRST COUPON.

$20.83 Bond No. _____
Coupon No. 1

On the 15th day of July, 1934, the County of Upshur, Texas for and on behalf of and upon the faith and credit of East Mountain Common School District No. 31, of said County, hereby promises to pay to bearer at the office of the State Treasurer at Austin, Texas, or at the office of the County Treasurer of Upshur County, Texas, or at the Farmers & Merchants National Bank of Gilmer, Texas, at the option of the holder the sum of Twenty Dollars Eighty three cents ($20.83) being five months interest on East Mountain Common School District No. 31, Schoolhouse Bond No _____ dated the 15th day of February A.D. 1934.

J.R. Hinson, County Judge,
Upshur County, Texas.
W.M.Smith, County Clerk,
Upshur County, Texas.

$25.00 Other Coupons Bond NO _____
Coupon No._____

On the 15th day of July--December (as the case may be) A. D. 193_ the County

of Upshur, Texas, for and on behalf of and upon the faith and credit of East Mountain Common School District No. 31, of said County, hereby promises to pay to bearer at the office of the State Treasurer, Austin, Texas, or at office of County Treasurer of Upshur County, Texas, or at the Farmers & Merchants National Bank of Gilmer, Texas, at the option of the holder, the sum of Twenty-Five ($25.00) Dollars, being six months' interest on East Mountain Common School District No. 31, Schoolhouse Bond No. _____, dated the 15th day of February A.D. 1934.

J.R.Hinson, County Judge,
Upshur County, Texas.
W.M.Smith, County Clerk, Upshur
County, Texas.

IX.

It is further ordered by the Court that while said bonds, or any of them, are outstanding and unpaid, there shall be annually levied, assessed and collected, in due time, form and manner, a tax upon all the taxable property in said East Mountain Common School District No. 31, of said County sifficient to pay the current interest on said bonds and create a sinking fund sufficient to pay each installment of the principal as the same becomes due, and to pay the interest on said bonds for the first year and to create a sinking fund which to pay the principal to become due the first uear, there is hereby levied a tax of fifty cents on each One Hundred Dollars valuation of all taxable property in said District for the year 1934, and the same shall be assessed and collected and applied to the purpose named.

J.R.Hinson, County Judge,Upshur County, Texas
E. A. Cobb, Commissioner Precinct No. 1
M. F. Robinson, Commissioner Precinct No. 2
J. P. Davis, Commissioner Precinct No. 3,
M. O. Holmes, Commissioner Precinct No. 4.

AMENDATORY ORDER.

THE STATE OF TEXAS |
County of Upshur |

On this the 12 day of Feb. 1934, the Commissioners Court of Upshur County, Texas, convened in regular session at a Regular meeting, with the following members present;

J. R. Hinson, County Judge.
E. A. Cobb, Commissioner, Precinct No. 1,
M. F. Robinson, Commissioner Precinct No. 2
J.P. Davis, Commissioner, Precinct No. 3,
M. O. Holmes, Commissioner, Precinct No. 4,

and among other proceedings passed the following order:

WHEREAS, on the 11th day of September 1933, this Court passed an order authorizing the issuance of $13,650.00 refunding bonds of Common School District No. 28, of said County which order is of record in Book 7, Page 305, et seq of the Minutes of said Court; and

WHEREAS the Court now deems it advisable to change the maturities and denominations of the bonds;

THEREFORE Be it ordered, adjudged and decreed by the Commissioners Court of Upshur County, Texas:

That Sections 11 and 111 of the above mentioned order be amended so as hereafter to read as follows:

11.

That the bonds shall be numbered consecutively from 1 to 182, inclusive; shall be of the denomination of $75.00 each, aggregating $13,650.00.

111.

that they shall be dated on the 1st day of June, 1933 and shall become due and payable serially as follows: $75.00 on June 1, 1934 to 1938; $150.00 on June 1, 1939 to 1943; $225.00 on June 1, 1944 to 1948; $300.00 on June 1, 1949 to 1953; $375.00 on June 1, 1954 to 1957; $450.00 on June 1, 1958 to 1961, $525.00 on June 1, 1962 to 1965; $600.00 on June 1, 1966 to 1968, $675.00 on June 1, 1969 to 1972, with option of redemption at any time after three years from their date. 22

It is Further ordered that the form of bond and the form of coupon set out in the above mentioned order be amended so as to conform with amended Sections 11 and 111.

The above order being read, it was moved by Commissioner M.F.Robinson and seconded by Commissioner E.A. Cobb, that the same be passed. Thereupon, the question being called for, the following members of the Court voted Aye: M.F.Robinson, E.A.Cobb, J. P. Davis, M.O. Holmes, and the following voted No. _____

J. R. Hinson, County Judge,
Upshur County, Texas.
Attest: W.M.Smith, County Clerk,
Upshur County, Texas.

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AMENDATORY ORDER

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

On this the 12 day of February 1934, the Commissioners Court of Upshur County Texas, convened in regular Session at a regular meeting of the Court, with the following members present:

J. R. Hinson, County Judge; E.A.Cobb, Commissioner, Precinct No. 1, M. F. Robinson, Commissioner, Precinct No. 2, J.P. Davis, Commissioner, Precinct No. 3, M.O.Holmes, Commissioner, Precinct No. 4, and among other proceedings passed the following order:

WHEREAS, on the 25th day of November 1933, this Court passed an order authorizing the issuance of $18,000.00 bonds of Consolidated Common School District No. 18, of said County; and,

Whereas Section IV of said order does not indicate that the first installment of interest is to be payable coeurrently with the first installment of principal on April 10, 1936; THEREFORE BE IT ORDERED BY THE COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS:

That Secton IV of said order beamended so as to read hereafter as follows:

SECTION IV.

They shall bear interest at the rate of five (5%) per cent per annum, payable April 10, 1935, and annually thereafter on April 10, of each year.

IT IS FURTHER ORDERED that the form of bond and the form of coupon be amended so as to conform with amended Section IV set out above.

The above order being read, it was moved by Commissioner M.F.Robinson, and seconded by Commissioner E.A.Cobb, that the same be passed. Thereupon the question being called for, the following members of the Court voted AYe: M.F.Robinson, E.A. Cobb, M.O.Holmes, J.P. Davis, and the following voted NO: None.

J.R.Hinson, County Judge,
Upshur County, Texas.
Attest: W.M.Smith, County Clerk,
Upshur County, Texas.

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RETURNS OF BOND ELECTION

IN COMMON SCHOOL DISTRICT.

THE STATE OF TEXAS | TO THE

COUNTY OF UPSHUR | HONORABLE COMMISSIONERS' COURT, OF SAID COUNTY;

We, the undersigned officers, holding an election on the 3rd day of February, A.D. 1934, in East Mountain Common School District No. 31 of said County, on the question of issuing $35,000.00 of Schoolhouse Bonds for said District, running until Dec. 15, 1937, and bearing 5 per centum interest, and levying a tax upon all taxable property within said District sufficient to pay the current interest on said bonds and provide a sinking fund sufficient to pay the principal as the same becomes due.

HEREBY CERTIFY that at said election there were cast 43 vots, of which number there were cast;

"For the issuance of bonds and the Levying of the Tax in payment thereof: 42 votes

"Against the issuance of bonds and the levying of the tax in payment thereof; 1-votes; Majority, (b) for the issuance of bonds and the Levying of the Tax in payment thereof - - - - - 41 votes.

That the polls for said election opened at 8 o'clock A.M. and closed at 6 o'clock P.M. We herewith enclose poll list and tally sheet of said election.

SIGNED This, the 3rd day of February A.D. 1934.

W. M. Landers, Presiding Officer.

J.M.Salter, Judge.

Mrs. P. B. Snook, Clerk

C.A. Johnson, Clerk.

REGISTER OF OFFICIAL BALLOTS

Number of ballots received - - - - - - - - - - - - - - - - 180

Less number ballots given to voters and returned unused - - - - 0

Less number ballots defectively printed - - - - - - - - - - - - 0

Less number ballots defaced and mutilated - - - - - - - - - - - 0

Total Returned - 180

I, W.M. Landers, Presiding Officer of the Election held on the 3rd day of February A.D. 1934, in the District and for the purpose set out in the Petition, Order and Notice of this Election, do hereby certify that the above and foregoing statement of official ballots of said Election is true and correct, and that all ballots returned by me were locked in the ballot box as required by law.

Witness my hand this the 3 day of feb. A.D. 1934.

Attest: W.M.Landers, Presiding Officer.

Mrs. P. B. Snook, Clerk

C. A. Johnson, Clerk.

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The results of an election held on the 3rd day of February 1934, at East Mountain, Common School District No. 31, Upshur County, Texas on the question of issuing $35,000.00 of Schoolhouse bonds in said District running until Dec. 15, 1937, and bearing 5 per cent interest and leving a tax upon all taxable property within said district sufficient to pay the current interest on said bonds and provide a sinking fund sufficient to pay the principal as the same becomes due was declared as follows: For the issuance of Bonds - 42 against the issuance of Bond - - 1; Majority - - - 41 votes.

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Court the right of way to build a first class road 40 foot in width, BEGINNING at the most Northwestern corner of the W. R. Nicholson land at which Simms Oil Co. now has an Oil and Gas Lease in full force and effect, which is now producing oil. BEGINNING about 200' due West of well No. 15, and to run South Near Wells Nos. 12, 11 & 6 to a Road now open in Gregg Co., Texas, at the property line of J.J. Flewellen and W.R.Nicholson, Marshall Mann Survey, Gregg Co., Texas This road is to be a First Class road so long as Simms Oil Co., their successors or assigns, produces oil from the above described land, then thereafter this road may become a 3 class road at the option of W.R. Nicholson. W. R. Nicholson Grants this easement without compensation.

Witness my hand this 7th day of December A.D. 1933.

W. R. Nicholson.

THE STATE OF TEXAS |
COUNTY OF GREGG |

BEFORE ME, the undersigned a Notary Public in and for Gregg County, Texas, on this day personally appeared W.R.Nicholson known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the 7th day of December A.D. 1933.

Nellie Lauddy, Notary Public,

(SEAL). Gregg County, Texas.

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road of 3rd Class 30 Ft. in width and that County undertake to maintain same in as good condition as possible.

It is understood that the land owners through which this road shall pass, are to furnish all right away with out any expense to County.

TO THE HONORABLE COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS:

We, the undersigned, freeholders, residing in the precincts through which the following described proposed Change of Road will run, respectfully represent that the Public Road commencing at Kelsey Creek in Precinct No. 3, and ending at Martins Dipping Vat, in Precinct No. 3, about 500 yds distance at present time & runs along side a creek that over flows said road.

And your Petitioners therefore pray for the following change in said Road: Commencing at Kelsey Creek going in at S.W. corner to Martins dipping Vat being a saving in distance of about 150 yds and getting road on better land & away from 2 or more creeks; and ending at _____ in Precinct No. 3, the whole distance being 340 _____ And your Petitioner prays that a Jury be appointed to lay out and survey said road, and to assess damages. And your Petitioners will ever pray, etc..

Dated the 25 day of November A.D. 1933.

PETITIONERS	PRECINCT WHERE RESIDING
R. L. Carr	3
W. S. Busby,	3
S.T. Davis,	3
E. A. Bowin,	3
J. P. Smith,	3
C. L. Mason	3
T. W. Bullock,	3
W. L. Sims,	3
Dink Lambert,	3
M. E. Green,	3
T. G. Carter,	3
S. M. Smith,	3

Motion made Seconded & carried that above change as described in Petition be granted.

PETITION FOR A PUBLIC ROAD.

TO THE HONORABLE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS;

We, the undersigned, freeholders, residing the precincts through which the following described proposed Road will run, due notice of same having been posted as required by law, pray that a Public Road of the 2nd Class, 30 feet in width, be established in said County, having its points of beginning and termination, course and intermediate points as follows:

COMMENCING at the first turn East of Rube Smith's store where the road turns North, on East 350 feet; thence North 534 feet to the intersection of the public road, at the West Mountain school house in Precinct No. 1, the whole distance being described above, and your Petitioners prays that a Jury be appointed to lay out and surveysaid Road, and to assess damages. And your petitioners will ever pray, etc...

Dated the 20 day of November 1933.

PETITIONERS

H. N. Morgan; T. V. Kincaid; J. H. Sobey; B. Patterson; R.L. White; W.D. Morgan; Loyd Towery; R. N. Smith; S. C. Morgan; Usko Mackey; G. A. Towery; J. C. Vernon; S.M.Mitchell; C.E.McElroy; B. L. Kirk; A. J. White, Joe Steelman, R.E. Monk; Henry Watson; J.W. Allred; A.R. Mackey;

Motion made, seconded and carried that the above described road be declared a public road of the second class, and that in designating said road as a public road, Upshur County accepts same without any expense and in case any contest, be filed, it will be without any expense to the County.

PETITION FOR A PUBLIC ROAD.

TO THE HONORABLE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS:

We, the undersigned, freeholders, residing in the precincts through which the following described proposed Road will run, due notice of same having been posted as required by law, pray that a Public Road on the 3rd Class, 30 feet in width, be established in said County having its points of beginning and termination, course and intermediate points as follows:

Commencing at 300myds east of highway 65 on Patton Field road, Thence East about 1-1/2 miles to Gilmer & Glenwood road at center point school house;

The undersigned land owners agree to give land for right-of-way without cost to County in Precinct No. One the whole distance being about 1-1/2 miles and your Petitioners prays that a Jury be appointed to lay out and Survey said Road, and to assess damages. And your Petitioner will ever pray, etc...

Dated the 18th day of November, 1933.

PETITIONERS.

J. W. Wall; Alton McClelland; F. L. Futrell; J. B. Montgomery; Lavn. Wilson; Hammon Shaw; J. C. Cregler; Tom Camp; R. B. Blalack, J.W. Croley, J. S. Rees.

Motion made Seconded & carried that above described road be declared a Public road of 3rd Class 30 ft in width.

December 2nd, 1933

The Commissioners' Court in called Session on this the 2nd day of December A.D. with a full Board present, County Judge presiding, in the matter of renting a building for the housing of the Upshur County Board of Welfare & Employment. It was unanimously decided to lease building from S.J.Waghalter, for a rental of Twenty-Five ($25.00) Dollars monthly, so long as needed.

J.R.Hinson, County Judge.
E.A. Cobb, Commissioner, Prec. # 1.
M. F. Robinson, Commissioner, Prec. # 2
J. P. Davis, Commissioner, Prec # 3
M. O. Holmes, Commissioner, Prec. #4

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JANUARY, 8, 1934 REGULAR MEETING.

Motion made, seconded and carried that the County Clerk, issue no further Warrants to W.W.Adams on allowance, this motion being made on the recommendation of E. W. Farrow, and Geo. Shaw, the Citizens who recommended him originally for the allowance.

Motion made, seconded and carried that Co. Clerk issue Warrant to American National Bank, Austin, Tex. for $337.50 interest on Series B, Bonds due Jan. 1, 1934.