

proceedings, was had:

Commissioner Cobb, introduced a proposed order and made a motion that it be passed.

The motion was second by Commissioner J.P. Davis, The motion carried by the following Vote:

AYES: Commissioner Cobb, Robinson, Davis, and Holmes, NOES: None.

The judge announced that the order had been passed. The order as passed is as follows to-wit:

AN ORDER

By the Commissioners' Court of Upshur County, Texas, amending a certain order of said Court dated February 12, 1934, authorizing the issuance of \$35000.00 bonds by East Mountain Common School District No. 31, bearing 5 per cent interest, and levying a tax to pay the principal and interest thereof, and amending Section 4 and Section 8 of said order passed on said date.

WHEREAS, at an election held for that purpose on the 12 day of February A.D. 1934, a majority of the qualified property tax paying voters of the East Mountain Common School District No. 31, of Upshur County, Texas, voted in favor of the issuance of \$35000.00 bonds bearing interest at the rate of 5 per cent per annum, interest payments semi-annually; said bonds to mature serially, \$1000.00 to mature in the year 1935, and \$17000.00 each to mature in the years 1936 and 1937, respectively; and

WHEREAS on the 12th day of February 1934, the commissioners' court of Upshur county Texas in regular session authorized the issuance of said bonds and levied a tax therefor: and

WHEREAS it appearing to the Court that it would be to the best interest of said school district to amend said order by amending Section 4 and Section 8 thereof.

THEREFORE, BE IT ORDERED BY THE COMMISSIONERS' Court of Upshur County:

1.

That section 4 of the order dated February 12th 1934, providing that said bonds shall bear interest at the rate of 5 per cent per annum, payable semi-annually on the 15th day of June, and the 15th day of December, each year, is hereby amended so as to hereafter read as follows:

SECTION 4.

That said bonds shall bear interest at the rate of 5 per centum per annum, the interest for the year 1934 to become due and payable on the 15th day of December 1934, and all other interest payments to be payable semi-annually on the 15th day of June and the 15th day of December of each succeeding year after the year 1934.

11.

That Section 8 of the order above stated which set out in detail the form of interest coupons, is hereby amended so as to hereafter read as follows:

SECTION 8.

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

FIRST COUPON

\$41.67

Bond No _____

Coupon No. 1

On the 15th day of December 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 at Gilmer, Texas, at the option of the holder the sum of Forty One and 67/100 Dollars (\$41.67) being ten 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.

was grossly in excess of the actual value of said property. It was further shown to the Court that a suit is pending in Federal Court for the Eastern District of Texas, Tyler Division Styled Continental and Commercial Trust and Savings Bank Vs. Port Boliver and Iron Ore Railway Company in which the Plaintiff are seeking a foreclosure of a First mortgage lien to secure the payment of Bonds held by said Plaintiff that Upshur County has heretofore intervened in said case through its duly authorized Attorney setting up the claim of Upshur County, for the Taxes due against the said Railway Company that said case is set fown for a hearing at Jefferson, Texas, on May 7, 1934 at which time said cause will be heard.

In order to avoid the expense of attorneys fees and court costs and particularly because the court is satisfied from all the evidence that the valuations and assessments on said property are grossly excessive, it is deemed by the Court to be to the advantage of Upshur County to compromise and settle said taxes by agreement. It further appeared to the court that R B Pender Trustee, representing a group of associates, some of wherein are citizens of Upshur County has entered into contract to acquire all the rights of the Continental and Commercial Trust & Saving Bank and the Santa Fe Railroad Company in and to the Judgment to be entered inosaid Federal Court foreclosing their said Mortgage afresaid and a proposition having been made to the Court to have a judgment entered in the Federal Court in said case in favor of Upshur County for the gross sum of Two, Thousand Five Hundred Dollars and fixing a Priority of lien against the property of said railroad Company for the sum of Two Thousand Five Hundred Dollars, in full settlement of all State, County, School and Road District and other taxes due to said County by said railroad company for each and all of the years from 1917 to 1933, inclusive as above set out.

And it appearing to the Court that said proposal represents the taxes due on a fair and equitable valuation and assessment of said property and upon motion made by commissioner Davis and duly seconded by Commissioner Robinson, and unanimously adopted by all the members of the court, said comprnose and proposal was duly accepted.

Therefore be it ordered adjudged and decreed by the court that upon payment to the Tax Collector of Upshur County of the sum of Two Thousand Five Hundred Dollars, that he be and is hereby authorized to issue his receipt in full acknowledgment of settlement of all of said taxes aforsaid, and that the attorney representing the Commissioners Court be and is hereby authorized to appear in said Federal Court and agree on behalf of Upshur County that a Judgment Shall be entered therein in accordance with the terms of said agreement.

4-14-34

In call session the motion was duly made, seconded and unanimously carried declaring the returns of election at West Mt. School Dist # 30, held on April 7th 1934, to be for the assumption of Bonds the vote being 22 Votes for assumption and 1 Vote against assumption.

4-14-34

The Commissioners Court met in Call session and canvassed school Trustee's election for the various Districts and after a motion made and duly seconded the following were declared Elected.

County Trustee Precinct No. 1, - - - - J. B. Webb
 " " " " 3, - - - - Henry Baird.
 " " " " 4, - - - - H.J. Fennell.

18, Indian Rock - - - - - Mat Tillman; I. W. Floyd, Frank Pyle.

43, Rhonesboro - - - - - A. D. McWhorter.

16, Enon - - - - - J. L. Green.

3, Brunley - - - - - W. B. Williams;

19, New Diana - - - - - Tom Camp; Oliver Hickey; Boyd Killingsworth;

13, Grice - - - - - M. F. Harrison;

- # 7, Cedar Springs - - - - - J.H. Minor.
- # 50, Sand Hill - - - - - Elvin Shaw.
- # 49, Lone Mt. - - - - - H. H. Bonner.
- # 23, Kings Chappel - - - - - Charlie Cook.
- # 36, Union Hill - - - - - J.H. Johnson; J.C. Duncan; Dick Whitworth;
- # 4, Union Ridge - - - - - A.C.Elwell; Jack Pittman; J.C.Fresnell.
- # 26, Shady Grove - - - - - C.B. Orr.
- # 1, Ferryville - - - - - Custer Lemon.
- # 39, Newsom - - - - - C. L. Lunsford.
- # 8 - Boxwood - - - - - G.C.Camp
- # 6, Cox - - - - - Hogan Maloney
- # 28, Pritchett - - - - - Lon Caffey
- #(Independent) Lafayette - - - - - J.W.Adkins; Fred W.Rosekoetter; Jim Cranford.
- # 22 Pattonfield, - - - - - H. R.Stembridge
- # 42 Union Grove - - - - - J.^M.Tuttle;
- # 24 Enoch - - - - - Curby Daily
- # 48 Cross Roads - - - - - ..A.Cage
- # 30 West Mt. - - - - - R. L. white
- # 25 Latch - - - - - J.L. Chamberlain
- # 14, Union - - - - - Mart Thompson
- # 2, Simpsonville - - - - - Jerry Dean.
- # 9, Independent Springs - - - - - J.D.Emerson.
- # 45, Kelsey - - - - - C. Alfred Bailey
- # 21, Glenwood - - - - - Crockett Alexander;
- # 15, Rosewood - - - - - C.E.Brown,J.M. Fee; J.R.Johnson, Jr.
- # 41, Pleasant Grove - - - - - F.F.Willoughby
- # 12, Soules chappel - - - - - L.J. Morris
- # 10, Concord - - - - - B.L.Mathew.

4-14-34

Commissioners Court met in call Session with all members present and passed orders as further described pertaining to the board of Equalization.

ORGANIZATION OF BOARD OF EQUALIZATION.

BE IT Remebered that on this the 14 day of April 1934, the Commissioners' Court of Upshur County, Texas, was duly convened as a Board of Equalization, at the regular meeting place at the Court house in the town of Gilmer, Upshur County, Texas, for the purpose of equalizing the values of all taxable property, located in said County, for the purposes of taxation for the year 1934, with all members of said Court, viz.

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

That upon convening of said Board, and prior to entering upon their duties as a Board of Equalization, each of the above named members took and subscribed to the following oath;

I, _____ a member of the Board of Equalization of Upshur County, Texas, for the year A.D. 1934, hereby solemnly swear:

That in the performance of my duties as a member of such Board for said year I will not vote to allow any taxable property to stand assessed on the tax rolls of said County for said year at any sum which I believe to be less than its true market value, or if it has no market value then its real value; that I will faithfully endeavor, and as a member will move to have each item of taxable property which I believe to be assessed for said year at less than its true market value or real value, raised on the tax rolls to what I believe to be its true cash market value, if it has a market value, and if not, then to its real value, and that I will faithfully endeavor to have the assessed valuation of all property subject to taxation within said County, stand upon the tax rolls of said County for said year at its true cash market value, or if it has no market value, then its real value. I solemnly swear that I have read and understand the provisions contained in the Constitution and Laws of this State relative to the valuation of taxable property and that I will faithfully perform all of the duties required of me under the Constitution and Laws of this State, So help me God". Upshur County, Gilmer, Texas, 14 day of April 1934.

OATH OF BOARD OF EQUALIZATION.

"I, as a member of the Board of Equalization of Upshur County, Texas, for the year A.D. 1934 hereby solemnly swear:

That in the performance of my duties as a member of such Board for said year, I will not vote to allow any taxable property to stand assessed on the tax rolls of said County for said year at any sum which I believe to be less than its true market value, then its real value; that I will faithfully endeavor, and as a member will move to have each item of taxable property which I believe to be assessed for said year at less than its true market value, or real value, raised on the tax rolls to what I believe to be its true cash market value, if it has a market value, and if not, then to its real value; and that I will faithfully endeavor to have the assessed valuation of all property subject to taxation within said County stand upon the tax rolls, of said County for said year at its true cash market value, or if, it has no market value, then its real value. I solemnly swear that I have read and understand the provisions contained in the Constitution and Laws of this State relative to the valuation of taxable property, and that I will faithfully perform all of the duties required of me under the Constitution and Laws of this State. So help me God".

J.R.Hinson, County Judge.

E. A. Cobb, Commissioner Prec. No. 1.

M. F. Robinson, Commissioner Prec. No. 2.

J.P. Davis, Commissioner Prec. No. 3

M.O. Holmes, Commissioner Prec. No. 4.

Subscribed and sworn to before me on this the ___ day of April 1934, by _____ 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, each

W.M.Smith, County Clerk,

Upshur County,

Upshur County, Gilmer, Texas, 14 day of April 1934.

(SEAL).

ORDER DIRECTING THE COUNTY CLERK
TO ADVERTISE MEETING OF THE BOARD OF EQUALIZATION.

BE IT REMEMBERED that the Board of Equalization in and for Upshur County, Texas, having been in session on this the ___ day of April A.D. 1934 the following order was, upon motion of Commissioner, M.F. Robinson, and duly seconded by Commissioner, E.A. Cobb, unanimously carried and adopted, to-wit:

The County Clerk is hereby authorized and directed to give notice of meeting of the Board of Equalization by publication in a newspaper, published in Upshur County, Texas, for at

least ten days prior to said meeting of said Board.

The County Clerk is also instructed to give individual notice to all taxpayers whose properties are raised, if their addresses are known.

J.R.Hinson, County Judge.

Upshur County, Gilmer, Texas, 14 day of April A.D. 1934.

NOTICE BOARD OF EQUALIZATION MEETING.

In obedience to the order of the Board of Equalization, regularly convened and sitting, notice is hereby given that said Board of Equalization will be in session at its regular meeting place in the Court House in the town of Gilmer, Upshur County, Texas at 10 o'clock A.M. on Wednesday the 16 day of May 1934 for the purpose of determining, fixing and equalizing the value of any and all taxable, property located in Upshur County, Texas, for taxable purposes for the year 1934, and any and all persons interested or having business with said Board are hereby notified to be present.

W.M.Smith, County Clerk,

(SEAL)

County, Texas.

Upshur County, Gilmer, Texas, 14 day of April 1934.

ORDER RECESSING BOARD OF EQUALIZATION.

Be it remembered, that the Board of Equalization in and for Upshur County, Texas, having been regularly convened and being in session on this the 14 day of April A.D. 1934, the following order was upon motion of Commissioner M.F.Robinson, duly seconded by Commissioner E.A.Cobb, unanimously carried and adopted, to-wit;

There being no further business nor necessary to be transacted by said Board of Equalization, it is ordered that said Board do now recess until 10 o'clock A.M. the 16th day of May A.D. 1934, at which time said board of equalization will further resume the transaction of such business as may then come before it.

J.R. Hinson, County Judge.

Upshur County Gilmer, Texas, 14 day of April 1934.

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

THE COMMISSIONERS' court of Upshur County, Texas, convened in regular meeting, during a Regular Term thereof, on this the 19th day of May 1934, at the Courthouse in the City of Gilmer, Texas, with the following members present, to-wit:

J.R. Hinson, County Judge.

E.A. Cobb, Commissioner Precinct No. 1,

M.F.Robinson, Commissioner Precinct No. 2,

J. Press Davis, Commissioner Precinct No. 3,

Marshall Holmes, Commissioner Precinct No. 4,

W.M. Smith, County Clerk and ex-officio Clerk, Commissioners' Court,

with the following members absent; None, constituting the entire Court at which time the following among other business was transacted;

Commissioner Cobb, introduced an order and made a motion that it be passed. The motion was seconded by Commissioner Robinson. The motion carrying with it the passage of the Order prevailed by the following vote ;

Ayes; Commissioners Cobb, Robinson, Davis and Holmes;

Noes: None;

The County Judge announced that the order had been finally passed. The order as passed is as follows: