

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:

## AN ORDER

Authorizing the issuance of Upshur County, Texas, Road Refunding Bonds, Series 1934, in the amount of \$128,000.00 bearing 5½% interest, levying a Tax to pay the principal and interest as they mature, and prescribing the form of Bond.

Whereas, the Commissioners' Court of Upshur County, Texas, did on the 16th day of May 1919, pursuant to an election held and carried in accordance with law, pass an order authorizing the issuance of \$300,000.00 Upshur County Road Bonds, Series D, dated March 15, 1919, bearing 5½% interest, due May 15, 1959, with an option of prior payment retained in said order and in the bonds in substantially the following words;

"Upshur County reserves the right to redeem this Bond on \_\_\_ day of \_\_\_ 19\_\_\_ by paying the principal and accrued interest and in case it shall be called in for redemption before maturity notice thereof in writing shall be given by the County Treasurer of Upshur County, Texas, to the Seaboard National Bank, New York, City New York, at least thirty (30) days before the date fixed for redemption, and if this Bond shall not then be presented it shall cease to bear interest from and after the date so fixed for redemption." And

Whereas, said Commissioners' Court did on May 10, 1920 pursuant to an election held and carried in accordance with law, pass an order authorizing the issuance of \$200,000.00 Upshur County Road Bonds Series E, dated May 15, 1920, bearing 5½% interest due May 15, 1960, with an option of prior payment retained in said order and in the bonds in substantially the following words:

"Said Upshur County, Texas, reserves the right of redeeming this bond on the \_\_\_ day of \_\_\_, 19\_\_\_ by paying principal and accrued interest, and in case the same shall be called in for redemption before maturity, notice thereof, in writing, shall be given to the holder or holders thereof by the County Treasurer of said County at least thirty days before the date fixed for redemption, and should this bond not be presented for redemption, the same shall cease to bear interest from and after the date so fixed for redemption". and

Whereas, the Commissioners' Court did on the 14th day of June 1928, pursuant to an election held and carried in accordance with law, pass an order authorizing the issuance of \$300,000.00 Upshur County Road Bonds, Series F, dated June 15, 1920, bearing 5½% interest due June 15, 1950, with an option of prior payment retained in said order and in the bonds in substantially the following words;

"Said Upshur County, Texas, reserves the right of redeeming this bond on the \_\_\_ day of \_\_\_ 19\_\_\_ by paying principal and accrued interest and in case the same shall be called in for redemption before maturity, notice thereof, in writing, shall be given to the holder or holders thereof by the County Treasurer of said County at least thirty days before the date fixed for redemption and should this bond not be presented for redemption the same shall cease to bear interest from and after the date so fixed for redemption". and

WHEREAS, of said bonds heretofore issued and delivered in accordance with law, there remain outstanding the following described bonds of said respective issues, concerning which the County now has an option to redeem same at a price of par and accrued interest, to-wit

(a) Series D Bonds, Numbered 28, 30, 31, 33 to 55 Incl. for \$1000.00 each, aggregating \$28,000.00 maturing May 15, 1959;

(b) Series E Bonds, numbered 21, 23, 25, 27 to 30 incl. 32, 34, 36 to 70 incl. for \$1000.00 each, aggregating \$44,000.00 maturing May 15, 1960;

(c) Series C Bonds, numbered 26, 27, 33 to 35 incl., 43, 44, 49 to 61 incl., 73 to 104 incl. 107 to 112 incl. for \$1000.00 each, aggregating \$58,000.00 maturing June 15, 1960.

WHEREAS, it is considered to be to the best interest of the County that said bonds be called for redemption and the County has taken such steps as are required in said original orders in reference to calling them; and

WHEREAS, it is considered to be to the best interest of the County that said bonds be refunded into a single issue;

BE IT ORDERED, ADJUDGED AND DECREED BY THE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS:

1. That, in accordance with the provisions of Article III Section 52, of the Constitution and laws enacted pursuant thereto, the bonds of said County to be called "Upshur County Road Refunding Bonds, Series 1934" be issued under and by virtue of the Constitution and Laws of the State of Texas to the amount of One Hundred Twenty Eight Thousand (\$128,000.00) Dollars, for the purpose of refunding, cancelling and in lieu of a like amount of valid and subsisting bonds of said County above described and more particularly described as follows:

(a) Upshur County Road Bonds, Series "D" dated March 15, 1919, bearing 5 $\frac{1}{2}$ % interest, being numbered and maturing as follows:

Bonds numbers	Maturity Dates.
28	May 15, 1959.
30	May 15, 1959.
31	May 15, 1959.
33 to 55 Incl.	May 15, 1959.

(b) Upshur County Road Bonds, Series "E" dated May 15, 1920, bearing 5 $\frac{1}{2}$ % interest, being numbered and maturing as follows:

Bonds Numbers	Maturity Dates:
21	May 15, 1960
23	May 15, 1960
25	May 15, 1960
27 to 30 Incl.	May 15, 1960
32	May 15, 1960
34	May 15, 1960
36 to 61-incl.	May 15, 1960

(c) Upshur County Road Bonds, Series "F" dated June 15, 1920, bearing 5 $\frac{1}{2}$ % interest, being numbered and maturing as follows:

Bonds Numbers	Maturing Dates;
26 -	June 15, 1960
27 -	June 15, 1960
33 to 55 incl.	June 15, 1960
43 -	June 15, 1960
44 -	June 15, 1960
49 to 61 incl.	June 15, 1960
73 to 104 "	June 15, 1960
107 to 112 "	June 15, 1960

2. That said Refunding Bonds shall be numbered consecutively from One (1) to One Hundred Twenty Eight (128) inclusive, shall be of the denomination of One Thousand (\$1000.00) Dollars each, aggregating One Hundred Twenty Eight Thousand (\$128,000.00) Dollars;

3. They shall be dated the 1st day of May 1934, and shall become due and payable serially as follows:

Bonds Numbers	Maturity Dates	Amounts.
1 to 32 Inc.	May 1st 1935	\$32,000.00
33 to 64 "	May 1st 1936	32,000.00
65 to 96 "	May 1st 1937	32,000.00
97 to 128 "	May 1st 1938	32,000.00

The Commissioners' Court affirmatively adjudges that the maturities set forth above fixed as nearly as the financial condition of the County will permit, an equal and uniform burden of taxation for the term of the indebtedness.

4. Said bonds shall bear interest at the rate of 5 $\frac{1}{2}$ % per annum, payable November 1, 1934, and semi-annually thereafter on the 1st day of May and the 1st day of November of each year. Interest and principal of said bonds shall be payable in lawful money of the United States of America, upon presentation and surrender of bond or proper coupon at the office of the State Treasurer, Austin, Texas.

5. Each of 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

Court shall be impressed upon each of them. The fac-simile signatures of the County Judge and County Clerk may be lithographed or printed upon the coupons attached to said bonds and shall have the same effect as if they had been signed by them.

5. The form of said bond shall be substantially as follows:

NO \_\_\_\_\_

\$1000.00

UNITED STATES OF AMERICA  
STATE OF TEXAS  
COUNTY OF UPSHUR  
ROAD REFUNDING BOND  
SERIES 1934

The County of Upshur, in the State of Texas, for value received hereby promises to pay to the bearer hereof, on the 1st day of May 19\_\_\_\_ the sum of One Thousand Dollars, in lawful money of the United States of America, with interest thereon from date hereof at the rate of Five and one-half (5-1/2%) per cent per annum, interest payable November 1, 1934, and thereafter semi-annually on the 1st day of May and the 1st day of November 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, and the said County of Upshur is hereby held and firmly bound and its faith and credit and all real and personal property in said County are hereby pledged to the prompt payment of the principal of this bond and the interest thereon at maturity.

This bond is one of a series of One Hundred Twenty Eight (128) Bonds, numbered from One (1) to One Hundred Twenty Eight (128) inclusive, of the denomination of One Thousand (\$1000.00) Dollars each aggregating One Hundred Twenty Eight Thousand (\$128,000.00) Dollars, and issued for the purpose of refunding, cancelling and in lieu of Twenty Six Thousand (\$26,000.00) Dollars of Upshur County Road Bonds, Series "D" dated March 15, 1919, Forty Four Thousand (\$44,000.00) Dollars of Upshur County Road Bonds, Series "E" dated May 15, 1920, and Fifty Eight Thousand (\$58,000.00) Dollars of Upshur County Road Bonds, Series "F" dated June 15, 1920, the specific bonds refunded being described in the order of the Commissioners' Court authorizing this issue of Refunding Bonds, the original bonds having been issued for the purpose of the further construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof, within and for said Upshur County, under and in strict conformity with the Constitution and laws of the State of Texas, and pursuant to orders passed by the Commissioners' Court of Upshur County, duly of record in the minutes of said Court; said Refunding Bonds having been authorized in strict conformity with the Constitution and laws of the State of Texas, and by an order passed by the Commissioners' Court of said County, duly of record in the minutes of said Court.

The date of this bond in conformity with the order above mentioned is the 1st day of May 1934.

AND IT IS HEREBY CERTIFIED AND RECITED that the issuance of this bond, and the series of which it is a part, is duly authorized by law, and that all acts, conditions and things required to be done precedent to and in the issuance of this series of Bonds, and of this bond, have been properly done and performed and have happened in regular and due time, form and manner as required by law; that due provision has been made for levying and collecting annually by taxation an amount sufficient to pay the interest on these bonds as it falls due and to provide a sinking fund for the final redemption of said bonds at maturity; and that the issue of bonds of which this is one, together with all other indebtedness of said County is within every debt and other limit prescribed by the Constitution and laws of said State.

The holder of this bond and the holder or holders of the series of which it is a part, in addition to all other rights, is and are subrogated to the rights secured to them under the original issues of bonds refunded hereby.

In Witness Whereof, the County of Upshur, by its Commissioners' Court, has caused its seal to be affixed hereto, and this bond to be signed by its County Judge, countersigned by

its County Clerk and registered by its County Treasurer and the interest coupons hereto attached to be executed by the lithographed fac-simile signatures of the County Judge and County Clerk, as of the date last above written.

\_\_\_\_\_ County Judge.

COUNTERSIGNED:

\_\_\_\_\_ County Clerk,

Registered: \_\_\_\_\_  
County Treasurer.

7. The form of coupons shall be substantially as follows:

NO \_\_\_\_\_ \$ \_\_\_\_\_

ON THE FIRST DAY OF

MAY 19 \_\_\_\_\_

The County of Upshur, Texas, promise to pay to bearer at the office of the State Treasurer, Austin, Texas, the sum of Twenty seven and 50/100 (\$27.50) Dollars, in lawful money of the United States of America, being six months' interest on the County of Upshur Road Refunding Bond, Series 1934, dated May 1, 1934, No. \_\_\_\_\_.

\_\_\_\_\_ County Clerk;

\_\_\_\_\_ County Judge;

8. That substantially the following certificate shall be printed on the back of each bond;

OFFICE OF COMPTROLLER  
STATE OF TEXAS

I, Hereby certify that there is on file and of record in my office a certificate of the Attorney General of the State of Texas, to the effect that this bond has been examined by him as required by law, and that he finds that it has been issued in conformity with the Constitution and laws of the State of Texas, and that it is a valid and binding obligation upon said County of Upshur, Texas, and said bond has this day been registered by me.

WITNESS my hand and seal of my office at Austin, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_ Comptroller of Public

Accounts of the State of Texas.

9. A special fund to be designated "Upshur County Road Refunding Bonds, Series 1934, Fund" is hereby created, and the proceeds from all taxes collected for or on account of this series of bonds shall be credited to said fund for the purpose of paying the interest and providing a sinking fund for the redemption of said bonds as they mature, and said fund shall be used for no other purpose; that to create said fund a tax of \_\_\_\_\_ (\_\_\_\_) cents on the One Hundred Dollars' valuation of taxable property in Upshur County is hereby levied for the current taxing year 1934, on all taxable property in said County: that for each of the years 1935 and succeeding years while any of the said bonds or interest thereon are outstanding and unpaid and at the time other County Taxes are levied in each of said years, there shall be computed and ascertained what rate of tax based upon the latest approved tax rolls of said County will be necessary and sufficient to fully make, raise and produce in each of said years a proportionate part of the principal and the interest to be paid in that year, and for each of said years there is ordered to be levied and there is hereby levied, and ordered to be assessed and collected, a tax at such rate as will be found necessary as aforesaid and all such taxes when collected shall be appropriated and applied to the purposes named.

10. The sum of \$3520.00 is hereby appropriated out of available funds to pay the interest maturing on the issue of bonds November 1st 1934. The County Judge, County Clerk and County Treasurer are authorized and directed to transfer said sum to the interest and sinking fund created for this issue of bonds and said money shall be used for no other purpose than to

pay the interest maturing on this series of bonds November 1, 1934.

11. All taxes in process of collection for the benefit of the issues of bonds refunded in this bond issue, and all moneys in the sinking funds of said respective bond issues are hereby apportioned to the interest and sinking fund of this bond issue. The County Judge, County Clerk and County Treasurer are directed to take such steps as are necessary to transfer said funds to the interest and sinking fund for this bond issue, provided, however, that said transfer shall be made proportionately from time to time as and when said original bonds have been actually surrendered in exchange for said Refunding Bonds, in such manner that outstanding bonds not exchanged will always be protected by a proper interest and sinking fund heretofore provided for that purpose.

12. The County Judge is authorized to take and have charge of said bonds pending their investigation and approval by the Attorney General, after which time he is to deposit said bonds with the Comptroller of the State of Texas. Said refunding Bonds shall not be registered until and as a like amount of said original bonds have been surrendered to the Comptroller for cancellation. As and when said original bonds, either in one delivery or in installments, are surrendered to the Comptroller by H.C. Burt & Company, Dallas, Texas, or its order, he is authorized and directed to deliver the refunding bonds in like amounts to said H.C. Burt & Company upon presentation of an order signed by the County Judge of this County.

13. All orders and parts of orders in conflict herewith are hereby expressly repealed.

Passed and Approved this the 19th day of May 1934.

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

Attest;

W.M.SMITH, County Clerk and  
Ex-Officio Clerk, Commissioner's Court.

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SATURDAY Feb. 24, 1934.

Motion made, seconded and carried that Co Clerk issue Warrant to J. D. Adams for \$1,103.33 on Auto # 1, Fund for 1934, Payment and interest on Motor Grader, J.D. Adams # 30 of Precinct No. 1.

Motion made, seconded & carried that Co. Clerk issue Warrant on General fund to Mrs. D. A. Buie, for \$46.95 tax refund on 111 acres land in Van Roder Survey paid by Mrs. Buie for years 1931 and 1932, when it was also paid by Esaw Davis and was in fact owned by Esaw Davis, therefore Mrs Buie is entitled to and is authorized to receive the refund.

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MONDAY MAR. 12, 1934

Motion made seconded and carried that Co. Clerk issue warrant of \$2500.00 on Co Bond Fund and \$1000.00 on G.H.J. Fund for assessing taxes 1933 & 1932 to E.S. Fritchard & Co.

Motion made, seconded and carried that Co Clerk issue warrant on R & B Fund to State Highway Dept. for building stock underpass on Hiway # 15, on Kay Estate by Big Sandy, the amount of the Warrant to be \$894.55.

Motion made seconded and carried that J.E. Horton be declared a pauper, and co Clerk issue him \$4.00 per month, beginning April 1, 1934.

Motion made, seconded and carried that an allowance of \$6.00 be made to Sallie Strange and Co. Clerk authorized to pay same from general fund;

Motion made seconded and carried that Co. Clerk issue warrant of \$8.00 on general fund to pay transportation of K.E. Dailey Child to Abilene, the same being an allowance.

Motion made, seconded and carried that an allowance of \$8.00 be made to Julia Stokes from general fund for allowance;

Motion made by Commr. Cobb that Co Clerk issue warrant on general fund for \$100.00 payable to S.R. Peteet in full settlement for right of way Hiway 155, Mr. Peteet accepting same in full settlement of any and all claims held against Upshur Co., now or in future, Motion died without a second.

Motion made seconded and carried that co Clerk issue warrant on general fund for \$3.00 allowance to Mrs Cpal Osborne for transportation to Louisiana to live with her father.

Motion made seconded and carried that Co Clerk issue warrant on General fund on first of each month to Mrs. Jno Howell for \$7.50 instead of \$4.00 heretofore.

Motion made, seconded and carried that the Co Judge be given authority to proceed with the purchase of Upshur County Bonds at the lowest price possible to secure them, below par.

Motion made by Commissioner Robinson and seconded by Commissioner Cobb that Jno. Murphy be paid \$8.00 per month instead of \$5.00 herefore allowance as pauper, Motion carried.

Motion made, seconded and carried that Co Clerk issue warrant on General Fund to A. K. Bailey for \$5.00 monthly on first day of each month, the same being a pauper allowance.

The Commissioners Court tabulated and declared the results of an election held on March 3, 1934, in New Diana School District No. 19, of Upshur County Texas, upon question as to whether the said district shall assume and pay off the outstanding bonds heretofore issued by the New Diana Consolidated and Stamps Common School Districts, the said bonds being described as follows:

New Diana Consolidated Line School District No. 19, Bonds dated 8-10-27, bearing interest at the rate of 5% per annum, due August 10, 1947, said bonds being in the denomination of \$100.00 and numbered 1 to 8 inclusive, still outstanding \$800.00 and bonds dated January 10-1927 bearing interest at the rate of 5% per annum and due January 10, 1937, said bonds numbered 1 to 36 inclusive, \$3600.00 of which \$1400.00 is still outstanding, and bonds dated May 10, 1930, interest of 5% per annum, due May 10, 1950, bonds being in denomination of \$400.00 numbered 1 to 11 inclusive of which \$400.00 is still outstanding.

Stamps Common School District No. 44, Bonds dated April 10, 1928, bearing interest at the rate of 5% per annum due April 10, 1948, said bonds being in the denomination of \$100.00 of which the numbers are 1 to 8 inclusive, aggregating \$800.00 and \$700.00 is still outstanding The election was also held for the purpose of levying a tax on all taxable property in said District sufficient to pay the current interest on said bonds and to provide a sinking fund sufficient to pay the principal at maturity. The results of the election was declared by the Court to be as follows: For the Consolidation and assumption of bonds and the tax levy 42 votes: against the Consolidation and assumption of bonds and the tax levy, 4 votes; Majority for the consolidation and assumption of fund and tax 38 votes;

Motion made, seconded and carried that the Co. Treasurer be authorized to exchange 15 Upshur County Bonds held for the County Depository, the Farmers & Merchants National Bank as security for 15; East Mountain School District No. 31, Bonds and 3 additional East Mountain Numbers 1 to 9 and 18 to 26, inclusive, demoninations of \$1,000.00 each \$18,000.00 each.

Motion made seconded and carried that the following warrants be cancelled all on Road and bridge Fund;

Warrant No.	5200,	Mrs. F. Chronister	- - - - -	\$1.00
"	"	5201, John Hammock	- - - - -	200.00
"	"	5203, Magnolia Petroleum Co	- - - - -	450.00
"	"	5204, L. R. Kay	- - - - -	200.00

Motion made, seconded and carried that the allowance of Matilda Ponder be raised from \$2.50 to \$5.00 monthly.

Motion made, seconded and carried that the Co. Clerk issue warrant to Mrs. F. C.

Chronister for \$312.00 for Right of Way on Highway No. 15, at Big Sandy, when deed to same is delivered delivered to Co. Judge.

Motion made by Commissioner Davis that Upshur County pay an amount not to exceed Three Hundred Fifty Dollars \$350.00 to pay Upshur County's part in making survey West from Gilmer to and through Wood County on Highway 155, it being understood that Wood County will grant an equal amount and that Federal relief projects will furnish any and all labor to pay for said work over and above the amount furnished by Upshur and Wood Counties. The Highway Department will supervise the making of this Survey and they agree to accept same for a permanent location to designate and build Highway #155 West from Gilmer and it being left entirely to State Highway engineer to select the most direct and practicable route; The County Clerk is authorized to issue warrant on R & B fund for any amount not to exceed \$350.00 after completion of said Survey and acceptance by State Highway Dept. and Commissioners Court of Upshur County. The motion was seconded by M.P. Holmes, motion declared carried, all commissioners voting Aye.

Monday April 9th 1934.

Motion made, seconded and carried that W.M. Albright be taken by Lona Franklin, and that she be allowed \$12.00 month for his allowance.

Motion Made by Commissioner Davis, that the Texas Highway Commissioner be requested to designate and make survey of Highway from Gilmer through Fritchett and Big Sandy to Sabine River or Smith County line, joining Smith County Road into Winona and Tyler, Motion seconded by Commissioner Cobb, The motion was declared carried all members present voting Aye.

Motion made seconded and carried the Commissioners Court met April 28th instead of April 21st.

PETITION FOR PUBLIC ROAD.

THE STATE OF TEXAS

COUNTY OF UPSHUR

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

We, the undersigned citizens, free-holders, residing in the precincts through which the following described proposed road will run, pray that a public road of the First Class 40 feet in width, be established in said County, having its points of beginning and ending as follows:

BEGINNING at present State Highway # 155, at Irvin Floyds residence; Thence in a Northern direction about 1/2 mile to intersect New Highway # 155, Thence North along present road to W.A. Townsend's house; Thence to Floyd's Spring.

It is agreed and understood that all right to way is to be furnished to County without cost and land owners signature to this petition will and does constitute an easement for said right to way for public road purposes.

And your petitioners ask that a Jury of View be appointed to lay out and mark and establish said road and to assess damages.

5th day of April 1934.

I. W. Floyd.  
Willis Floyd.  
R. R. Taylor.  
T. A. Burns  
O. C. Ray.  
Robt. Taylor.  
Chan Floyd.  
J. P. Ray.  
C. F. Crosby.  
R. C. Barnwell.  
J. R. Wisener.  
Lee Price.  
S. R. Buie.

Bids were opened on Contract work to be done in Precinct 2, Dixon Bottom, near LaFayette

on the La Fayette Gilmer road, and the bid of Sam Montgomery for \$375.00 was accepted, the following work to be done, Dragline work on, approximately 400 yards in said Dixon Bottom, making a fill four feet high and 24 feet wide and the ditches 10 feet and 6 feet wide and the County Clerk is ordered to issue warrant for said work, as accepted by Commissioner Robinson.

Motion made seconded and carried that tax refund on gen. fund be made to Harvey M. Smith of \$17.16 for reason of error in 1933, assessments, E.S. Britchard Company, advising that the refund be made.

Motion made seconded and carried that the following low bids be accepted and contracts let for bridge work in Precinct 1, as follows: Randolph Mackey, \$17.50 Bridge on West Mountain Tuttle Road, Mr. Gammage \$12.50 Bridge on West Mountain Tuttle Road,

Motion made seconded and carried that CoClerk issue warrants for Motor Grader (maintainer) for Auto 4 due 4-10-34, to J.D. Adams Co and on Auto 1, for Precinct, 1, R.B. George & Co., Grader, and on Auto 4, for R.B. George Grader Final payment.

Motion made seconded and carried that Co Clerk issue warrants on General Fund to holders of Trustee election in Upshur County April 7, 1934.

Motion made seconded and carried that the County Treasurer be authorized to receive money paid to J.A. Rutledge J.C. Duncan A. F. Burnett, Trustees of School District # 36 for holding election in that district the reason for paying money back being because Trustees are not permitted to legally hold elections.

#### APRIL 28

To The Honorable Commissioners Court of the following petition is presented to the Court for a road to be designated, and to be without any expense to Upshur County.

We the undersigned Citizens of Upshur County, your Petitioners, do ask and pray that you do grant the following described road of 2nd class; BEGINNING at Big Sandy Highway between J.O. Loyds line and J.O. Perdue Thence North in Northerly direction through the land of Jo Perdue then through the land of Jack Dunagan in a Northerly direction through the land of Barney Briggs to intersect the Tom Youngblood Public Road.

This is the most practical and direct route to the New Highway.

J.W. Perdue.  
Jack Dunagan.  
J. D. Loyd.  
S.N. Long.  
T.J. Young.  
W.H. Allen.  
J.J. Briggs.  
M.B. Briggs.

Motion made by Commissioner Babis, & seconded by Commissioner Cobb that the County Clerk issue Warrant of \$15.00 on Auto 3 Fund in settlement of account of Mrs. J.J. Murphy on road to Wood Co line near Blackstone place; It is understood that the warrant for \$15.00 is in full settlement of all damages to her place caused by grader work on road near her place, Motion carried..

Motion made, seconded and carried, motion made by Commissioner Cobb that Co Clerk issue Warrant of \$15.65 on Auto 1, fund for 313 yards Gravel, the gravel being placed on Stamps Gilmer Road, in Precinct 1, Warrant to be issued to H. Louphrate.

Motion made seconded and carried that the Co Clerk issue warrants to Randolph Mackey and Fred Gammage for \$17.50 and \$12.50 for Contract work let at the regular meeting of the Court in April, Warrants to issued on Special # 2 Fund in Precinct 1.

Motion made, seconded and carried that the Co Clerk issue warrant on Special 2, Fund to Charlie Fenton for \$14.00 Ten dollars for building bridge on Glenwood West Mountain road and four dollars for posts for tiling, in Precinct 1.

Motion Made seconded and carried that Jack Cross be given contract to perform certain Bridge Work on John Gates road in Precinct 4, for \$39.75 and the court will pay warrant on affidavit made by Jack Cross on the performance of this contract.

Motion made, seconded and carried that the assessments of taxes of the Faith Oil Corporation for the years 1932 and 1933 be reduced to Twelve Thousand Dollars for each year on the following property: J. Couch Survey 180 acres and J. Crouch Survey 220 acres and 27 acres in Marshall Mann Survey a total of 427 acres in said Survey and being for 7/8 working interest in lease on Brawley Land. The assessments on said land for the years 1932, and 1933 appears on Roll "D" of the Tax Collector's Records, and the reason for the reduction is because of the assessments being excessive. The Tax Collector of Upshur County is hereby authorized and instructed to receive from said Faith Oil Company the tax on said land on the basis of a Twelve Thousand Dollar Assessment for each year, together with all penalties.

MONDAY MAY 14, 1934.

Motion made, seconded and carried that a refund on taxes paid by J. F. Hammock be made of \$3.88 for 1933 taxes on Lot 2, Block 53, in the town of Big Sandy, the reason being that same has been paid by Magnolia Petroleum Corporation.

The returns of an election held in Simpsonville School District No. 2, on May 5th 1934, for the purpose of electing a school trustee, was declared as follows: Lee Moses 73, votes and E. G. Morris 38 votes, Lee Moses declared the winner.

Motion made seconded and carried that the tax valuation on 225 acres of land in the Wm. Holt Survey now owned by W.R. Quinn, and 87 acres in C.F. Robertson Survey be changed to One Hundred Dollars valuation for each year same is delinquent for years from 1891 to 1916 inclusive, said valuations appearing on Roll "D" for said years, All costs, having accrued in Connection with said valuations are hereby cancelled.

Motion made seconded and carried that the account for Southwest Carbon & Ribbon Co. for Carbon and ribbon to the amount of \$28.28 be paid from C H & J Fund.

The Court RECESSED UNTIL SATURDAY MAY 19th 1934.

SATURDAY MAY 19th 1934.

Motion made seconded and carried that W.W. Blanchard be given contract for Grubbing work on Fritchett-Enoch Road for \$12.50 work to be done as shown and described by Commissioner Davis and to be paid for from Precinct 3 Fund.

Motion made, seconded and carried that J.C. Easterly be given contract for shoveling gravel on Gilmer Big Sandy Road for \$25.20 and to be aid from Precinct 3 funds.

GILMER, TEXAS,

MAY 19, 1934

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

GENTLEMEN:

In connection with the County Wide Road Bonds of your County, which have reached their optional dates, and which should be refunded and given fixed dates of payments so as to assure their payments while the County is able to do so, we submit for your consideration the following proposal:

Upshur County has approximately \$164,000.00 Road Bonds which have reached their optional date, We will employ an experienced bond attorney to prepare and furnish the legal proceedings necessary/<sup>to</sup>refund all of the optional bonds, whether they are refunded in one issue or two.

(Apparently two issues will be necessary) We will furnish the printed bonds and secure the Attorney's General's approving opinion on the refunding bonds; also the approving opinion of a recognized bond attorney, such as Chapman and Culter of Chicago or Clay, Dillon and Vandewater

of New York.

We will furnish the money necessary to take up and pay for the optional bonds as they are presented for payment. After payment has been made the bonds which have been called and paid for will be exchanged in the State Comptroller's office for the refunding Bonds, which refunding bonds are to be delivered to us.

The maturity dates of the refunding bonds are to be definitely fixed later, but it is agreed that they will not exceed more than 4 years. The County agrees to assist us in executing bond orders, certificates etc, necessary to issue the refunding bonds. It also agrees to issue a formal call for payment of the bonds, when it has been determined that the refunding bonds will be approved by the Attorney General of the State of Texas and a commercial bond attorney. These proposal is made subject to our attorney securing an approving opinion of a commercial bond attorney.

For said seivices Upshur County Agrees to pay us a fee of 1-3/4% of the principal amount of bonds finally approved and exchanged. Said fee is to be paid to us in ins tallments as the exchanges are made in the State Comptroller's office. In the refunding bonds are not finally approved and exchanges made Upshur County will owe us nothing.

Respectfully Submitted,

H.C.BURT AND CO., INC.  
BY (H. C) Burt, Mgr. Dallas Office.

After due consideration it is deemed advisable to refund optional bonds of Upshur County and the foregoing and attached proposal of H. C. Burt & Co., is hereby accepted according to the terms set forth therein by order of the Commissioners' Court of Upshur County this the 19 day of May 1934.

J.R.Hinson, County Judge.

ATTEST:

W.M.SMITH, County Clerk.

(SEAL)

Commissioner M.F.Robinson, made a motion that the foregoing contract as offered by H.C.Burt and Company for refunding approximately \$184,000.00 Upshur County Board Bonds of which \$128,000.00 at 5 1/2% & \$36,000.00 are 5% be accepted said motion was duly seconded by Commissioners E.A. Cobb, and was unanimously carried.

REPORT of W.A. Lunsford, County Treasurer of Upshur County, Texas, of Receipts and Expenditures from Feb. 1st to April 30th 1934, inclusive;

GENERAL FUND.

Balance last Report, Filed Feb. 1st 1934	2327.27	
To Amount received since last Report	19707.70	
To amount paid out since last Report		16760.66
Amount to balance		5274.31
Balance \$5274.31;	22034.97	22034.97

JURY FUND

Balance last Report, Filed Feb. 1st 1934,	4592.69	
To Amount received since last Report	12301.61	
By amount paid out since last report		9093.59
Amount to Balance		6800.71
Balance	15894.30	15894.30

R & B FUND

Balance last Report, Filed Feb. 1st 1934	2258.06	
To amount received since last Report	9138.73	
By Amount paid out since last report		10331.67
Amount to balance		1065.12
Balance	11396.79	11396.79

Balance \$ 1065.12

## R &amp; B BOND FUND

Balance last Report Filed, Feb 1st 1934	2196.93	
To amount received since last Report	2257.71	
By Amount paid out since last Report,		102.34
Amount to Balance		<u>4352.30</u>
	<u>4454.64</u>	<u>4454.64</u>

BALANCE \$ 4352.30

## C H &amp; J FUND.

Balance last report, filed Feb. 1st 1934	3867.69	
To Amount received since last Report	11258.12	
By Amount paid out since last Report		4206.34
Amount to Balance		<u>10919.47</u>
	<u>15125.81</u>	<u>15125.81</u>

BALANCE \$10919.47

## SPECIAL 1, FUND.

Balance last Report, Filed Feb. 1st 1934	741.98	
To amount received since last report	2797.99	
By Amount paid out since last Report		1836.68
Amount to Balance		<u>1703.29</u>
	<u>3539.97</u>	<u>3539.97</u>

BALANCE \$1703.29

## SPECIAL 2, FUND.

Balance last Report Filed Feb. 1st 1934	3845.52	
To Amount received since last Report	6684.04	
By Amount paid out since last Report		4410.03
Amount to Balance		<u>6119.53</u>
	<u>10529.56</u>	<u>10529.56</u>

BALANCE \$6119.53

## SPECIAL 3, FUND

Balance last Report, Filed Feb. 1st 1934	106.76	
To amount received since last Report	228.40	
By Amount paid out since last Report		286.38
Amount to Balance		<u>48.78</u>
	<u>335.16</u>	<u>335.16</u>

BALANCE \$ 48.78

## SPECIAL 4, FUND

Balance last Report, Filed Feb. 1st 1934	113.11	
To Amount received since last Report	145.18	
By Amount paid out since last Report		234.68
Amount to Balance		<u>23.61</u>
	<u>258.29</u>	<u>258.29</u>

BALANCE \$ 23.61.

## AUTO 1, FUND

Balance last Report Filed Feb. 1st 1934	45.16	
To Amount received since last Report	12297.90	
By Amount paid out since last Report		6885.63
Amount to Balance		<u>5457.43</u>
	<u>12343.06</u>	<u>12343.06</u>

BALANCE \$ 5457.43

## AUTO 2, FUND

Balance last Report, Filed Feb. 1st 1934	66.08	
To Amount received since last Report	71 85.19	
By Amount paid out since last Report		4453.40
Amount to Balance		<u>2797.67</u>
	<u>7251.27</u>	<u>7251.27</u>

BALANCE \$2797.67

## AUTO 3, FUND

BALANCE last Report, Filed Feb. 1st 1934	1230.34	
To Amount received since last Report	12454.04	
By Amount paid out since last Report		5194.90
Amount to Balance		<u>8489.48</u>
	<u>13684.38</u>	<u>13684.38</u>

BALANCE \$ 8489.48

## AUTO 4, FUND

Balance last Report Filed Feb. 1st 1934	1064.09	
To Amount received since last Report,	7281.09	
To Amount paid out since last report		4899.98
Amount to Balance		<u>3445.20</u>
	<u>8345.18</u>	<u>8345.18</u>

BALANCE \$3445.20.

## SPECIAL 5, FUND.

Balance last Report, Filed Feb. 1st 1934	1.13	
To Amount received since last Report	290.48	
By Amount paid out since last Report		174.98
Amount to Balance		<u>116.63</u>
BALANCE \$ 116.63	<u>291.61</u>	<u>291.61</u>

## SPECIAL 6, FUND

Balance last Report, Filed Feb. 1st 1934	141.50	
To Amount received since last Report	195.95	
By Amount paid out since last Report		251.66
AMOUNT TO BALANCE		<u>85.79</u>
BALANCE \$85.79	<u>337.45</u>	<u>337.45</u>

## SPECIAL 7, FUND

Balance last Report, Filed Feb. 1st 1934	80.95	
To Amount received since last Report	154.49	
By Amount paid out since last Report		186.45
Amount to Balance		<u>48.99</u>
BALANCE \$ 48.99	<u>235.44</u>	<u>235.44</u>

## SPECIAL 8, FUND

Balance last Report, Filed Feb. 1st 1934	55.94	
To amount received since last Report	822.61	
By Amount paid out since last Report		808.75
Amount to Balance		<u>69.80</u>
BALANCE \$ 69.80	<u>878.55</u>	<u>878.55</u>

## CO. BOND FUND.

Balance last Report, Filed Feb. 1st 1934	41309.75	
To amount received since last Report	75047.34	
By Amount paid out since last Report		63501.50
Amount to Balance		<u>52855.59</u>
BALANCE \$52855.59	<u>116357.09</u>	<u>116357.09</u>

## GENERAL INST. &amp; SINKING FUND

Balance last Report filed, Feb. 1st 1934	1761.91	
To Amount received since last Report	1506.24	
By Amount paid out since last Report		101.56
Amount to Balance		<u>3166.59</u>
BALANCE \$ 3166.59	<u>3268.15</u>	<u>3268.15</u>

ROAD DIST. # 1	22000.00
" " # 4	13500.00
" " # 7	53000.00
Special Road Bonds Series "D"	233000.00
" " " " "E"	151000.00
" " " " "F"	200000.00
Gen. Fund Wars. series 1925	27000.00
R & B " " " 1925	20000.00
R.B. George Moh Co	1000.00
Road Mach Wars. Series 1932	3000.00
" " " " 1932 A	2000.00
Allis Chalmers	3984.00
TOTAL	<u>729484.00</u>

THE STATE OF TEXAS

COUNTY OF UPSHUR

BEFORE ME, the undersigned authority, on this day personally appeared W.A. Lunsford, County Treasurer of Upshur County, who being by me duly sworn, upon oath says that the within and foregoing report is true and correct.

W.A. LUNSFORD, County Treasurer.

Sworn to and subscribed me this 14 day of May 1934.

W.M. SMITH, Clerk

County Court Upshur County, Texas.

By Ruby Shookley, Deputy  
(SEAL).

