

The Commissioners' Court hereby finds and hereby officially declares that it has received full consideration for said Warrants.

Executed this the 16th day of March 1935.

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

Attest: B.C. Elwell, County Clerk,

Filed: March 16, 1935
B.C. Elwell, County Clerk,
Upshur County, Texas.

ORDER FOR REFUNDING BONDS.
COMMON SCHOOL DISTRICTS.

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

On this, the 8th day of April 1935, the County Commissioners Court of Upshur County, Texas, convened in regular session at the regular meeting place thereof in the Courthouse at Gilmer, Texas, all members of said Court, to-wit:

- J.R. HINSON, County Judge,
- J.B. WOODFIN, Commissioner Precinct No. 1,
- W.C. HENDERSON, Commissioner Precinct No. 2,
- J. P. DAVIS, Commissioner Precinct No. 3,
- M.O. HOLMES, Commissioner Precinct No. 4,

being present, and passed the following order:

WHEREAS, there are now outstanding and unpaid certain Common School District Bonds, hereinafter described, and now owned by State Permanent School Fund, said bonds having heretofore been duly issued by this Court for and on behalf of Common School District No. 36, of said County; and

WHEREAS, the Commissioners Court of said County now deems it advisable and to the interest of said Common School District that new bonds be issued in lieu of the following outstanding bonds;

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

1.

That the bonds of said Common School District, to be called "Common School District No. 36 Refunding Bonds," be issued under and by virtue of the Constitution and Laws of the State of Texas, to the amount of \$7,500.00, for the purpose of refunding and canceling, and in lieu of a like amount of valid and outstanding indebtedness of Common School District No. 36, of Upshur County, Texas, evidenced by bonds as follows:

| BOND NUMBERS | DATE | MATURITY | RATE OF INTEREST | AMOUNT ORIGINALLY ISSUED | AMOUNT TO BE REFUNDED |
|--------------|---------|----------|------------------|--------------------------|-----------------------|
| 2-16- | 2-21-27 | 1947 | 5% | \$5,000 | \$7,500 |

II.

That said bonds shall be numbered consecutively from 1 to 75, inclusive, shall be of the denomination of \$100.00 each, aggregating \$7,500.00.

III.

That they shall be dated on the 1st day of February, 1935, and shall become due and payable serially as follows:

- \$200.00 on February 1, 1936 to 1940;
- \$400.00 on " 1941 to 1945;
- \$500.00 on " 1946 to 1952;
- \$1000.00 on " 1953;

with option of redemption at any time after three years from their date.

IV.

That said bonds shall bear interest at the rate of 5 per cent per annum, payable on the 1st day of February of each year.

V.

That the principal of and interest on 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 Treasurer of the State of Texas, Austin, Texas,

VI.

That 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 shall be impressed upon each of them.

VII.

That the facsimile signatures of the County Judge and County Clerk may be lithographed upon the coupons attached to said bonds, and shall have the same effect as if they had been signed by them.

VIII.

The form of said bonds shall be substantially as follows:

No. _____

\$100.00

UNITED STATES OF AMERICA

STATE OF TEXAS

COUNTY OF UPSHUR

COMMON SCHOOL DISTRICT NO. 36 REFUNDING BOND

KNOW ALL MEN BY THESE PRESENTS: That the County of Upshur, in the State of Texas, for and on behalf of Common School District No. 36, for value received, hereby promises to pay to the bearer hereof, on the 1st day of February, 19____, in lawful money of the United States of America, with interest thereon from date hereof at the rate of 5 per cent per annum, interest payable annually on the 1st day of February of each year, principal and interest payable upon presentation and surrender of bond or proper coupon at the Office of the Treasurer of the State of Texas, Austin, Texas, and the said Common School District No. 36, in said County, is hereby held and firmly bound, and its faith and credit and all real and personal property in said District, are hereby pledged for the prompt payment of the principal of this bond and the interest thereon at maturity.

This bond is one of a series of 75 bonds, numbered from 1 to 75, inclusive, of the denomination of \$100.00 each, aggregating \$7,500.00, and is issued for the purpose of refunding and canceling, and in lieu of a like amount of valid and subsisting indebtedness of Common School District No. 36, of said County, evidenced by bonds outstanding against said District, which bonds shall be cancelled by the Comptroller of the State of Texas upon the registration of the Refunding Bonds of this series, and is issued under and by virtue of the Constitution and Laws of the State of Texas and in pursuance of an order passed by the Commissioners Court of said County, which order has been duly recorded in the Minutes of said Court.

The said Common School District No. 36 has and hereby reserves the right to redeem this bond at any time after three (3) years from its date 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 by the President of the District Trustees of said Common School District to the holder hereof at least thirty days before the date fixed for redemption

and should this bond not be presented for redemption it shall cease to bear interest from and after the date so fixed for redemption.

The date of this bond, in conformity with the order above mentioned, is the 1st day of February 1935,

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; 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, and that the total indebtedness of said District, including the entire series of bonds of which this is one, does not exceed any constitutional or statutory limitation

IN WITNESS WHEREOF, the County of Upshur, by its Commissioners Court, has caused its corporate 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 facsimile signatures of the County Judge and County Clerk, as of the date last above written.

J.R. HINSON, County Judge

COUNTERSIGNED:

B.C. Elwell, County Clerk,

REGISTERED:

W.A. Lunsford, County Treasurer

IX.

The form of coupon shall be substantially as follows:

No. _____ \$5.00

On the 1st day of February, 1935, the County of Upshur, Texas, for and on behalf of and upon the faith and credit of Common School District No. 36, of said County, hereby promises to pay to bearer at the Office of the Treasurer of the State of Texas, at Austin, Texas, the sum of \$5.00, being twelve months' interest on Common School District No. 36 Refunding Bond No. _____, dated February 1, 1935.

B.C. ELWELL, County Clerk.

J.R. HINSON, County Judge.

X.

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 Common School District No. 36, of Upshur County, 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.

XI.

The Comptroller shall not register said bonds except as and when there shall be surrendered to him a like amount of said Common School District Bonds, as set out in paragraph I hereof, and the holder of said original indebtedness shall be entitled to the accrued interest of the refunding bonds as compensation for not drawing interest on the

original bonds hereby refunded beyond the date said refunding bonds bear.

XII.

It is further ordered by the Commissioners Court of the County of Upshur, Texas, 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 Common School District No. 36, 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 with which to pay the principal as the same becomes due, there is hereby levied a tax of 32 Cents on each \$100.00 valuation of taxable property in said District for the year 1935, and the same shall be assessed and collected and applied to the purpose named; and while said bonds, or any of them, are outstanding and unpaid, a tax for each year at a rate from year to year, as will be ample and sufficient to provide funds to pay the current interest on said bonds and to provide the necessary sinking fund, full allowance being made for delinquencies and costs of collection, shall be, and is hereby levied for each year, respectively, while said bonds, or any of them, are outstanding and unpaid, and said tax shall each year be assessed and collected and applied to the payment of the interest on, and principal of, said bonds.

XIII.

All taxes in process of collection for the benefit of the issues of bonds refunded in this issue and all moneys in the sinking funds of said original bond issues are hereby appropriated to the interest and sinking fund of this bond issue.

XIV.

It is further ordered that J.R. Hinson, the County Judge, shall be authorized to take and have charge of said bonds pending investigation by the Attorney General and registration by the Comptroller of Public Accounts.

The above order being read, it was moved and seconded that same do pass. Thereupon, the question being called for, the following members of the Court voted AYE: W.C. Henderson, J.P. Davis, M.O. Holmes, J.B. Woodfin; and the following voted NO: NONE.

J.R. HINSON, County Judge.

J.B. WOODFIN, Commissioner Precinct No. 1.

W.C. HENDERSON, Commissioner Precinct No. 2.

J.P. DAVIS, Commissioner Precinct No. 3.

M.O. HOLMES, Commissioner Precinct No. 4.

THE STATE OF TEXAS |

COUNTY OF UPSHUR |

I, B.C. Elwell, Clerk of the County Court and Ex-officio Clerk of the Commissioners Court of said County, do hereby certify that the above and foregoing is a true and correct copy of an order passed by said Commissioners Court authorizing the issuance of refunding bonds for and on behalf of Common School District No. 36 of said County, and said order appears of record in the Minutes of said Court in Book 7, pages 504,

Witness my hand and the seal of the Commissioners Court this the 6 day of May 1935.

Seal
(Seal of Commissioners Court)

B.C. ELWELL, Clerk of the County Court and Ex-officio
Clerk of the Commissioners Court of
Upshur County, Texas.

CERTIFICATE AS TO BOUNDARIES

We, Fred Covin, County Superintendent of Upshur County, and B.C. Elwell, County Clerk of Upshur County, do hereby certify that the boundary lines of Upshur County Common

School District No. 36 have not been changed or in any manner enlarged, reduced, or varied, by any order of any court or board changing the boundary lines of this District No. 36, or changing the boundary lines or territory of any other school district, whereby the boundary lines or territory of this District were affected, or by any act of the Legislature changing the boundary lines or territory of this District No. 36, or by any act of the Legislature changing the boundary lines or territory of any other school district or creating any other school district, whereby the boundary lines or territory of this District No. 36 were affected, since this District was last established by order of County Board on Sept. 24, 1926, which order is of record in Record of Districts Bk 1, page 52,

FRED COVIN, County Superintendent of
Upshur County, Texas.
B.C. ELWELL, County Clerk of Upshur
County, Texas.

DATE 5/6/1935.

STATEMENT OF TAXABLE VALUES

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

I, C.W. Owen, Tax Assessor for Upshur County, Texas, do hereby certify that the assessed value of property for the purpose of taxation in Common School District No. 36, of said County, as shown by the tax rolls of said County for the year 1934, which have been duly approved and which is the last official assessment of said County, is as follows:

Personal Property \$13,790.00
Real Property \$174,577.00
Total \$188,367.00

Witness my hand this the 6 day of May 1935.

C.W. Owen, Tax Assessor for
Upshur County, Texas.

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

The following is a complete statement of indebtedness of Common School District No. 36 of said County, including the proposed refunding bonds:

1. Refunding Bonds: To be dated February 1, 1935, payable serially as set out in the order authorizing their issuance, and covering the following present outstanding bonds of the district; \$7500 bonds dated February 21, 1927,

Total amount of refunding bonds proposed \$7,500.00.

2. Interest Refunding Bonds: To be dated _____, 1935, payable serially as set out in the order authorizing their issuance, and covering the following matured interest coupons: NONE

Total amount of Interest Refunding Bonds \$ _____.

OUTSTANDING BONDS NOT COVERED BY ABOVE REFUNDING BONDS.

| DATE | INTEREST RATE | AMOUNT ISSUED | AMOUNT UNPAID | SCHEDULE OF MATURITIES |
|-------|---------------|---------------|---------------|------------------------|
| NONE. | | | | |

TOTAL OF ALL THE FOREGOING BONDED DEBT \$7,500.00

The undersigned hereby certify that the foregoing is a true statement of the bonded indebtedness of said district according to the records of our respective offices, as of the date shown below.

Witness our official signatures, this 6 day of May, 1935.

Seal (Signed) W.A. Lunsford, Co. Treasurer,
(Signed) Fred Covin, County Superintendent.

Court met in regular session and canvassed returns of elections of Ore City and Boxwood School Districts, the elections being held for the purpose of determining whether or not the two said schools should consolidate. The returns read 14 votes for Consolidation at Ore City and None against. At Boxwood the returns showed 13 votes for Consolidation and 18 votes against consolidation. The Court declared that according to returns the election results were against Consolidation.

MOTION, MADE SECONDED AND CARRIED to pay Von Orney Cottage Sanatorium Inc. Transportation for Clarence Hagler (colored) to his home- Ten Dollars paid out of General Fund.

On March 26, 1935, there was recorded in Deed records a Warranty Deed from F.M. Lester & Dora Lester to The Upshur County Court in volume 112 page 126 right-of-way Highway #155.

Motion made seconded and carried that the Commissioners Court of Upshur County agree to build and remodel the courthouse to the extent of \$100,00 provided that money on hand at present and balance of Tax Collected on 1934 rolls and 1935 rolls plus grant from U.S. Government will do so without any additional tax or any other indebtedness.

Motion made, seconded and carried that the Commissioners Court of Upshur County hire an Architect for the above described proposed work on Upshur County Courthouse provided that he has no pay until Federal grant has been obtained, that he furnish his assistance in getting grant, and that when grant has been obtained, and services rendered as architect, that he receive for said services the customary standard price of 5%.

Motion, made, seconded and carried that Elmer G. Withers Architectural Co. Inc. of Fort Worth, Texas, be hired as architect for the building and remodeling of the Upshur County, Courthouse, he agreeing to the above motion as passed with reference to the hiring of an architect.

APRIL 8, 1935.

Motion made, seconded and carried that Co. Clerk issue warrant on general fund for \$85.50 to H.V. Davis, Receiver C. Wickliff 41.5 acres M. Chandler tax refund, taxes having been paid twice.

Motion made, seconded and carried that Upshur County cooperate with the United States Bureau of Animal Industry and the Livestock Sanitary Commission of Texas in the eradication of Bovine T.B. in Upshur County by furnishing the necessary supplies and equipment for same.

Motion made, seconded and carried that the allowance of Bob Dacus be increased from \$5.00 to \$8.00 monthly.

Motion made, seconded and carried that the bid of Long Motor Company be accepted for One 1935 Model Ford Tudor Sedan Standard equipment 112 inch wheel bas - 5 tires - tubes - wheels - spare tire lock, tire cover, front & rear bumpers, bumper guards, and oil bolts air cleaning, three grease and inspection jobs full tank of gasoline and oil, safety glass throughout -- \$662.00 and County Clerk authorized to issue warrant for you on general fund.

Motion made, seconded and carried that A.W. Douglas be given \$5.00 monthly allowance on general fund.

Motion made, seconded and carried that Upshur County hereby releases The First National Bank in Dallas of any liability in connection with trust receipts number 6267 and 6368, and acknowledge receipt of trust receipt number 10605 in lieu of these two trust receipts.

Motion made, seconded and carried that the Commissioners Court ratify the action of East Mountain School District in paying off three thousand dollars of school District #31 bonds, and because of the fact that the three bonds were held as security by the County

Treasurer of Upshur Co. for the Depository of County funds, the Court agrees that the following bonds be placed as security with the County Treasurer of Upshur County road machinery Warrants Series 1932 - Nos. 4-5-6- due 1936 - 37 & 38 - \$1500.00 and Upshur County road machinery warrants 1932 - A 4-5-6 due 1936 - 37 - 38 - \$1500.00 - total three thousand dollars. The County treasurer also continues to hold as security \$15000.00 East Mountain Bonds District 31.

The County Commissioner's Court of Upshur County agrees to cooperate with the United States Bureau of animal Industry, and the livestock sanitation Commission of the State of Texas. In the eradication of Bovine T.B. in Upshur County, by furnishing the following supplies and equipment; 1. Lariat ropes 2. Oil Chalk. 3. 15 road maps of Upshur County, showing various roads. 4. Office space, typewriting and telephone.

The Commissioners Court acknowledges receipt of Trust Receipt 10605 from the First National Bank in Dallas, to secure County deposits with the Farmers & Merchants National Bank of Gilmer, describing bonds as follows; U. S. 3- 1/8 % Treas. Bonds of 1946 - 49 - due 6-15-49 Nos. 2737 H/2740 L @ 10,000 each ---\$40,000.

Motion made, seconded and carried that the preliminary plans of E.G. Withers, architect be approved for Upshur County Courthouse, and that he be instructed to proceed with the application for P.W.A. grant.

Motion made, seconded and carried that warrant be issued to L.N. Coe on general fund for \$22.50 for benches on Courthouse lawn.

Motion made, seconded and carried authorizing the County Clerk to issue warrant on CH&J fund to J.H. Seay for \$25.00 in payment for one used Typewriter.

Motion made, seconded and carried that County Clerk issue warrant to Neches Sabine Reclamation project for \$50.00 on General fund for reclamation Federal project in Upshur County on Sabine River,

Motion made, seconded and carried that County Auditor be sent to Austin to appear before Co. & Dist. Road Bond Board and County Clerk is authorized to pay expenses, by warrant on General Fund.

Motion made, seconded and carried that County Clerk issue warrant to J.S. Paxton for cleaning Jail of Cock-roaches for a period of Six months for the price of \$15.00 - Five to be paid by County & \$5.00 be paid by Sheriff - CH&J Fund.

Motion made, seconded and carried that Gul Nix be given \$50.00 per month for being Janitor at the Courthouse.

As per bids advertised for material, lumber and other supplies for Court House at Big Sandy, Texas motion made, seconded and carried that the Contract be awarded to Clyde Kings of Big Sandy, Texas. His bid being the lowest and best bid on both lumber and Hardware This bid is accepted as presented to the Court being itemized on each type of material. It is also ordered by the Court that C.E. Kay be employed to look after the Counties interest on this project.

Motion made, seconded and carried that a warrant be issued on general fund for \$298.65 to N.J. Harrison, former Tax Collector, for \$150.00 for assisting C.W. Owen in automobile registration in March 1935/ \$100.00 overpayment of taxes as shown by special audit of W.G. Wilson for 1934, page 43; and Commissions entitled \$48.35 as shown in special audit of W.G. Wilson in 1931 page 42 - total \$298.65. The said N.J. Harrison agrees to take warrant and deposit with County Treasurer additional check to take care of excess fees for 1934 in the amount of \$4,579.32.

Motion made, seconded and carried that permission be given to B.C. Elwell County Clerk, to make W.J. Brison a deputy Co. Clerk at a salary of \$3.00 per day, the deputyship

to continue so long as Government Mortgages continues.

Motion made, seconded and carried that Evelyn Nations be made a Deputy Co. Clerks office as a special deputy for \$25.00 expense to the Co. Clerk's office.

APRIL 30 -- 1935.

Court met in Special session with two Commissioners and County Judge present and it was decided that the County Judge call a special session of the Court to meet first monday morning in May at nine o'clock that being the 6th day of May 1935 for the purpose of transacting some business with the Architect for construction of County Court House.

MAY 6 -- 1935.

Commissioners Court met in Special called session.

Motion made seconded and carried authorizing County Clerk to issue Warrant on CH&J Fund to W.P. Dumas Atty. for \$50.00 for services rendered on instruments pertaining to CH&J Construction:

Motion made, seconded and carried authorizing County Clerk to issue to W.P. Hurst Motor Co., Longview, Texas, warrant for \$57.80 in payment of Invoice #994, Precinct #4.

Motion made, seconded and carried that the following order be approved.

ORDER OF THE COMMISSIONERS' COURT CONFIRMING CONTRACT

BETWEEN ELMER G. WITHERS ARCHITECTURAL COMPANY,
INC., OF FORT WORTH, TEXAS, AND UPSHUR
COUNTY, ON COURT HOUSE AND JAIL
PROJECT.

THE STATE OF TEXAS, |

COUNTY OF UPSHUR |

ON THIS the 6 day of May, 1935, the Commissioners' Court of Upshur County, Texas, being in called session, duly convened at the regular meeting place of said Court, in the Court House at Gilmer, Texas, all members of the Court, to-wit:

J.R. HINSON, COUNTY JUDGE, presiding; and,
J.B. WOODFIN, COMMISSIONER, Precinct No. 1;
W.C. HENDERSON, COMMISSIONER, Precinct No. 2;
J.P. DAVIS, COMMISSIONER, Precinct No. 3;
MARSHALL O. HOLMES, COMMISSIONER, Precinct No. 4;

being present, and among other business transacted by said Court, was the following:

Commissioner Henderson introduced the following order and moved its passage and adoption by the Court:

WHEREAS, the fact that oil developments in the Southern portion of Upshur County, Texas, have vastly increased the population, and, in consequence thereof, have increased the duties to be discharged and performed by the county officials and the courts, and have likewise increased the requirements for adequate jail facilities, and the further fact that both the County Court House and the Jail are old and wholly inadequate for the present demands and requirements, create an emergency and an imperative public necessity that provision be made at the earliest possible date for adequate Court House and Jail facilities for the said County; and,

WHEREAS, the Commissioners' Court of Upshur County, Texas, being fully informed and advised of the existing conditions, did on March 11, 1935, being a day of the Regular March Term of said Court, find that there was an imperative need for adequate Court House and Jail facilities for said County, and passed an order that the Commissioners' Court take proper steps to provide for an adequate Court House and Jail for said County; and,