

STATE OF TEXAS |
COUNTY OF UPSHUR |

At a regular meeting of the Commissioners Court of Upshur County, Texas, held on the 20th day of October A. D. 1941, upon motion made by G. L. Hart, Commissioner of Precinct No. 4, and seconded by J. M. Holloway, Commissioner of Precinct No. 3 the following order was unanimously adopted:

On this the 20th day of October A. D. 1941, came on to be heard before the Commissioners Court of Upshur County, Texas, the application of Farmers Electric Generating Cooperative, Inc. for the right to use the public roads of this county for the purpose of erecting upon, along and across said roads electric transmission and distribution lines consisting of poles, wires and other equipment necessary to the petitioner in its business of generating and distributing electric energy and it appearing to the court that such use of such roads will not interfere, obstruct or in any wise impair the use of said roads;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Commissioners court of this County that Farmers Electric Generating Cooperative, Inc., whose principal office and place of business is Gilmer, Upshur County, Texas, its successors, lessees and assigns, is hereby authorized, empowered and granted the right and privilege to construct, erect, maintain and operate electric transmission and distribution lines, including poles, lines, wires, insulators, transformers, arms, braces, anchors and all other necessary or usual attachments and appurtenances along, across, over, under and on the streets, lanes, highways, public roads, bridges and other public places in said county.

Done in open court, all members present voting.

Sid Buie, County Judge.

Motion made, seconded and carried that the Court ask for a "soil survey" to be made by the State A & M College for the Co. of Upshur

Motion made, seconded and carried that office space now being rented shall be provided for in the Co. Office Bldg.,

Sid Buie
E. A. Cobb
J. M. Holloway
G. L. Hart

Nov. 8, 1941

Commissioners court met on above date in special session with Co. Judge, Sid Buie and Commissioners E. A. Cobb, H. S. Taff, J. M. Holloway and G. L. Hart, present;

Motion made, seconded and carried that Co. Clerk be authorized to issue warrant of \$15.00 on Gen. Fund to Jeff Ford for Transportation to T. B. Hospital at Kerrville, Texas for five of the Ford children.

Sid Buie
E. A. Cobb
H. S. Taff
J. M. Holloway
G. L. Hart

Nov. 10, 1941

Commissioners court met on above date in Regular Session with Co. Judge, Sid Buie and Commissioners E. A. Cobb, H. S. Taff, J. M. Holloway and G. L. Hart present;

Motion made, seconded and carried that the following be declared Co. paupers: W. D. Bruton; Ella Fowler, Virgil Holder; Myrtle Huggins and Walter Adams.

Motion made, seconded and carried that Co. Clerk be authorized to issue warrants of \$5.00 in Nov. and \$5.00 in Dec. 1941 to E. C. Gaston for rent for John Plant. Drawn on Gen. Fund.

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Motion made by Commissioners E. A. Cobb that all monies collected in the Constitutional Road and Bridge fund, save and except \$10,000 be placed in said fund to be used for the purchase of State Highway Right of Way and other expenditures of benefit to the County as a whole, Special 15¢ tax and monies collected from the sale of Auto License, be and are proportioned to the various precincts as follows: Com. Prec #1, 43%; Com. Prec. #2, 15%; Com. Prec. #3, 27%; Com. Prec. #4 15%. It being further agreed and understood that on Dec. 1 of each year, any unused balance of the \$10,000 placed in the road and bridge funds be proportioned to the various Precincts, in like manner and percentages as before prescribed. No second was made to the above stated motion.

Motion made by Com. E. A. Cobb that special 15¢ road and auto tax be proportioned in the various Precincts as follows: Com. Prec #1 43%; Com. Prec. #2, 15%; Com. Prec. #3 27%; Com. Prec #4 15%. The above percentages are based upon a construction of Article 6740 R C S. The above motion made by Com. Cobb, seconded by Com. J. M. Holloway. For the motion Coms. Cobb and Holloway. Against the motion, Coms. Hart Taff, and Judge Buie.

Motion made by Com. G. L. Hart and seconded by H. S. Taff that the Special 15¢ road tax and auto tax be divided equally among the four Precincts of the Co. and that we divide the Co. R & B equally with the four Commissioners Precincts except an estimated amount to be set aside for the purchase of State R O W for Highway purposes and other expenditures that come from the R & B fund. FOR the Motion, Coms. Hart and Taff, AGAINST the motion Coms. Cobb, Holloway and Judge Buie.

Motion made, seconded and carried that Co. Clerk be authorized to issue warrants of \$100. to Mrs. G. A. White on R & B for State R O W on U. S. Highway 271. Also for Horace Blanchard \$55.00, L. E. Galvert \$50. and Lee Driggers \$150.. All to be paid from R & B for R O W on U. S. 271. Co. Clerk authorized to issue warrants as above prescribed. Henry Williams also to be paid \$100. as set out above.

Motion made, seconded and carried that Co. Clerk be authorized to issue Warrant of \$10. on Gen. Fund to Mr. W. T. Thomas for transportation from Gilmer to T. B. Hospital at Sanitorium, Texas.

Sid Buie
E. A. Cobb
H. S. Taff
J. M. Holloway
G. L. Hart

PETITION FOR ELECTION

THE STATE OF TEXAS |
COUNTY OF UPSHUR | BIG SANDY INDEPENDENT SCHOOL DISTRICT
TO THE HONORABLE BOARD OF TRUSTEES OF SAID DISTRICT;

We, the undersigned resident qualified property taxpaying voters of Big Sandy Independent School District of Upshur and Wood Counties, Texas, who own taxable property in said District and who have duly rendered the same for taxation, pray that an election be ordered to be held in said District for the purpose of submitting the following propositions to the resident qualified property taxpaying voters of said District for their action thereupon;

PROPOSITION No. 1

Shall the Board of Trustees of Big Sandy Independent School District located in Upshur and Wood Counties be authorized to levy and collect annually a tax upon all taxable property in Big Sandy Independent School District of Upshur and Wood Counties, of and at the rate of not exceeding \$1.00 on the \$100.00 valuation of taxable property of said District for the further maintenance of public free schools and the erection of school buildings within

said School District until the same shall be discontinued as provided by law.

PROPOSITION No. 2

Shall the Big Sandy Independent School District, of Upshur and Wood Counties, Texas, assume and pay off the outstanding bonds of Big Sandy Independent School District of Upshur County, heretofore issued, and said bonds being described as follows:

(1) Bonds issued by the Big Sandy Independent School District, Upshur County, dated Jan. 1, 1926 in the amount of \$28,000.00 being the remainder of an original issue bearing 5% per annum, maturing \$500.00 on Jan. 1 each year from 1927 to 1943 inclusive, and \$1000.00 each year from 1944 to 1953 inclusive, and \$1500.00 each year from 1954 to 1964 inclusive;

(2) Bonds issued by the Big Sandy Independent School District of Upshur County, dated September 15, 1935 in the amount of \$5100.00 being the remainder of an original issue of \$6,000.00 bearing interest at the rate of 5% per annum maturing \$200.00 per year on September 15 of each year from 1942 to 1944 inclusive, and \$400.00 each year from 1945 to 1949 inclusive, and \$500.00 each year from 1950 to 1954 inclusive;

(3) Bonds issued by the Big Sandy Independent School District, Upshur County, dated October 15, 1939, in the amount of \$6250.00 being the remainder of an original issue of \$7,000.00 bearing interest at the rate of 4% per annum maturing \$250.00 per year on October 15, of each year from 1942 to 1946 inclusive, and \$350.00 each year from 1947 to 1950 inclusive, and \$400.00 each year from 1951 to 1954 inclusive, and \$500.00 each year from 1955 to 1968 inclusive.

and shall the Board of Trustees of Big Sandy Independent School District located in Upshur and Wood Counties be authorized to levy, assess and collect annually while said bonds, or any of them, are outstanding, a tax upon all taxable property within said District sufficient to pay the current interest on said bonds and provide a sinking fund to pay the principal at maturity.

Dated this the 12 day of Nov. 1941.

JOHN W. PROTHRO	P. R. ROGERS
L. G. BAIRD	J. E. DOW
W. D. GREEN	S. R. COX
J. G. HAMMOCK	SAM E. WILLIAMS
F. P. HONEYCUTT	W. A. MCDONALD
J. C. BENNETT	W. B. GORMAN
W. CLYDE MINGS	J. M. HEARN
M. J. SHAMBURGER	M. F. MEASON
GEORGE E. MARSH	P. A. FAULK
GREEN PROTHRO	E. E. PERDUE

ORDER FOR SCHOOL (Tax and) BOND ASSUMPTION ELECTION

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

BIG SANDY INDEPENDENT SCHOOL DISTRICT.

On this the 13 day of Nov. 1941 the Board of Trustees of Big Sandy Independent School District convened in - - - session with the following members presents: H. E. Spear, W. H. Farrar, G. W. Williams, P. D. Reynolds, Roy W. Meason, C. E. Kay & H. C. Carter, and among other proceedings had by said Board of Trustees was the following:

There came on to be considered the petition presented to the board asking for an election in the Big Sandy Independent School District of Upshur and Wood Counties on the question of authorizing a tax of and at the rate of not exceeding \$1.00 on the \$100.00 valua-

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tion of taxable property in the said District for the further maintenance of public free schools and the erection of school buildings within said school District; and also on the question of assuming the outstanding bonded indebtedness of Big Sandy Independent School District of Upshur County Texas heretofore issued, and authorizing a tax upon 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.

It appearing to the satisfaction of the Board of Trustees that said petition is signed by at least twenty qualified property taxpaying voters of said school district, who own taxable property in said district and who have duly rendered the same for taxation and is otherwise in conformity with law, the Board is of the opinion that said petition should be granted, and said election as prayed for shall be ordered:

THEREFORE, BE IT ORDERED BY THE BOARD OF TRUSTEES OF BIG SANDY INDEPENDENT SCHOOL DISTRICT: That an election be held in said Big Sandy Independent School District on the 25 day of Nov. 1941, which is within thirty days from the date of this order, at which election, in accordance with said petition, the following propositions, shall be submitted to the resident qualified property taxpaying voters of said school district for their action thereupon:

PROPOSITION No. 1

Shall the Board of Trustees of Big Sandy Independent School District located in Upshur and Wood Counties be authorized to levy and collect annually a tax upon all taxable property in Big Sandy Independent School District of Upshur and Wood Counties, of and at the rate of not exceeding \$1.00 on the \$100.00 valuation of taxable property of said District for the further maintenance of public free schools and the erection of school buildings within said school district until the same shall be discontinued as provided by law.

PROPOSITION No. 2.

Shall the Big Sandy Independent School District, of Upshur and Wood Counties, Texas, assume and pay off the outstanding bonds of Big Sandy Independent School District of Upshur County, heretofore issued, and said bonds being described as follows:

(1). Bonds issued by the Big Sandy Independent School District, Upshur County, dated Jan. 1, 1926, in the amount of \$28,000.00 being the remainder of an original issue bearing 5% per annum, maturing \$500.00 on Jan. 1 each year from 1927 to 1943 inclusive, and \$1000.00 each year from 1944 to 1953 inclusive, and \$1500.00 each year from 1954 to 1964 inclusive;

(2) Bonds issued by the Big Sandy Independent School District of Upshur County, dated September 15, 1935 in the amount of \$5100.00 being the remainder of an original issue of \$6,000.00 bearing interest at the rate of 5% per annum maturing \$200.00 per year on September 15 of each year from 1942 to 1944 inclusive, and \$400.00 each year from 1945 to 1949 inclusive, and \$500.00 each year from 1950 to 1954 inclusive;

(3) Bonds issued by the Big Sandy Independent School District, Upshur County, dated October 15, 1939 in the amount of \$6250.00 being the remainder of an original issue of \$7,000.00 bearing interest at the rate of 4% per annum maturing \$250.00 per year on October 15, of each year from 1942 to 1946 inclusive, and \$350.00 each year from 1947 to 1950 inclusive, and \$400.00 each year from 1951 to 1954 inclusive, and \$500.00 each year from 1955 to 1958 inclusive.

The said election shall be held at Justice Courthouse in said Big Sandy Independent School District, and the following named persons are hereby appointed officers of said election: J. E. Dow, Presiding Officer, Phillip Faulk, Judge, G. A. Tohill, Judge, Hardy Idle, Clerk, Aaron Snider, Clerk.

The ballots for said election shall have written or printed thereon the following:

"For School Tax"

"Against School Tax"

"For Assumption of outstanding indebtedness and the levying of the Tax in Payment thereof."

"Against the Issuance of the Bonds and the levying of the Tax in Payment thereof."

And to each of the foregoing propositions, each voter shall mark out with black ink or black pencil one of the above expressions, thus leaving the other as indicating his vote on the two propositions, respectively.

The Secretary of this Board of Trustees shall forthwith issue a notice of said election stating in substance the contents of this election order and the time and place of said election, and said Secretary shall post a copy of such notice at three different places within the boundaries of said Big Sandy Independent School District, which posting shall be done not less than ten days prior to the date fixed for said election.

Immediately after said election has been held the officers holding the same shall make returns of the result thereof to the Board of Trustees of said school district, and return the ballot box to the Secretary of said Board for safekeeping.

The above order being read, it was moved by C. E. Kay and seconded by H. C. Carter that the same do pass. Thereupon the question being called for, the following members of the Board voted AYE: C. E. Kay, H. C. Carter, C. W. Williams, P. D. Reynolds, W. H. Farrar and Roy Meason, and the following voted NO; - - - -

Dated the - - day of - - - - 1941.

H. E. Speer, President Board of Trustees.

Attest: W. H. Farrar, Secretary.

NOTICE OF SCHOOL (Tax and) BOND ASSUMPTION ELECTION

THE STATE OF TEXAS |

COUNTY OF UPSHUR |

BIG SANDY INDEPENDENT SCHOOL DISTRICT.

To the Resident Qualified Property Taxpaying Voters of Big Sandy Independent School District:

TAKE NOTICE that an election will be held on the 25 day of Nov. 1941, within said district, in obedience to an order duly entered by the Board of Trustees on the 13th day of Nov. 1941, which is as follows:

ORDER FOR SCHOOL (Tax and) BOND ASSUMPTION ELECTION

THE STATE OF TEXAS |

COUNTY OF UPSHUR |

BIG SANDY INDEPENDENT SCHOOL DISTRICT.

On this the 13 day of Nov. 1941 the Board of Trustees of Big Sandy Independent School District convened in - - - session with the following members present: Roy Speer, W. H. Farrar, C. E. Kay, H. C. Carter, Roy W. Meason, C. W. Williams, P. D. Reynolds, and among other proceedings had by said Board of Trustees was the following:

There came on to be considered the petition presented to the board asking for an election in the Big Sandy Independent School District of Upshur and Wood Counties on the question of authorizing a tax of and at the rate of not exceeding \$1.00 on the \$100.00 valuation of taxable property in the said District for the further maintenance of public free schools and the erection of school buildings within said school District; and also on the question of assuming the outstanding bonded indebtedness of Big Sandy Independent School District of Upshur County, Texas, heretofore issued, and authorizing a tax upon all taxable property in said District sufficient to pay the current interest of said bonds and to provide a sinking fund sufficient to pay the principal at maturity.

It appearing to the satisfaction of the Board of Trustees that said petition is

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signed by at least twenty qualified property taxpaying voters of said school district, who own taxable property in said district and who have duly rendered the same for taxation and is otherwise in conformity with law, the Board is of the opinion that said petition should be granted, and said election as prayed for shall be ordered:

THEREFORE, BE IT ORDERED BY THE BOARD OF TRUSTEES OF BIG SANDY INDEPENDENT SCHOOL DISTRICT: That an election be held in said Big Sandy Independent School District on the 25 day of Nov. 1941, which is within thirty days from the date of this order, at which election, in accordance with said petition, the following propositions, shall be submitted to the resident qualified property taxpaying voters of said school district for their action thereupon;

PROPOSITION No. 1

Shall the Board of Trustees of Big Sandy Independent School District located in Upshur and Wood Counties be authorized to levy and collect annually a tax upon all taxable property in Big Sandy Independent School District of Upshur and Wood Counties, of and at the rate of not exceeding \$1.00 on the \$100.00 valuation of taxable property of said District for the further maintenance of public free schools and the erection of school buildings within said school district until the same shall be discontinued as provided by law.

PROPOSITION No. 2.

Shall the Big Sandy Independent School District, of Upshur and Wood Counties, Texas, assume and pay off the outstanding bonds of Big Sandy Independent School District of Upshur County, heretofore issued, and said bonds being described as follows:

(1) Bonds issued by the Big Sandy Independent School District, Upshur County, dated Jan. 1, 1926 in the amount of \$28,000.00 being the remainder of an original issue bearing 5% per annum, maturing \$500.00 on Jan. 1 each year from 1927 to 1943 inclusive, and \$1000.00 each year from 1944 to 1953 inclusive, and \$1500.00 each year from 1954 to 1964 inclusive;

(2) Bonds issued by the Big Sandy Independent School District of Upshur County, dated September 15, 1935, in the amount of \$5100.00 being the remainder of an original issue of \$6,000.00 bearing interest at the rate of 5% per annum maturing \$200.00 per year on September 15 of each year from 1942 to 1944 inclusive, and \$400.00 each year from 1945 to 1949 inclusive, and \$500.00 each year from 1950 to 1954 inclusive;

(3) Bonds issued by the Big Sandy Independent School District, Upshur County, dated October 15, 1939, in the amount of \$6250.00 being the remainder of an original issue of \$7000.00 bearing interest at the rate of 4% per annum maturing \$250.00 per year on October 15, of each year from 1942 to 1946 inclusive, and \$350.00 each year from 1947 to 1950 inclusive, and \$400.00 each year from 1951 to 1954 inclusive, and \$500.00 each year from 1955 to 1958 inclusive.

The said election shall be held at Justice Courthouse in said Big Sandy Independent School District, and the following named persons are hereby appointed officers of said election: J. E. Dow, Presiding Officer, Phillip Faulk, Judge, G. A. Tchill, Judge, Hardy Idle, Clark, Aaron Snider, Clerk.

The ballots for said election shall have written or printed thereon the following:

"FOR SCHOOL TAX"

" AGAINST SCHOOL TAX".

"FOR ASSUMPTION OF OUTSTANDING INDEBTEDNESS AND THE LEVYING OF THE TAX IN PAYMENT THEREOF".

"AGAINST THE ISSUANCE OF THE BONDS AND THE LEVYING OF THE TAX IN PAYMENT THEREOF".

As to each of the foregoing propositions, each voter shall mark out with black ink or black pencil one of the above expressions, thus leaving the other as indicating his vote on the two propositions, respectively.

The Secretary of this Board of Trustees shall forthwith issue a notice of said election stating in substance the contents of this election order and the time and place of said election, and said Secretary shall post a copy of such notice at three different places within the boundaries of said Big Sandy Independent School District, which posting shall be done not less than ten days prior to the date fixed for said election.

Immediately after said election has been held the officers holding the same shall make returns of the result thereof to the Board of Trustees of said school district, and return the ballot box to the Secretary of said Board for safekeeping.

Dated the 13 day of Nov. 1941.

W. H. Farrar, Secretary Board of Trustees.

THE STATE OF TEXAS |
COUNTY OF UPSHUR | BIG SANDY INDEPENDENT SCHOOL DISTRICT.

I, W. H. Farrar, Secretary of the Board of Trustees of Big Sandy Independent School District, do hereby certify that the above and foregoing is a true and correct copy of the Notice of Election issued by me, giving notice of the (tax and) Bond Assumption election therein mentioned, and that I posted a true and correct copy of said Notice of Election at three different places, to-wit, one at office of John Prothro, one at Courthouse, and one at Bank corner within the boundaries of said school district on the 14 day of Nov. 1941, which posting was done not less than ten days prior to the date fixed for said election.

I further certify that the election order as therein set out is a true and correct copy of an order passed by the Board of Trustees of said school district on the 13 day of Nov. 1941, as the same appears on record in Book 2, pages 21 of the minutes of said Board of Trustees.

Witness my hand and seal of said School District, this the 14 day of Nov. 1941.

W. H. Farrar, Secretary of the Board of Trustees of
Big Sandy Independent School District.

ELECTION RETURNS

THE STATE OF TEXAS |
COUNTY OF UPSHUR | BIG SANDY INDEPENDENT SCHOOL DISTRICT.

TO THE HONORABLE BOARD OF TRUSTEES OF SAID DISTRICT:

We, the undersigned officers, holding an election on the 25 day of November, 1941 in Big Sandy Independent School District of Upshur and Wood Counties, on the following propositions:

PROPOSITION NO. 1

Shall the Board of Trustees of Big Sandy Independent School District located in Upshur and Wood Counties be authorized to levy and collect annually a tax upon all taxable property in Big Sandy Independent School District of Upshur and Wood Counties, of and at the rate of not exceeding \$1.00 on the \$100.00 valuation of taxable property of said District for the further maintenance of public free schools and the erection of school buildings within said School District until the same shall be discontinued as provided by law.

PROPOSITION No. 2

Shall the Big Sandy Independent School District, of Upshur and Wood Counties, Texas assume and pay off the outstanding bonds of Big Sandy Independent School District of Upshur County, heretofore issued, and said bonds being described as follows:

(1) Bonds issued by the Big Sandy Independent School District, Upshur County, dated Jan. 1, 1926 in the amount of \$28,000.00 being the remainder of an original issue bearing 5% per annum, maturing \$500.00 on Jan 1 each year from 1927 to 1943 inclusive, and \$1000.00 each year from 1944 to 1953 inclusive, and \$1500.00 each year from 1954 to 1964 inclusive;

(2) Bonds issued by the Big Sandy Independent School District of Upshur County,

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dated September 15, 1935, in the amount of \$5100.00 being the remainder of an original issue of \$6,000.00 bearing interest at the rate of 5% per annum maturing \$200.00 per year on September 15, of each year from 1942 to 1944 inclusive, and \$400.00 each year from 1945 to 1949 inclusive, and \$500.00 each year from 1950 to 1954 inclusive;

(3) Bonds issued by the Big Sandy Independent School District, Upshur County, dated October 15, 1939 in the amount of \$6250.00 being the remainder of an original issue of \$7,000.00 bearing interest at the rate of 4% per annum maturing \$250.00 per year on October 15, of each year from 1942 to 1946 inclusive, and \$350.00 each year from 1947 to 1950 inclusive, and \$400.00 each year from 1951 to 1954 inclusive, and \$500.00 each year from 1955 to 1958 inclusive.

HEREBY CERTIFY that at said election only legally qualified resident voters, who owned taxable property in said District and who had duly rendered the same for taxation were permitted to vote, and that there were cast at said election 17 valid and legal votes, of which number of votes there were cast:

"FOR SCHOOL TAX" - - - 17 votes. "AGAINST SCHOOL TAX" - - - 0 votes.

"FOR ASSUMPTION OF OUTSTANDING INDEBTEDNESS AND THE LEVYING OF THE TAX IN PAYMENT THEREOF"-17 votes.

"AGAINST ASSUMPTION OF OUTSTANDING INDEBTEDNESS AND THE LEVYING OF THE TAX IN PAYMENT THEREOF", 0 votes.

That the polls of said election opened at 8 o'clock A. M. and closed at 7 o'clock P. M.

We herewith enclose poll list and tally sheet of said election.

Signed this the 25 day of November, 1941.

J. E. Dow, Presiding Officer. G. A. Tohill Judge.

H. C. Kay, Clerk S. R. Cox, Clerk.

ORDER DECLARING RESULT OF ELECTION

On this the 25 day of Nov. 1941, came on to be considered the returns of an election held on the 25 day of Nov. 1941, in Big Sandy Independent School District, of Upshur and Wood Counties, on the following propositions:

PROPOSITION No. 1

Shall the Board of Trustees of Big Sandy Independent School District located in Upshur and Wood Counties be authorized to levy and collect annually a tax upon all taxable property in Big Sandy Independent School District of Upshur and Wood Counties, of and at the rate of not exceeding \$1.00 on the \$100.00 valuation of taxable property of said District for the further maintenance of public free schools and the erection of school buildings within said School District until the same shall be discontinued as provided by law.

PROPOSITION No. 2

Shall the Big Sandy Independent School District, of Upshur and Wood Counties, Texas assume and pay off the outstanding bonds of Big Sandy Independent School District of Upshur County, heretofore issued, and said bonds being described as follows:

(1) Bonds issued by the Big Sandy Independent School District, Upshur County, dated Jan. 1, 1926, in the amount of \$28,000.00 being the remainder of an original issue bearing 5% per annum, maturing \$500.00 on Jan. 1 each year from 1927 to 1943 inclusive, and \$1000.00 each year from 1944 to 1953 inclusive, and \$1500.00 each year from 1954 to 1964 inclusive;

(2) Bonds issued by the Big Sandy Independent School District of Upshur County, dated September 15, 1935, in the amount of \$5100.00 being the remainder of an original issue of \$6,000.00 bearing interest at the rate of 5% per annum maturing \$200.00 per year on September 15 of each year from 1942 to 1944 inclusive, and \$400.00 each year from 1945 to 1949 inclusive, and \$500.00 each year from 1950 to 1954 inclusive;

(3) Bonds issued by the Big Sandy Independent School District, Upshur County, Dated October 15, 1939 in the amount of \$6250.00 being the remainder of an original issue of \$7,000.00

bearing interest at the rate of 4% per annum maturing \$250.00 per year on October 15, of each year from 1942 to 1946 inclusive, and \$350.00 each year from 1947 to 1950 inclusive, and \$400. each year from 1951 to 1954 inclusive, and \$500.00 each year from 1955 to 1958 inclusive.

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 17 valid and legal votes, of which number there were cast:

"FOR SCHOOL TAX" - - - 17 votes " AGAINST SCHOOL TAX" - - - 0 votes.

"FOR ASSUMPTION OF OUTSTANDING INDEBTEDNESS AND THE LEVYING OF THE TAX IN PAYMENT THEREOF" - - - 17 votes

"AGAINST ASSUMPTION OF OUTSTANDING INDEBTEDNESS AND THE LEVYING OF THE TAX IN PAYMENT THEREOF" 0 Votes.

And it appearing from said returns that a majority of the qualified resident property taxpaying voters of said District, who owned taxable property in said District and who had duly rendered the same for taxation, voting at said election, voted in favor of levying and collecting said maintenance tax, and in favor of assuming and paying off said outstanding indebtedness and levying the tax in payment thereof, the School Board of Big Sandy Independent School District does hereby declare said propositions to have been adopted, and the School Board of Big Sandy Independent School District of Upshur and Wood Counties are authorized to levy and collect annually said maintenance tax, and to assume the outstanding indebtedness of Big Sandy Independent School District, of Upshur County, heretofore issued, and to levy, assess and collect said tax in payment thereof.

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 Board of Trustees voted AYE: C. E. Kay, P. D. Reynolds, C. W. Williams, H. C. Carter, Roy Meason, W. H. Farrar, and the following voted NO: None.

H. E. Speer, President of Board of Trustees.
W. H. Farrar, Secretary of Board of Trustees.

THE STATE OF TEXAS |
COUNTY OF UPSHUR | COMMON SCHOOL DISTRICT No. 36

On this the 29th day of November, 1941, the Commissioners' Court of Upshur County, Texas, convened in Special session at the regular meeting place thereof, with the following members of the Court present, to-wit:

- Sid Buie, County Judge,
- E. A. Cobb, Commissioner Precinct No. 1,
- H. S. Taff, Commissioner Precinct No. 2,
- J. M. Holloway, Commissioner Precinct No. 3,
- G. L. Hart, Commissioner Precinct No. 4

Tommie Mitchell, County Clerk, and the following absent: None

constituting a quorum, and the following proceedings, among others, were had, to-wit:

WHEREAS, Common School District No. 36 of Upshur County, Texas, has outstanding its legally issued bonds known as "COMMON SCHOOL DISTRICT NO. 36 REFUNDING BONDS," dated February 1, 1935, Nos. 15 to 75, inclusive, in the denomination of \$100.00 each, aggregating \$6,100.00, bearing interest at the rate of five (5%) per cent per annum, maturing \$400. on February 1st of each of the years 1942 to 1945, inclusive; \$500 on February 1st of each of the years 1946 to 1952, inclusive; and \$1,000 on February 1, 1953, but optional at any time after three (3) years from their date; and,

WHEREAS, Common School District No. 36 of Upshur County, Texas, has outstanding

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its legally issued bonds known as "UNION HILL COMMON SCHOOL DISTRICT No. 36 SCHOOLHOUSE BONDS", dated June 14, 1935, Nos. 7 to 17, inclusive, in the denomination of \$150.00 each, aggregating \$1,650.00, bearing interest at the rate of five (5%) per cent per annum, maturing \$150. on June 14th of each of the years 1942 to 1952, inclusive, but optional at any time after three (3) years from their date; and,

WHEREAS, the Commissioners' Court of Upshur County, Texas, deems it advisable and to the best interest of said Common School District No. 36 that the \$6,100.00 of outstanding bonds first above described and the \$1,650.00 of outstanding bonds last above described be refunded into one issue of refunding bonds in the principal amount of \$7,750.00; now,

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

I.

That the bonds of Common School District No. 36 of Upshur County, Texas, 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 Seven Thousand Seven Hundred Fifty (\$7,750.00) Dollars, for the purpose of refunding, cancelling and in lieu of a like amount of valid outstanding indebtedness of Common School District No. 36 evidenced by \$6,100.00 Refunding Bonds dated February 1, 1935, and \$1,650.00 Schoolhouse Bonds dated June 14, 1935.

II.

That said bonds shall be numbered consecutively from one (1) to Thirty-one (31) both inclusive; shall be of the denomination of Two Hundred Fifty (\$250.00) Dollars each, aggregating Seven Thousand Seven Hundred Fifty (\$7,750.00) Dollars.

III.

That said bonds shall be dated December 8, 1941, and shall become due and payable serially as follows: \$500.00 on April 1st of each of the years 1942 to 1952, inclusive; and \$750.00 on April 1, 1956.

IV.

That said bonds shall bear interest from date at the rate of Four (4%) per cent per annum, payable April 1, 1942, and annually thereafter on April 1st of each year, which interest shall be evidenced by coupons attached to each of said bonds.

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 coupons at the office of the County Treasurer in Gilmer, 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, of Upshur County, Texas, and the seal of the Commissioners Court shall be impressed upon each of them. That the facsimile signatures of the County Judge and the County Clerk may be printed, engraved or lithographed upon the coupons attached to said bonds and shall have the same effect as if they had been signed by them.

VII.

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

No. _____

\$250.00

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 of said County, for value received, hereby promises to pay to the bearer hereof on the 1st day of April, 19___, the sum of Two Hundred Fifty Dollars (\$250.00), in lawful money of the United States of America, together with interest thereon from date hereof at the rate of Four (4%) per cent per annum, interest payable April 1, 1942, and annually thereafter on April 1st of each year, principal and interest payable upon presentation and surrender of bond or proper coupon at the Office of the County Treasurer in Gilmer, Texas, and the said Common School District No. 36 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 31 bonds, numbered from 1 to 31, both inclusive, in the denomination of Two Hundred Fifty (\$250.00) Dollars each, aggregating Seven Thousand Seven Hundred Fifty (\$7,750.00) Dollars, and is issued for the purpose of refunding and cancelling and in lieu of a like par amount of valid and subsisting indebtedness of Common School District No. 36 of Upshur County, Texas, evidenced by bonds known as "Common School District No. 36 Refunding Bonds," dated February 1, 1935, and "Union Hill Common School District No. 36 Schoolhouse Bonds", dated June 14, 1935, 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 Upshur County, which order is duly recorded in the Minutes of said Court.

The date of this bond, in conformity with the order above mentioned, is the 8th day of December, 1941.

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 costs, 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 heppened 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, said Commissioners Court of Upshur County, Texas, has caused the seal of said Court to be hereto affixed and this bond to be signed by the County Judge, countersigned by the County Clerk and registered by the County Treasurer, and the interest coupons hereto attached to be executed by the facsimile signatures of the County Judge and the County Clerk, as of the date last above written.

- - - - - County Judge, Upshur County, Texas.

REGISTERED: - - - - - County Treasurer, Upshur County, Texas.

COUNTERSIGNED: - - - - - County Clerk, Upshur County, Texas.

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VIII

That the form of coupon shall be substantially as follows:

No. _____ ON THE 1ST DAY OF APRIL, 19 _____ \$ _____

The County of Upshur, in the State of 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 County Treasurer in Gilmer, Texas, the sum of _____ (\$ _____) Dollars, being _____ months' interest due that day on "Common School District No. 36 Refunding Bond", dated December 8, 1941, Bond No. _____.

_____ County Clerk _____ County Judge.

IX.

That the following certificate shall be printed on the back of each bond:

OFFICE OF COMPTROLLER |
STATE OF TEXAS | REGISTER No. _____

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 office at Austin, Texas, this the - - - day of - - 1941.

Comptroller of Public Accounts of
The State of Texas.

X.

It is further ordered by the Commissioners' Court of Upshur County that to pay the interest on said bonds and to create a sinking fund sufficient to discharge them at maturity, a sufficient tax on each \$100 valuation of all taxable property in Common School District No. 36 shall be annually levied on said property and annually assessed and collected until said bonds and interest thereon are paid, and said tax is hereby levied for the year 1942; and for each succeeding year while said bonds are outstanding, 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 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. That to pay the principal and interest maturing on said bonds on April 1, 1942, there is hereby appropriated out of any available funds of the District, the sum of \$597.00, which sum shall be applied to the purpose named and none other.

XII.

All moneys in the sinking funds of the issues of bonds hereby refunded, and all taxes in process of collection for the issue of bonds hereby refunded, are hereby appropriated to the sinking fund of this issue of refunding bonds.

XIII.

It is further ordered that the County Judge of Upshur County shall be authorized to take and have charge of all necessary records pending investigation by the Attorney General and shall take and have charge and control of the bonds herein authorized pending the approval by the Attorney General. After the record and the bonds have been approved by the Attorney General, the bonds shall be left in the care and custody of the Comptroller of the State of Texas, and the State Comptroller is hereby authorized to accept from the holders, in install-

ments or otherwise, the obligations hereby refunded, and after cancellation thereof, register a like amount of the bonds herein authorized and deliver same to The Steck Company of Austin, Texas, or their order.

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: E. A. Cobb, H. S. Taff, J. M. Holloway, G. L. Hart, and the following voted NO: None,

PASSED AND APPROVED this 29th day of November, 1941.

- Sid Bule, County Judge, Upshur County, Texas.
- E. A. Cobb, Commissioner Precinct No. 1
- H. S. Taff, Commissioner Precinct No. 2
- J. M. Holloway, Commissioner Precinct No. 3
- G. L. Hart, Commissioner Precinct No. 4.

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

I, the undersigned authority, County Clerk and Ex-Officio Clerk of the Commissioners' Court of Upshur County, Texas, do hereby certify that the above and foregoing is a true and correct copy of an Order, and of the Minutes pertaining to its adoption, adopted by the Commissioners' Court of said County on the 29th day of November, 1941, as the same appears of record in Book 9, page 155, et seq., of the Minutes of said Court.

Witness my hand and the seal of the Commissioners' Court of Upshur County, Texas, on this the 29th day of November, 1941.

Tommie Mitchell, County Clerk and Ex-Officio
Clerk, Commissioners Court, Upshur County,

T E X A S.

Seal.

CERTIFICATE AS TO BOUNDARIES

We, Fred Covin, County Superintendent, and Tommie Mitchell, County Clerk of Upshur County, Texas, do hereby certify that the boundary lines of Common School District No. 36 of Upshur County, Texas, 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 effected, since the issuance of said District of its Schoolhouse Bonds dated June 14, 1935.

Dated this the 13th day of November, 1941.

Fred Covin, County Superintendent, Upshur County, Texas.
Tommie Mitchell, County Clerk, Upshur County, Texas.

Seal.

STATEMENT OF TAXABLE VALUES

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

I, the undersigned authority, Tax Assessor-Collector of Upshur County, Texas, do hereby certify:

1. That I have carefully examined the latest approved tax rolls of said County to ascertain the amount of taxable property of Common School District No. 36 of said County.
2. That I find and so certify that according to the tax rolls of said County for the year 1941, which are the latest approved tax rolls of said County, the total assessed valuation of real property situated and personal property owned in said District is as follows:

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REAL PROPERTY - - - - - \$155,235.00
 PERSONAL PROPERTY - - - - - 11,780.00
 TOTAL - - - - - \$165,015.00

3. I further certify that no intangible, rolling stock or other property not authorized by law to be taxed for District purposes are included in this statement.

Dated this the 13th day of November, 1941.

Allen McClelland, Tax Assessor-Collector of
 Upshur County, Texas.

Seal.

STATEMENT OF INDEBTEDNESS

THE STATE OF TEXAS |
 COUNTY OF UPSHUR |

I, the undersigned authority, Secretary of the District Trustees of Common School District No. 36 of said County, do hereby certify that the following constitutes the total indebtedness outstanding against said District, including the issue of proposed refunding bonds:

I. OUTSTANDING BONDS

Purpose	Date	Int. Rate	Due	Amount Outstdg.
Refunding (C. S.D.#36)	2-1-1935	5%	\$400 - 1942/1945 500 - 1946/1952 1000 - 1953	\$6,100.00
Schoolhouse (Union Hill C.S.D #36)	6-14-1935	5%	\$150 - 1942/1952	\$1,550.00

(Above issues being refunded.)

II. PROPOSED BONDS:

Refunding	12-8-1941	4%	Serially	\$7,750.00
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Witness my hand this 13th day of November, 1941.

J. H. Johnson, Secretary-District Trustees-
 Common School District No. 36 of
 Upshur County, Texas.

I, the undersigned, County Superintendent of Upshur County, Texas, do hereby certify that the above and foregoing statement is true and correct according to the records of my office.

Dated this 13th day of November, 1941.

Fred Covin, County Superintendent,
 Upshur County, Texas.

THE STATE OF TEXAS |
 COUNTY OF UPSHUR |

I, the undersigned authority, Secretary of the District Trustees of Common School District No. 36 do hereby certify that none of the bonds being refunded by Common School District No. 36 Refunding Bonds, \$7,750.00, are now held in or owned by the sinking fund created for the purpose of paying off or redeeming said bonds and that none of said bonds will be taken up and paid for with money from said sinking fund.

I further certify that there has never been and is not now pending any litigation in any wise affecting the validity of the said bonds being refunded, nor has there ever been nor is there any litigation now pending affecting the power of the Commissioners' Court to levy, assess and collect taxes for the payment of the principal of and interest on said bonds.

Witness my hand this 13th day of November, 1941.

J. H. Johnson, Secretary of the District Trustees,
 Common School District No. 36 of
 Upshur County, Texas.

Filed November 29, 1941, Tommie Mitchell, County Clerk.

Nov. 15, 1941.

Motion made, seconded and carried that Lemuel Cummings be declared a pauper.

Motion made by J. M. Holloway, seconded by G. L. Hart and carried to enter proceedings to secure State Right of Way on Hy 155 from Pritchett to Big Sandy.

CONDEMNATION PETITIONS

THE STATE OF TEXAS

VS. No. 3358

MRS. T. B. MCCLAIN

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY ; -

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, composed of Sid Buie, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3, and G. L. Hart, Commissioner of Precinct No. 4, of said County, hereinafter referred to as Petitioner, and complains of Mrs. T. B. McClain, hereinafter called defendant(s), and represents and alleges:

1. That Sid Buie is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, H. S. Taff, J. M. Holloway, and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas; that the residence of the defendant(s) Mrs. T. B. McClain is Upshur County, Texas, where service may be had upon her.

2. That the State of Texas is now constructing and laying out and reconstructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155, that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a tract of land out of H. R. Hearne tract in John Carson survey in Upshur County and being more fully described as follows: Beginning at H R Hearne northwest corner and S. D. Tune southwest corner; Thence in a southerly direction along H. R. Hearne west line and the east line of street a distance of approximately 58 feet to a point 60 feet from highway centerline measured at right angles to the highway centerline; Thence in a northeasterly direction 60 feet from and parallel to the highway centerline said centerline being a 2 deg. 30' curve to the right, a distance of approximately 58 feet to a point 60 feet from and opposite P.T. of curve at survey station 198/54, Thence N 55 deg. 42' E 60 feet from and parallel to the highway centerline a distance of 32 feet to a point in H. R. Hearne North line and S. D. Tune South line; Thence in a Westerly direction along H. R. Hearne North line and S. D. Tune South line, a distance of approximately 74 feet to the point of beginning and containing 0.949 acres of land, more or less.

3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right-of-way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a state highway, to-wit, State Highway No.155.

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining the aforesaid road and right-of-way for said State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defen-

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dant(s), and occasioned by use of said land, but the Commissioners Court for the purposes aforesaid, have offered said defendant(s) the sum of \$20.00 per acre Dollars for said land and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant(s); by reason whereof said Commissioners Court has been compelled to institute Condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinabove described and all of which said lands your petitioner is entitled by law to condemn.

WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant(s) and that said decision of said commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Leo Presnell, Attorney for the Commissioners Court
of Upshur County, Texas.

Filed Nov. 18, 1942. Tommie Mitchell, Co. Clerk.

THE STATE OF TEXAS

VS. No. 3358

MRS. E. L. BAIRD

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY: -

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, composed of Sid Baile, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3; and G. L. Hart, Commissioner of Precinct No. 4, of said County, hereinafter referred to as Petitioner, and complains of Mrs. E. L. Baird hereinafter called defendant(s), and represents and alleges:

1. That Sid Baile is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, H. S. Taff, J. M. Holloway, and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas, that the residence of the defendant(s) Mrs. E. L. Baird is Upshur County, Texas where service may be had upon her.

2. That the State of Texas is now constructing and laying out and reconstructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155, that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a parcel of land out of the E. L. Baird Est. tract of land in the M. A. Esparcia survey in Upshur County, being more fully described as follows: Beginning at a point on the centerline of relocated highway 155 at survey station 398/86; Thence East with E. L. Baird Est. south line and G. E. Carpenter, M. C. Clayton and H. S. Ward tract north line a distance of 124 feet to the southeast corner of E. L. Baird Est. tract of land; Thence North with E. L. Baird Est. east line and George Marsh west line a distance of 133.6 feet to the highway centerline at survey station 398/68 and continuing on North with E. L. Baird Est. east line and George

Marsh West line a distance of 110.7 feet to a point 75 feet from and opposite survey station 399/49.4; Thence S 42 deg. 40' W 75 feet from and parallel to the highway centerline a distance of 332.5 feet to a point on E. L. Baird Est. south line and the North line of the G. E. Carpenter, M.C. Clayton and H. S. Ward tract said point being 75 feet from and opposite survey station 396/16.9; Thence East with E. L. Baird Est. south line and the north line of G. E. Carpenter, M. C. Clayton, and H. S. Ward tract of land, a distance of 102 feet to the point of beginning and containing 0.634 acres of land, more or less.

Tract 1: Being a tract of land out of the E. L. Baird Est. tract in the S. W. Beasley survey in Upshur County and being more fully described as follows: Beginning at a point on centerline of relocated highway 155 at survey station 330/40 said point being on the E. L. Baird Est. West line and Floyd Scott east line; Thence South along E L Baird Est., west line and Floyd Scott East line a distance of 124.4 feet to a point 110 feet from and opposite survey station 329/31.8; Thence N 62 deg. 07' E 110 feet from and parallel to highway centerline a distance of 640.1 feet to a point 110 feet from and opposite survey station 336/21.9 said point also being on E L Baird Est. North line and Will Farrar South line; Thence West along E. L. Baird Est. North line and Will Farrar South line a distance of 235.2 feet to centerline of highway at survey station 334/14 and continuing along same line a distance of 330.6 feet to a point said point being E. L. Baird Est. Northwest corner and Will Farrar southwest corner; Thence South with E. L. Baird Est. West line and Floyd Scott East line a distance of 174.9 feet to the point of beginning, and containing 1.944 acres of land more or less.

3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right-of-way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a state highway, to-wit, State Highway No.155.

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining the aforesaid road and right of way for State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defendant(s) and occasioned by use of said land, but the commissioners court for the purposes aforesaid, have offered said defendant(s), the sum of \$20.00 per acre Dollars for said land and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant(s); by reason whereof said Commissioners Court has been compelled to institute Condemnation Proceedings to condemn said lands, which are actually needed for said highway as hereinafter described, and all of which said lands your petitioner is entitled by law to condemn.

WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant(s) and that said decision of said Commissioners when reported to the court, as

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required by law, be recorded in the Minutes of the County Court, as the Judgment of the court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Leo Presnell, Attorney for the Commissioners
Court of Upshur County, Texas.

Filed for record Nov. 18, 1941, Tommie Mitchell, County Clerk.

THE STATE OF TEXAS

VS. No. 3360

D. G. ROBINSON

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY: -

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, composed of Sid Baie, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3; and G. L. Hart, Commissioner of Precinct No. 4 of said County, hereinafter referred to as Petitioner, and complains of D. G. Robinson, hereinafter called defendant(s), and represents and alleges:

1. That Sid Baie is the duly elected and qualified County Judge of Upshur County Texas, and that E. A. Cobb, H. S. Taff, J. M. Holloway, and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas; that the residence of the defendant(s) D. G. Robinson is Upshur County, Texas, where service may be had upon him.

2. That the State of Texas is now constructing and laying out and reconstructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155; that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a tract of land out of D. G. Robinson tract in John Saunders survey in Upshur County and being more fully described as follows: Beginning at a point on centerline of relocated highway 155 at survey station 211/03 said point being on D. G. Robinson West line and Florence Hoskins Est. East line; Thence South with D. G. Robinson West line and Florence Hoskins Est. east line a distance of 72.6 feet to a point 60 feet from and opposite survey station 210/62; Thence N 55 deg 41' E 80 feet from and parallel to highway centerline a distance of 738' feet to a point 60 feet from and opposite survey station 218/00; Thence N 82 deg. 15' distance of 11.8 feet to a point 110 feet from and opposite survey station 219/00; Thence N 55 deg 41' E 110 feet from and parallel to the highway centerline a distance of 926.2 feet to a point 110 feet from and opposite P. C. of a 1 deg 30' curve to left at survey station 228/26.2; Thence in a northeasterly direction 110 feet from and parallel to highway centerline said centerline being a 1 deg 30' curve to the left a distance of 1573.7 feet to a point 110 feet from and opposite P. T. of curve at survey station 241/61.2; Thence N 35 deg 40' E 110 feet from and parallel to highway centerline a distance of approximately 378.8 feet to a point 110 feet from highway centerline said point being in D. G. Robinson North line and L. J. Logan south line said line being along Big Sandy Creek; Thence in a westerly direction along D. G. Robinson North line and L. J. Logan South line said line being along Big Sandy Creek to the highway centerline at survey station 245/22 and continuing along same line to a point 110 feet from highway centerline measured at right angles to highway centerline; Thence in a southwesterly direction 110 feet from and parallel to the highway centerline said centerline being a 1 deg. 30' curve to the right a distance of 1296.3 feet to a point 110 feet from and opposite survey

station 228/26.2 which is P. C. of curve; Thence S 55 deg. 41' W 110 feet from and parallel to the highway centerline a distance of 926.2 feet to a point 110 feet from and opposite survey station 219/00; Thence S 29 deg 07' W a distance of 111.8 feet to a point 60 feet from and opposite survey station 218/00; Thence S 55 deg 41' W 60 feet from and parallel to the highway centerline a distance of 656 feet to a point in D. G. Robinson West line and Florence Hoskins Est. east line said point being 60 feet from and opposite survey station 211/44; Thence South with D. G. Robinson West line and Florence Hoskins Est. east line a distance of 72.6 feet to the point of beginning and containing 15.553 acres of land, more or less.

3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right of way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a state highway, to-wit, State Highway No. 155.

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining the aforesaid road and right-of-way for said State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defendant(s), and occasioned by use of said land, but the commissioners court for the purposes aforesaid, have offered said defendant(s) the sum of \$20.00 per acre Dollars, for said land and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant(s); by reason whereof said Commissioners Court has been compelled to institute Condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinabove described, and all of which said lands your petitioner is entitled by law to condemn.

WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant(s), and that said decision of said commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court; and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Leo Fresnell, Attorney for the Commissioners
Court of Upshur County, Texas.

Filed for record Nov. 18, 1941, Tommie Mitchell, County Clerk.

THE STATE OF TEXAS

VS. No. 3361

S. D. TUNE

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY: -

Comes now the State of Texas, acting herein by and through the Commissioners'

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Court of Upshur County, composed of Sid Baile, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; E. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3; and G. L. Hart, Commissioner of Precinct No. 4, of said county, hereinafter referred to as Petitioner, and complains of S. D. Tune, hereinafter called defendant(s) and represents and alleges;

1. That Sid Baile is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, E. S. Taff, J. M. Holloway and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas; that the residence of the defendant(s) S. D. Tune is Upshur County, Texas, where service may be had upon him.

2. That the State of Texas is now constructing and laying out and reconstructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155; that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a tract of land out of S. D. Tune tract in John Carson survey in Upshur County and being more fully described as follows: Beginning at a point on centerline of relocated highway 155 at survey station 198/42 said point being on S. D. Tune west line and on east line of street; Thence in a southerly direction with east side of street and S. D. Tune West line, a distance of approximately 24 feet to a point said point being S. D. Tune southwest corner and H. R. Hearne northwest corner; Thence in an easterly direction with S. D. Tune South line and H. R. Hearne North line a distance of approximately 74 feet to a point 60 feet from highway centerline measured at right angles to the highway centerline; Thence N 55 deg 41' E 60 feet from and parallel to highway centerline a distance of 1088.9 feet to a point in S. D. Tune North line and Florence Hoskins Est. south line; Thence West with S. D. Tune N line and Florence Hoskins Est. south line a distance of 106.4 feet to highway centerline at survey station 208/89 and continuing west a distance of 106.4 feet to a point 60 feet from and opposite survey station 208/01.1; Thence S 55 deg 41' W 60 feet from and parallel to highway centerline a distance of 924.1 feet to a point in S. D. Tune west line and east line of street; Thence in a southerly direction with S. D. Tune west line and east line of Street a distance of approximately 82 feet to the place of beginning and containing 2.819 acres of land, more or less.

3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right-of-way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a state highway, to-wit, State Highway No. 155.

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining the aforesaid road and right-of-way for said State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defendant(s), and occasioned by use of said land, but the commissioners court for the purposes aforesaid, have offered said defendant(s) the sum of \$20.00 per acre Dollars for said land and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have

wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant(s); by reason whereof said Commissioners Court has been compelled to institute Condemnation Proceedings to condemn said lands, which are actually needed for said highway as hereinabove described and all of which said lands your petitioner is entitled by law to condemn.

WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) dis-interested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant(s), and that said decision of said commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the Court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Leo Fresnell, Attorney for the Commissioners
Court of Upshur County, Texas.

Filed for record Nov. 18, 1941, Tommie Mitchell, County Clerk.

THE STATE OF TEXAS

VS. No. 3362

JOHN HOWELL

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY: -

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, composed of Sid Buie, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3; and G. L. Hart, Commissioner of Precinct No. 4, of said County, hereinafter referred to as Petitioner, and complains of John Howell hereinafter called defendant(s), and represents and alleges;

1. That Sid Buie is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, H. S. Taff, J. M. Holloway, and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas; that the residence of the defendant(s) John Howell is Upshur County, Texas, where service may be had upon him.

2. That the State of Texas is now constructing and laying out and reconstructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155; that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a tract of land out of John Howell tract in John Carson survey in Upshur County, and being more fully described as follows: Beginning at a point on centerline of relocated Highway 155 at survey station 191/41 said point being Sam Howell northwest corner and John Howell southwest corner; Thence in an easterly direction along Sam Howell North line and John Howell south line, a distance of approximately 76 feet to a point said point being 60 feet from highway centerline measured at right angles to the highway centerline; Thence in a Northeasterly direction 60 feet from and parallel to the highway centerline said centerline being a 2 deg. 30' curve to the right, a distance of approximately 440 feet to a point in John Howell north line and G. H. Morman south line; Thence in a westerly direction along John Howell north line and G. H. Morman south line, a distance of approximately 92 feet to the

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centerline of highway 155 at survey station 195/71; Thence continuing in the same direction along the same line a distance of approximately 92 feet to a point 60 feet from highway centerline measured at right angles to the highway centerline; Thence in a Southwesterly direction 60 feet from and parallel to the highway centerline said centerline being 2 deg. 30' curve to the left a distance of approximately 275 feet to a point in John Howell West line and G. H. Norman east line; Thence in a southerly direction along John Howell west line and G. H. Norman East line a distance of approximately 113 feet to the point of beginning and containing 1.081 acres of land more or less.

3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right-of-way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a state highway, to-wit, State Highway No. 155.

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining the aforesaid road and right-of-way for said State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defendant(s), and occasioned by use of said land, but the Commissioners court for the purposes aforesaid, have offered said defendant(s) the sum of \$20.00 per acre Dollars for said land and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant(s), by reason whereof said Commissioners Court has been compelled to institute Condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinabove described and all of which said lands your petitioner is entitled by law to condemn.

WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant(s), and that said decision of said Commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Leo Presnell, Attorney for the Commissioners
Court of Upshur County, Texas.

Filed for record Nov. 18, 1941, Tommie Mitchell, County Clerk.

THE STATE OF TEXAS

VS. 3363

SAM HOWELL

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY: -

Comes now the State of Texas, acting herein by and through the Commissioners'

Court of Upshur County, composed of Sid Buie, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3; and G. L. Hart, Commissioner of Precinct No. 4, of said County, hereinafter referred to as Petitioner, and complains of Sam Howell, hereinafter called defendant(s), and represents and alleges:

1. That Sid Buie is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, H. S. Taff, J. M. Holloway, and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas, that the residence of the defendant(s) Sam Howell is Upshur County, Texas, where service may be had upon him.

2. That the State of Texas is now constructing and laying out and reconstructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155; that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a tract of land out of the Sam Howell tract in John Carson survey in Upshur County, and being more fully described as follows: Beginning at a point on centerline of relocated highway 155 at survey station 191/41 said point being Sam Howell northwest corner and John Howell southwest corner, Thence in a southerly direction along Sam Howell west line and G. H. Morman east line a distance of approximately 121 feet to a point 60 feet from highway centerline measured at right angles to the highway centerline; Thence in a northeasterly direction 60 feet from and parallel to the highway centerline said centerline being a 2 deg. 30' curve to the right a distance of approximately 149 feet to a point in Sam Howell north line and John Howell south line; Thence in a westerly direction along Sam Howell North line and John Howell south line a distance of approximately 76 feet to the point of beginning and containing 0.108 acres of land, more or less.

3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purposes, use and benefit of a new and wider right-of-way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a state highway, to-wit, State Highway No. 155.

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining the aforesaid road and right-of-way, for said State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defendant(s), and occasioned by use of said land, but the commissioners court for the purposes aforesaid, have offered said defendant(s) the sum of \$20.00 per acre Dollars for said land and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant(s); by reason whereof said Commissioners Court has been compelled to institute Condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinabove described, and all of which said lands your petitioner is entitled by law to condemn.

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WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant(s), and that said decision of said commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the Court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Leo Presnell, Attorney for the Commissioners
Court of Upshur County, Texas.

Filed for record Nov. 18, 1941, Tommie Mitchell, Co. Clerk.

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THE STATE OF TEXAS

VS. No. 3364

M. E. McDONALD

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY: -

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, composed of Sid Buie, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3; and G. L. Hart, Commissioner of Precinct No. 4, of said County, hereinafter referred to as Petitioner, and complains of M. E. McDonald, hereinafter called defendant(s) and represents and alleges:

1. That Sid Buie is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, H. S. Taff, J. M. Holloway and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas; that the residence of the defendant(s) M. E. McDonald is Upshur County, Texas, where service may be had upon him.

2. That the State of Texas is now constructing and laying out and reconstructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155, that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a tract of land out of the M. E. McDonald tract in John Carson survey in Upshur County and being more fully described as follows: Beginning at a point on centerline of relocated highway 155 at survey station 180/53 said point being on M. E. McDonald south line and C. E. Kay northline; Thence East a distance of approximately 60 feet along said property line to a point 60 feet from highway centerline measured at right angles to highway centerline; Thence in a northeasterly direction 60 feet from and parallel to the highway centerline said centerline being a 2 deg. 30' curve to the right a distance of 826.8 feet to a point in M. E. McDonald north line and G. H. Morman south line; Thence in a westerly direction with M. E. McDonald north line a distance of approximately 69 feet to survey station 189/02; Thence continuing in a westerly direction with M. E. McDonald north line a distance of approximately 69 feet to a point 60 feet from highway centerline measured at right angles to highway centerline; Thence in a Southwesterly direction 60 feet from and parallel to the highway centerline a distance of 871.2 feet to a point in M. E. McDonald south line and John Lice North line; Thence East with M. E. McDonald south line a distance of approximately 60 feet to the place of beginning, and containing 2.339 acres of land, more or less.

3. That in the judgment of said Commissioners Court it is necessary, advisable

and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of anew and wider right-of-way for the purpose of opening, widening, strightening, constructing and building, improving and maintaining a state highway, to-wit, State Highway No. 155.

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining the aforesaid road and right of way for State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defendant(s) and occasioned by use of said land, but the commissioners court for the purposes aforesaid, have offered said defendant(s) the sum of \$20.00 per acre Dollars for said land and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant(s), by reason whereof said Commissioners Court has been compelled to institute Condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinafter described, and all of which said lands your petitioner is entitled by law to condemn.

WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant(s), and that said decision of said commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Leo Presnell, Attorney for the Commissioners
Court of Upshur County, Texas.

Filed for record Nov. 18, 1942, Tommie Mitchell, Co. Clerk.

THE STATE OF TEXAS

VS. No. 3365

GEORGE MARSH

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY:-

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, composed of Sid Buie, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3; and G. L. Hart, Commissioner of Precinct No. 4, of said County, hereinafter referred to as Petitioner, and complains of George Marsh hereinafter called defendant(s), and represents and alleges:

1. That Sid Buie is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, H. S. Taff, J. M. Holloway, and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas, that the residence of the defendant(s) George Marsh is Upshur County, Texas, where service may be had upon him.

2. That the State of Texas is now constructing and laying out and reconstructing

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a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155, that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a parcel of land out of the George Marsh tract of land in the M. A. Esparcia survey in Upshur County being more fully described as follows: Beginning at a point on the centerline of relocated highway 155 at survey station 398/68 said point being on the Marsh west line and E. L. Baird Est. east line; Thence South with George Marsh west line and E. L. Baird Est. east line a distance of 110.7 feet to a point 75 feet from and opposite survey station 397/86.6; Thence N 42 deg. 40' E 75 feet from and parallel to highway centerline a distance of 884 feet to a point in George Marsh East line and Mrs. M. P. Presley West line; Thence North with George Marsh East line and Mrs. M. P. Presley west line a distance of 110.7 feet to the highway centerline at survey station 407/52 and continuing on North a distance of 110.7 feet to a point 75 feet from and opposite survey station 408/33.4; Thence S 42 deg 40' W 75 feet from and parallel to the highway centerline a distance of 884 feet to a point on George Marsh west line and E. L. Baird Est. East line, said point being 75 feet from and opposite survey station 399/49.4; Thence South with George Marsh west line and E. L. Baird Est. East line a distance of 110.7 feet to the point of beginning, and containing 3.044 acres of land, more or less.

TRACT No. 2: Being a parcel of land out of George Marsh tract of land in the A. Marsh survey in Upshur County, being more fully described as follows: Beginning at a point on the centerline of relocated highway 155 at survey station 413/26 said point being on George Marsh South line and Mrs. M. P. Presley North line; Thence East with George Marsh South line and Mrs. M. P. Presley North line a distance of 80 feet to a point 60 feet from and opposite survey station 413/79; Thence in a Northeasterly direction 60 feet from and parallel to highway centerline said centerline being a 1 deg 30' curve to the left a distance of 826.6 feet to a point on George Marsh east line and Mrs. A. W. Dow Est. west line said point being 60 feet from and opposite survey station 421/93.6; Thence North with George Marsh East line and Mrs. A. W. Dow Est. West line a distance of 135 feet to the highway centerline at survey station 423/13 and continuing on North along said property line a distance of 142 feet to a point 60 feet from and opposite survey station 424/44.2; Thence in a Southwesterly direction 60 feet from and parallel to highway centerline said centerline being a 1 deg. 30' curve to the right a distance of 1154.1 feet to a point 60 feet from and opposite survey station 412/71 said point being in George Marsh south line and Mrs. M. P. Presley North line; Thence East with G. Marsh south line and Mrs. M. P. Presley North line a distance of 80 feet to the point of beginning and containing 2.719 acres of land, more or less.

3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right-of-way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a state highway, to-wit, State Highway No. 155.

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining the aforesaid road and right-of-way for said State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defen-

defendant(s), and occasioned by use of said land, but the commissioners court for the purposes aforesaid, have offered said defendant(s) the sum of \$20.00 per acre Dollars for said land and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant(s), by reason whereof said Commissioners Court has been compelled to institute Condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinabove described and all of which said lands your petitioner is entitled by law to condemn.

WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant(s), and that said decision of said Commissioners when reported to the Court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Leo Presnell, Attorney for the Commissioners
Court of Upshur County, Texas.

Filed for record Nov. 18, 1941, Tommie Mitchell, County Clerk.

THE STATE OF TEXAS

VS. No. 3366

O. R. BAIRD

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY: -

Comes now the State of Texas, acting herein by and through the Commissioner's Court of Upshur County, composed of Sid Baile, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3; and G. L. Hart, Commissioner of Precinct No. 4, of said County, hereinafter referred to as Petitioner, and complains of O. R. Baird, hereinafter called defendant(s), and represents and alleges:

1. That Sid Baile is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, H. S. Taff, J. M. Holloway, and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas, that the residence of the defendant(s) O. R. Baird is Upshur County, Texas, where service may be had upon him.

2. That the State of Texas is now constructing and laying out and reconstructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155; that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a tract of land out of O. R. Baird tract in T. L. Cox survey in Upshur County, and being more fully described as follows: Beginning at a point on centerline of relocated highway 155 at survey station 347/86 said point being on O. R. Baird south line and Will Farrar North line; Thence East with O. R. Baird South line and Will Farrar north line a distance of 160.4 feet to a point 75 feet from and opposite survey station 349/27.8; Thence N 62 deg 07' E 75 feet from and parallel to highway centerline a distance of 388.6

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feet to a point 75 feet from and opposite P. C. of curve at survey station 353/13.4; Thence in a Northeasterly direction 75 feet from and parallel to highway centerline said centerline being a 1 deg 30' curve to the right a distance of 1315.9 feet to a point 75 feet from and opposite P. T. of curve to survey station 366/55.6; Thence N 82 deg. 15' E 75 feet from and parallel to highway centerline a distance of 169.9 feet to a point 75 feet from and opposite survey station 368/25.5 said point being also on O. R. Baird east line and St. Louis Southwestern Railway Lines West line; Thence N 17 deg. 34' E along O. R. Baird east line and St. Louis Southwestern Railway lines West line a distance of 83 feet to highway centerline at survey station 368/61 and continuing along same line a distance of 83 feet to a point 75 feet from and opposite survey station 368/96.8; Thence S 82 deg 15' W 75 feet from and parallel to highway centerline a distance of 240.9 feet to a point 75 feet from and opposite P. T. of curve at survey station 366/55.6; Thence in a Southwesterly direction 75 feet from and parallel to highway centerline said centerline being a 1 deg. 30' curve to the left a distance of 1368.5 feet to a point 75 feet from and opposite P. C. of curve at survey station 353/13.4; Thence N 62 deg 07' E 75 feet from and parallel to highway centerline a distance of 100 feet to a point 75 feet from and opposite survey station 352/13.4; Thence N 27 deg. 53' W a distance of 35 feet to a point 110 feet from and opposite survey station 352/13.4; Thence S 62 deg. 07' W 110 feet from and parallel to highway centerline a distance of 635.3 feet to a point 110 feet from and opposite survey station 345/78.1 said point also being in O. R. Baird south line and Will Farrar North line; Thence East with O. R. Baird South line and Will Farrar North line a distance of 235.2 feet to the point of beginning and containing 7.629 acres of land, more or less.

3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right-of-way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a state highway, to-wit, State Highway No. 155.

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining the aforesaid road and right of way for State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defendant(s) and occasioned by use of said land, but the commissioners court for the purposes aforesaid, have offered said defendant(s) the sum of \$20.00 per acre Dollars for said land and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant(s) by reason whereof said Commissioners Court has been compelled to institute Condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinafter described, and all of which said lands your petitioner is entitled by law to condemn.

WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said

defendant(s), and that said decision of said commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Leo Presnell, Attorney for the Commissioners
Court of Upshur County, Texas.

Filed for record Nov. 18, 1941, Tommie Mitchell, County Clerk.

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THE STATE OF TEXAS

VS. 3367

ROY BARBER

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY: -

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, composed of Sid Buie, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3; and G. L. Hart, Commissioner of Precinct No. 4, of said county, hereinafter referred to as Petitioner, and complains of Roy Barber hereinafter called defendant(s), and represents and alleges;

1. That Sid Buie is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, H. S. Taff, J. M. Holloway, and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas, that the residence of the defendant(s) Roy Barber is Upshur County, Texas, where service may be had upon him.

2. That the State of Texas is now constructing and laying out and reconstructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155; that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a tract of land out of Roy Barber tract in John Saunders survey in Upshur County, Texas, and being more fully described as follows: Beginning at a point on centerline of relocated highway 155 at survey station 267/90 said point being on Roy Barber South line and Robert Ralston north line; Thence East with Roy Barber south line and Robert Ralston North line a distance of 135.4 feet to a point 110 feet from and opposite survey station 268/88.9; Thence N 35 deg 40' E 110 feet from and parallel to the highway centerline a distance of 357.3 feet to a point 110 feet from and opposite P. C. of a 0 deg. 20' curve to the right at survey station 272/26.2; Thence in a Northeasterly direction 110 feet from and parallel to the highway centerline said centerline being 0 deg. 20' curve to right a distance of 392.8 feet to a point 110 feet from and opposite survey station 276/19 said point being on Roy Barber east line and Robert Ralston west line; Thence North along Roy Barber east line and Robert Ralston west line a distance of 181 feet to highway centerline at survey station 277/63 and continuing along same line a distance of 123 feet to a point 75 feet from and opposite survey station 278/60; Thence in a Southwesterly direction 75 feet from and parallel to the highway centerline said centerline being a 0 deg 20' curve to the left, a distance of 633.8 feet to a point 75 feet from and opposite P. C. of curve at survey station 272/26.2; Thence S 35 deg. 40' W 75 feet from and parallel to the highway centerline a distance of 490 feet to a point 75 feet from and opposite survey station 267/36.2 said point being on Roy Barber south line and Robert Ralston North line; Thence East along Roy Barber South line and Robert Ralston north line a distance of 92.3 feet to the point of beginning and containing 3.979 acres of land, more or less.

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3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right-of-way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a state highway, to-wit, State Highway No. 155.

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining the aforesaid road and right-of-way, for said State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defendant(s), and occasioned by use of said land, but the commissioners court for the purposes aforesaid, have offered said defendant(s) the sum of \$20.00 per acre Dollars for said land and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant(s), by reason whereof said Commissioners Court has been compelled to institute Condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinabove described and all of which said lands your petitioner is entitled by law to condemn.

WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant(s), and that said decision of said Commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Leo Presnell, Attorney for the Commissioners
Court of Upshur County, Texas.

Filed for record Nov. 18, 1941, Tommie Mitchell, County Clerk.

THE STATE OF TEXAS |
WS. No. 3368 |
G. E. CARPENTER, M. G. CLAYTON |
AND H. S. WARD |

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY: -

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, composed of Sid Buie, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3; and G. L. Hart, Commissioner of Precinct No. 4 of said County, hereinafter referred to as Petitioner, and complains of G. E. Carpenter, M. G. Clayton, and H. S. Ward, hereinafter called defendant(s), and represents and alleges:

1. That Sid Buie is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, H. S. Taff, J. M. Holloway, and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas; that the residence of the defendant(s) G. E. Carpenter, M. G. Clayton and H. S. Ward is Hunt County, Texas, where service may be had

upon them.

2. That the State of Texas is now constructing and laying out and reconstructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155; that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a parcel of land out of the G. E. Carpenter, M. C. Clayton and H. S. Ward tract of land in the M. A. Esparcia survey in Upshur County more fully described as follows: Beginning at a point on the centerline of relocated highway 155 at survey station 384/76 said point being on G. E. Carpenter, M. C. Clayton and H. S. Ward south line and Mrs. Lucy Eitel North line; Thence East a distance of 151.8 feet with said south line of Carpenter, Clayton and Ward tract of land and Mrs. L. Eitel north line to a point 75 feet from and opposite survey station 386/06; Thence in a Northeasterly direction 75 feet from and parallel to the centerline said centerline being a 2 deg 30' curve to the left, a distance of 646.9 feet to a point 75 feet from and opposite the P. T. of a curve opposite survey station 392/32.4; Thence N 42 deg 40' E 75 feet from and parallel to the highway centerline a distance of 522.7 feet to a point on the North line of the Carpenter, Clayton and Ward tract and E. L. Baird Est. South line 75 feet from and opposite survey station 397/55.1; Thence West with the North line of the Carpenter, Clayton and Ward tract, and E. L. Baird Est. South line a distance of 102 feet to the centerline of highway at survey station 396/86 and continuing on West 102 feet to a point 75 feet from and opposite survey station 396/16.9; Thence S 42 deg 40' W 75 feet from and parallel to the highway centerline a distance of 394.5 feet to a point 75 feet from and opposite the P. T. of a curve at survey station 392/32.4; Thence in a Southwesterly direction 75 feet from and parallel to the highway centerline said centerline being a 2 deg. 30' curve to the right a distance of 874.8 feet to a point 75 feet from and opposite survey station 383/28 said point being in the south line of G. E. Carpenter, M. C. Clayton and H. S. Ward tract and Mrs. Lucy Eitel north line; Thence East with the south line of G. E. Carpenter, M. C. Clayton and H. S. Ward tract and Mrs. Lucy Eitel north line a distance of 163.8 feet to the point of beginning and containing 4.167 acres of land, more or less.

3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right-of-way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a state highway, to-wit, State Highway No. 155.

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining the aforesaid road and right-of-way for said State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defendant(s), and occasioned by use of said land, but the commissioners court for the purposes aforesaid, have offered said defendant(s) the sum of \$20.00 per acre Dollars for said land and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or

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settle with said defendant(s), by reason whereof said Commissioners Court has been compelled to institute Condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinabove described, and all of which said lands your petitioner is entitled by law to condemn.

WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant(s), and that said decision of said commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Leo Presnell, Attorney for the Commissioners
Court of Upshur County, Texas.

Filed Nov. 18, 1941, Tommie Mitchell, County Clerk.

THE STATE OF TEXAS |

VS. No. 3369

WILL FARRAR |

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY: -

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, composed of Sid Baile, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3; and G. L. Hart, Commissioner of Precinct No. 4 of said County, hereinafter referred to as Petitioner, and complains of Will Farrar hereinafter called defendant(s), and represents and alleges;

1. That Sid Baile is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, H. S. Taff, J. M. Holloway, and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas; that the residence of the defendant(s) Will Farrar is Upshur County, Texas, where service may be had upon him.

2. That the State of Texas is now constructing and laying out and reconstructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155; that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a tract of land out of Will Farrar tract in S. W. Beasley survey in Upshur County and being more fully described as follows: Beginning at a point on centerline of relocated highway 155 at survey station 334/14 said point being on Will Farrar South line and B. C. Beard North line; Thence East with Will Farrar south line and B. C. Beard North line a distance of 235.2 feet to a point 110 feet from and opposite survey station 336/21.9; Thence N 37 deg 59' E a distance of 85.6 feet to a point 75 feet from and opposite survey station 337/00; Thence N 62 deg. 07' E 75 feet from and parallel to highway centerline a distance of 1227.8 feet to a point 75 feet from and opposite survey station 349/27.8 said point being on Will Farrar North line and W. L. Beard south line; Thence West along Will Farrar North line and W. L. Beard South line a distance of 160.4 feet to highway centerline at survey station 347/86 and continuing along same line a distance of 235.2 feet to a point 110 feet from and opposite survey station 345/78.1; Thence S 62 deg. 07' W 110 feet from and parallel to highway centerline a distance

of 1372 feet to a point 110 feet from and opposite survey station 332/06.1 said point also being on Will Farrar South line and B. C. Beard North line; Thence East with Will Farrar South line and B. C. Beard North line a distance of 235.2 feet to the point of beginning and containing 5.885 acres of land, more or less.

3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right-of-way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a state highway, to-wit: State Highway No. 155.

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purposes of directing, constructing and maintaining the aforesaid road and right of way for State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defendant(s) and occasioned by use of said land, but the Commissioners Court for the purposes aforesaid, have offered said defendant(s) the sum of \$20.00 per acre Dollars for said land and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant(s) by reason whereof said Commissioners Court has been compelled to institute Condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinafter described, and all of which said lands your petitioner is entitled by law to condemn.

WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant(s), and that said decision of said Commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Leo Presnell, Attorney for the Commissioners Court
of Upshur County, Texas.

Filed for record Nov. 18, 1941, Tommie Mitchell, County Clerk.

THE STATE OF TEXAS

VS. No. 3370

FRANK BURNLEY

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY: -

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, composed of Sid Buie, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3; and G. L. Hart, Commissioner of Precinct No. 4; of said County, hereinafter referred to as Petitioner, and complains of Frank Burnley, hereinafter called defendant(s), and represents and alleges;

1. That Sid Bule is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, H. S. Taff, J. M. Holloway, and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas; that the residence of the defendant(s) Frank Burnley is Upshur County, Texas, where service may be had upon him.

2. That the State of Texas is now constructing and laying out and reconstructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155; that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a tract of land out of Frank Burnley tract in L. Ballard and S. W. Beasley surveys in Upshur County and being more fully described as follows: Beginning at a point on centerline of relocated highway 155 at survey station 307/02 said point being on Frank Burnley west line and W. M. Burnley east line; Thence South along Frank Burnley West line and W. M. Burnley east line a distance of 127.3 feet to a point 80 feet from and opposite survey station 306/03; Thence N 38 deg 56' E 80 feet from and parallel to highway centerline a distance of 513.2 feet to a point 80 feet from and opposite survey station 311/16.2; Thence N 63 deg. 10' E a distance of 109.7 feet to a point 125 feet from and opposite survey station 312/16.2; Thence N 38 deg. 56' E a distance of 100 feet to a point 125 feet from and opposite P. T. of a curve at survey station 313/16.2; Thence in a Northeasterly direction 125 feet from and parallel to highway centerline said centerline being a 1 deg. 30' curve to the right a distance of 561.8 feet to a point 125 feet from and opposite survey station 318/97 said point also being in Frank Burnley east line and Floyd Scott west line; Thence North with Frank Burnley east line and Floyd Scott west line a distance of 164 feet to centerline of said highway at survey station 320/08 and continuing along same line a distance of 164 feet to a point 125 feet from and opposite survey station 321/12; Thence in a southwesterly direction 125 feet from and parallel to highway centerline said centerline being a 1 deg 30' curve to the left, a distance of 821.8 feet to a point 125 feet from and opposite P. T. of curve at survey station 315/16.2; Thence S 38 deg. 56' W 125 feet from and parallel to highway centerline a distance of 100 feet to a point 125 feet from and opposite survey station 312/16.2; Thence S 14 deg. 42' W a distance of 109.7 feet to a point 80 feet from and opposite survey station 311/16.2; Thence S 38 deg. 56' W 80 feet from and parallel to highway a distance of 315.2 feet to a point 80 feet from and opposite survey station 308/01 said point also being in Frank Burnley West line and W. M. Burnley east line; Thence South with Frank Burnley west line and W. M. Burnley east line a distance of 127.3 feet to the point of beginning and containing 6.536 acres of land, more or less.

3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right-of-way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a state highway, to-wit, State Highway No. 155;

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining the aforesaid road and right-of-way for said State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defendant(s), and occasioned by use of said land, but the Commissioners court for the purposes aforesaid, have offered said defendant(s) the sum of \$20.00 per acre Dollars for said land

and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant(s); by reason whereof said Commissioners Court has been compelled to institute Condemnation Proceedings to condemn said lands, which are actually needed for said highway as hereinabove described, and all of which said lands your petitioner is entitled by law to condemn.

WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant(s), and that said decision of said commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Leo Presnell, Attorney for the Commissioners
Court of Upshur County, Texas.

Filed Nov. 18, 1941, Tommie Mitchell, County Clerk.

THE STATE OF TEXAS

VS. No. 3371

SID COX

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY:-

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, composed of Sid Baile, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3; and G. L. Hart, Commissioner of Precinct No. 4 of said County, hereinafter referred to as Petitioner, and complains of Sid Cox, hereinafter called defendant(s), and represents and alleges;

1. That Sid Baile is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, H. S. Taff, J. M. Holloway, and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas, that the residence of the defendant(s) Sid Cox is Upshur County, Texas, where service may be had upon him.

2. That the State of Texas is now constructing and laying out and reconstructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155; that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a tract of land out of the Sid Cox tract of land in J. Standifer survey in Upshur County and being more fully described as follows: Beginning at a point on the centerline of relocated highway 155 at survey station 439/26 said point being on the South line of the Sid Cox tract and Mrs. M. P. Presley North line said property line being the centerline of Little White Oak creek; Thence in a Southeasterly direction along Sid Cox South line and Mrs. M. P. Presley North line approximately 136 feet to a point 100 feet from and opposite survey station 438/19, said property line being the centerline of Little White Oak Creek; Thence N

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21 deg. 40' E 100 feet from and parallel to the highway centerline a distance of 279.3 feet to a point 100 feet from and opposite the P. C. of a curve at survey station 440/98.3; Thence in a northeasterly direction 100 feet from and parallel to the highway centerline said centerline being a 2 deg. 30' curve to the right a distance of 972.3 feet to a point 100 feet from and opposite the P. T. of curve at survey station 451/18.0; Thence N 47 deg. 05' E 100 feet from and parallel to highway centerline a distance of 304 feet to a point on the south right of way line of St. Louis Southwestern Railways Lines 100 feet from and opposite survey station 454/19; Thence in a Southwesterly direction along Sid Cox North line and the South right of way line of the St. Louis Southwestern Railway lines a distance of approximately 246 feet to a point on the highway centerline at survey station 451/94, and continuing on along the above described line a distance of approximately 232 feet to a point 75 feet from and opposite survey station 449/78; Thence in a Southwesterly direction 75 feet from and parallel to the highway centerline said centerline being a 2 deg. 30' curve to the left a distance of 908.5 feet to a point 75 feet from and opposite the P. C. of curve at survey station 440/98.3; Thence S 21 deg. 40' W a distance of 100 feet to a point 75 feet from and opposite survey station 439/98.3; Thence in a Southeasterly direction along Sid Cox South line and Mrs. M. P. Presley North line, said property line being the center of Little White oak creek a distance of approximately 150 feet to the place of beginning and containing 5.255 acres of land, more or less.

3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right of way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a state highway, to-wit, State Highway No. 155.

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining the aforesaid road and right-of-way for said State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defendant(s), and occasioned by use of said land, but the commissioners court for the purposes aforesaid, have offered said defendant(s), the sum of \$20.00 per acre Dollars, for said land and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant(s); by reason whereof said Commissioners Court has been compelled to institute Condemnation Proceedings to condemn said lands, which are actually needed for said highway as hereinabove described, and all of which said lands your petitioner is entitled by law to condemn.

WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3) disinterested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant(s), and that said decision of said commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court, and for all other and further relief, general and special, in law and in equity, to

which it may be justly entitled.

Leo Presnell, Attorney for the Commissioners
Court of Upshur County, Texas.

Filed for record Nov. 18, 1941, Tommie Mitchell, County Clerk.

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THE STATE OF TEXAS

VS. No. 3372

C. E. KAY

TO THE HONORABLE COUNTY JUDGE OF UPSHUR COUNTY:-

Comes now the State of Texas, acting herein by and through the Commissioners' Court of Upshur County, composed of Sid Buie, County Judge, and E. A. Cobb, Commissioner of Precinct No. 1; H. S. Taff, Commissioner of Precinct No. 2; J. M. Holloway, Commissioner of Precinct No. 3; and G. L. Hart, Commissioner of Precinct No. 4, of said county, hereinafter referred to as Petitioner, and complains of C. E. Kay, hereinafter called defendant(s) and represents and alleges;

1. That Sid Buie is the duly elected and qualified County Judge of Upshur County, Texas, and that E. A. Cobb, H. S. Taff, J. M. Holloway, and G. L. Hart are the duly elected and qualified Commissioners of Upshur County, Texas; that the residence of the defendant(s) C. E. Kay is Upshur County, Texas, where service may be had upon him.

2. That the State of Texas is now constructing and laying out and reconstructing a State Highway, designated as such by the Highway Commission of Texas, in Upshur County, Texas, which said highway is known and designated as State Highway No. 155; that such construction and reconstruction upon said highway is surveyed through, across and upon, and will cross, run through and upon the following described real property, to-wit:

Being a tract of land out of the C. E. Kay tract of land in John Carson survey in Upshur County, and being more fully described as follows: Beginning at a point on centerline of relocated highway 155 at survey station 161/64.6; Thence West a distance of 30 feet to a point; Thence N 7 deg 04' E 30 feet from and parallel to the centerline of said highway a distance of 105 feet to a point 30 feet from and opposite survey station 162/69.6; Thence N 82 deg 56' W a distance of 10 feet to a point 40 feet from and opposite survey station 162/69.6; Thence N 7 deg 04' E 40 feet from and parallel to the centerline of said highway, a distance of 785 feet to a point 40 feet from and opposite survey station 170/54.6; Thence N 82 deg. 56 W a distance of 20 feet to a point 60 feet from and opposite survey station 170/54.6; Thence N 7 04' E 60 feet from and parallel to the centerline of said highway a distance of approximately 510 feet to a point in C. E. Kay north line and Frank Dowell south line; Thence East with Frank Dowell south line and C. E. Kay North line a distance of 53 feet to a corner, said corner being Frank Dowell southeast corner; Thence in a northerly direction with C. E. Kay west line a distance of approximately 489 feet to a point in C. E. Kay north line, said point being also John Lice Northeast corner; Thence East with C. E. Kay North line and M. E. McDonald South line a distance of approximately 15 feet to centerline of said highway at survey station 180/53 and continuing east along the same line a distance of approximately 60 feet to a point 60 feet from highway centerline measured at right angles to the highway centerline; Thence in a Southerly direction 60 feet from and parallel to the highway centerline, said centerline being a 2 deg. 30' curve to the left a distance of approximately 143.7 feet to a point 60 feet from and opposite P. C. of said curve at survey station 179/09.3; Thence S 7 deg 04' W 60 feet from and parallel to the highway centerline a distance of approximately 854.7 feet to a point 60 feet from and opposite survey station 170/54.6; Thence N 82

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deg. 56' W a distance of 20 feet to a point 40 feet from and opposite survey station 170/84.6; Thence S 7 deg 04' W 40 feet from and parallel to the centerline of said highway a distance of 70 feet to a point in the G. E. Kay south line and Roy L. Oliver north line; Thence West with G. E. Kay and Roy L. Oliver line a distance of 0.2 feet to a point, said point being 39.8 feet from and measured at right angles to the highway centerline at survey station 169/84.6 and also being the Northwest corner of Roy L. Oliver Lot 8 Block 72 in C. E. Kay Subdivision in the City of Big Sandy; Thence in a southerly direction with the west line of Lots 8, 9, 10, 11 and 12 of Block 72 in C. E. Kay sub-division in the City of Big Sandy a distance of 350 feet to a point, said point being 34.6 feet from and measured at right angles to the highway centerline at survey station 166/84.6 and also being the Southwest corner of Lot 12 Block 72 and in the North line of Kay Street; Thence East with the South line of Lot 12 Block 72 and the North line of Kay street a distance of 5.4 feet to a point 40 feet from and measured at right angles to the highway centerline; Thence S 7 deg. 04' W 40 feet from and parallel to the centerline of said highway a distance of 50 feet to a point, said point being in the south line of Kay Street and the North line of Lot 9, Block 63 and also being 40 feet from and measured at right angles to the highway centerline a survey station 165/84.6; Thence in a Westerly direction a distance of 6.3 feet to a point, said point being 33.7 feet from and opposite survey station 165/84.6 and also being the northwest corner of Lot 9, Block 63 of C. E. Kay sub-division; Thence in a southerly direction with the West line of Lots 9, 8, 7, and 6 of Block 63, C. E. Kay sub-division, a distance of approximately 315 feet to a point in Mrs. Annie Vaughn North line and C. E. Kay south line; Thence West with said property line a distance of approximately 29 feet to highway centerline at survey station 162/69.6; Thence S 7 04' E with said highway centerline a distance of 105 feet to the place of beginning and containing 3.6095 acres of land, more or less.

3. That in the judgment of said Commissioners Court it is necessary, advisable and expedient to occupy the land hereinabove described, and to run a road across same, in the manner provided by law, for the purpose, use and benefit of a new and wider right-of-way for the purpose of opening, widening, straightening, constructing and building, improving and maintaining a state highway, to-wit, State Highway No. 155.

4. That for the reasons and purposes above set out, it is necessary that the State of Texas, through the Commissioners Court of Upshur County, acquire, take, hold, occupy and use and own the above described real estate for the purpose of directing, constructing and maintaining the aforesaid road and right of way for State Highway, and that said Commissioners Court has attempted to but cannot agree with said defendant(s) upon the amount to be paid for said lands above described nor for the damages, if any there be due said defendant(s) and occasioned by use of said land, but the commissioners court for the purposes aforesaid, have offered said defendant(s) the sum of \$20.00 per acre Dollars for said land and for damages, if any there be due said defendant(s), which said sum is the reasonable market value of said property, and is in excess of the damages which would be incurred, if any there be, by running said highway through defendant(s) land, but said defendant(s) have wholly refused to accept same or to agree with Petitioner upon the value of the land and the damages incurred thereby, if any there be, and Petitioner has been unable to compromise or settle with said defendant(s), by reason whereof said Commissioners Court has been compelled to institute Condemnation proceedings to condemn said lands, which are actually needed for said highway as hereinafter described, and all of which said lands your petitioner is entitled by law to condemn.

WHEREFORE, your petitioner respectfully prays the County Judge of Upshur County, Texas, to forthwith, in the manner required by law, name, designate and appoint three (3)

dis-interested freeholders, citizens of Upshur County, Texas, as Special Commissioners to assess the value of said above described land and the amount of damages, if any, to be allowed said defendant(s), and that said decision of said commissioners when reported to the court, as required by law, be recorded in the Minutes of the County Court, as the judgment of the court, and for all other and further relief, general and special, in law and in equity, to which it may be justly entitled.

Leo Pressnell, Attorney for the Commissioners
Court of Upshur County, Texas.

Filed for record Nov. 18, 1941, Tommie Mitchell, County Clerk.

ORDER APPOINTING COMMISSIONERS

THE STATE OF TEXAS,
COUNTY OF UPSHUR,

In the Matter of Proceedings by the Commissioners' Court of Upshur County, Texas, for the Condemnation of certain property belonging to Sid Cox, Frank Burnley, Mrs. E. L. Baird, Will Farrar, G. E. Carpenter, M. C. Clayton, H. S. Ward, Roy Barber, Mrs. T. B. McClain, O. R. Baird, George Marsh, M. E. McDonald, Sam Howell, John Howell, S. D. Tune, D. G. Robinson and C. E. Kay.

This the 19th day of November, A. D. 1941, came on for hearing the application of the State of Texas, acting through the Commissioners' Court of Upshur County, Texas, under authority of Article 6674n, Revised Statutes of 1925, asking for the appointment of Special Commissioners to assess damages for right-of-way for State Highway No. 155, which is a public road and a state designated highway crossing and running over and across and through certain real estate, situated in Upshur County, Texas, fee simple title to which is owned by Sid Cox, Frank Burnley, Mrs. E. L. Baird, Will Farrar, G. E. Carpenter, M. C. Clayton, H. S. Ward, Roy Barber, Mrs. T. B. McClain, O. R. Baird, George Marsh, M. E. McDonald, Sam Howell, John Howell, S. D. Tune, D. G. Robinson, and C. E. Kay, and the said land and the relief prayed for is fully described and set out in plaintiffs' petitions on file in said cause, reference to which petitions is here made.

And it appearing to the court that the Commissioners have not been agreed upon by the parties, the court here and now appoints E. F. Aldredge, Sam Williams and Obie Roberts, all dis-interested freeholders of Upshur County, Texas, to be special commissioners to assess the damages in said condemnation proceedings, reference to which is here made.

Sid Buis, County Judge, Upshur County, Texas.

Filed Nov. 21, 1941.

OATH OF COMMISSIONERS

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

We do solemnly swear that, as Special Commissioners appointed by Sid Buis, County Judge of Upshur County, Texas, for the assessment of damages occasioned by condemnation by Upshur County, Texas, of certain right-of-way on and across the lands of Sid Cox, Frank Burnley, Mrs. E. L. Baird, Will Farrar, G. E. Carpenter, M. C. Clayton, H. S. Ward, Roy Barber, Mrs. T. B. McClain, O. R. Baird, George Marsh, M. E. McDonald, Sam Howell, John Howell, S. D. Tune, D. G. Robinson, and C. E. Kay, that we will assess said damages fairly and impartially and in accordance with law, So help us God.

E. F. Aldredge
O. J. Roberts
Sam E. Williams

Filed Nov. 21, 1941.

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ORDER SETTING HEARINGS BEFORE COMMISSIONERS

THE STATE OF TEXAS
COUNTY OF UPSHUR

In the Matter of Proceedings by the Commissioners' Court of Upshur County, Texas, for the Condemnation of certain property belonging to Sid Cox, Frank Burnley, Mrs. E. L. Baird, Will Farrar, G. E. Carpenter, M. C. Clayton, H. S. Ward, Roy Barber, Mrs. T. B. McClain, O. R. Baird, George Marsh, M. E. McDonald, Sam Howell, John Howell, S. D. Tune, D. G. Robinson and G. E. Kay.

This the 25th day of November, A. D. 1941, in the above entitled matter, we, the special commissioners appointed by the County Judge of Upshur County, Texas, by order dated the 19th day of November, A. D. 1941, finding that the 9th day of December, A. D. 1941, is the earliest practicable day for hearing the parties to such proceedings and that the Court House of Upshur County, in Gilmer, Texas, is a place as near as practicable to the property in controversy, do hereby set such time and place for hearing such parties, to commence at 10 o'clock A. M.

E. F. Aldredge

S. E. Williams

O. J. Roberts, Special Commissioners.

Filed Nov. 21, 1941, Tommie Mitchell, County Clerk.

Motion made by H. S. Taff, seconded by J. M. Holloway that Co. Judge be authorized to sign agreement for Upshur Co. to maintain the new road from New Diana to Gregg Co. line. Same being voted unanimously.

Motion made, seconded and carried that Co. Clerk be authorized to issue warrant of \$8. per mo. to Buddy Lansdale. The previous order allowing \$5. per mo. is hereby cancelled. Warrant issued on Gen. Fund.

Bids were opened for the loading and delivering of approx. 4000 cu yds of gravel upon the various roads of Prect. #3. The bids were read in open court and read publicly. The bid of J. H. Stewart being considered the best bid and as low as any other, said bid was accepted.

Motion made, seconded and carried that Mrs. Eva Taylor be declared a pauper.

Motion made, seconded and carried that link of road from Rosewood road to John Machin residence be and hereby is made a public road.

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 3rd class, 20 feet in width, be established in said County, having its points of beginning and ending as follows: This road begins at home of John Machin in Prect. #4 and ends on Rosewood road. Said road to be along East line of John Machin tract.

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

6 day of Dec. 1941.

John Machin
David Shelton
S. R. Buie
A. L. Shelton
V. E. Todd
F. N. Maberry

W. P. Still
Joe Lee Derrick

THE STATE OF TEXAS |
 COUNTY OF UPSHUR |

I, John Machen, one of the signers of the within petition, upon my oath, state that notices of the intended application for the opening of said new road were posted for at least twenty days before the first day of the term of the Commissioners' Court at which this petition is presented, exclusive of the day of posting, as follows, to-wit: One at the Court House door in Gilmer, Texas, One at John Machen Home, and one at Termination on Rosewood road, two other public places in the vicinity of the route of the proposed new road.

John Machen

Subscribed and sworn to before me, this 6 day of Dec. 1941.

Sid Buie, Co. Judge.

Filed Dec. 6, 1941, Tommie Mitchell, Co. Clerk.

Sid Buie
 E. A. Cobb
 H. S. Taff
 J. M. Holloway
 G. L. Hart

Nov. 29, 1941

Commissioners Court met on above date in Special Session with Co. Judge, Sid Buie, and Commissioners E. A. Cobb, H. S. Taff, and G. L. Hart present.

Court was opened for consideration of bids on for loading and delivering gravel in Preet. #2 on Gilmer-Pittsburg road. The bids were opened and read publicly. The bid of H. L. Helms was considered lowest and best bid. Motion made by H. S. Taff, seconded by E. A. Cobb and carried to accept bid of H. L. Helms.

Sid Buie
 E. A. Cobb
 G. L. Hart
 J. M. Holloway
 H. S. Taff

Dec. 1, 1941

Commissioners court met on above date with Co. Judge Sid Buie and Commissioners E. A. Cobb, H. S. Taff, J. M. Holloway and G. L. Hart.

Motion made by G. L. Hart and seconded by J. M. Holloway and voted unanimously that Bond No. 50 of Road District #7, issue dated Jan. 1, 1916 be and hereby is called for payment on Jan. 1, 1942.

Sid Buie
 E. A. Cobb
 H. S. Taff
 J. M. Holloway
 G. L. Hart

Dec. 5, 1941

Commissioners court met on above date in Special session with Co. Judge Sid Buie and Commissioners E. A. Cobb, H. S. Taff, J. M. Holloway and G. L. Hart present -

Motion made, seconded and carried that the order passed by this Court on May 12, 1941 providing for the investment of \$8000 in Defense Bonds said funds being funds belonging to the Upshur Co. permanent School fund, be and hereby is rescinded.

Motion made by G. L. Hart, seconded by H. S. Taff and voted unanimously that Co. Clerk be authorized to issue warrant of \$7750.00 to F & M Nat'l Bank, Gilmer, Texas from the Upshur Co. permanent school fund. Said amount covers purchase price of bonds on Union Hill School Dist. Said bonds draw 4% per annum payable annually to the available School fund of Upshur Co. Tex.

Sid Buie
 E. A. Cobb
 H. S. Taff
 J. M. Holloway
 G. L. Hart

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