

H. S. Taff
L. G. McKinley
M. O. Holmes

MAY 1st, 1945.

Commissioners Court met in special session with County Judge and all Commissioners present.

Motion made, seconded and carried that returns of TRUSTEE Election held April 7, 1945, for the purpose of electing one County Trustee Commissioners Precinct No. 2, and one County Trustee at large be tabulated and the results be declared as follows.

For County School Trustee Commissioners:

Precinct No. 2, Carl Loyd 44 votes.

Elected No Opposition.

For County School Trustee at large, J. C. Duncan 278 votes. Elected, No opposition.

Motion made, seconded and carried that orders heretofore passed whereby Mrs. Carrie warren was declared a pauper, be rescinded all civil rights ^{be} restored.

Motion made, seconded and carried that Salary of County Agent, T. B. Lewis be set at \$125.00 per month effective 5/1/45, County Clerk authorized to issue warrants on General Fund for same.

E. A. Cobb,
H. S. Taff,
L. G. McKinley,
M. O. Holmes.

ORDER OF COMMISSIONERS' COURT DISSOLVING ROAD DISTRICT NUMBER 1 of UPSHUR COUNTY, T E X A S.
THE STATE OF TEXAS |
COUNTY OF UPSHUR |

ON THIS the 5th day of May, 1945, the Commissioners' Court of Upshur County, Texas, convened in Special session, at the regular meeting place of said court in the Court-house, at Gilmer, Texas, all members of the Court, to-wit:

W. A. Lunsford,	County Judge, Presiding; and
E. A. Cobb,	Commissioner, Precinct No. 1;
H. S. Taff,	Commissioner, Precinct No. 2;
L. G. McKinley,	Commissioner, Precinct No. 3;
M. O. Holmes,	Commissioner, Precinct No. 4;

being present; and, among other proceedings had by said Court, was the following:

Commissioner, E. A. Cobb, introduced the following order and moved its adoption by the court:

WHEREAS, heretofore, to-wit: On the 21st day of January, 1939, the Commissioners' Court of Upshur County, Texas, passed an order creating and establishing a defined district known as "ROAD DISTRICT NUMBER ONE, OF UPSHUR COUNTY, TEXAS", including within its limits the territory described and defined in such order, and which order is recorded in Volume 8, pages 307, et seq., of the Minutes of said Court, and reference thereto is hereby made for a description of the boundaries of said District; and

WHEREAS, thereafter, to-wit: On the 1st day of April, 1939, at an election held in said District for the purpose, the qualified electors thereof, voting at said election, authorized the issuance of the road bonds of said District in the principal sum of FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) and which bonds were duly approved by the Attorney General and registered by the State Comptroller of Public Accounts, and issued

and sold upon the faith and credit of said Road District Number 1, of Upshur County, Texas; said bonds being dated on the 15th day of May, 1939, maturing serially \$70,000.00 on February 15th, in each of the years 1940 to 1942, inclusive, \$90,000.00 on February 15th, in each of the years 1943 and 1944, and \$85,000.00 on February 15, 1945; and

WHEREAS, all of the aforesaid bonded indebtedness, including interest thereon, has been fully and finally paid, and the said Road District Number 1 has never voted or authorized the creation of any indebtedness, bonded or otherwise, on its Faith and credit, subsequent to the 1st day of April, 1939; and

WHEREAS, the Forty-Seventh Legislature, at its Regular Session in 1941, passed an Act providing that the commissioners' court of any county may abolish dormant road districts which have paid off and discharged all of the bonds issued and sold by any such road district; said Act being Chapter 147 of the General Laws passed at said Session, and approved and effective April 15, 1941; and

WHEREAS, it appearing to this Court that it will be necessary and in behalf of the public interests to abolish or dissolve the said dormant Road District Number 1 of said County; therefore

BE IT ORDERED by the COMMISSIONERS' Court of Upshur County, Texas:

I.

That the order of this Court, made and entered on the 21st day of January 1939, recorded in Volume 8, pages 307, et seq., of the Minutes of this Court, creating and establishing said Road District Number 1 of said County, is hereby repealed.

II.

That the said Road District Number 1, as created by the aforesaid order of this Court, shall be, and the said Road District is hereby dissolved and shall be no longer recognized as a body politic and corporate in said County.

The above order having been read, the motion of Commissioner E.A. Cobb, for its passage was duly seconded by Commissioner, H. S. Taff.

Thereupon, the question being called for, the County Judge put the motion to a vote of the members of the Commissioners' Court, and the motion carried by the following Vote: Commissioners Cobb, Taff, McKinley and Holmes voting "AYE"; and none voting "NO".

The County Judge declared the motion carried and the order duly passed and adopted and the County Clerk was instructed to record the same in the Minutes of the Court.

WITNESS the Signatures of the Members of the Commissioners' Court of Upshur County, Texas, this the 5th day of May, 1945.

- W. A. Lunsford, County Judge,
- E. A. Cobb, Commissioner of Precinct No. 1.
- H. S. Taff, Commissioner of Precinct No. 2.
- L. J. McKinley,
- Commissioner of Precinct No. 3.
- M. O. Holmes, Commissioner of Precinct No. 4.

ORDER OF COMMISSIONERS' COURT
ESTABLISHING ROAD DISTRICT NUMBER 1-A, of Upshur County, T e x a s.

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

On this the 5th day of May, 1945, the Commissioners' Court of Upshur County, Texas, convened in Special session, at the regular meeting place of said Court in the Courthouse at Gilmer, Texas, all members of the Court, to-wit:

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W. A. LUNSFORD,	COUNTY JUDGE, presiding; and
E. A. COBB,	COMMISSIONER, Precinct No. 1;
H. S. TAFF,	COMMISSIONER, Precinct No. 2;
L. G. MCKINLEY,	COMMISSIONER, Precinct No. 3;
M. O. HOLMES,	COMMISSIONER, Precinct No. 4;

being present; and, among other proceedings had by said Court, was the following:

Commissioner E. A. Cobb introduced the following order and moved its adoption by the court:

WHEREAS, it is provided by Section 3 of Chapter 16, Acts 1926, First Called Session, as amended by Section 1, Chapter 92, Acts 1927, First Called Session, that the county commissioners' courts of the several counties of this State may establish one or more road districts in their respective counties, and may or may not include within the boundaries and limits of such districts villages, towns, and municipal corporations, or any portion thereof, and may or may not include previously created road districts and political subdivisions or precincts that have voted and issued road bonds, pursuant to Section 52, of Article 3, of the Constitution, by entering an order declaring such road district established and defining the boundaries thereof; and,

WHEREAS, it appearing to this court that it is desirable to establish a road district in Upshur County, Texas, to be hereafter known as ROAD DISTRICT NUMBER 1-A; and,

WHEREAS, it further appearing to the Court that the boundaries of said Road District, as herein described and defined, do not overlap or embrace any part of a defined road district which has road bond debts outstanding, or any part of a political subdivision of the County which has road bonds debts outstanding; and,

WHEREAS, it further appearing that all the territory to be included within said Road District is wholly within Upshur County, Texas;

THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED BY THE COMMISSIONERS' COURT OF UPSHUR COUNTY, T E X A S:

I.

That Road District Number 1-A, of Upshur County, in the State of Texas, be, and the same is hereby established within the following metes and bounds, to-wit:

BEGINNING at a point where the line between Justice Precinct No. 1 and Justice Precinct No. 5 in Upshur County, Texas, intersects the N B line of the J. Day headright survey, same being in the S B line of a tract of land owned by Roy Harper; THENCE West with the N B line of the J. Day survey to the NW corner of same; THENCE North with the W B line of the M. H. Williams survey to the S E corner of a tract on the M. Del Torres Survey in the name of Mrs. Kate Piper; THENCE WEST with the S B line of said tract and the S B line of a tract in the name of Neil Buie to the S W corner of said Buie Tract; THENCE North to the N E corner of a tract in the name of T. Barber in the N B line of the Torres survey; THENCE West with the N B line of the Torres survey to the S E corner of a tract in the name of Joe Hays and the S W corner of a tract on the Flores Grant in the name of Addie Sampson et al; THENCE North to the N E corner of a tract in the name of J.D. Warren in the S B line of a tract in the name of Mrs. C. Anderson; THENCE West to the S W corner of said Anderson tract; THENCE North to the N E corner of a 50 acre tract in the name of J.D. Warren; THENCE West to the North West corner of said Warren to intersect the East line of the Lumbrera survey; THENCE NORTH with the West boundary line of the Flores survey to the S E corner of a tract in the name of J. C. McDonald; THENCE West with the S B line of said McDonald tract to the S W corner of same; THENCE North to the N E corner of the Edd Moody 31.6 acre tract; THENCE West with the North line of same to the NW corner of same; THENCE

South to the N E corner of Edd Moody 36.9 acre tract; THENCE West with the N B line of same to a corner of J.S. Whites tract; THENCE North to the N E corner of Colored Church tract; THENCE West with the S B line of the McAlpin tract and the N B L of the Colored church tract and continuing West to the East right of way line of Highway No. 271; THENCE with the East right of way line of said highway in a southerly direction to the S W corner of a tract known as the Herring tract, now owned by J.W. Free; THENCE East with the S B line of said Free tract to the N W corner of a 37-1/4 acre tract in the name of F.L. Futrell, in the A. Lumbrera Grant; THENCE South to the S E corner of a tract in the name of F.D. Futrell; THENCE East to the N W corner of a tract in the name of R.A. Owens; THENCE South to the S E corner of the F.D. Futrell Est. 50 acre tract; THENCE East to the N W corner of the M. Del Torres survey; THENCE South to the S W corner of the Norman McClelland land; THENCE East to the NW corner of the W.D. Barber 128-1/2 acre tract on the Torres survey; THENCE South to the S W corner of the Barber tract; THENCE East to the N E corner of the Douphrate land; THENCE South to the S W corner of the R. C. Barnwell tract in the S B line of the Torres survey; THENCE East to the N E corner of the W. Bratton survey; THENCE South to the N W corner of the R.B. Blalock 85 acre tract and the N W corner of the J. Manning survey; THENCE East with the N B line of said J. Manning survey to a point where the line between Justice Precinct No. 1, and Justice Precinct No. 5, intersects same; THENCE S 45 W . with the line between Justice Precinct No. 1 and Justice Precinct No. 5, to the S E corner of said Justice Precinct No. 1; THENCE West with the South line of Justice Precinct No. 1 to a point where said line intersects the east right of way line of U.S. Highway No. 271; THENCE in a southerly direction with the east right of way line of said U.S. highway No. 271 to the point where the line between Upshur and Gregg Counties intersects same; THENCE N 68 E with the line between Gregg and Upshur Counties to a corner of same; THENCE N 37-30 E with the line between Gregg and Upshur Counties to intersect the Glenwood and Indian Rock School District line; THENCE with the S B L of M. Irvin survey to the Western S W corner of same; THENCE North with the W B L of said M. Irvin survey; to the S E corner of J.C. Crouch survey; THENCE West to the S W corner of J.C. Crouch survey; THENCE North along the W B L of said Crouch survey, passing the N W corner of said survey and continuing North to intersect Bog Creek; THENCE down said creek to where said Big Creek intersects Clear Creek; THENCE up Clear Creek in a Southwesterly direction to where said creek intersects the line of Justice Precinct No. 1; THENCE S 45 deg W with said Precinct Line to the place of beginning.

II. That said ROAD DISTRICT NUMBER 1-A, of UPSHUR COUNTY, TEXAS, is hereby established for the purpose of the construction, maintenance and operation of macadamized, gravelled, or paved roads and turnpikes, or in aid thereof, under and by virtue of the Constitution and laws of the State of Texas, including Section 52, of Article 3 of the Constitution, and Chapter 16, Acts 1926, First called Session, and amendments thereto, and the said District is hereby made and created as a body corporate.

The above order having been read, the motion of Commissioner E.A. Cobb for its passage was duly seconded by Commissioner H.S. Taff.

II.

That said ROAD DISTRICT NUMBER 1-A, of UPSHUR COUNTY, TEXAS, is hereby established for the purpose of the construction, maintenance and operation of macadamized, gravelled, or paved roads and turnpikes, or in aid thereof, under and by virtue of the Constitution and laws of the State of Texas, including Section 52, of Article 3 of the Constitution, and Chapter 16, Acts 1926, First Called Session, and amendments thereto, and the said District is hereby made and created as a body corporate.

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

Upshur County, Gilmer, Texas.

14th day of May 1945.

OATH OF BOARD OF EQUALIZATION.

"I, as a member of the Board of Equalization of Upshur County, Texas, for the year A.D. 1945, hereby solemnly swear:

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

W. A. Lunsford, County Judge,

E. A. Cobb, Commissioner Precinct #1,

H. S. Taff, Commissioner Precinct #2,

L. G. McKinley, Commissioner Precinct #3,

M. O. Holmes, Commissioner Precinct #4.

Subscribed and sworn to before me, on this the 14 day of May, 1945, by W. A. Lunsford County Judge,

E. A. Cobb, Commissioner Precinct #1,

H. S. Taff, Commissioner Precinct #2,

L. G. McKinley, Commissioner Precinct #3,

M. O. Holmes, Commissioner Precinct #4,

each.

Robert Taylor,

S E A L

County Clerk, Upshur County, T e x a s.

14th day of May, 1945.

S E A L.

ORDER DIRECTING THE COUNTY CLERK

TO ADVERTISE MEETING OF THE BOARD OF EQUALIZATION.

Be it remembered that the Board of Equalization in and for Upshur County, Texas, having been in session on this 14th day of May A.D. 1945, the following order was, upon motion of Commissioner E.A. Cobb, and duly seconded by Commissioner M.O. Holmes, unanimously

carried and adopted, to-wit:

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

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

W. A. Lunsford,
County Judge,

Upshur County, Gilmer, Texas. 14th day of May A.D. 1945.

ORDER RECESSING BOARD OF EQUALIZATION.

BE IT REMEMBERED, that the Board of Equalization for Upshur County, Texas, having been regularly convened and being in session on this the 14th day of May A.D. 1945, the following order was upon motion of Commissioner H. S. Taff, duly seconded by Commissioner L.G McKinley, unanimously carried and adopted, to-wit:

There being no further business now necessary to be transacted by said Board of Equalization, it is ordered that said Board do now recess until 10 o'clock A.M., the 30th day of May A.D. 1945, at which time said Board of Equalization will further resume the transaction of such business as may then come before it.

W. A. Lunsford,
County Judge, Upshur
County, T e x a s.

14th day of May A.D. 1945.

ORDER RECESSING BOARD OF EQUALIZATION.

BE IT REMEMBERED, that the Board of Equalization for _____ County, Texas, having been regularly convened and being in session on this the _____ day of _____ A.D. 194____, the following order was upon motion of Commissioner, _____ duly seconded by Commissioner, _____ unanimously carried and adopted, to-wit:

There being no further business now necessary to be transacted by said Board of Equalization, it is ordered that said Board do now recess until 10 o'clock A.M., the _____ day of _____ A.D. 194____, at which time said Board of Equalization will further resume the transaction of such business as may then come before it.

County Judge,

County.

Filed for record May 14th, 1945.
Robert Taylor, County Clerk, Upshur County, T e x a s.
By: Alva Cook, Deputy.

May 19th, 1945.
Commissioners Court met in regular session.

ORDER SETTING DOWN FOR HEARING PETITION FOR \$90,000.00 ROAD BONDS OF ROAD DISTRICT NUMBER 1-A OF UPSHUR COUNTY, TEXAS.

THE STATE OF TEXAS |
COUNTY OF UPSHUR |

On this the 19 day of May 1945, the County Commissioners' Court of Upshur County, Texas, convened in regular session, at the regular meeting place of said Court in the Courthouse at Gilmer, Texas, all members of the Court, -to-wit:

W. A. Lunsford, County Judge, presiding; and
E. A. Cobb, Commissioner, Precinct No. 1;

H. S. Taff, Commissioner, Precinct No. 2;
L. G. McKinley, Commissioner, Precinct No. 3;
M. O. Holmes, Commissioner, Precinct No. 4;

being present; and, among other proceedings had by said court, were the following;

There came on to be considered a petition signed by W. L. Smith and certain other persons, alleging themselves to be resident property taxpaying voters of ROAD DISTRICT NUMBER 1-A, of Upshur County, Texas, who own taxable property in said District and who have duly rendered the same for taxation, praying this Court for an order for a hearing for a bond election to be held within said Road District Number 1-A, for the purpose of voting bonds in the principal sum of \$90,000.00, such bonds to be issued upon the faith and credit of said Road District Number 1-A, a defined District of said County, for the purpose of constructing, maintaining and operating a macadamized, graveled or paved road and turnpike, or in aid thereof, in said District; and,

WHEREAS, the said Road District Number 1-A, of Upshur County, Texas, was duly created by order of this Court duly passed and entered of record on the 5th day of May, 1945, said order providing that the said District is created and established for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof, under and by virtue of the Constitution and laws of the State of Texas, including Section 52, of Article 3 of the Constitution, and Chapter 16, Acts 1926, First Called Session, and amendments thereto; and,

WHEREAS, it further appearing to this Court that such petition for said bond election is signed by more than fifty (50) of the resident property tax paying voters of said Road District Number 1-A, of Upshur County, Texas; and,

WHEREAS, the statute expressly providing that upon the presentation of a petition signed by fifty (50), or a majority, of the resident property taxpaying voters of a road district or political subdivision praying the Court to order an election for the purpose of voting bonds and the levy of taxes in payment thereof, it shall be the duty of the Court to which such petition is presented to fix a time and place at which such petition shall be heard, which date shall not be less than fifteen (15) days, nor more than thirty (30) days, from the date of the order setting such petition down for hearing; and,

WHEREAS, it further appearing to the Court that said petition sets forth the amount of bonds proposed to be issued, the maximum rate of interest said bonds shall bear, if issued, and the purpose for which such proposed bonds are to be issued; the proposition for the issuance of such bonds, as set forth in such petition, being as follows, to-wit:

"WHETHER or not the bonds of ROAD DISTRICT NUMBER 1-A, of UPSHUR COUNTY, TEXAS, shall be issued in the total principal sum of NINETY THOUSAND DOLLARS (\$90,000.00) for the purpose of constructing, maintaining and operating a macadamized, graveled or paved road and turnpike, or in aid thereof in said District, and which bonds are to bear interest at the rate of not exceeding THREE PER CENTUM (3%) per annum, and are to be payable at such times as may be deemed most expedient by the Commissioners' court, but not to exceed (1) one years from the date thereof, and whether or not ad valorem taxes shall be levied on all taxable property within said Road District for the purpose of paying the interest on the said bonds and providing a sinking fund for the redemption or payment thereof at maturity."

AND WHEREAS, the said petition further stipulates and provides that if the said bonds are voted and issued the money received from the sale thereof will be applied to constructing, maintaining and operating that certain road within the said District known as "GILMER-GLENWOOD ROAD ", which Road runs in a southeasterly direction from the Old Colored Orphanage to intersect Justice Precinct Number 1 and Justice Precinct Number 5, line at the

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Old Bruner Farm.

AND WHEREAS, it is further stipulated in the aforesaid petition that the proposed improvement will be for the benefit of all taxable property situated in said ROAD DISTRICT NUMBER 1-A, of UPSHUR COUNTY, T E X A S:

IT IS, THEREFORE, ORDERED BY THE COMMISSIONERS' COURT OF UPSHUR COUNTY, T E X A S:

I. That the said petition be and the same is hereby set down for hearing before the Commissioners' Court of Upshur County, Texas, in the Commissioners' Court room in the Court house at Gilmer, Texas, at ten o'clock A.M., on the 4 day of June, 1945, the same being more than fifteen (15) days, and less than thirty (30) days, from the date of this order.

II. That the Clerk of this Court shall forthwith issue a notice of such time and place of hearing, which notice shall inform all persons concerned of the time and place of hearing and of their right to appear at such hearing and contend for or protest the ordering of such bond election. Such notice shall state the amount of bonds proposed to be issued, and shall describe the boundaries of Road District Number 1-A, of Upshur County, Texas, as such boundaries are described and defined in the order of the Commissioners' Court establishing such District.

III. The Clerk shall execute said notice by posting true copies thereof in three public places within said ROAD DISTRICT NUMBER 1-A, and one at the door of the County Court house of the County. Said notice shall be posted for ten (10) days prior to the date of hearing. Said notice shall also be published in Gilmer, Mirror, a newspaper of general circulation published in said County, and shall be published in said newspaper one time, and the date of publication shall be at least five (5) days prior to the date herein set for the hearing of said petition.

The duties herein imposed upon the Clerk may be performed by said Clerk in person or by Deputy, as provided by law for other similar duties.

The above order having been read, it was moved by Commissioner E. A. Cobb, and seconded by Commissioner H. S. Taff, the same be passed and adopted.

WHEREUPON, the question being called for, the County Judge put the motion to a vote of the members of the Commissioners' Court, and the motion carried by the following vote: Commissioners Cobb, Taff, McKinley and Holmes voting "AYE"; and none voting "NO".

The County Judge declared the motion carried and the order duly passed and adopted and the County Clerk was instructed to record the same in the Minutes of the Court.

WITNESS THE SIGNATURES OF THE MEMBERS OF THE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS, this the 19 day of May, 1945.

W. A. LUNSFORD, County Judge,

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

H. S. Taff, Commissioner of Precinct No. 2,

L. G. McKinley, Commissioner of Precinct No. 3.

M. O. Holmes, Commissioner of Precinct No. 4.

FILED FOR RECORD MAY 21, 1945,
Robert Taylor County Clerk, Upshur County, T e x a s.

BY: Alva Cook, Deputy.