

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, on this, the 9 day of August, A. D. 1949.

Seal.

Mrs. Hazel Maines, Notary Public,  
Upshur Co.

Filed for record August 9, 1949, at 2:37 o'clock P. M. James Poole, County Clerk, Upshur County,  
By E. G. Deputy.

W. A. Lunsford  
Jim Shockey  
E. H. Shaw  
A. B. Reynolds  
D. W. Gatlin

AUGUST 8, 1949.

Commissioners' Court met in Regular Session with all members present.

Motion made, seconded and carried that Special Road District No. 1-B Upshur County Bonds be ordered issued as per order on file.

ORDER AUTHORIZING ISSUANCE OF  
ROAD BONDS OF ROAD DISTRICT NUMBER 1-B  
OF UPSHUR COUNTY, TEXAS

THE STATE OF TEXAS †  
COUNTY OF UPSHUR †

ON THIS the 8th day of August, 1949, the County Commissioners' Court of Upshur County, Texas, convened in regular 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
JIM SHOCKEY,	COMMISSIONER, Precinct No. 1;
E. H. SHAW,	COMMISSIONER, Precinct No. 2;
A. B. REYNOLDS,	COMMISSIONER, Precinct No. 3;
D. W. GATLIN,	COMMISSIONER, Precinct No. 4;

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

Commissioner Jim Shockey introduced the following order and moved its adoption by the Court:

WHEREAS, ROAD DISTRICT NUMBER 1-B, of UPSHUR COUNTY, TEXAS, was duly created by order of the Commissioners' Court of said County, duly passed and entered of record on the 9th day of May, 1949, 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, at an election held in said ROAD DISTRICT NUMBER 1-B, of UPSHUR COUNTY, TEXAS, on the 27th day of June, 1949, a two-thirds majority of the qualified resident property taxpaying voters of said District, pursuant to a hearing duly held in the time and manner required by law, voting at said election, sustained the proposition to issue the road bonds hereinafter described, in the principal sum of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00), and the levy of ad valorem taxes on all taxable property within the said District, for the purpose of paying the interest on said bonds and providing a sinking fund for the redemption or payment thereof at maturity; and,

Whereas, this Court has examined into and investigated the regularity of the pro-

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ceedings of said election and finds that notice of the said election was given in the time and manner prescribed by law; that the said election was duly and legally held; that the returns of said election were duly made; that returns of said election were duly canvassed and the result thereof declared by this Court to have been in favor of the issuance of said bonds and the levy of said tax; therefore,

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

I.

That the bonds of said Road District Number 1-B, of Upshur County, Texas, to be known as "ROAD BONDS OF ROAD DISTRICT NUMBER 1-B, of UPSHUR COUNTY, TEXAS", be issued on the faith and credit of Road District Number 1-B, of Upshur County, Texas, under and by virtue of the provisions of the Constitution and laws of the State of Texas, particularly Chapter 16, of the General Laws passed by the Thirty-ninth Legislature of Texas, at its First Called Session in 1926.

II.

That said bonds shall be issued for the purpose of construction, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof, within and for said ROAD DISTRICT NUMBER 1-B, OF UPSHUR COUNTY, TEXAS.

III.

That said bonds shall be numbered consecutively from One (1) to Thirty (30), both inclusive, and shall be of the denomination of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) each, aggregating SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00).

IV.

That said bonds shall be dated the 16th day of August, 1949, and shall become due and payable on the 1st day of December, 1949.

V.

That said bonds shall bear interest from date until paid at the rate of TWO PER CENTUM (2%) per annum, payable on the 1st day of December, 1949, and principal and interest shall be payable upon presentation and surrender of bonds or proper coupons, in lawful money of the United States of America, at OFFICE OF THE COUNTY TREASURER OF UPSHUR COUNTY AT GILMER, TEXAS.

VI.

That each of said bonds shall be signed by the County Judge, attested and countersigned by the County Clerk and registered by the County Treasurer, and the seal of the "COMMISSIONERS COURT" shall be impressed upon each of them.

VII.

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

VIII.

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

NO. _____	UNITED STATES OF AMERICA	\$2,500.00
	STATE OF TEXAS	
	COUNTY OF UPSHUR	
	ROAD BOND OF ROAD DISTRICT NUMBER 1-B	
	OF UPSHUR COUNTY, TEXAS.	

KNOW ALL MEN BY THESE PRESENTS: That Road District Number 1-B, of Upshur County, Texas, FOR VALUE RECEIVED, acknowledges itself indebted to and hereby promises to pay to bearer TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) in lawful money of the United States of America.

on the FIRST DAY OF DECEMBER, 1949, with interest thereon from the date hereof until paid at the rate of TWO PER CENTUM (2%) per annum, payable on the First day of December, 1949, on presentation and surrender of the annexed interest coupon.

BOTH PRINCIPAL and interest of this bond are hereby made payable at OFFICE OF THE COUNTY TREASURER OF UPSHUR COUNTY, AT GILMER, TEXAS, and for the prompt payment of this bond and the interest thereon at maturity, the full faith, credit and resources of Road District Number 1-B, of Upshur County, Texas, are hereby irrevocable pledged.

THIS BOND is one of a series of bonds, numbered consecutively from One (1) to Thirty (30), both inclusive, in denomination of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) each, aggregating SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00), issued for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof, within and for said Road District Number 1-B of Upshur County, Texas, under authority of Section 52, of Article 3, of the Constitution of Texas, and laws enacted pursuant thereto, particularly Chapter 16, of the General Laws, passed by the Thirty-Ninth Legislature, at its First Called Session in 1926, and pursuant to an order passed by the Commissioners' Court of Upshur County, Texas, and which order is recorded in the Minutes of said Court.

THE DATE of this bond, in conformity with the order above mentioned is August 16, 1949.

AND IT IS HEREBY CERTIFIED AND RECITED that the issuance of this bond, and of the series of which it is a part, is duly authorized by law and by a two-thirds majority of the qualified resident property taxpaying voters of said Road District Number 1-B, of Upshur County, Texas, at an election held for that purpose within said District on the 27th day of June, 1949, pursuant to a hearing duly held in the time and manner required by law; that all acts, conditions and things required to be done precedent to and in the issuance of this series of bonds, and of this bond, have been properly done and performed, and have happened in regular and due time, form and manner, as required by law; that a direct annual ad valorem tax has been levied upon all taxable property in said District sufficient to pay the interest on this bond and the principal thereof at maturity, and that the total indebtedness of said District, including this bond, does not exceed any constitutional or statutory limitation.

IN TESTIMONY WHEREOF, the Commissioners' Court of Upshur County, has caused the seal of said Court to be affixed hereto, and this bond to be signed by the County Judge, attested and countersigned by the County Clerk and registered by the County Treasurer, of said County, and the interest coupons hereto attached to be executed by the lithographed or printed facsimile signatures of said County Judge and County Clerk.

\_\_\_\_\_  
County Judge, Upshur County, Texas.

ATTESTED AND COUNTERSIGNED:

\_\_\_\_\_  
County Clerk, Upshur County,  
Texas.

REGISTERED:

\_\_\_\_\_  
County Treasurer, Upshur County, Texas.

XI.

The form of interest coupons attached to said bonds shall be substantially as follows:

No. \_\_\_\_\_ ON THE 1st DAY OF DECEMBER, 1949. \$14.58  
ROAD DISTRICT NUMBER 1-B, of UPSHUR COUNTY, in the STATE OF TEXAS, will pay to bearer at OFFICE of the COUNTY TREASURER OF UPSHUR COUNTY, AT GILMER TEXAS, the sum of  
FOURTEEN AND 58/100 DOLLARS,  
(\$14.58), being three and one-half months' interest due that day on "ROAD BOND OF ROAD DISTRICT

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NUMBER 1-B, of UPSHUR COUNTY, TEXAS", dated August 16, 1949, Bond No. \_\_\_\_\_.

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

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

X.

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 Road District Number 1-B, 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 \_\_\_\_\_, 1949.

\_\_\_\_\_  
Comptroller of Public Accounts of  
the State of Texas.

XI.

BE IT FURTHER ORDERED BY THE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS:

That, for the purpose of providing the necessary funds to pay the interest on and principal of said bonds promptly when and as the same fall due, a tax of seventy cents (70¢) on each one hundred dollars' valuation of taxable property in the said ROAD DISTRICT NUMBER 1-B, of UPSHUR COUNTY, TEXAS, is here and now levied for the current year, and the same shall be annually assessed and collected and applied exclusively to the purpose herein named.

XII.

BE IT FURTHER ORDERED BY THE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS:

That the sale of the bonds herein authorized to First National Bank of Gilmer, Texas, and Farmers and Merchants National Bank of Gilmer, Texas, at the price of par and accrued interest is hereby confirmed; bonds numbers One (1) to Fifteen (15) both inclusive, aggregating \$37,500, being sold to the said First National Bank of Gilmer, and bonds numbers Sixteen (16) to Thirty (30), both inclusive, aggregating \$37,500, being sold to the Farmers and Merchants National Bank of Gilmer. Delivery of the bonds shall be made to said purchasers as soon as may be after the adoption of this order, upon payment therefor in accordance with the terms of sale.

XIII.

IT IS ALSO ORDERED that the County Judge of Upshur County, Texas, 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 their approval by the Attorney General and registration by the Comptroller of Public Accounts.

The above order having been read, the motion of Commissioner Jim Shockey for adoption and passage by the Court was duly seconded by Commissioner Shaw.

The County Judge thereupon put the motion and order to a vote of the members of said Court, and the said order was unanimously passed and adopted by the following votes, to-wit:

Commissioners Shockey, Shaw, Reynolds and Gatlin voting "AYE"; and none voting "NO".

The County Judge declared the motion carried and the order passed, and the Clerk was ordered and directed to record the same in the proper minutes of the Court.

WITNESS THE SIGNATURES OF THE MEMBERS OF THE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS, this the 8th day of August, 1949.

- W. A. Lunsford, County Judge
- Jim Shockey, Commissioner of Precinct No. 1;
- E. H. Shaw, Commissioner of Precinct No. 2;
- A. B. Reynolds, Commissioner of Precinct No. 3;
- D. W. Gatlin, Commissioner, Precinct No. 4;

Filed August 8, 1949, at 10:41 o'clock A. M. James Poole, County Clerk, Upshur County, By E. G. Deputy.

Motion made, seconded and carried that Returns of an election held August 6, 1949, at Harmony County Line Consolidated Common School District #15, to determine whether or not the district as a whole shall establish a maintenance tax levy of \$1.00 on the \$100.00 Tax valuation, be tabulated and results declared as follows:

- For increase of tax 17 votes
- Against increase of tax 0 votes.

The above tabulation indicates the tax raise carried.

Motion made, seconded and carried that Returns of an Election held August 6, 1949, at Harmony County Line Consolidated Common School District #15, to determine whether or not assumption of Bonded indebtedness by the entire school District shall be adopted, be tabulated and results declared as follows:

- For assumption 17 votes
- Against assumption 0 votes.

The above tabulation indicates that the election for assumption carried.

- W. A. Lunsford
- Jim Shockey
- E. H. Shaw
- A. B. Reynolds
- D. W. Gatlin

AUGUST 12, 1949

Commissioners' Court met in Regular Session with all members present.

Motion made, seconded and carried that section XI of Order passed by the Commissioners' Court of Upshur County on August 8, 1949, authorizing issuance of Road Bonds of Road District Number 1-B, of Upshur County, Texas, in the principal amount of \$75,000.00, dated August 16, 1949, be amended as per order on file.

ORDER AMENDING SECTION XI OF ORDER AUTHORIZING ISSUANCE OF ROAD BONDS OF ROAD DISTRICT NUMBER 1-B OF UPSHUR COUNTY, TEXAS.

THE STATE OF TEXAS |  
COUNTY OF UPSHUR |

On this the 12th day of August, 1949, the County Commissioners' Court of Upshur County, Texas, convened in regular session, at the regular meeting place of said Court in the Court-house at Gilmer, Texas, all members of the Court, to wit:

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|-----------------|-------------------------------|
| W. A. LUNSFORD, | COUNTY JUDGE, Presiding; and  |
| JIM SHOCKEY,    | COMMISSIONER, Precinct No. 1; |
| E. H. SHAW,     | COMMISSIONER, Precinct No. 2; |
| A. B. REYNOLDS, | COMMISSIONER, Precinct No. 3; |
| D. W. GATLIN,   | COMMISSIONER, Precinct No. 4; |

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