

3-31-54

Commissioners' Court met in special session with all members present except Horace Morris.

Motion made, seconded and carried to place the name of Bobbie Darden on the paupers list effective 3-31-54 at \$10.00 per month.

H. L. Elwell
Jim Shockey
Bryant Holmes
J. E. Venn.

April 1, 1954.

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

Motion made seconded and carried to purchase one D4511 CR County Recording Dextrigraph at price of \$1570.00, one dryer, floor model price \$395.00, one Developing Tank w/agitator & Squeegee Borad price \$274.00. Price quoted FOB Factory. The above equipment to be paid for 1/3 on delivery and balance in two annual payments. Interest at 4% per annum.

H. L. Elwell
Jim Shockey
Bryant Holmes
J. E. Venn
Horace Morris.

April 1, 1954.

Commissioners' Court met in Special Session with all members present. Motion made, seconded, and carried that County Clerk issue warrant in amount of \$25.00 per month to T. J. White, colored County Agent for additional travel expense. Monthly expense of \$25.00 per month to be issued until terminated by Commissioners' Court, effective date April 1, 1954.

H. L. Elwell
Jim Shockey
Bryant Holmes
J. E. Venn
Horace Morris

TREASURER'S REPORT

REPORT OF H. A. WHEELER, County Treasurer of Upshur County, Texas, of Receipts and Expenditures from Jan. 1st, to Mar. 31st 1954, inclusive:

JURY FUND

Balance last Report, Filed Jan 1st, 1954	\$ 11,902.92	
To Amount received since last Report	177.78	
By Amount paid out since last Report		\$ 1,788.66
Amount to Balance		<u>10,292.04</u>
	<u>\$ 12,080.70</u>	\$12,080.70
Balance	\$10,292.04	

ROAD AND BRIDGE FUND

Balance last Report, Filed Jan 1, 1954	\$95,846.00	
To Amount received since last Report	9,068.12	
By Amount paid out since last Report		\$ 3,427.90
By Amount transferred to other Funds, since last Report		60,000.00
Amount to Balance		<u>41,486.22</u>
	<u>104,914.12</u>	104,914.12
Balance	<u>\$41,486.22</u>	

GENERAL COUNTY FUND

Balance last Report, Filed Jan 1st 1954	\$49,723.49	
To Amount received since last Report	7,051.60	
By Amount paid out since last Report		\$13,950.25
Amount to Balance		<u>42,824.84</u>
	<u>56,775.09</u>	56,775.09

Balance

\$42,824.84

SALARY FUND

Balance last Report, Filed Jan 1st 1954	11,776.51	
To Amount received since last Report	11,056.17	
By Amount paid out since last Report		14,399.07
Amount to Balance		<u>8,433.61</u>
	<u>22,832.68</u>	22,832.68

Balance

\$ 8,433.61

R&B-1 FUND

Balance last Report, Filed Jan. 1st 1954	15,809.16	
To Amount received since last Report	2,986.62	
To Amount transferred from other Funds since last Report	15,000.00	
By Amount paid out since last Report,		12,836.62
Amount to Balance		<u>20,959.16</u>
	<u>33,795.78</u>	33,795.78

Balance

\$20,959.16

R&B-2 FUND

Balance last Report, Filed Jan 1st 1954	3,738.44	
To Amount received since last Report	2,570.60	
To Amount transferred from other funds, since last Report	15,000.00	
By Amount paid out since last Report		16,537.26
Amount to Balance		<u>4,771.78</u>
	<u>21,309.04</u>	21,309.04

Balance

\$ 4,771.78

R&B-3 FUND

Balance last Report, Filed Jan. 1st 1954	386.15	
To Amount received since last Report	2,687.24	
To Amount transferred from other Funds, since last Report	15,000.00	
By Amount paid out since last Report		16,189.75
Amount to Balance		<u>1,883.64</u>
	<u>18,073.39</u>	18,073.39

Balance

\$ 1,883.64

R & B -4 FUND

Balance last Report, Filed Jan 1st 1954	7,919.32	
To Amount received since last Report	2,570.60	
To Amount transferred from other Funds, Since last Report	15,000.00	
By Amount paid out since last Report		22,649.34
Amount to Balance		<u>2,840.58</u>
	<u>25,489.92</u>	25,489.92

Balance

\$ 2,840.58

PERM. IMP. FUND

Balance last Report Filed Jan 1st 1954	\$ 9,253.28	
To Amount received since last Report	817.72	
By Amount paid out since last Report		\$ 1,717.63
Amount to Balance		<u>8,353.37</u>
	<u>10,071.00</u>	<u>10,071.00</u>
Balance	\$ 8,353.37	

PERM. SCHOOL FUND

Balance last Report, Filed Jan 1st 1954	233.43	
To Amount received since last Report	606.75	
	<u>840.18</u>	840.18
Balance	\$ 840.18	

UPSHUR LAW LIBRARY FUND

Balance last Report, Filed Jan. 1st 1954	20.75	
To Amount received since last Report	47.00	
By Amount paid out since last Report		48.00
Amount to Balance		<u>19.75</u>
	<u>67.75</u>	67.75
Balance	\$ 19.75	

Balance last Report, Filed Jan 1st 1954	14,080.90	
Amount to Balance		<u>14,080.90</u>
Balance	\$14,080.90	

RD. DIST. 3-A INT & SKG FUND

Balance last Report, Filed Jan. 1st 1954	7,248.62	
To Amount received since last Report	770.85	
By Amount paid out since last Report		3,078.25
Amount to Balance		<u>4,941.22</u>
	<u>8,019.47</u>	8,019.47
Balance	\$ 4,941.22	

SOCIAL SECURITY FUND

Balance last Report, Filed Jan 1st 1954	5,000.00	
Amount to Balance		<u>5,000.00</u>
Balance	\$ 5,000.00	

RECAPITULATION

RD. DIST. 3A INT & SINKING FUND	4,941.22
JURY FUND, Balance	10,292.04
Road and Bridge Fund Balance	41,486.22
General County Fund Balance	42,824.84
Salary Fund Balance	8,433.61
R & B 1 Fund Balance	20,959.16
R & B 2 Fund Balance	4,771.78
R & B 3 Fund Balance	1,883.64
R & B 4 Fund Balance	2,840.58
Perm. Imp. Fund Balance	8,353.37
Perm. School	840.18
Upshur Law Library	19.75

LAW OFFICES
 FULTON HARCOCK & McCLAIN
 GILMER, TEXAS

IN THE DISTRICT COURT OF UPSHUR COUNTY, TEXAS
 115TH JUDICIAL DISTRICT

J. K. EDWARDS, ET AL

VS.

NO. 10,269

UPSHUR COUNTY

ON THIS the 26th day of April, A.D. 1954, came on for trial the above styled and numbered cause, and all parties appeared in person and by their respective attorneys and announced ready for trial; whereupon this cause of action was submitted to the Court upon an agreed statement of facts heretofore filed and approved in this cause, and the Court, after considering said evidence, is of the opinion and finds as follows:

1. That on or about June 15, 1920, Upshur County executed and issued certain obligations and bonds designated "Upshur County Special Road Bonds, Series F," and plaintiffs became the owners in due course of trade of Bond No. 236, in the principal sum of \$1,000.00, bearing that date, and due forty (40) years after date, said bond bearing interest at $5\frac{1}{2}\%$ per annum, payable semiannually on the 15th of November and May of each year thereafter.

2. That the interest due on said bond was represented by coupons thereto attached, each coupon being in the amount of \$27.50, due May 15th and November 15th of each year, and each representing a semiannual payment of interest on such bond, except as to the last coupon No. 80, due June 15, 1960, the maturity date of said bond, which is in the sum of \$4.58.

3. That Coupon No. 60, in the sum of \$27.50, which matured November 15, 1950, was duly presented for payment, and payment was refused thereon, the defendant claiming that said bond had been called and, therefore, had matured on June 15, 1950, and that no interest payments would be made thereon after that date.

4. That said bond mentioned was not redeemed by Upshur County according to law or the terms of said bond, and that Upshur County is indebted to plaintiffs for interest due semi-annually on said bond, being the sum of \$27.50 due each on November 15, 1950, May 15, 1951, November 15, 1951, May 15, 1952, November 15, 1952, May 15, 1953, and November 15, 1953, aggregating the sum of \$192.50, with interest on each unpaid coupon at the rate of 5½% per annum from the maturity thereof to the date of this Judgment and that the defendant will become liable to plaintiffs for each and every interest coupon thereon until said bond matures on June 15, 1960, according to the face and tenor of said coupons.

5. That on May 15, 1919, defendant executed and issued certain obligations and bonds designated as "Upshur County Special Road Bonds, Series D," and in due course of trade plaintiffs became the owners of three (3) of said bonds, each in the principal sum of \$1,000.00, Nos. 206, 214 and 215, each providing for interest at the rate of 5½% per annum, payable semiannually on November 15th and May 15th of each year thereafter.

6. That to said Series D Bonds interest coupons representing the semiannual interest payments are attached, each being in the sum of \$27.50, the last coupon being Coupon No. 80 in said sum and due May 15, 1959.

7. That plaintiffs in due time and at the maturity of interest Coupons No. 60 for \$27.50 each on each of said bonds which matured May 15, 1953, presented said coupons for payment, and payment thereof was refused by defendant, and that defendant is claiming that said bonds were called for redemption on May 15, 1953, and it refused to pay the interest coupons due at that date, and has refused to pay the interest coupons of \$27.50 each on each of said bonds due November 15, 1953, after this cause of action was instituted, and is refusing to pay any future interest coupons attached to said bonds and is taking the position that it is not liable therefor.

8. That said bonds were not redeemed in the manner provided therefor, and defendant is justly indebted to plaintiffs for interest in the sum of \$27.50 on each of said bonds due May 15, 1953 and in the same amount on each of said bonds due November 15, 1953, aggregating the sum of \$165.00, with interest at the rate of 5½% per annum on each unpaid coupon from the date of maturity to the date of the Judgment herein, and will be indebted to said named plaintiffs as each of the additional coupons attached to each of said bonds will become due in the future, until said bonds mature on May 15, 1959.

9. That this Court has jurisdiction of the parties and of the subject matter of this cause, and that a declaratory judgment should be entered declaring that the bonds above described have not been redeemed in accordance to law or with the terms and provisions thereof; and that such bonds above referred to are outstanding obligations of the defendant according to the terms and provisions thereof and that the interest to be paid semiannually on said bonds for the full term of each of same is a just and legal obligation against the defendant.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that The Fort Worth National Bank, a banking corporation, executor of the estate and trustee under the will of John K. Edwards, deceased, and Margie Edwards, a feme sole, do have and recover of and from Upshur County the sum of \$384.44, with interest thereon from this date at the rate of 5½% per annum until paid.

It is FURTHER ORDERED, ADJUDGED and DECREED by the Court that each of the bonds above referred to are outstanding obligations of the defendant, Upshur County, According to the terms and provisions thereof, and that the defendant named is liable for the interest coupons thereon for the full term of each of said bonds in accordance with the terms and provisions of such coupons, and defendant shall pay to plaintiffs or other holders of said bonds, the amount interest coupons as they mature in the future upon surrender by the holder of such coupons.

It is FURTHER ORDERED that plaintiffs named do have and recover of and from the defendant named all costs of this proceeding and that such writs as are necessary to enforce this Judgment and collection of costs shall issue herein.

T. C. Chadick
T. C. CHADICK,
Judge Presiding



