

21.

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS        0  
COUNTY OF UPSHUR        0

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared R. H. Laschinger, who, after being by me duly sworn, deposes and says:

(1) That he is the publisher of THE GILMER WEEKLY MIRROR, a newspaper of general circulation in Road District Number 1-C, Upshur County, Texas, published at Gilmer, Texas.

(2) That he published a true copy of the "NOTICE OF ROAD BOND ELECTION", hereto attached, in said paper once each week for three successive weeks in its issues of November 8, 1956, November 15, 1956, and November 22, 1956; the first publication being at least twenty-one (21) full days prior to the date of the election.

*R. H. Laschinger*  
(Signed) R. H. Laschinger



SWORN TO AND SUBSCRIBED before me, this the 27<sup>th</sup> day of November, 1956.

*Looney E. Lindsey*  
Notary Public, Upshur County, Texas.

22

RETURNS OF COUNTY CLERK IN MATTER OF  
NOTICE OF ROAD BOND ELECTION IN ROAD  
DISTRICT NUMBER 1-C, OF UPSHUR COUNTY.

THE STATE OF TEXAS            0  
COUNTY OF UPSHUR            0

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared R. C. Vivian, County Clerk and Ex-Officio Clerk of the Commissioners' Court of said County, and who, after being by me first duly sworn, states upon oath as follows:

(1) That, in conformity with the order of the Commissioners' Court of Upshur County, Texas, passed on the 30th day of October, 1956, and under authority of law, as the County Clerk of said County, he posted a true and correct copy of the "NOTICE OF ROAD BOND ELECTION" in respect of \$100,000.00 Road Bonds of Road District Number 1-C, of Upshur County, Texas, to be voted on December 6, 1956; such notice having been posted at the following three public places in said Road District, to-wit:

- ONE COPY at Carl Sorrell's Store, West Mountain;
- ONE COPY at C. H. Pitman's Store, East Mountain; and
- ONE COPY at Louie Covin's Store, Graceton.

(2) That each of the above named places was and is a public place in ROAD DISTRICT NUMBER 1-C, OF UPSHUR COUNTY, TEXAS; that each of the notices posted at each of said places was posted in a conspicuous position; that each of the above named places was accessible to the public; and that each of said notices, so posted at each of said places, was posted so as to be easily visible to the public.

(3) That he also posted a true copy of such election notice at the door of the County Courthouse at Gilmer, Upshur County, Texas.

23.

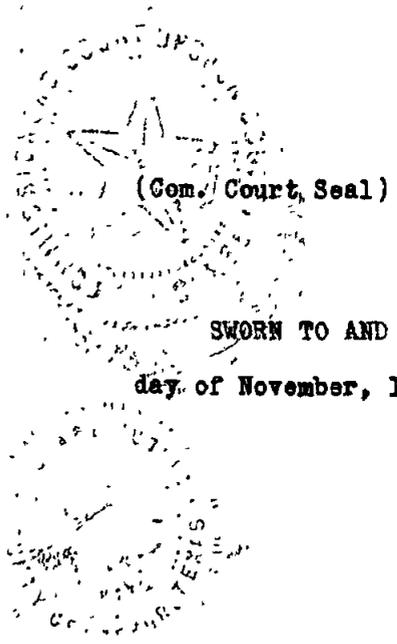
(4) That all of said notices were posted by him on the 2nd day of November, 1956, and which was more than 30 days prior to the date of said election.

(5) That he also had said notice published in THE GILMER WEEKLY MIRROR, a newspaper of general circulation in said Road District, and such notice was published in said newspaper for more than three successive weeks, namely, the first publication thereof being on November 8, 1956; the second publication being on November 15, 1956; and the third publication thereof being on November 22nd, 1956.

(6) A true copy of the election notice duly certified to and also a copy of the published notice of said election are hereto attached and made a part of this affidavit.

*R. C. Vivian*

(Signed) R. C. Vivian  
County Clerk and Ex-Officio Clerk  
of the Commissioners' Court of  
Upshur County, Texas.



SWORN TO AND SUBSCRIBED before me, this the 30<sup>th</sup>  
day of November, 1956.

*Rowen E. Lindsey*  
Notary Public, Upshur County, Texas.

24

NOTICE OF ROAD BOND ELECTION

THE STATE OF TEXAS            0  
COUNTY OF UPSHUR            0

TO THE RESIDENT QUALIFIED ELECTORS OF  
ROAD DISTRICT NUMBER 1-C, OF UPSHUR COUNTY,  
TEXAS, WHO OWN TAXABLE PROPERTY IN SAID DISTRICT  
AND WHO HAVE DULY RENDERED THE SAME FOR TAXATION

TAKE NOTICE that an election will be held on the 6th day of December, 1956, within ROAD DISTRICT NUMBER 1-C, OF UPSHUR COUNTY, TEXAS, to determine if said Road District shall issue bonds, and if an annual ad valorem tax shall be levied annually on all taxable property within said District sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity, in pursuance of an ELECTION ORDER made and entered by the Commissioners' Court of Upshur County, Texas, on the 30th day of October, 1956, and which order is in words and figures as follows:

25.

ORDER OF THE COMMISSIONERS COURT ORDER-  
ING BOND ELECTION TO BE HELD IN ROAD  
DISTRICT NUMBER 1-C OF UPSHUR COUNTY,  
TEXAS.

THE STATE OF TEXAS            0  
COUNTY OF UPSHUR            0

ON THIS the 30th day of October, 1956, the County  
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:

- J. W. BRYCE,                    COUNTY JUDGE, Presiding; and
- JIM SHOCKEY,                   COMMISSIONER, Precinct No. 1;
- BRYANT HOLMES,                 COMMISSIONER, Precinct No. 2;
- CLOE SPENCER,                 COMMISSIONER, Precinct No. 3;
- FORACE MORRIS,                 COMMISSIONER, Precinct No. 4;

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

There came on to be heard and considered the petition  
of C. A. Johnson and more than fifty other persons, as res-  
ident property taxpaying voters of ROAD DISTRICT NUMBER 1-C,  
OF UPSHUR COUNTY, TEXAS, praying this Court for an order for  
an election to determine the following proposition:

"WHETHER OR NOT the bonds of ROAD DISTRICT NUMBER  
1-C, OF UPSHUR COUNTY, TEXAS, shall be issued in the  
total principal sum of ONE HUNDRED THOUSAND DOLLARS  
(\$100,000.00) for the purpose of constructing, main-  
taining and operating macadamized, graveled or paved  
roads and turnpikes, 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 Two (2)  
years from the date thereof, and whether or not ad va-  
lorem 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."

26.

AND IT APPEARING to the Court that said petition was presented to this Court on the 13th day of October, 1956, and that it is duly signed by more than fifty (50) resident qualified property taxpaying voters of said ROAD DISTRICT NUMBER 1-C, OF UPSHUR COUNTY, TEXAS: and

IT FURTHER APPEARING to the Court that on said date, to-wit: October 13, 1956, by order duly passed and entered of record, this Court set said petition down for hearing before the Commissioners' Court at a session thereof to be held in the Commissioners' Court Room in the Courthouse in the City of Gilmer, Texas, on the 30th day of October, 1956, at ten o'clock A. M., which was not less than fifteen (15) days nor more than thirty (30) days from the date of the aforesaid order setting such petition down for hearing; and

IT FURTHER APPEARING to this Court, from the evidence submitted, that notice of this hearing was thereupon given by the County Clerk in the time and manner required by law, and which notice informed all persons concerned of the time and place of such hearing, and of their right to appear at such hearing and contend for or protest the ordering of such bond election; and further, that the aforesaid notice also stated the amount of the bonds proposed to be issued, and described the boundaries of said Road District, as such boundaries are described and defined in the order of this Court creating and establishing said Road District; and further, that the aforesaid notice also designated the roads to be maintained, graveled, coated with oil and operated; and,

IT FURTHER APPEARING to the Court, and the Court so finds from the evidence submitted, that the Clerk of this Court, pursuant to the order setting said petition down for hearing, posted and published the notices of such hearing in the time and manner required by law; that is to say - - -

(a) The County Clerk and Ex-Officio Clerk of the Commissioners' Court of Upshur County, Texas, executed said notice by posting true copies thereof in the following three public places within

27.

ROAD DISTRICT NUMBER 1-C, OF UPSHUR COUNTY, TEXAS, to-wit:

- ONE COPY at Carl Sorrell's Store, West Mountain;
- ONE COPY at C. F. Pitman's Store, East Mountain; and
- ONE COPY at Milton Lester's Store, Ashland;

(b) That the said County Clerk also posted a true copy of such notices at the door of the County Courthouse of Upshur County, in the City of Gilmer, Texas.

(c) That each and all of the three copies of the notice of this hearing were posted by the County Clerk at the three public places in said Road District, above described, on the 15th day of October, 1956; that each of said places was a public place in said Road District; that each of the notices posted at said places were posted in a conspicuous position; that each of said places was accessible to the public; and that each of said notices so posted at each of said places was posted so as to be easily visible to the public;

(d) That the copy of the notice of this hearing, posted by the County Clerk at the Courthouse door, as aforesaid, was posted on the 15th day of October, 1956, and that such notice was posted at said place so as to be easily visible to the public;

(e) That the said County Clerk also caused said notice of this hearing to be published, in THE GILMER MIRROR, which is a newspaper of general circulation in the <sup>said</sup> County, and which said notice was published in said newspaper on the 18th day of October, 1956, which date was at least five days prior to the hearing set for the consideration of such petition.

AND WHEREAS, on this, the 30th day of October, 1956, and being the date fixed for hearing said petition, the same came on to be heard in due and regular order; and,

28.

WHEREAS, it appearing to the Court at this hearing that, if said bonds are voted and issued, the money received from the sale thereof will be applied to maintaining, graveling and applying an oil coat to and operating the following described graveled roads now in said district, and which roads are now a part of the Road District's system of roads, and no part of the State Highway System:

(1) County Road beginning at State Highway No. 154 at Douglas Davis' Store and running in a southeasterly direction to the Gregg County Line and commonly known as the Shipp Road.

(2) County Road beginning at New Bethlehem Baptist Church and running generally South to the Gregg County Line.

(3) County Road beginning at Farm to Market Road No. 1650 at Milton Bash's place and running generally West to its intersection with Shipp Road above described.

(4) County Road beginning at State Highway No. 154 at Mrs. Harvey's Store and running generally South to the Shipp Road above described.

(5) County Road beginning at State Highway No. 154 at Clarence Hill's house and running South by Indian Rock Cemetery to the Shipp Road above described.

(6) County Road beginning at U. S. Highway No. 271 at Langford's Nursery and running generally East to the Shipp Road above described.

(7) County Road beginning at Farm to Market Road No. 1403 known as the Glenwood Road, at Ervin Hills Colored Housing Project and running generally South to the East Mountain-Union Grove Road at Fobie Tuttle's house and generally known as the Pattonfield Road.

(8) County Road beginning at the Glenwood Road at the Will Barber place and running generally West to the Pattonfield Road.

(9) County Road beginning at Piedmont Colored School and running generally East to the Pattonfield Road.

(10) County Road beginning at U. S. Highway No. 271 at Icie Phillips' place and running generally North to the Pattonfield Road.

(11) County Road beginning at the Glenwood Road at George Sanders Place and running generally South to the Glenwood-West Mountain Road, and generally known as the Bain Road.

(12) County Road beginning on Glenwood Road near old McClelland Place and running generally Northeast to Dead End.

(13) County Road beginning at the Glenwood Road at Woodland Baptist Church and running generally West to the Bain Road above described.

29,

(14) County Road beginning at the Bain Road above described at E. A. Blalack's Place and running generally West to the Pattonfield Road.

(15) County Road beginning at the Bain Road above described at Carl Pittman's Place and running generally West to its intersection with road running from Bain Road to Pattonfield Road.

(16) County Road beginning at Glenwood-West Mountain Road at Virgil Smith's Place and running generally South to the East Mountain-West Mountain Road.

(17) County Road beginning at the Glenwood-Thornton City Road at the Glenwood Cemetery and running generally West and South to the Glenwood-Thornton City Road.

(18) County Road beginning at East Mountain-Union Grove Road at the East Mountain School and running generally West to the East Mountain-Union Grove Road.

(19) County Road beginning at East Mountain-Union Grove Road at King Landers' place and running generally South by General American Warehouse to paved road at the Cureton house and East from Clemon Johnson's home to Larry Ortlan's home and North to paved road.

(20) County Road beginning at East Mountain-Union Grove Road at Uncle Joe Miller's place and running generally South to paved road.

(21) County Road beginning at Farm to Market Road No. 1649 at Townsend's Store and running generally East by Valley View School to Graceton and generally known as the Valley View Road.

(22) County Road beginning at Farm to Market Road No. 1972 at Will Harris' Place and running generally South to Graceton.

(23) County Road beginning at Farm to Market Road No. 1972 at Graceton Church of Christ and running generally South by Maddox Cemetery to State Highway No. 154.

(24) County Road beginning at State Highway No. 154 at Louis Covin's Store and running generally North to Graceton.

(25) County Road beginning at State Highway No. 154 near Louis Covin's Store and running Southeast to State Highway No. 26 and generally known as the Ridge Road.

(26) County Road beginning at the Ridge Road above described at L. C. Brannon's house and running generally East to State Highway No. 26.

(27) All Streets in Diana, Texas.

(28) County Road beginning at State Highway No. 26 at Edward Simpson's place and running generally North to the North Line of Road District No. 1-C.

(29) County Road beginning at State Highway No. 26 at the North Line of Road District No. 1-C and running generally East to the Harrison County Line and generally known as the old Gilmer-Jefferson Public Road.

30.

(30) County Road running from James, Texas, North to the Old Gilmer-Jefferson Road above described.

(31) County Road running from the Old Buie Place South of Ashland, Texas, North to the Old Gilmer-Jefferson Public Road.

(32) County Road beginning at George Jones' Place North of State Highway No. 154 running generally East to its intersection with road running North from Ashland, Texas.

(33) County Road beginning on road running East from the George Jones' Place above mentioned and running North to Dead End.

(34) County Road beginning at road running North from Ashland, Texas, at Dock Richard's Place and running generally East to Harrison County Line by Barber's Place.

(35) County Road beginning on State Highway No. 26 near East End of Ridge Road above described, running Northeast through Old James, crossing State Highway No. 26 to Harrison County Line.

(36) County Road beginning on Road No. 35 immediately East of its intersection with State Highway No. 154, and running generally North to Dead End.

AND NOW, THEREFORE, on this, the 30th day of October, 1956, the Commissioners' Court of Upshur County, Texas, by reason of investigations carefully made, and from all facts found and evidence submitted at this hearing, finds, AND IT IS THE ORDER AND JUDGMENT OF THIS COURT:

(1) That the petition for said bond election is signed by more than fifty (50) of the resident qualified property taxpaying voters of ROAD DISTRICT NUMBER 1-C, OF UPSHUR COUNTY, TEXAS, and who had duly rendered their property for taxation.

(2) That due notice of the hearing had on such petition has been issued, made and given in the time and form and manner required by law.

(3) That the proposed improvements will be for the benefit of all taxable property situated within the boundaries of said ROAD DISTRICT NUMBER 1-C, OF UPSHUR COUNTY, TEXAS.

51.

IT IS, THEREFORE, FURTHER CONSIDERED AND FOUND AND ORDERED BY THE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS:

I.

That an election shall be, and is hereby ordered to be held within ROAD DISTRICT NUMBER 1-C, OF UPSHUR COUNTY, TEXAS, on the 6th day of December, 1956, and which date is not less than thirty (30) days from the date of this order, at which election the following proposition shall be submitted:

"WHETHER OR NOT the bonds of ROAD DISTRICT NUMBER 1-C, OF UPSHUR COUNTY, TEXAS, shall be issued in the total principal sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, 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 Two (2) 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."

The roads to be maintained, graveled, coated with oil and operated with the proceeds of the sale of said bonds are hereinabove described.

II.

IT IS FURTHER ORDERED THAT said election shall be held under the provisions of the laws of the State of Texas, particularly Chapter 16, of the General Laws of the State of Texas, passed by the Thirty-ninth Legislature, at its First Called Session in 1926.

32,  
III.

IT IS FURTHER ORDERED THAT all persons who are legally qualified voters of this State, and of this County, and who are resident property taxpaying voters in ROAD DISTRICT NUMBER 1-C, OF UPPER COUNTY, TEXAS, and who have duly rendered their property for taxation, shall be entitled to vote at said election, and all voters desiring to support the proposition to issue the bonds and levy the tax shall have written or printed on their ballots the words:

"FOR THE ISSUANCE OF BONDS AND THE LEVY  
OF AD VALOREM TAXES IN PAYMENT THEREOF.

And, those opposed, shall have written or Printed on their ballots, the words:

"AGAINST THE ISSUANCE OF BONDS AND THE  
LEVY OF AD VALOREM TAXES IN PAYMENT  
THEREOF."

IV.

The polling places and the Presiding Officers of said election shall be, respectively, as follows:

Southeast Gilmer, VOTING PRECINCT NUMBER 1, at County Courtroom, Courthouse, Gilmer, Texas, Matt Camp, Presiding Judge;

Glenwood, VOTING PRECINCT NUMBER 5, at Schoolhouse, Newey Webb, Presiding Judge;

West Mountain, VOTING PRECINCT NUMBER 9, at Schoolhouse, Mrs. Clinton Clark, Presiding Judge;

Diana, VOTING PRECINCT NUMBER 18, at Schoolhouse, D. D. Cobb, Presiding Judge;

East Mountain, VOTING PRECINCT NUMBER 21, at Schoolhouse, C. A. Johnson, Presiding Judge; and

33,

Union Grove, VOTING PRECINCT NUMBER 27, at Schoolhouse,  
Fred Watkins, Presiding Judge.

V.

IT IS FURTHER ORDERED THAT the manner of holding such election and canvassing and making returns thereof, shall be governed by the General Laws of this State, when not in conflict with the provisions of Chapter 16, of the General Laws passed by the Thirty-ninth Legislature, at its Called Session in 1926.

VI.

IT IS FURTHER ORDERED THAT notice of said election shall be given by publication of a copy of this order in THE GILMER MIRROR, a newspaper published in Upshur County, Texas, for three successive weeks before the date of the said election; and, in addition thereto, there shall be posted other copies of this order at three public places in said ROAD DISTRICT NUMBER 1-0, and also at the door of the County Courthouse in the City of Gilmer, Texas, and all of which notices shall be posted for at least thirty days immediately prior to said election.

The County Clerk is hereby authorized, ordered and directed to post and publish notices of said election as hereinabove directed, and further orders are reserved until the returns of said election are made by the duly authorized election officers and received by this Court. The duties herein imposed upon the Clerk may be performed by said Clerk or by Deputy, as provided by law for other similar duties.

PASSED AND APPROVED, This the 30th day of October,  
1956.

34.

(Signed) J. W. Bryce  
County Judge, Upshur County, Texas.

(Signed) Jim Shockey  
Commissioner of Precinct No. 1.

(Signed) Bryant Holmes  
Commissioner of Precinct No. 21

(Signed) Cloc Spencer  
Commissioner of Precinct No. 3.

(Signed) Horace Morris  
Commissioner of Precinct No. 4.

The above order having been read, it was moved by Commissioner Jim Shockey, and seconded by Commissioner Cloc Spencer, that it be passed. Whereupon the question being called for, the following members of the Court voted "AYE": Commissioners Shockey, Holmes, Spencer and Morris; and the following voted "NO": None.

MINUTES APPROVED, This the 30th day of October, 1956.

(Signed) J. W. Bryce  
County Judge, Upshur County, Texas.

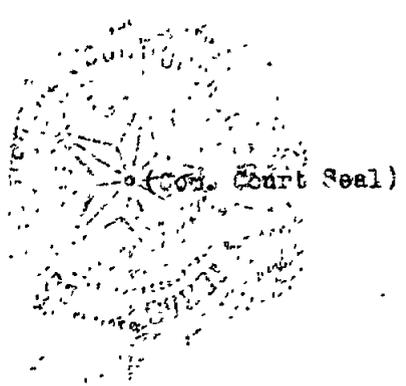
35.

The above and foregoing NOTICE is issued and given by me pursuant to authority conferred by the above and foregoing order of the Commissioners' Court of said County, and I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of the order of said Court, ordering said bond election, and also the Minutes showing the passage thereof.

WITNESS MY HAND WITH THE SEAL OF THE COMMISSIONERS' COURT AFFIXED, this the 2nd day of November, 1956.

*R. G. Vivian*

(Signed) R. G. Vivian  
County Clerk and Ex-Officio Clerk  
of the Commissioners' Court of  
Upshur County, Texas.



36.

ORDER CANVASSING RETURNS AND  
DECLARING RESULT OF BOND ELEC-  
TION IN ROAD DISTRICT NUMBER  
1-C, OF UPSHUR COUNTY, TEXAS

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THE STATE OF TEXAS            ◊  
COUNTY OF UPSHUR            ◊

ON THIS, the 10th day of December, 1956, the Commis-  
sioners' Court of Upshur County, Texas, being in regular  
session, a quorum being present and in attendance, among  
other business had by said Court was the following:

Commissioner Shockey introduced the following order  
and moved its adoption:

WHEREAS, on this the 10th day of December, 1956, there  
came on to be considered the returns of an election held in  
ROAD DISTRICT NUMBER 1-C, OF UPSHUR COUNTY, TEXAS, on the  
6th day of December, 1956, to determine whether or not the  
bonds of said Road District shall be issued in the total  
principal sum of \$100,000.00, for the purpose of construct-  
ing, maintaining and operating macadamized, graveled or  
paved roads and turnpikes, or in aid thereof, in said Dis-  
trict; and whether or not ad valorem taxes shall be levied  
annually on all taxable property within the said ROAD DIS-  
TRICT NUMBER 1-C, OF UPSHUR COUNTY, TEXAS, for the purpose  
of paying the annual interest on said bonds and to provide  
a sinking fund for the redemption or payment thereof at  
maturity; and,

IT APPEARING that said election was in all respects  
lawfully held, and said returns duly and legally made, and  
that there were cast at said election 452 votes, of which  
number 329 votes were cast "FOR THE ISSUANCE OF BONDS AND  
THE LEVY OF AD VALOREM TAXES IN PAYMENT THEREOF", and 123  
votes were cast "AGAINST THE ISSUANCE OF BONDS AND THE LEVY  
OF AD VALOREM TAXES IN PAYMENT THEREOF."

37.

IT IS, THEREFORE, ORDERED AND DECLARED, THAT the proposition to issue said bonds and levy said taxes was sustained by a two-thirds majority of the resident qualified property taxpaying voters of said Road District Number 1-C, who had duly rendered their property for taxation, voting at said election, and that the Commissioners' Court of Upshur County, Texas, is thereby authorized to issue the bonds upon the faith and credit of the said ROAD DISTRICT NUMBER 1-C, OF UPSHUR COUNTY, TEXAS, and to levy and have assessed and collected said taxes in payment thereof.

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

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, Holmes, Spender and Morris 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 10th day of December, 1956.

J. W. Bryce J. W. Bryce  
County Judge

Jim Shockey Jim Shockey  
Commissioner of Precinct No. 1

Bryant Holmes Bryant Holmes  
Commissioner of Precinct No. 2

Cloe Spencer Cloe Spencer  
Commissioner of Precinct No. 3

Horace Morris Horace Morris  
Commissioner of Precinct No. 4.

38.  
THE STATE OF TEXAS |

COUNTY OF UPSHUR |

BE IT REMEMBERED THAT on the 7 day of October, 1956, the Honorable Commissioners Court of Upshur County, Texas, met in regular session with the following officers and members present, to-wit:

J. W. Bryce, County Judge;  
Horace Morris, Commissioner of Precinct No. 4;  
Cloe Spencer, Commissioner of Precinct No. 3;  
Bryant Holmes, Commissioner of Precinct No. 2;  
Jim Shockey, Commissioner of Precinct No. 1; and  
R. C. Vivian, Clerk of the County Court,

said meeting being held in the Courtroom of said Commissioners at the Court House in Gilmer, Texas, when and where, among other proceedings, the following Resolution, Order and Decree was duly considered and adopted:

UPSHUR COUNTY SCHOOL LANDS, RESOLUTION

"WHEREAS, the Commissioners Court of Upshur County, Texas have determined that it is advisable to make an oil and gas lease of and upon the following described lands situated in Baylor County, Texas, to-wit:

Being Block Nos. 53, 54, 55, 56, 57 and 76 of the J. F. Crittenden Subdivision of the Upshur County School Lands, containing 240 acres, more or less, which land is owned by Upshur County, Texas; and

WHEREAS, The aforesaid Commissioners Court desires to give proper notice to intention to lease such lands and request bids therefor by publication of such notice in a newspaper of general circulation within Upshur County, Texas, for the time and in the manner required by law:

THEREFORE, Be ordered and resolved by the Court upon a motion duly made, seconded, and passed by this Court, that the Commissioners Court of Upshur County, Texas, give notice of its intention to lease the above described land for oil, gas or other mineral purposes and request bids therefor, and that said notice be duly published in Upshur County, Texas, in a newspaper of general circulation in said County, once a week for three consecutive weeks in the manner and for the time required by law and that the 19 day of Nov, 1956, at 10 o'clock A.M. be and the same is hereby designated as the time in the Courtroom of said Commissioners Court at the Court House in Gilmer, Texas, be and the same is hereby designated as the place where the Commissioners Court will receive and consider bids for such mineral leases as the Commissioners Court may determine to make.

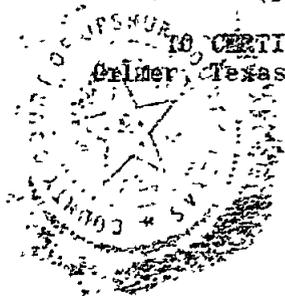
J. W. Bryce  
J. W. Bryce, County Judge

39.

THE STATE OF TEXAS    )

COUNTY OF UPSHUR        )

I, R. C. Vivian, Clerk of the County Court of Upshur County, Texas, do hereby certify that the above and foregoing is a true and correct copy of an order of the Commissioners Court of Upshur County, as the same now appears of record in Commissioners Court Minutes of Upshur County, Texas.



TO CERTIFY WHICH WITNESS MY HAND AND SEAL OF OFFICE, At Palmer, Texas, This 19 day of Nov, A.D. 1956.

R. C. Vivian  
Clerk of the County Court

1956 - Producers' 88 Special - Texas Form

Marilyn Stationery Co. - Dallas

#0.  
OIL AND GAS LEASE

AGREEMENT, Made and entered into this 19th day of November, 1956, by and between Upshur County, Texas, a political subdivision, acting by and through the undersigned members of the Commissioner's Court of said County, hereinafter called Lessor, and A. R. Dillard, hereinafter called Lessee:



IN TESTIMONY WHEREOF, we sign, this 19th day of November, 1956

<p>42</p> <p>County Judge <u>J. W. Bryce</u></p>	<p><u>Horace Morris</u> Horace Morris</p> <p><u>Cloe Spencer</u> Cloe Spencer</p> <p><u>Bryant Holmer</u> Bryant Holmer</p> <p><u>Jim Shockey</u> Jim Shockey</p> <p>Commissioners</p>
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SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS, COUNTY OF UPSHUR

BEFORE ME, the undersigned, a Notary Public,

in and for said County, Texas, on this day personally appeared HORACE MORRIS, CLOE SPENCER, BRYANT HOLMES, JIM SHOCKEY and J. W. BRYCE

known to me to be the person whose name are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 19 day of November, A D 19 56

R. C. ... County Clerk, Notary Public, Upshur County, Texas

JOINT ACKNOWLEDGMENT

THE STATE OF TEXAS, COUNTY OF

BEFORE ME, the undersigned, a Notary Public,

in and for said County, Texas, on this day personally appeared and

his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said

wife of the said having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said

acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This day of, A D 19

(L S)

WIFE'S SEPARATE ACKNOWLEDGMENT

THE STATE OF TEXAS, COUNTY OF

BEFORE ME, the undersigned, a Notary Public,

in and for said County, Texas, on this day personally appeared, wife of

known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said

acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This day of, A. D. 19

(L S)

CORPORATION ACKNOWLEDGMENT

THE STATE OF TEXAS, COUNTY OF

BEFORE ME, the undersigned, a Notary Public,

in and for said County, Texas, on this day personally appeared

known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said

a corporation and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This day of, A. D. 19

(L S)

OIL AND GAS LEASE

FROM

TO

Dated No Acres County, Texas Term This instrument was filed for record on the day of .19 at and duly recorded in Volume Page of the records of this office County Clerk Deputy When recorded return to MARTIN Stationery Co., Dallas

44.

THE STATE OF TEXAS |  
 COUNTY OF UPSHUR |

WHEREAS, on the 9th day of May, 1955, the Commissioners Court of Upshur County, Texas, acting as such, did make, execute and deliver to C. B. Johnson of Lubbock County, Texas an oil and gas lease, and being 2,000 acres of land more or less in the Rockmorton County out of the Crittenden Sub-division Survey

WHEREAS, a dispute has arisen between said parties as to the termination date of said lease, and

WHEREAS, said parties have this date mutually agreed to extend the terms and conditions of said lease upon the hereinafter terms and conditions; that is, the hereinafter terms and conditions are substituted in lieu of Paragraph Five (5) of said oil and gas lease wherein it is provided that said lease might be extended after the primary term by the continuous drilling of oil and gas wells upon said land and premises as provided for in Paragraph Five (5) of said oil and gas lease, to which said paragraph of said oil and gas lease reference is here made for all purposes and in lieu of said Paragraph Five (5) which is mutually agreed to be disregarded for future purposes in determining the termination period of said oil and gas lease and said Paragraph Five (5) shall no longer be considered a part of the lease contract between said parties and the following terms and conditions substituted therefor.

It is mutually agreed that the primary term of the original lease as executed shall be extended to and include June 22, 1958 without regard to Paragraph Five (5) in said original oil and gas lease, and unless oil and gas or other minerals are being produced by C. B. Johnson or his assigns under said oil and gas lease on the 22nd day of June, 1958,

45.

then all rights granted, created or given by this instrument or the original oil and gas lease shall be considered as terminated and said D. B. Johnson, lessee in said original oil and gas lease, does hereby agree that unless oil and gas or other minerals are being produced on said premises on or before the 22nd day of June, 1958, that this instrument shall serve as a release and re-assignment of all rights that he may have under and by virtue of said original oil and gas lease. For and in consideration of this agreement, the said C. B. Johnson hereby agrees to drill four (4) test oil wells upon the premises covered by said oil and gas lease to a depth to sufficiently test the tannehell sand, which said sand is known to exist under said land covered by said lease, and the said C. B. Johnson shall begin the drilling of test well No. One on said land on or before the 19th day of May, 1957 and unless oil and gas/are discovered in paying quantities in well No. One, then he shall begin the drilling of well No. Two and Three on or before the 31st day of December, 1957, and unless oil and gas are discovered in either of the above numbered wells in paying quantities, he shall begin the drilling of well No. Four on or before the 22nd day of January, 1958, and his failure to drill said oil wells or either of them within the time and period allowed, shall be considered as a breach of said contract and all rights granted by said oil and gas lease shall revert back to and become the property of Upshur County, Texas.

Witness our hands this the 19th day of November, 1956.

C. B. Johnson  
 C. B. Johnson

Jim Shockey  
 Jim Shockey  
 Commissioner Precinct No. 1

Cleo Spencer  
 Cleo Spencer  
 Commissioner, Precinct No. 3

Bryant Holmes  
 Bryant Holmes  
 Commissioner, Precinct No. 2

Horace Morris  
 Horace Morris  
 Commissioner, Precinct No. 4

Hon. J. W. Bryce, County Judge

46.

THE STATE OF TEXAS |  
COUNTY OF UPSHUR |

BEFORE ME, the undersigned authority, on this day personally appeared C. B. Johnson, known to me to be the person whose name is subscribed to the above and foregoing instrument and who acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the 19th day of November, 1956.

*W.B. Gorman*  
Notary Public in and for  
Upshur County, Texas



THE STATE OF TEXAS |  
COUNTY OF UPSHUR |

BEFORE ME, the undersigned authority, on this day personally appeared Jim Shockey, Commissioner of Precinct No. One; Cleo Spencer, Commissioner, Precinct No. Three; ~~Bryant Holmes~~, Commissioner, Precinct No. Two; Horace Morris Commissioner, Precinct No. Four, and ~~J.W. Bryce~~, County Judge of Upshur County, Texas, known to me to be the persons whose names are subscribed to the above and foregoing instrument, and who acknowledged to me that they and each of them executed the above and foregoing for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this the 19th day of November, 1956.

*W.B. Gorman*  
Notary Public in and for  
Upshur County, Texas



47. *De*  
THE STATE OF TEXAS }  
COUNTY OF UPSHUR }

BE IT REMEMBERED That on the 11th day of December, 1956, the Honorable Commissioners Court of Upshur County, Texas, met in special session with the following officers and members present, to-wit:

J. W. Bryce, County Judge;  
Horace Morris, Commissioner of Precinct No. 4;  
Cloe Spencer, Commissioner of Precinct No. 3;  
Bryant Holmes, Commissioner of Precinct No. 2;  
Jlm Shockey, Commissioner of Precinct No. 1; and  
R. C. Vivian, Clerk of the County Court,

said meeting being held in the courtroom of said Commissioners at the Courthouse in Gilmer, Texas, when and where, among other proceedings, the following Resolution, Order and Decree was duly considered and adopted:

UPSHUR COUNTY SCHOOL LANDS, RESOLUTION

"Whereas, The Commissioners Court of Upshur County, Texas, have determined that it is advisable to make an oil and gas lease of and upon the following described lands situated in Baylor County, Texas, to-wit:

Being Block Nos. 53, 54, 55, 56, 57 and 76 of the J. F. Crittenden Subdivision of the Upshur County School Lands, containing 240 acres, more or less, which land is owned by Upshur County, Texas;

and

WHEREAS, The aforesaid Commissioners Court desires to give proper notice to intention to lease such lands and request bids therefor by publication of such notice in a newspaper of general circulation within Upshur County, Texas, for the time and in the manner required by law :

THEREFORE, Be it ordered and resolved by the Court upon a motion duly made, seconded, and passed by this Court, that the Commissioners Court of Upshur County, Texas, give notice of its intention to lease the above described land for oil, gas or other mineral purposes and request bids therefor, and that said notice be duly published in Upshur County, Texas, in a newspaper of general circulation in said County, once a week for three consecutive weeks in the manner and for the time required by law, and that the 14th day of January, 1957, at 10:00 A.M., be, and the same is hereby designated as the time, in the Courtroom of said Commissioners Court at the Courthouse in Gilmer, Texas, be, and the same is hereby designated as the place where the Commissioners Court will receive and consider bids for such mineral leases as the Commissioners Court may determine to make."

*J. W. Bryce*  
\_\_\_\_\_  
J. W. Bryce, County Judge

*Horace Morris*  
\_\_\_\_\_  
Horace Morris, Commissioner of  
Precinct No. 4

43.

*Cloe Spencer*

Cloe Spencer, Commissioner of  
Precinct No. 3

*Bryant Holmes*

Bryant Holmes, Commissioner of  
Precinct No. 2

*Jim Shockey*

Jim Shockey, Commissioner of  
Precinct No. 1

*H. C. Vivian*

H. C. Vivian, Clerk of the County Court

49.

THE STATE OF TEXAS | IN THE 115TH JUDICIAL  
COUNTY OF UPSHUR | DISTRICT COURT OF TEXAS.

BE IT REMEMBERED that heretofore on or about October 1, 1956, Bruce Morris, Jr. was appointed and qualified as County Auditor of Upshur County, Texas, the salary being set at \$4,968.72 per year.

BE IT FURTHER REMEMBERED that it having been called to the attention of the Court, that because of the high cost of living, the salaries of all of the officials and deputies of Upshur County, Texas, have been raised by the Commissioners' Court of Upshur County, Texas, <sup>Експедиция</sup>

BE IT FURTHER REMEMBERED that the salary of the County Auditor is set on an annual basis <sup>1956 DEC 31 4 1 30</sup> payable in monthly installments, after taking into consideration the amount of salary received by the assessor and Collector of Taxes, which has been set for 1956, is the sum of \$5,465.64 per annum;

IT IS, THEREFORE, ORDERED and ADJUDGED by the Court that the salary of Bruce Morris, Jr., County Auditor of Upshur County, Texas, be and it is hereby set at \$5,465.64 per year, payable in monthly installments out of the General Fund of

Upshur County, Texas, effective December 1, 1956. *and the Clerk of the Court will certify this order to the Commissioners Court from County*

*H. P. Whelick*  
Judge, 115th Judicial District of Texas.

STATE OF TEXAS  
County of Upshur  
Clerk of the District Court of Upshur County, Texas, do hereby certify  
that the foregoing is a true and correct copy of Order  
now on file in Cause No. \_\_\_\_\_ in my office.  
Given under my hand and the seal of said Court, at office in Gilmer, Texas, this 26  
day of December, 19 56  
*J. P. [Signature]*  
Clerk District Court, Upshur County, Texas  
By \_\_\_\_\_  
Deputy

58.

THE STATE OF TEXAS                    |    IN THE 115TH JUDICIAL  
 COUNTY OF WOOD                        |    DISTRICT COURT, COMPOSED  
   |    OF WOOD AND UPSHUR COUNTIES,  
   |    TEXAS

BE IT REMEMBERED that Jack G. Scott was appointed Official Shorthand Reporter of the 115th Judicial District of Texas May 16, 1949; that he has served continuously since said date, and is now serving in such capacity.

BE IT FURTHER REMEMBERED, that heretofore, Article 2326, Chapter 13 Revised Civil Statutes of Texas, 1925, as amended by the Acts of the Fifty-Third Legislature, 1953, provided that the salary of the Official Shorthand Reporter of each Judicial District Court shall be fixed and determined by the District Judge, which salary, shall be in addition to the transcript fees and traveling and hotel expenses of said Official Shorthand Reporter as now provided by law;

IT IS THEREFORE ORDERED that as of January 1, 1957, the salary of Jack G. Scott, Official Shorthand Reporter of the 115th Judicial District of Texas, is hereby set, fixed, and determined at the sum of Six Thousand (\$6000.00) Dollars per annum to be payable in monthly installments by the Commissioners' Court of each county in the 115th Judicial District of Texas out of any available funds from which such Commissioners' Court may lawfully pay the same.

MADE AND ENTERED this 28th day of December, 1956, in Wood County, Texas, and Upshur County, Texas, and the Clerk of the District Court in each County is directed to enter this order on the Civil Minutes of the 115th Judicial District Court in his County. This order shall be certified by the Clerk of this court in each county of the district to the Commissioners' Court of his county for observance.

*H. F. C. Chadwick*  
 Judge, 115th Judicial District of Texas.

THE STATE OF TEXAS  
County of Upshur

*John S. Day*

Clerk of the District Court of Upshur County, Texas, do hereby certify

that the foregoing is a true and correct copy of *Order*

now on file in Cause No. \_\_\_\_\_ in my office.

Given under my hand and the seal of said Court, at office in Gilmer, Texas, this *21*

*day of December*, 19 *56*.

*John S. Day*  
Clerk District Court, Upshur County, Texas

By \_\_\_\_\_  
Deputy

52.

RESOLUTION ACCEPTING THE PROVISIONS OF  
STATE HIGHWAY COMMISSION MINUTE ORDER

THE STATE OF TEXAS } Oilmer, TEXAS

COUNTY OF UPSHUR } Dec. 10, 1956

MOTION was made by Harace Morris and seconded by Jim Shockey  
that the Upshur County Commissioners' Court  
accept the provisions contained in Minute Order No. 10150 passed by the  
State Highway Commission on November 21, 1956, for the improvement  
by the Texas Highway Department of the roads described below and that Upshur  
County agrees to furnish all required right-of-way free of cost to the State

From F.M. 852 near Union Hill, Northwest to Camp County Line, a distance of approxi-  
mately 7.8 miles.

From F.M. 556 near Matinburg, North to Camp County Line, a distance of approximately  
0.1 mile.

From end of proposed F.M. Road at Camp County Line, South to Road Intersection, a  
distance of approximately 0.3 mile.

~~Motion made by Bryant Johnson, seconded by Jim Shockey~~

VOYE on the motion was as follows

<u>Jim Shockey</u> yes	<u>Bryant Johnson</u> yes
<u>Harace Morris</u> yes	<u>Jim Shockey</u> yes
<u>Chas Spencer</u> yes	<u>Harace Morris</u> yes

WHEREUPON the motion was declared carried.

THE STATE OF TEXAS }

COUNTY OF UPSHUR }

I hereby certify that the foregoing is a true and correct copy of  
order passed by the Commissioners' Court of Upshur County, Texas,  
on 10-10-56, 1956.



A. Williams  
Clerk of County Court  
Upshur County, Texas

8-54-2142

INFORMATION FOR THE PRESS

FROM TEXAS HIGHWAY DEPARTMENT

The Texas Highway Commission has taken the first step to inaugurate a new two-year Farm-to-Market Road Program for Texas. E. H. Thornton, Jr., Chairman of the Highway Commission, stated that the funds for this 1957 and 1958 program are derived from federal-aid highway funds, matched with state highway funds on a dollar-for-dollar basis.

Gilbert A. Youngs, District Engineer of the Texas Highway Department at Atlanta, has stated that the following farm-to-market roads in this area are scheduled for work under this program:

UPSHUR COUNTY: From F.M. 852 near Union Hill, Northwest to Camp County Line, a distance of approximately 7.8 miles.

CAMP COUNTY: From F.M. 556, 1.0 mile Northeast of Upshur County Line, South to Upshur County Line, a distance of approximately 0.6 mile.

NOTE: These comprise the road known locally as "Union Hill-Bramley Road" extended to F.M. 556 Northeast of Matinburg.

UPSHUR COUNTY: From F.M. 556 near Matinburg, North to Camp County Line, a distance of approximately 0.1 mile.

CAMP COUNTY: From end of proposed F.M. Road at Upshur County Line near Matinburg, Northwest, West and South to Upshur County Line, a distance of approximately 4.4 miles.

UPSHUR COUNTY: From end of proposed F.M. Road at Camp County Line, South to Road Intersection, a distance of approximately 0.3 mile.

NOTE: These three projects are on the "County Line Road" from near Matinburg to near "Davis' Store."

It was announced that work will begin on these projects as soon as final planning is completed and necessary right of way secured. Sr. Resident Engineer Temple B. Ingram of Gilmer will be in charge of the work in this area.

FILED  
DEC 10 1957  
R. C. ALLEN  
CLERK, UPSHUR COUNTY

RESOLUTION ACCEPTING THE PROVISIONS OF  
STATE HIGHWAY COMMISSION MINUTE ORDER

THE STATE OF TEXAS | Ollner, TEXAS  
COUNTY OF UPSHUR | \_\_\_\_\_, 195

MOTION was made by Harold Morris and seconded by Jim  
Shelton that the Upshur County Commissioners' Court  
accept the provisions contained in Minute Order No. 11150 passed by the  
State Highway Commission on November 21, 1956, for the improvement  
by the Texas Highway Department of the roads described below and that Upshur  
County agrees to furnish all required right-of-way free of cost to the State.

From F.M. 852 near Union Hill, Northwest to Camp County Line, a distance of approxi-  
mately 7.8 miles.

From F.M. 556 near Matinburg, North to Camp County Line, a distance of approximately  
0.1 mile.

From end of proposed F.M. Road at Camp County Line, South to Road Intersection, a  
distance of approximately 0.3 mile.

VOYE on the motion was as follows:

W. Bryce Bryant Thomas  
Jim Shelton  
Chas. Spencer Harold Morris

WHEREUPON the motion was declared carried.

THE STATE OF TEXAS |  
COUNTY OF UPSHUR |

I hereby certify that the foregoing is a true and correct copy of  
order passed by the Commissioners' Court of Upshur County, Texas,  
on 10 Dec, 1956.

R. Williams  
Clerk of County Court  
Upshur County, Texas

(Seal)

8-54-2142

# County Depository Pledge Contract

RECEIVED  
State Comptroller  
FEB 25 1957  
No. 7  
Austin, Texas

STATE OF TEXAS,  
County of Upsnur KNOW ALL MEN BY THESE PRESENTS:

That The Farmers and Merchants National Bank,  
of Gilmer, \$Upshur County, Texas, does hereby pledge  
and deposit the following securities with the Commissioners' Court of Upshur  
County, in the amount of Two hundred forty eight thousand Four hundred Dollars,  
upon the terms and conditions and for the purposes hereinafter set forth.

SECURITIES	AMOUNT
1 <u>U.S. Treas Bond of 1957-59</u>	\$ <u>15,000.00</u>
2 <u>U.S. Treas Bonds 1959-62</u>	\$ <u>49,000.00</u>
3 <u>U.S. Treas Bonds 1964-69</u>	\$ <u>10,000.00</u>
4 <u>U.S. Treas. Bonds of 1961</u>	\$ <u>44,000.00</u>
5 <u>U.S. Treas. Bonds 1956-58</u>	\$ <u>3,500.00</u>
6 <u>U.S. Treas Bonds 1967-72</u>	\$ <u>6,500.00</u>
7 <u>U.S. Treas Bonds 1967-72</u>	\$ <u>50,000.00</u>
8 <u>U.S. Treas. Bonds 1967-72</u>	\$ <u>5,400.00</u>
9 <u>City of Alvord Texas Wat-Sew.</u>	\$ <u>20,000.00</u>
10 <u>City of Belton, Water and Sewer</u>	\$ <u>6,000.00</u>
11 <u>Donley County Texas Water Control</u>	\$ <u>10,000.00</u>
<u>Shelby County Texas Fresh Water Supply</u>	<u>10,000.00</u>
12 <u>Gregg County Texas Perm. Improv</u>	\$ <u>5,000.00</u>
<u>City of Overton, Texzs Water and Sewer</u>	<u>14,000.00</u>
TOTAL	\$ _____

Signed, sealed and dated this the 11th day of Feb, A D 19 57.

X The conditions of the above contract are such that, whereas, the above bounden pledgor  
The Farmer and Merchants National Bank on the 11th day of February, A D 19 57,  
duly and legally chosen by the Commissioners' Court of Upshur County, Texas,  
as County Depository for said county for a period of two years ending sixty days from the time fixed

by law for the next selection of a depository, upon its bidding and agreeing to pay the County of \_\_\_\_\_ None interest on "time deposits" on daily balances kept in said depository of said County of Upshur at the rate of None per cent per annum, said interest payable monthly.

NOW, THEREFORE, if the above bounden pledgor The Farmers and Merchants National Bank, Gilmer, Texas. shall faithfully do and perform all the duties and obligations devolving on it by law as the county depository of Upshur County, and shall upon presentation pay checks drawn on it by the county treasurer of Upshur County, Texas, on "demand deposits" accounts in such depository; and all checks drawn upon any "time deposit" account upon presentation, after the expiration of the period of notice required in the case of "time deposits," and shall faithfully keep said county funds, and account for same according to law, and shall faithfully keep and account for all funds belonging to the county which are deposited with it under the requirements of Article 2547, Vernon's Annotated Revised Civil Statutes, and shall include State funds collected by the tax collector, and shall pay the interest at the time and at the rate hereinbefore stipulated on "time deposits"; and shall, at the expiration of the term for which it has been chosen, turn over to its successor all the funds, property, and other things of value, coming into its hands as depository, then and in that event this contract is to be and become null and void and the securities above shall be returned to the pledgor, otherwise to remain in full force and effect, hereby specially authorizing the Commissioners' Court of Upshur County, Texas, to sell at public or private sale, with or without notice to the pledgor, the securities, or any part thereof, and apply the proceeds of sale to the satisfaction of any indebtedness arising by virtue of the violation of any or all the conditions of this contract

The above provision is given in addition to any remedy the pledgee may have in any suit brought on this contract in any court in this State

Any suit arising out of or in any way connected with this contract, shall be tried in the County of Upshur and State of Texas in any Court therein having jurisdiction of the subject matter thereof.

IN WITNESS of all which we have hereunto set our hands and the said Farmers and Merchants National Bank, Gilmer, Texas. has caused these presents to be signed with its name and by its president and attested and sealed with its corporate seal the day and year first above written



Farmers and Merchants National Bank,  
Gilmer, Tex as.

By \_\_\_\_\_

*C. F. Carter*  
President as Principal

President as Principal

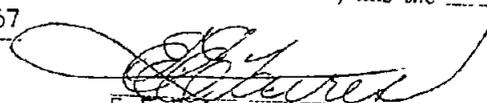
### ACKNOWLEDGMENT

STATE OF TEXAS, }  
County of Upshur } BEFORE ME, E.E. Faires

on this day personally appeared C.T. Crosby, President  
President of Farmers and Merchants National Bank, Gilmer, Texas.  
(Corporation)

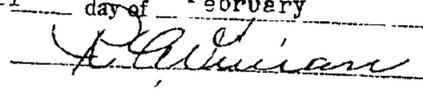
known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of the Farmers and Merchants National Bank, a corporation, for the purpose and consideration therein expressed and in the capacity therein stated

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 11th day of Feb, A D 19 57

  
E.E. Faires Notary Public in and for  
Upshur County, Texas



The within contract showing approval by the Commissioners' Court of this County, and the Comptroller of Public Accounts of the State of Texas was filed for record on the 21 day of February, 19 57, and duly recorded in Book 12, Page 35, Bond Record of Upshur County, Texas.

WITNESS my hand and seal of office, this the 21 day of February, 19 57  
  
County Clerk, Upshur County

#### NOTE

- 1 Articles 2547 and 2548A. Vernon's Annotated Revised Civil Statutes, prescribe character of securities that may be pledged
- 2 Securities pledged are to be accepted at their market value and not at their face value
- 3 This form of Pledge Contract was prescribed by the Attorney General and should be strictly adhered to
- 4 This blank form should be used where it is possible

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

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THE STATE OF TEXAS |  
COUNTY OF UPSHUR |

ON THIS the 16th day of March, 1957, 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:

J. W. BRYCE,	COUNTY JUDGE, Presiding; and
JIM SHOCKEY,	COMMISSIONER, Precinct No. 1;
BRYANT HOLMES,	COMMISSIONER, Precinct No. 2;
CLOE SPENCER,	COMMISSIONER, Precinct No. 3;
HORACE MORRIS,	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-C, OF UPSHUR COUNTY, TEXAS, was duly created by order of the Commissioners' Court of said County, duly passed and entered of record on the 1st day of October, 1956, 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-C, OF UPSHUR COUNTY, TEXAS, on the 6th day of December, 1956, a two-thirds majority of the qualified resident property taxpaying voters of said District, who had duly rendered their property for taxation, 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 ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), 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 proceedings 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-C, of Upshur County, Texas, to be known as "ROAD BONDS OF ROAD DISTRICT NUMBER 1-C, OF UPSHUR COUNTY, TEXAS", be issued on the faith and credit of Road District Number 1-C, of Upshur

5

-2-

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, as its First Called Session in 1926, as amended.

II.

That said bonds shall be 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-C, OF UPSHUR COUNTY, TEXAS.

III.

That said bonds shall be numbered consecutively from One (1) to Twenty (20), both inclusive, and shall be of the denomination of FIVE THOUSAND DOLLARS (\$5,000.00) each, aggregating ONE HUNDRED THOUSAND DOLLARS (\$100,000.00).

IV.

That said bonds shall be dated the 1st day of March, 1957, and shall become due and payable serially according to the following schedule:

<u>BOND NUMBERS (ALL INCLUSIVE)</u>	<u>MATURITY DATES</u>	<u>TOTAL AMOUNT DUE</u>
1 to 10	March 1, 1958	\$50,000.00
11 to 20	March 1, 1959	\$50,000.00

V.

That said bonds shall bear interest from date until paid at the rate of THREE PER CENTUM (3%) per annum; such interest to be evidenced by proper coupons attached to each of said bonds, and said interest shall be payable on March 1, 1958, and annually thereafter on March 1st, of each year.

VI.

That both principal and interest of said bonds shall be payable in lawful money of the United States of America,

upon presentation and surrender of bonds or proper coupons, at the Office of the County Treasurer of Upshur County at Gilmer, Texas.

VII.

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.

VIII.

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.

IX.

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

NO. \_\_\_\_\_ UNITED STATES OF AMERICA \$5,000.00  
 STATE OF TEXAS  
 COUNTY OF UPSHUR  
 ROAD BOND OF ROAD DISTRICT NUMBER 1-C  
 OF UPSHUR COUNTY, TEXAS.

KNOW ALL MEN BY THESE PRESENTS: That Road District Number 1-C, of Upshur County, Texas, FOR VALUE RECEIVED, acknowledges itself indebted to and hereby promises to pay to bearer FIVE THOUSAND DOLLARS (\$5,000.00) in lawful money of the United States of America on the FIRST DAY OF MARCH, \_\_\_\_\_, with interest thereon from the date hereof until paid at the rate of Three per centum (3%) per annum, payable on the First day of March, 1956, and annually thereafter on March 1st of each year on presentation and surrender of the proper interest coupons annexed hereto.

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BOTH PRINCIPAL and interest of this bond are hereby made payable at OFFICE OF THE COUNTY TREASURER OF UPSHUR COUNTY, AT GILMER, TEXAS, without exchange or collection charges to the owner or holder, 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-C, of Upshur County, Texas, are hereby irrevocably pledged.

THIS BOND is one of a series of bonds, numbered consecutively from One (1) to Twenty (20), both inclusive, in denomination of FIVE THOUSAND DOLLARS (\$5,000.00) each, aggregating ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) 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-C, 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 as amended, 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 March 1, 1957.

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-C, of Upshur County, Texas, at an election held for that purpose within said District on the 6th day of December, 1956, pursuant to a hearing duly held in the time and manner required by law; that all acts,

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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.

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x.

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

NO. \_\_\_\_\_ ON THE 1st DAY OF MARCH, \_\_\_\_\_ \$ \_\_\_\_\_

ROAD DISTRICT NUMBER 1-C, 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

ONE HUNDRED FIFTY AND no/100 DOLLARS,

(\$150.00), being one year's interest due that day on "ROAD BOND OF ROAD DISTRICT NUMBER 1-C, OF UPSHUR COUNTY, TEXAS", dated March 1, 1957, Bond No. \_\_\_\_\_.

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

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

- XI.

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

OFFICE OF COMPTROLLER            I  
STATE OF TEXAS                        I            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-C, 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 \_\_\_\_\_, 1957.

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

XII.

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

10.

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 there is hereby levied for each of the years while said bonds or any part of the principal thereof or interest thereon remains outstanding and unpaid, a continuing direct ad valorem tax upon all taxable property within said Road District Number 1-C, of Upshur County, Texas, sufficient to pay the interest on such bonds as the same becomes due and to create a sinking fund for their retirement, and a tax of sixty cents (60¢) on each one Hundred dollars' valuation of taxable property in the said ROAD DISTRICT NUMBER 1-C, 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.

XIII.

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 Five (5) both inclusive, and bonds numbers Eleven (11) to Fifteen (15) both inclusive, aggregating \$50,000.00, being sold to the said First National Bank of Gilmer, Texas, and bonds numbers Six (6) to Ten (10), both inclusive, and bonds numbers Sixteen (16) to Twenty (20), both inclusive, aggregating \$50,000.00, being sold to the Farmers and Merchants National Bank of Gilmer, Texas, 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.

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## XIV.

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 HORACE MORRIS.

The County Judge thereupon put the motion and order to vote of the members of said Court, and the said order was unanimously passed and adopted by the following votes, to-wit: Commissioners Shockey, Holmes, Spencer and Morris 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 16th day of March, 1957.

(Signed) J. W. Bryce  
County Judge

(Signed) Jim Shockey  
Commissioner of Precinct No. 1;

(Signed) Bryant Holmes  
Commissioner of Precinct No. 2;

(Signed) Cloe Spencer  
Commissioner of Precinct No. 3;

(Signed) Horace Morris  
Commissioner of Precinct No. 4;

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THE STATE OF TEXAS     |  
COUNTY OF UPSHUR     |

BE IT REMEMBERED That on the 14th day of January, 1957, the Honorable Commissioners Court of Upshur County, Texas, met in regular session with the following officers and members present, to-wit:

J. W. Fryce, County Judge;  
Jim Shockey, Commissioner of Precinct No. 1;  
Bryant Holmes, Commissioner of Precinct No. 2;  
Cloe Spencer, Commissioner of Precinct No. 3;  
Horace Merris, Commissioner of Precinct No. 4;  
R. C. Vivian, Clerk of the County Court,

said meeting being held in the Courtroom of said Commissioners at the Courthouse in Gilmer, Texas, when and where, among other proceedings, the following Resolution, Order and Decree was duly considered and adopted:

UPSHUR COUNTY SCHOOL LANDS, RESOLUTION

"Whereas, at a regular meeting of the Commissioners Court of Upshur County, Texas, held December 11, 1956, said Commissioners Court resolved to hear bids for the making of oil, gas and mineral leases upon Upshur County School Lands, including the following described lands in Baylor County, Texas, to-wit:

Being Block Nos. 53, 54, 55, 56, 57, and 76 of the J. F. Crittenden Subdivision of the North Tract of the Upshur County School Lands, containing 240 acres, more or less, which land is owned by Upshur County, Texas;

and

WHEREAS, Notice of intention to lease said lands and requesting bids therefor has been duly published in Upshur County, Texas, in a newspaper of general circulation within the County, once a week for three consecutive weeks in the manner and for the time required by law, copies of such notice and the publisher's certificate being on file with this Court; and

WHEREAS, The Court having this day examined and considered all bids submitted, and it appearing to the Court that A. R. Dillard has made a bid for a lease covering the above described lands, the lease to be for a <sup>primary</sup> term ending November 9, 1958, and so long thereafter as oil and/or gas is produced from said lands, the lease to provide for a royalty to Upshur County of 1/8th in both oil and gas; providing that if Lessee shall fail to commence or cause to be commenced a well on said lands, within one year from the date of the lease, that said lease shall terminate; providing further for an annual delay rental in lieu of drilling of \$1.00 per acre, payable on November 9th each year, in the office of the County Treasurer of Upshur County, the said bidder offering a cash bonus for the lease of \$1,800.00 payable to Upshur County, which amount was tendered with the bid, and the said bidder agreeing to accept title to said lease without further examination of abstracts; and

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CLERK OF COUNTY

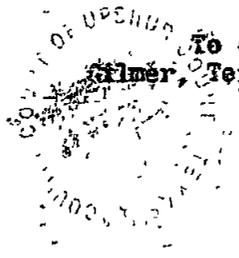
WHEREAS, Upon due consideration it appears to the Court that the foregoing bid is the best and highest bid received and represents the fair value of such a lease, upon a motion duly made, seconded and passed by this Court:

BE IT ORDERED AND RESOLVED That the bid of A. R. Dillard be accepted and the cash bonus for said lease having been tendered to the County Treasurer of Upshur County, it is further ordered and resolved that an oil and gas lease on behalf of Upshur County to the said A. R. Dillard be executed and delivered to him forthwith by this Commissioners Court."

*J. W. Bryce*  
\_\_\_\_\_  
J. W. Bryce,  
County Judge

THE STATE OF TEXAS |  
COUNTY OF UPSHUR |

I, R. C. Vivian, Clerk of the County Court of Upshur County, Texas, do hereby certify that the above and foregoing is a true and correct copy of an Order of the Commissioners Court of Upshur County as the same now appears of record in the Commissioners Court Minutes of Upshur County, Texas.



To certify which witness my hand and seal of office at Gilmer, Texas, this 14 day of January, A.D. 1957.

*R. C. Vivian*  
\_\_\_\_\_  
R. C. Vivian,  
Clerk of the County Court  
*Ryan Zimm, Dep*

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