

## REGULAR SESSION

BE IT REMEMBERED That the Commissioners' Court of Titus County, Texas, met in Regular Session, at the Court House in Mt. Pleasant, Texas, on the 13th day of February, 1938, with the following members present, to-wit: C. T. Neugent, County Judge, and County Commissioners T. J. Stringfellow, Geo. Lunsford, W. J. Cody, and Ernest Brown, and the following proceedings were had:

## IN THE MATTER OF APPROVING MONTHLY REPORTS AND EXPENSE ACCOUNTS:

Motion was made by County Commissioner Lunsford and seconded by County Commissioner Stringfellow to approve the monthly report and expense account of H. E. Wilhite, Justice of the Peace. The motion carried unanimously.

Motion was made by County Commissioner Lunsford and seconded by County Commissioner Stringfellow to approve the monthly report and expense account of J. W. Spruill, Justice of the Peace. The motion carried unanimously.

Motion was made by County Commissioner Lunsford and seconded by County Commissioner Stringfellow to approve the monthly expense account of J. T. Leftwich, Assessor & Collector. The motion carried unanimously.

Motion was made by County Commissioner Lunsford and seconded by County Commissioner Brown to approve the monthly report and expense account of J. W. Edwards, Justice of the Peace. The motion carried unanimously.

Motion was made by County Commissioner Lunsford and seconded by County Commissioner Stringfellow to approve the monthly expense account of A. B. Gilpin, County Clerk. The motion carried unanimously.

Motion was made by County Commissioner Lunsford and seconded by County Commissioner Brown to approve the monthly expense account of G. R. Ard, Sheriff. The motion carried unanimously.

Motion was made by County Commissioner Brown and seconded by County Commissioner Stringfellow to approve the monthly expense account of Morris Rolston, County Attorney. The motion carried unanimously.

Motion was made by County Commissioner Lunsford and seconded by County Commissioner Stringfellow to approve the monthly expense account of Aubrey Redfern, Constable. The motion carried unanimously.

Motion was made by County Commissioner Lunsford and seconded by County Commissioner Stringfellow to approve the monthly expense account of Floyd Keith, District Clerk. The motion carried unanimously.

Motion was made by County Commissioner Lunsford and seconded by County Commissioner Stringfellow to approve the monthly expense account of Loyd Graf, Constable. The motion carried unanimously.

## IN THE MATTER OF APPROVING THE AUDITOR'S REPORT:

Motion was made by County Commissioner Brown and seconded by County Commissioner Lunsford to approve the auditor's report filed by Nolan Phillips & Co. for the years 1936-1937. All the commissioners voted "aye" and the report was approved unanimously.

## IN THE MATTER OF APPROVING ANNUAL REPORTS OF COUNTY OFFICERS:

Motion was made by County Commissioner Lunsford and seconded by County Commissioner Cody to approve the annual report of J. W. Edwards, Justice of the Peace. The report was approved unanimously.

Motion was made by County Commissioner Lunsford and seconded by County Commissioner Stringfellow to approve the Annual Report of H. E. Wilhite, Justice of the Peace. The report was approved unanimously.

Motion was made by County Commissioner Brown and seconded by County Commissioner Stringfellow to approve the Annual Report of Aubrey Redfearn, Constable. The report was approved unanimously.

Motion was made by County Commissioner Stringfellow and seconded by County Commissioner Lunsford to approve the Annual Report of G. R. Ard, Sheriff. The report was approved unanimously.

Motion was made by County Commissioner Lunsford and seconded by County Commissioner Stringfellow to approve the Annual Report of C. T. Neugent, County Judge. The report was approved unanimously.

Motion was made by County Commissioner Stringfellow and seconded by County Commissioner Lunsford to approve the Annual Report of Morris Rolston, County Attorney. The report was approved unanimously.

Motion was made by County Commissioner Stringfellow and seconded by County Commissioner Lunsford to approve the Annual Report of A. B. Gilpin, County Clerk. The report was approved unanimously.

Motion was made by County Commissioner Brown and seconded by County Commissioner Lunsford to approve the Annual Report of Floyd Keith, District Clerk. The report was approved unanimously.

Motion was made by County Commissioner Lunsford and seconded by County Commissioner Brown to approve the Annual Report of J. T. Leftwich, Assessor and Collector. The report was unanimously approved.

**IN THE MATTER OF CALLING A NEW BEER ELECTION:**

In obedience to an Order of the District Judge, the Court took up the matter of calling a new election to decide whether or not the sale of beer in Titus County would be prohibited. Motion was made by County Commissioner and seconded by County Commissioner Stringfellow that the Beer Election be set for March 5, 1938. Upon a vote of the Commissioners' Court, and all members having voted "aye", the Beer Election was set down for March 5, 1938. The Order of the District Court and formal order of the Commissioners' Court setting the election, are as follows:

**IN THE DISTRICT COURT OF TITUS COUNTY, TEXAS  
THIS JANUARY 27, 1938**

C. M. ROGERS ET AL,  
CONTESTANTS

VS.

MORRIS ROLSTON, COUNTY ATTY,  
CONTESTEE

NO. 4018.

**J U D G M E N T**

On this day this cause was called for trial when came the Contestants and Contestee in person and by their respective attorneys, and all parties announced ready for trial and, this being a contest of the local option Beer election held in Titus County on December 11, 1937, the matters of fact as well as of law were submitted to the Court who, after hearing all pleadings of the parties and all evidence submitted and after hearing full and complete arguments of all parties on the law and facts, the said cause was taken by the Court under advisement and after due examination and careful consideration of all the evidence and the law and being of

the opinion that the law and facts are with the Contestants, did on the 31st day of January 1938 render and enter his judgment in said cause.

It is therefore ordered, adjudged and decreed by the Court, upon consideration of all questions relating to the legality and validity of said election, as shown by the pleadings and evidence, that on account of such irregularities on the part of those intrusted with the control of the conduct and management of the local option election held in Titus County, Texas on December 11, 1937 and on account of the number of voters who voted illegally in said election and the number of illegal ballots counted by the managing officers of said election, it appears to the Court from the evidence that such irregularities existed in the holding of said election as to render the true result of said election very doubtful of ascertaining; and that it is the judgment of the court that said election is void.

It is therefore further ordered, adjudged and decreed by the court that the said local option election held in Titus County on December 11, 1937 be and the same is hereby in all things declared void and of no legal force and effect.

It is further ordered, adjudged and decreed by the Court that the County Judge and County Commissioners of Titus County, composing the County Commissioners' Court of said county, be and they are hereby ordered and commanded to order another election to be held in Titus County, Texas according to law, in order that the qualified voters of said county may determine at said election whether or not the sale of beer containing not exceeding four (4%) per centum of alcohol by weight shall be prohibited in said County.

It is further ordered, adjudged and decreed by the Court that the Clerk of this court immediately upon adjournment of this term of court make a true copy of this judgment and certify to the same under his official seal and signature and deliver the same to the Commissioners' Court of Titus County, Texas for observance.

It is further ordered, adjudged and decreed by the court that the officers of this court do have and recover of and from Contestants all their costs in this behalf caused to accrue by the said Contestants, but that no costs be adjudged against the Contestee, for all of which let execution issue.

Claude Hutchings  
Judge 76th Judicial District of Texas.

THE STATE OF TEXAS |

THE COUNTY OF TITUS |

I, Floyd Keith Clerk of the District Court in and for Titus County, Texas do hereby certify that the above and foregoing is a true and a correct copy of Judgment in Cause No. 4018 C. M. Rogers et al, Contestants Vs. Morris Rolston, County Attorney Contestee which same appears on record in the Civil Minutes of Titus County, Texas, in Vol 6 page 382.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This the 14th day of Feb AD 1938.

(SEAL) Floyd Keith  
Clerk District Court, Titus County, Texas.

IN THE COMMISSIONERS' COURT at a regular session thereof on this the 15 day of February, A. D. 1938, in obedience to the judgment and decrees of the District Court of Titus County, Texas rendered and entered on the 31st day of January 1938 in the case of C. M. Rogers, et al, contestants, vs. Morris Rolston, County Attorney, contestee No. 4018, as entered of record in Vol. 6 page 382 of the Minutes of the District Court of Titus County, Texas, a certified copy of which has heretofore been served upon the County Judge of Titus County, Texas as the presiding officer of the said Commissioners' Court, in which said judgment the local option Beer

election heretofore held on December 11, 1937 in and for the County of Titus and State of Texas was held to be null and void and under and by virtue of the Acts of 1937, 45 Legislature sec. 30a, now appearing in Vernon's Annotated Penal Code, pocket parts as Art. 666-40a governing contested elections. The said order and judgment commanded that "the County Commissioners Court of Titus County be and they are hereby ordered and commanded to order another election to be held in Titus County according to law in order that the qualified voters of said county may determine at said election whether or not the sale of Beer containing not exceeding four per centum of alcohol by weight shall be prohibited in said Titus County;"

THEREFORE, BE IT ORDERED, ORDAINED AND DECREED by the County Commissioners' Court of Titus County, Texas that an election be held throughout the entire county of Titus at each <sup>places in each</sup> and all of the voting precinct thereof under the General Election Laws and the said liquor control Act, in order that the qualified voters of said Titus County, at said election, may determine whether or not the sale of beer containing not exceeding four (4%) per centum of alcohol by weight shall be prohibited in Titus County.

IT IS HEREBY ORDERED, ORDAINED AND DECREED that said election shall be held on the 5th day of March, A.D. 1938, at each and all the voting precincts in Titus County and said election shall be held and governed by the rules of law governing General Elections, as provided by Section 36 of the Acts of 1935, 2nd called session, page 1795, art. 666-36, Penal Code Vernon's Annotated Statutes. The said election shall be held upon an official ballot as follows:

OFFICIAL BALLOT

"FOR prohibiting the sale of beer containing alcohol not exceeding four (4%) per centum by weight.

"AGAINST prohibiting the sale of beer containing alcohol not exceeding four (4%) per centum by weight."

IT IS FURTHER ORDERED, ORDAINED AND DECREED by the Court that a true copy of this order, duly certified to by the Clerk of this Court, be posted one place in each election precinct in Titus County, Texas for at least six (6) days prior to the date of the election.

IT IS FURTHER ORDERED, ORDAINED AND DECREED by the County Commissioners' Court of Titus County, Texas that the officers appointed by this court at this term as presiding judges and officers of said election for and during the year 1938 be and they are hereby appointed as the presiding judges and officers of the election to be held under this order in and for Titus County, Texas and for the precincts for which each of the said persons were appointed as follows:

- Precinct No. 1, W. E. Hobbs, Presiding Judge; John Merritt, Chas. Grissom, J. B. Rowland, Judges.
- Precinct No. 2, R. R. Gilpin, Presiding Judge; Raymond Brown, Louis Croxton, Walter Fresman, Judges.
- Precinct No. 3, G. W. Mabane, Presiding Judge; C. W. Fleming, Robert McCallum, S. R. Lendrum, Judges.
- Precinct No. 4, A. A. White, Presiding Judge; Jack Taylor, Roy Scott, J. W. Thompson, Judges.
- Precinct No. 5, W. W. Blalock, Presiding Judge; Alfred Blalock, Tom Temple, Judges.
- Precinct No. 6, Fred Witt, Presiding Judge; H. H. Wooten, C. P. Moore, J. L. Ferguson, Judges.
- Precinct No. 7, Coda Sims, Presiding Judge, Curtis Bell, Parker Traylor, Handle Thigpin, Judges.
- Precinct No. 8, Bird Old, Jr., Presiding Judge; J. B. Hart, J. A. Petty, H. L. Hess, Judges.

Precinct No. 9, Ed Neugent, Presiding Judge; Jim Morris, Bud Cato, Oscar Goodlow, Judges.

Precinct No. 10, A. A. Cameron, Presiding Judge, Clyde Raney, John McKelvey, Willard Cameron, Judges.

Precinct No. 11, L. A. Black, Presiding Judge; A. B. Cody, A. P. King, Chas. Bramley, Judges.

Precinct No. 12, J. I. Masley, Presiding Judge; A. H. Smith, Chas. Gilbreath, Judges.

Precinct No. 13, J. A. Davis, Presiding Judge; C. E. Lee, T. B. Anderson, R. F. Lindsay, Judges.

Precinct No. 14, S. H. Spurger, Presiding Judge; Homer Hamilton, Sam Austin, W. M. Henderson, Judges.

Precinct No. 15, Bob Gregory, Presiding Judge; G. L. Keith, Bob Wilks, Fred Mercer, Judges.

The foregoing order of the Commissioners' Court of Titus County, all members thereof being present, was passed on the day and year first above written.

C. T. Neugent  
County Judge, Titus County, Texas

A. B. Gilpin,  
Clerk, County Commissioners' Court  
Titus County, Texas.

I, A. B. Gilpin, County Clerk in and for Titus County, Texas and Clerk of the Commissioners' Court of Titus County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the Order of the Commissioners' Court ordering a Beer Election to hold in Titus County, Texas on the 5th day of March, A.D. 1938.

IN TESTIMONY WHEREOF WITNESS my hand and seal of the Commissioners' Court of Titus County, Texas on this the 15 day of February, A.D. 1938.

(SEAL)

A. B. Gilpin,  
CLERK, County Commissioners' Court of Titus  
County, Texas.

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IN THE MATTER OF APPOINTING ELECTION JUDGES FOR THE YEAR 1938:

On this the 15th day of February, 1938, at a regular session of the Commissioners' Court of Titus County, came on to be considered the matter of appointing Judges to hold the General Election for the year 1938. County Commissioner Geo. Lunsford made a motion, which was seconded by County Commissioner W. J. Cody, that the following named persons be appointed to hold the General Election for the ensuing year, to-wit:

Precinct No. 1, W. E. Hobbs, Presiding Judge; John Merritt, Chas. Grissom, J. B. Rowland, Judges.

Precinct No. 2, R. R. Gilpin, Presiding Judge; Raymond Brown, Louis Croxton, Walter Freeman, Judges.

Precinct No. 3, G. W. Mabane, Presiding Judge, G. W. Fleming, Robert McCallum, S. R. Landrum, Judges.

Precinct No. 4, A. A. White, Presiding Judge; Jack Taylor, Roy Scott, J. W. Thompson, Judges.

Precinct No. 5, W. W. Blalock, Presiding Judge; Alfred Blalock, Tom Temple, Judges.

Precinct No. 6, Fred Witt, Presiding Judge; H. H. Wooten, C. P. Moors, J. L. Ferguson, Judges.

Precinct No. 7, Code Sims, Presiding Judge, Curtis Bell, Parker Traylor, Randle Thigpin, Judges.

Precinct No. 8, Bird Old, Jr., Presiding Judge; J. R. Hart, J. A. Petty, H. L. Hess, Judges.

Precinct No. 9, Ed Neugent, Presiding Judge; Jim Morris, Bud Cato, Oscar Goodlow, Judges.

- Precinct No. 10, A. A. Cameron, Presiding Judge, Clyde Raney, John McKalvey, Willard Cameron, judges.
- Precinct No. 11, L. A. Black, Presiding Judge; A. B. Cody, A. P. King, Chas. Brantley, judges.
- Precinct No. 12, J. I. Easley, Presiding Judge; A. H. Smith, Chas. Gilbreath, judges.
- Precinct No. 13, J. A. Davis, Presiding Judge; C. E. Lee, T. B. Anderson, R. F. Lindsey, judges.
- Precinct No. 14, S. H. Spurger, Presiding Judge; Homer Hamilton, Sam Austin, W. M. Henderson, judges.
- Precinct No. 15, Bob Gregory, Presiding Judge; G. L. Keith, Bob Wilks, Fred Mercer, judges.

Upon a vote of the Commissioners' Court, the election judges were unanimously appointed for the year 1938.

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The above minutes read and Approved in Open Court.

ATTEST: \_\_\_\_\_  
County Clerk.

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County Judge.