

REGULAR SESSION - *April Term, 1938*

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 ^{11th} ~~12th~~ ^{April} day of ~~March~~, 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 J. W. Spruill, Justice of the Peace. The motion carried unanimously.

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

Motion was made by County Commissioner Stringfellow 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 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 J. T. Leftwich, Tax Collector & Assessor. The motion carried unanimously.

IN THE MATTER OF APPROVING QUARTERLY REPORTS:

Motion was made by County Commissioner Brown and seconded by County Commissioner Stringfellow to approve the quarterly report 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 quarterly report of Geo. W. McLamore, County Treasurer. The motion carried unanimously.

IN THE MATTER OF PAYING WILLIE MICKIE:

Motion was made by County Commissioner Lunsford and seconded by County Commissioner Stringfellow to pay Willie Mickie \$12.00 per month instead of \$10.00 per month. All voted "aye" and the motion carried unanimously.

IN THE MATTER OF SECURING RIGHT-OF-WAY FOR HIGHWAY NO. 77:

State of Texas |
County of TITUS |

Whereas, it has come to the attention of the Commissioners' Court of Titus County, Texas, in Regular session on this, the 11th day of April, 1938, that the State Highway Department will order a location made on Highway No. 77, from Naples in Morris Co. through the north end of Titus County to some point west of Talco, Titus County, probably Commerce provided Titus County, through its Commissioners' Court, agrees to secure a minimum of 120 foot right-of-way, clear of all obstructions, except standing timber, and furnish without cost to the State, clear title to the necessary right-of-way, including all standing timber, through each and every tract crossed by said highway, and to do the fencing, on location approved by the State Highway Engineer before said location is made.

It is, therefore, ordered that Titus County, acting herein by and through its Commissioners' Court, agree and obligates itself to secure a minimum of 120 foot right-of-way, and do the fencing, on Highway No. 77 from the Morris County line between White Oak Creek and Sulphur River to the Franklin County line west of Talco and to clear such right-of-way of all obstructions, except standing timber, and furnish a clear title to each parcel secured, including all standing timber, without cost to the State, through each and every tract crossed by this highway, on location to be approved by the State Highway Engineer.

County Judge C. T. Neugent
Commissioner, Precinct #1 T. J. Stringfellow
Commissioner, Precinct #2 W. J. Cody
Commissioner, Precinct #3 Ernest Brown
Commissioner, Precinct #4 G. C. Lunsford

State of Texas |
County of TITUS |

I hereby certify that the foregoing is a true and correct copy of order passed by the Commissioners' Court of Titus County, Texas, on April 11, 1938.

(SEAL) A. B. Gilpin,
Clerk of County Court, Titus County, Texas.

IN THE MATTER OF PAYING FOR FENCING AND THE CONSIDERATION IN RIGHT-OF-WAY DEEDS, Hwy. 49:

Be it remembered that the Commissioners' Court of Titus Co. Texas met in Special Session in the City of Mt. Pleasant, Texas, at the Court House of said County with the following members present to wit: - C. T. Neugent, County Judge, and County Commissioners, G. C. Lunsford, T. J. Stringfellow, and W. J. Cody, when the following proceedings were had to wit:

Motion by Commissioner G. C. Lunsford and seconded by Commissioner W. J. Cody that the sum of \$782.88 be set aside out of the Road and Bridge fund of Titus County to pay for fencing and consideration in Deeds to right-of-way on Highway #49 leading from Mt. Pleasant on through Talco to the Franklin County line as follows:

Owner	Instrument	Consideration
Republic Ins. Co.	Deed	\$ 31.16
" " "	Easement (Chan.)	1.00
" " "	Deed	62.10
" " "	Easement (Bar)	1.00
J. D. Pittman	Deed	1.00
Talco Townsite	Deed	1.00
King-Hughes	Deed	225.72
G. W. Ward	Deed	1.00
M. Hazelwood	Deed	40.48
Mrs. Nettie Whatley Belcher	Deed	69.44
J. T. Belcher	Deed	38.48
Dallas Joint Stock and Land Bank	Deed	1.00
Mrs. B. Temple	Deed	85.00
Mrs. J. E. Broughton	Deed	224.00

The County Judge put the motion for a vote of the members of said Court with the request that as many as favored the motion to vote "aye" and those opposed to vote "no". County Comm. G. C. Lunsford, W. J. Cody and T. J. Stringfellow all voted "aye".

The County Judge declared the motion carried and the order passed.

It is therefore ordered by said Court that the Clerk of the County Court of Titus Co. issue warrants on the Road and Bridge fund so set aside to the persons named as grantors in the above mentioned Deeds.

IN THE MATTER OF PURCHASING TITUS COUNTY ROAD BONDS:

It appearing to Titus County Commissioners' Court that it can purchase some of Titus County Road Bonds at a saving to the County and it further appearing that funds on hand are sufficient to purchase \$9000 Titus Road Bonds bearing 8% interest dated 10/10/36 and maturing \$1000 in 1944 - \$6000 in 1946 and \$2000 in 1947, for \$9,983.70 now being offered for sale by the J. R. Phillips Investment Company of Houston.

It further appearing to the Commissioners Court that by purchasing the above mentioned bonds at this price it will mean a saving to the taxpayers of Titus County of \$3,585.00 and that it appearing that such purchase is generally to the advantage of Titus County.

Therefore upon the motion made by Commissioner W. J. Cody and seconded by Commissioner T. J. Stringfellow and Commissioners G. C. Lunsford, T. J. Stringfellow, & W. J. Cody all voting "aye" it is ordered that the County Treasurer be authorized to pay J. R. Phillips \$9,983.70 for the above described bonds.

IN THE MATTER OF BORROWING MONEY FROM JURY FUND FOR OPERATING FUND:

Motion was made by County Commissioner T. J. Stringfellow, and seconded by Com. G. C. Lunsford that Titus County Operating fund borrow from the Jury fund of Titus County the sum of \$400.00

The County Judge put the motion for a vote of the members of said Court with the request that as many as favored the motion to vote "aye" and those opposed to vote "no". Com. T. J. Stringfellow, G. C. Lunsford and W. J. Cody all voted "aye".

The Co. Judge declared the motion carried and the order passed.

IN THE MATTER OF AMENDING TAX LEVY FOR TITUS COUNTY ROAD WARRANTS AS OF MARCH 14TH:

ORDER AMENDING ORDER OF MARCH 14, 1938, IN THE MATTER OF TAX LEVY FOR TITUS COUNTY ROAD WARRANTS.

THE STATE OF TEXAS, |
COUNTY OF TITUS. |

ON THIS the 11th day of April, 1938, the Commissioners' Court of Titus County, Texas, convened in regular session, at the regular meeting place thereof in the Courthouse at Mount Pleasant, Texas, all members of the Court, to-wit:

G. T. NEUGENT,	COUNTY JUDGE, presiding; and,
T. J. STRINGFELLOW,	COMMISSIONER, Precinct No. 1;
W. J. CODY,	COMMISSIONER, Precinct No. 2;
ERNEST BROWN,	COMMISSIONER, Precinct No. 3;
G. C. LUNSFORD,	COMMISSIONER, Precinct No. 4;

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

WHEREAS, heretofore, to-wit: on the 14th day of March, 1938, this Court, pursuant to

contract duly made and executed by and between the County and J. D. Adams Company, authorized the issuance of the warrants of said County, known as "TITUS COUNTY ROAD WARRANTS," dated March 14, 1938, bearing interest at the rate of Six Per Centum (6%) per annum, in the principal sum of THREE THOUSAND DOLLARS (\$3,000.00), and due and payable, \$1,000.00 on February 1, 1940, and \$2,000.00 on February 1, 1941, and in the said order levied for the current year a tax of and at the rate of one-third of one cent on each one hundred dollars' valuation of taxable property in said County, to pay the principal of and interest on said warrants; and,

WHEREAS, it appearing to the Court that the said tax of one-third of one cent is not sufficient, and that it is necessary that this Court amend the aforesaid order and levy a tax of and at the rate of one cent on each one hundred dollars' valuation of taxable property for the current year 1938, and a continuing direct annual ad valorem tax for each year hereafter, for the purpose of paying the principal of and interest on said warrants; and,

WHEREAS, it also appearing to the Court that it is necessary for this Court to make a direct appropriation of the sum of NINETY DOLLARS (\$90.00), out of monies in the Road and Bridge Fund not otherwise pledged or appropriated, and which said sum of \$90.00 is to be applied solely to the payment of the interest that will become due on said warrants on August 1, 1938; therefore,

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

I.

That the provision or paragraph in the order passed by this Court on March 14, 1938, levying a tax to pay principal of and interest on the THREE THOUSAND DOLLARS (\$3,000.00) "TITUS COUNTY ROAD WARRANTS", authorized to be issued by said order, shall be and the same is hereby amended so as to hereafter read and provide as follows, to-wit:

"IT IS FURTHER ORDERED that a Special Fund, to be designated "SPECIAL ROAD WARRANT FUND, SERIES DATED MARCH 14, 1938," shall be set aside out of the 15¢ Constitutional Road and Bridge Tax of Titus County, Texas, which Fund shall be used for the payment of the interest on said warrants and the principal thereof at maturity, and to provide Ten Per Cent (10%) attorneys' fees, in event of default, and for no other purpose; and that to create said Fund to pay the interest on said warrants and to provide the necessary sinking fund to pay the principal thereof at maturity, and to provide Ten Per Cent (10%) attorneys' fees, in event of default, a tax of and at the rate of ONE CENT (1¢) on each one hundred dollars' valuation of all taxable property in Titus County, Texas, out of the said 15¢ Road and Bridge Tax of said County, shall be annually levied, assessed and collected, and the said tax of ONE CENT (1¢) is here now levied for the current year, and the said tax of ONE CENT (1¢), or so much thereof as shall be necessary, or in addition thereto as may be required, is hereby levied for each succeeding year while said warrants, or any of them, are outstanding, and the same shall be annually assessed and collected and applied to the purpose named; provided, that to pay the interest due on August 1, 1938, there is hereby appropriated the sum of \$90.00, out of the sums now in the Treasury and to be in the Treasury from taxes collected for the current year, and the County Treasurer is hereby authorized, ordered and directed to place said amount to the credit of this series of warrants, and the said amount shall be applied to the purpose stated, and none other."

II.

Nothing in this order shall be construed as amending, repealing, rescinding, or in any manner affecting, any other provision in the aforesaid order of March 14, 1938; it being the intent hereof to amend the aforesaid order in respect only to the levy of taxes to pay principal-

pal of and interest on said warrants.

The above order having been read, it was moved by Commissioner Ernest Brown, and seconded by Commissioner Geo. Lunsford, that it be passed and adopted.

Thereupon, the question being called for, the County Judge put the motion to a vote of the members of the Commissioners' Court, and the motion carried by the following vote: Commissioners Stringfellow, Cody, Brown and Lunsford voting "AYE"; and none voting "NO."

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

WITNESS THE SIGNATURES OF THE MEMBERS OF THE COMMISSIONERS' COURT OF TITUS COUNTY, TEXAS, this the 11th day of April, 1938:

C. T. Neugent
County Judge.

T. J. Stringfellow
Commissioner of Precinct Number 1.

W. J. Cody
Commissioner of Precinct Number 2.

Ernest Brown
Commissioner of Precinct Number 3.

Geo. Lunsford
Commissioner of Precinct Number 4.

CERTIFICATE OF COUNTY CLERK.

THE STATE OF TEXAS, |
COUNTY OF TITUS |

I, A. B. Gilpin, County Clerk and Ex-Officio Clerk of the Commissioners' Court of Titus County, Texas, DO HEREBY CERTIFY:

(1) That the above and foregoing is a full, true and correct copy of an order amending order of March 14, 1938, in the matter of tax levy for Titus County Road Warrants (and of the Minutes pertaining to its adoption), convened in regular session on the 11 day of April, 1938.

(2) That all members of said Court were present and participating in the proceedings.

(3) That the original order and minutes showing its passage and adoption are of record in Volume 5, page 314 et seq., of the Minutes of said Court.

WITNESS MY HAND AND THE SEAL OF THE COMMISSIONERS' COURT OF TITUS COUNTY, TEXAS, this the 11 day of April, 1938.

(Com. Court Seal) A. B. Gilpin
County Clerk and Ex-Officio Clerk of the Commissioners' Court of Titus County, Texas.

By Arlene Russell, Deputy.

IN THE MATTER OF RENEWING LEASE ON TRACTOR:

RENEWAL LEASE AGREEMENT

This renewal lease made this 2nd day of February 1938, between the McClure-Harris Company of Tyler, Texas, as Lessor, and Titus County, acting by and through its Commissioners' Court, as Lessee, pursuant to an order duly and regularly passed on the 9th day of August 1937, witnesseth that:

Whereas, the Lessee desires and does hereby renew said Lease Agreement on one Allis-Chalmers Model "WK" wide gauge tractor, complete standard equipment with 18" track shoes, for the purpose of building and maintaining roads, in accordance with and on the same terms and

conditions as contained in said Lease Agreement entered into on the 9th day of August, 1937, by and between McClure-Harris Company as Lessor, and Titus County, Texas, as Lessee; and whereas, there is now available and will be available in said County's Road and Bridge Fund, or any other fund whatsoever, monies which it may lawfully expend for leasing said "WK" tractor, Serial No. WK-7010, equipped with 18" track shoes and canopy top;

Now, therefore, the Lessor in consideration of the payment of the lease installments hereinafter reserved, hereby renews lease to Lessee, on said Allis-Chalmers "WK" tractor, Serial No. WK-7010, for a minimum period of thirteen months, commencing on the date of this lease and ending on February 13th, 1939;

\$150.00 due February 14th, 1938	\$150.00 due August 8th, 1938
\$150.00 due March 14th, 1938	\$150.00 due September 12th, 1938
\$150.00 due April 11th, 1938	\$150.00 due October 10th, 1938
\$150.00 due May 9th, 1938	\$150.00 due November 14th, 1938
\$150.00 due June 18th, 1938	\$150.00 due December 12th, 1938
\$150.00 due July 11th, 1938	\$150.00 due January 9th, 1939
	\$150.00 due February 13th, 1939

The above payments to bear interest at the rate of 6 per cent from the 9th day of August 1937. This renewal is executed in triplicate, a copy of which Lessee hereby acknowledges having received.

McCLURE-HARRIS COMPANY

BY D. M. McClure

TITUS COUNTY

By C. T. Neugent Judge
By T. J. Stringfellow Commr.
By W. J. Cody Commr.
By Ernest Brown Commr.
By Geo. Lunsford Commr.

(Seal)

THE STATE OF TEXAS |
THE COUNTY OF TITUS |

I, A. B. Gilpin County Clerk and ex-officio Clerk of the Commissioners' Court of Titus County, Texas, hereby certify that the above and foregoing is a true and correct copy of Renewal Lease Agreement entered into this date by and between McClure-Harris Company, as Lessor, and the County of Titus, Texas, as Lessee, as same appears of record in Book 5, Page 816, et seq., of the Minutes of said Court.

Given under my hand and seal of said Court, this the 11 day of April, A.D. 1938.

A. B. Gilpin
County Clerk and ex-officio Clerk of the Commissioners' Court of Titus County, Texas.

(SEAL)

By Arlene Russell, Deputy.

IN THE MATTER OF CANVASSING RETURNS OF SCHOOL TRUSTEE ELECTION:

On this the 11th day of April, 1938, came on to be considered by the Commissioners' Court of Titus County, Texas, the canvassing of the returns of the election of School Trustees in the Common & Independent School Districts throughout Titus County, and the election of one County School Trustee in and for Commissioner's Precinct No. 2, and the election of one County School Trustee in and for Commissioner's Precinct No. 4 of Titus County, Texas, and one County School Trustee "At Large" in and for Titus County, Texas. Said election being held on April 2nd, 1938.

It is ordered, adjudged and decreed by the Commissioners Court of Titus County, Texas, that the following named parties received the highest number of votes for Trustee in the

Common School Districts throughout Titus County, and are hereby declared duly elected to the office of Trustee in and for the following Common School Districts of Titus County, and all Independent School Districts of Titus Co.:

Maples Springs	J. A. Jones
Stonewall	C. M. Howard
Blodgett	S. M. Black
Pleasant Hill	Will Hinson
Farmers Academy	J. W. Barrett
Monticello	Morris White
Concord	J. Hugh Smith
Union Hill	E. L. Cook
Oak Grove	W. R. Reese
Midway	Clifton Tigert
Old Union	Denver Harbour
Yancy	Luther Adams
Chapel Hill	Bill Hanes, J. C. Peacock
Wilkinson	E. C. Elder
Overland	Henry Grabtree
Ripley	- - - -
Marshall Springs	John Morris
Panthers Chapel	Charlie Fitzgerald
Hickory Hill	O. D. Goolsby
Progress	J. A. Gunn
Liberty Hill	Gilbert Allen
Green Hill	W. E. Blackstone
Cypress	C. L. Jones
Edwards Chapel	L. M. Pool
County Line	T. A. Lee
Lone Star	L. Gentry
Nevils Chapel	A. F. Stracener
Forest Grove	F. W. Thomas
Benton	E. E. Roach
Argo	Frank Allen, C. Smith, Daud Proctor

COUNTY TRUSTEES

Precinct No. 2	S. A. Thomas
Precinct No. 4	E. C. Sims
County at Large	A. A. White

The above minutes read and approved in Open Court.

ATTEST: _____ County Judge.

_____ County Clerk.