

Saturday, March 16, 1940.

THE STATE OF TEXAS |
COUNTY OF TITUS |

On this the 16th day of March, the Commissioners' Court of Titus County, Texas, convened in regular meeting in the Courthouse in the City of Mount Pleasant, Texas, with the following members of the Court present to-wit:

G. T. Neugent,	County Judge,
T. L. Garrett,	Commissioner Precinct No. 1,
W. J. Cody,	Commissioner Precinct No. 2,
Ernest Brown,	Commissioner Precinct No. 3,
G. G. Lunaford,	Commissioner Precinct No. 4,
A. B. Gilpin,	County Clerk and Ex-Officio Clerk, Commissioners' Court,

with the following members absent: None, constituting the entire Court, at which time the following proceedings were had:

Commissioner Lunaford introduced a proposed order and made a motion that it be passed. The motion was seconded by Commissioner Garrett. The motion was carried by the following vote:

AYE: Commissioners Lunaford and Garrett, and the County Judge voted "AYE"

NOES: Commissioners Brown and Cody.

The County Judge announced that the order had been passed.

The order as passed as follows:

AN ORDER

AUTHORIZING THE ISSUANCE OF \$20,000.00 OF
TITUS COUNTY ROAD AND BRIDGE TIME WARRANTS,
LEVYING A TAX TO PAY THE PRINCIPAL AND
INTEREST THEREOF AND PROVIDING THE METHOD
OF THE EXECUTION, ISSUANCE AND DELIVERY
THEREOF.

WHEREAS, the Commissioners' Court of Titus County, Texas, has determined heretofore that it is to the best interest of the County that the County construct certain permanent improvements of its lateral roads, bridges, culverts, other structures and hard-surfacing of lateral roads in the County, under such circumstances that the work will not be done under contract but by the County, the labor to be paid for by the day as such work progresses; and

WHEREAS, the County has made an agreement with the United States of America, acting by and through the Works Projects Administration, under the terms of which the government will cooperate with the County by furnishing certain labor, services and materials; and

WHEREAS, the labor, services and materials thus to be furnished by the government, together with the expenditure of Twenty Thousand (\$20,000.00) Dollars on the part of the county, will complete such improvements; and

WHEREAS, the County does not have money on hand available for the purpose in an amount sufficient to pay all of its share of said expenses; and

WHEREAS, the expenditures for said purpose constitute a proper charge against the taxing power authorized under Article 8, Section 9 of the Constitution for Road and Bridge purposes; and

WHEREAS, the Commissioners' Court has heretofore on the 29th day of February, 1940, passed an order authorizing and directing the County Judge to give notice of intention to issue interest-bearing time warrants in the amount and for the purposes indicated herein, which notice is in words and figures as follows, to-wit:

"NOTICE OF INTENTION TO ISSUE INTEREST-BEARING TIME WARRANTS

Notice is hereby given that the Commissioners' Court of Titus County, Texas, intends on the 16th day of March, 1940, at a regular term thereof, to pass an order authorizing the issuance of Titus County Road and Bridge Interest Bearing Time Warrants in an amount not exceeding \$20,000.00, bearing interest at a rate not exceeding 5% per annum and maturing serially in such installments as may be fixed by the Court, the maximum maturity or final installment to be not later than fourteen (14) years after the date of said warrants, providing for the delivery of said warrants to the holders or assignees of claims and accounts of persons performing labor and services and furnishing materials in the County's construction program in which the United States Government is cooperating with the County through the Works Progress Administration for the construction of permanent improvements of its lateral roads, bridges, culverts, other structures and hard-surfacing of lateral roads in the County, Said warrants shall evidence the County's indebtedness for its part of the cost of such construction program. Said warrants are to be issued in accordance with the provisions of Chapter 163, Acts of the Regular Session of the Forty Second Legislature.

This notice is given in accordance with an order duly passed by the Commissioners' Court of Titus County, Texas.

Respectfully,
C. T. NEUGENT
County Judge."

; and

WHEREAS, said notice has been duly published in Mt. Pleasant Daily Times, a newspaper published within Titus County, Texas, in its issues of March 1, and March 8, 1940; and

WHEREAS, no petition calling for a referendum election has been filed with the Commissioners' Court as permitted under the provisions of Chapter 163, Acts of the Regular Session of the Forty Second Legislature, known as the Bond and Warrant Law of 1931; and

WHEREAS, it will be necessary for the County to deliver to each of the persons who will furnish materials or perform labor or services in connection with said improvement program or to his assignee interest-bearing time warrants evidencing the County's indebtedness for the performance of such labor or services or for the furnishing of such materials; and

WHEREAS, of necessity the amount of money for which the County shall be indebted to said several persons will be in varying amounts and in most instances the amount will not be in multiples of Five Hundred (\$500.00) Dollars each; and

WHEREAS, it is considered to be to the best interest of the County that said interest-bearing time warrants be of even denominations in the amount of Five Hundred (\$500.00) Dollars each; and

WHEREAS, such condition renders necessary that the claims and accounts of said

several creditors be assembled physically in a bank which will assume the responsibility of assembling said claims and accounts and of holding said claims and accounts until the interest-bearing time warrants of even denominations can be delivered by the County to said bank upon surrender to the County of said claims and accounts, with proper provision for adjusting the credit balance occasioned by odd amounts of the claims and accounts and the even denomination of the warrants; and

WHEREAS, a contract has been made by and between Titus County, Texas, and C. H. Burt and Company, Kirby Building, Dallas, Texas, under the terms of which said Company has agreed to purchase at par and accrued interest the interest-bearing time warrants thus to be acquired by the assembling bank; and

WHEREAS, said Company has made arrangements with the First National Bank, Mt. Pleasant, Texas, under the terms of which it will purchase from the payees or owners the original claims and accounts (duly approved by the Commissioners' Court) of said persons furnishing materials or performing services or labor in connection with said program at the face amount thereof upon delivery to it, and to hold said claims and accounts until a sufficient amount thereon shall have been assembled to justify the delivery to it of said interest-bearing time warrants in an amount not less than \$500.00 at the option of said bank;

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

1. That the warrants of the County to be called "Titus County Road and Bridge Time Warrants, Series 1940", be issued under and by virtue of the Constitution and Laws of the State of Texas in the amount of Twenty Thousand (\$20,000.00) Dollars, to evidence the County's indebtedness to the persons performing labor and services and furnishing materials in the County's construction program in which the United States Government is cooperating with the County through the Works Progress Administration for the construction of permanent improvements of its lateral roads, bridges, culverts other structures, and the hard-surfacing of lateral roads; said warrants evidencing the County's indebtedness for its part of the cost of such construction program; the work under such construction program to be done by the County and paid for by the day as such work progresses.

2. That said warrants shall be numbered consecutively from One (1) to Forty (40), both inclusive, shall be in the denomination of Five Hundred (\$500.00) Dollars each and shall become due and payable as follows:

WARRANTS NUMBERS	MATURITY DATES	AMOUNTS
1	April 1, 1942,	\$ 500.00
2	April 1, 1943,	500.00
3	April 1, 1944,	500.00
4	April 1, 1945,	500.00
5	April 1, 1946,	500.00
6	April 1, 1947,	500.00
7	April 1, 1948,	500.00
8 to 10, both incl.,	April 1, 1949,	1,500.00
11 to 20, " "	April 1, 1950,	5,000.00
21 to 30, " "	April 1, 1951,	5,000.00
31 to 40, " "	April 1, 1952,	5,000.00

3. That said warrants shall be dated April 1, 1940.

4. Said warrants shall bear interest from their date at the rate of five (5%) per cent per annum, payable October 1, 1940, and semi-annually thereafter on April 1st and

October 1st of each year.

5. That the principal and interest of said warrants shall be payable in lawful money of the United States of America upon presentation and surrender of warrant or proper coupon at the First National Bank, Mount Pleasant, Texas.

6. That each of said warrants shall be signed by the County Judge, attested by the County Clerk, and registered by the County Treasurer and the seal of the Commissioners' Court shall be impressed upon each of them.

7. That the facsimile signatures of the County Judge and County Clerk may be lithographed or printed upon the coupons attached to said warrants and said printed or lithographed signatures shall have the same effect as if they had been executed manually by said officers.

8. The form of said warrants shall be substantially as follows:

NO. _____ \$500.00

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTY OF TITUS ROAD AND BRIDGE
TIME WARRANT
SERIES 1940

The County of Titus, State of Texas, duly organized under the laws of the State of Texas, for value received hereby promises to pay to the bearer hereof on the 1st day of April, 19____, the sum of

FIVE HUNDRED DOLLARS

(\$500.00) in lawful money of the United States of America, with interest thereon from date hereof at the rate of five (5%) per cent per annum, interest payable October 1, 1940, and thereafter semi-annually on April 1st and October 1st of each year and the Treasurer of said County is hereby authorized, ordered and directed to pay to bearer said principal sum together with interest thereon evidenced by coupons hereto attached, both principal and interest payable at the office of the First National Bank, Mount Pleasant, Texas. In the event the sum of money represented by this warrant and annexed coupons shall not be paid at maturity the same shall thereafter bear interest at the rate of 5% per annum until fully paid and in the event of such default and it becomes necessary for the holder hereof, or the holder of any coupons attached hereto, to place claim therefor in the hands of an Attorney for collection, or to institute suit thereon, the County of Titus promises to pay to the holder an additional ten (10%) per cent as reasonable attorney's fees. The full faith and credit of Titus County, Texas, are hereby irrevocably pledged for the prompt payment of the principal and interest of this warrant.

This warrant is one of a series of Forty (40) warrants of like tenor and effect except as to maturities, numbered from One (1) to Forty (40), both inclusive, of the denomination of Five Hundred (\$500.00) Dollars each, aggregating Twenty Thousand (\$20,000.00) Dollars, issued to the holders or assignees of claims and accounts of persons performing labor and services and furnishing materials in the County's construction program in which the United States Government is cooperating with the County through the Works Progress Administration for the construction of permanent improvements of its lateral roads, bridges, culverts, other structures and hard surfacing of lateral roads in the County, which work is being done by the County and paid for by the day as such work progresses under and by virtue of the Constitution and Laws of the State of Texas and pursuant to an order passed by the Commissioners' Court of Titus County, Texas, duly recorded in the minutes of said Court.

The date of this warrant in conformity with the order above mentioned is the 1st

day of April, 1940.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this warrant and the series of which it is a part is duly authorized by law and that all acts, conditions and things required to be done precedent to and in the issuance of this series of warrants and of this warrant have been properly done and performed and have happened in regular and due time, form and manner as required by law; that due provision has been made for levying and collecting annually by taxation an amount sufficient to pay the interest on these warrants as it falls due and to provide a sinking fund for the final redemption of said warrants at maturity; that the issue of warrants of which this is one, together with all indebtedness of said County is within every debt and other limit prescribed by the Constitution and laws of said State.

IN WITNESS WHEREOF TITUS County by its Commissioners' Court has caused the seal of its Commissioners' Court to be affixed hereto and this warrant to be signed by its County Judge, attested by its County Clerk and registered by its County Treasurer and the interest coupons hereto attached to be executed by the printed or lithographed fac-simile signatures of the County Judge and County Clerk as of the date last above written.

ATTEST:
County Clerk and Ex-Officio
Clerk, Commissioners' Court,
Titus County, Texas.

County Judge, Titus County, Texas.

REGISTERED:

County Treasurer, Titus County, Texas.

9. The form of coupon shall be substantially as follows:

NO. _____ ON THE 1ST DAY OF _____, 19__

The Treasurer of Titus County, Texas, will pay to bearer at the office of the First National Bank, Mount Pleasant, Texas, the sum of _____ (\$ _____) Dollars, in lawful money of the United States of America, being _____ months' interest on Titus County, Texas, Road and Bridge Time Warrant, Series 1940, dated April 1, 1940. No. _____.

County Clerk

County Judge.

10. Said warrants in the authorized amount of Twenty Thousand (\$20,000.00) Dollars shall be printed and with the printed or lithographed coupons attached shall be executed by the appropriate County Officials and shall be registered by the County Treasurer. The warrants thus executed shall be placed in the custody of the County Treasurer and shall be delivered in installments, as and when and in amounts necessary from time to time to evidence the indebtedness of the County to the assignee or the persons performing such labor and services and furnishing such materials and equipment in connection with said construction program. Under no circumstances shall any of said warrants be delivered by the County except and unless for the purpose of evidencing the County's indebtedness incurred in connection with said program. A finding by the Commissioners' Court that a specific item of indebtedness was incurred in connection with said program shall be final and binding when contained in an order passed by the Commissioners' Court.

As and when the County's liability for such services, labor, materials and equipment shall have been accumulated from time to time in amounts not less than Five Hundred (\$500.00)

Dollars, and when requested by the holder of said approved claims and vouchers, the Commissioners' Court will pass an order describing said items of liability consisting of approved claims and accounts authorizing the delivery of said interest-bearing warrants in an amount equivalent to said accumulated claims and accounts, specifying by numbers the time warrants to be delivered in consideration of the surrender to the County of said accumulated approved claims and accounts. Since the warrants are to be in the denomination of Five Hundred (\$500.00) Dollars each and since the total amount of assembled claims and accounts in the hands of said bank at any one time may be in such amount that an exact exchange cannot be affected, in such instances the County shall deliver to the bank, as nearly as possible, the amount of warrants equal to the amount of said assembled claims and accounts, but in no instance shall the County deliver warrants in excess of the amount of said claims. Credit balances can be carried in favor of said bank for succeeding installment deliveries. On the occasion of the final installment delivery the County shall make cash adjustment with said bank out of funds available therefor.

On the occasion of each installment delivery of warrants both the County and the bank affected shall execute certificates and receipts, each in favor of the other, to show the surrender to the County and the receipt therefor of said claims and the delivery by the County and receipt therefor of said warrants.

11. That a special fund to be designated "Titus County Road and Bridge Time Warrant, Series 1940 Fund", shall be created and is hereby created, and the proceeds of all taxes collected for or on account of this series of warrants shall be credited to said fund for the purpose of paying the interest on and providing a sinking fund for the redemption of said warrants at maturity, and to provide for 10% attorney's fees in case of default, and said fund shall be used for no other purpose; that to create said fund a tax of Two (.02%) Cents on the One Hundred Dollars' valuation of taxable property in Titus County is hereby levied for the current year 1940 out of the Constitutional Fifteen (15%) Cents Road and Bridge Fund Tax of the County; that for the year 1940, and each year thereafter while any of said warrants or interest are unpaid, and at the time other county taxes are levied during the said years, there shall be computed and ascertained what rate of tax, based upon the latest approved tax rolls of said county, will be necessary, requisite and sufficient to fully make, raise and produce in each of said years the amount of interest and principal to be paid in that year, and to provide ten per cent for attorney's fees in case of default, and for each of said years there is hereby levied and ordered to be assessed and collected a tax at such rate as shall be necessary as aforesaid, and that such taxes when collected shall be appropriated and applied to the purposes named.

12. The sum of \$500.00 is hereby appropriated out of available funds therefor to pay the interest accruing on said warrants October 1, 1940. The County Judge, County Clerk and County Treasurer are hereby authorized and directed to transfer said sum to the interest and sinking fund provided for this issue of warrants.

13. The County Judge, County Clerk and County Treasurer are ordered to do any and all things necessary to accomplish the transfer of said moneys to the interest and sinking fund of this issue in ample time to pay such items of principal and interest.

PASSED AND APPROVED this the 16 day of March, 1940.

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

ATTEST:

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

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The above minutes read and approved.

ATTEST:

County Clerk.

County Judge.

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