

SPECIAL SESSION, November 18, 1940

BE IT REMEMBERED, that on the 18th day of November, A.D. 1940, the Commissioners' Court of Titus County, Texas, met in call seseion with the following members present:

- | | |
|-----------------|-----------------------------|
| G. T. Haugent, | County Judge |
| Lester Garrett, | Commissioner Precinct One |
| W. J. Cody, | Commissioner Precinct Two |
| Ernest Brown, | Commissioner Precinct Three |
| G. C. Lunsford, | Commissioner Precinct Four |

WHEREUPON Commissioner T. L. Garrett presented for consideration of the court the following resolution, and moved its adoption; Commissioner G. C. Lunsford seconded the motion. The resolution offered by Commissioner T. L. Garrett being as follows:

"WHEREAS, on the 12th day of November, 1940, there was presented to the Commissioners' Court of Titus County, Texas, a petition signed by J. A. Floyd and five hundred thirteen (513) other resident qualified voters of Titus County, Texas, asking that the Commissioners' Court of Titus County, Texas, submit to the qualified voters of Titus County, Texas, at an election held for that purpose, the question of whether or not the sale of beer containing alcohol not exceeding four per cent (4%) by weight shall be prohibited in Titus County, Texas; and,

WHEREAS, the Commissioners' Court of Titus County, Texas, after due examination of said petition finds that the same is in proper form and has more than the required number of qualified signers thereon as is required by Sec. 32 of Art. 666, Penal Code, Stats of Texas, 1925, as amended by the Forty-Fourth Legislature, 1935.

NOW, THEREFORE, BE IT ORDERED by the Commissioners' Court of Titus County, Texas, at a called session of said court, held on the 18th day of November, A.D. 1940, that an election be held at the various voting precincts in Titus County, Texas, on the 29 day of November, A.D. 1940, which day is not less than ten nor more than twenty days from this date, for the purpose of submitting to the legally qualified voters of said county the question of whether or not the sale of beer containing alcohol not exceeding four per centum (4%) by weight shall be prohibited in said county.

BE IT FURTHER ORDERED that such election shall be held at the regular voting places in all the election precincts in Titus County, Texas, and the election officers haretofore appointed by the Commissioners' Court of Titus County, Texas, on the 13th day of February, 1940, for the purpose of holding all special and general elections to be held in Titus County, Texas, are hereby appointed and designated as the officers to hold said election at the various voting precincts in Titus County.

BE IT FURTHER ORDERED that the officers holding such election and conducting such election shall conform to the general election laws of the State of Texas, where not inconsistent with Art.

666 of the Penal Code of the State of Texas, and where the general election laws are inconsistent with Art. 666 of the Penal Code of Texas, the said Art. 666 shall govern. The officers holding such election shall, after the polls are closed, proceed to count the votes and within three (3) days thereafter make due report of said election to the Commissioners' Court of Titus County, Texas.

BE IT FURTHER ORDERED that at the said election the votes shall be by official ballot which shall have printed at the top thereof in plain letters the words "OFFICIAL BALLOT". Said ballot shall have also written thereon the following:

"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".

Those who favor prohibiting the sale of beer containing alcohol not exceeding four per centum (4%) by weight shall erase the words "Against prohibiting the sale of beer containing alcohol not exceeding four per centum (4%) by weight", by making a pencil mark through the same and those who oppose it shall erase the words "For prohibiting the sale of beer containing alcohol not exceeding four per centum (4%) by weight", by making a pencil mark through the same.

BE IT FURTHER ORDERED that the clerk of said court shall post or cause to be posted at least one copy of this order in each election precinct in Titus County, Texas, for at least six (6) days prior to the day of the election".

Whereupon the County Judge put the question of the adoption of said resolution to a vote of the members of the Commissioners' Court, stating that all who favored the adoption of the resolution shall vote "AYE" and all opposed vote "NO"; whereupon Commissioners Garrett, Cody, Brown and Lunsford vote "AYE" and none voted "NO"; whereupon the County Judge declared the motion carried and the resolution adopted.

TO WHICH CERTIFY, a true copy hereof, witness our hands and seal of said court, this the 18 day of Nov., 1940.

C. T. Neugent
County Judge

Attest:
A. B. Gilpin
(Commissioners' Court Seal)

IN MATTER OF SELLING TOOL BOX TO ERNEST BROWN:

Motion was made by Commissioner Lunsford and seconded by Commissioner Cody that tool box belonging to Titus Co. be sold to Ernest Brown for \$5.00. All voted "aye" and the motion carried.

IN MATTER OF PAYMENT OF EXCESS FEES BY TAX ASSESSOR & COLLECTOR INTO OPERATING FUND:

Motion was made by Lester Garrett and seconded by Geo. Lunsford that the Tax Collector and Assessor payment of excess fees in the amount of \$2400.00 be deposited in the operating fund and that the Treasurer is hereby instructed when said turn-over is made to place the same to the credit of the Operating Fund. Motion carried with all the Commissioners voting aye.

IN THE MATTER OF:
RETURN OF SHERIFF ON POSTING NOTICES IN BEER ELECTION:

THE STATE OF TEXAS |

THE COUNTY OF TITUS |

TO THE COMMISSIONERS' COURT OF TITUS COUNTY, TEXAS:

I, A. B. Gilpin, County Clerk, Titus County, Texas, in obedience to an order made by your body on the 18th day of November, 1940, commanding me to post, or cause to have posted, in each election precinct in Titus County, Texas, a true copy of the order passed by your body on the 18th day of November, 1940, calling an election to be held in Titus County, Texas, on the 29 day of Nov., 1940, for the purpose of submitting to the qualified voters of said county the question of whether or not the sale of beer containing alcohol not exceeding four per centum (4%) by weight shall be prohibited in Titus County, Texas, have caused G. R. Ard, Sheriff of Titus County, Texas, to post the said notices and make due return thereof to me. The return of G. R. Ard, Sheriff of Titus County, Texas, is hereto attached, the same showing how your order has been executed.

WITNESS MY HAND AND SEAL OF OFFICE, this the 18 day of November, 1940.

(SEAL)

A. B. Gilpin
County Clerk, Titus Co., Texas

TO THE SHERIFF OR CONSTABLE OF TITUS COUNTY, TEXAS: -- GREETING:

WHEREAS, on the 18th day of November, the Commissioners' Court of Titus County, Texas, did order an election to be held on the 29 day of November, 1940, for the purpose of submitting to the qualified voters of said county the question of whether or not the sale of beer containing alcohol not exceeding four per centum (4%) by weight shall be prohibited in Titus County; and,

WHEREAS, in said order the Commissioners' Court required that I, A. B. Gilpin, Clerk of said Court, post or cause to have posted at least one copy of said order in each election precinct in Titus County, Texas, for a period of at least six (6) full days prior to said election.

NOW, THEREFORE, THIS IS TO COMMAND YOU that you post a true copy of said order, hereto attached, in each of the election precincts in Titus County, Texas, for a period of at least six (6) full days prior to the 29 day of November, 1940, and make due return thereof.

HEREIN FAIL NOT, but have you a copy of this order together with your return thereon showing how you have executed the same, in my office at the Court House in Titus County, Texas, at least six (6) full days prior to November 29, 1940.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 18 day of November, A.D. 1940.

A. B. Gilpin
County Clerk, Titus Co., Texas

CAME TO HAND this the 19 day of November, A.D. 1940, at 9 o'clock, A. M., and executed by posting one copy at each of the following places as follows:

At Court House Mt. Pleasant, Texas in Election Pre. No. 1, Titus County, on the 19 day of November, 1940, at 10 o'clock A. M.;

At School House Green Hill in Election Pre. No. 2, Titus County, on the 19 day of November 1940, at 10-15 o'clock A. M.;

At School House Marshall Springs in Election Pre. No. 3, Titus County, on the 19 day of November, 1940, at 11-30 o'clock, A.M.;

At School House Monticello, Texas in Election Pre. No. 4, Titus County, on the 19 day of November, 1940, at 10-30 o'clock, A.M.;

At School House Sugar Hill in Election Pre. No. 5, Titus County, on the 19 day of November, 1940, at 10-30 o'clock, A.M.;

At School House Cookville, Texas in Election Pre. No. 6, Titus County, on the 19 day of November, 1940, at 10-15 o'clock, A.M.;

At School House Hickory Hill in Election Pre. No. 7, Titus County, on the 19 day of November, 1940, at 10-45 o'clock, A.M.;

At Court House Mt. Pleasant, Texas in Election Pre. No. 8, Titus County, on the 19 day of November, 1940, at 10 o'clock, A.M.;

At City Hall Taloo, Texas in Election Pre. No. 9, Titus County, on the 19 day of November, 1940, at 11 o'clock, A.M.;

At School House Argo, Texas in Election Pre. No. 10, Titus County, on the 19 day of November, 1940, at 10-30 o'clock, A.M.;

At Bank Building Winfield, Texas in Election Pre. No. 11, Titus County, on the ____ day of November, 1940, at 11-55 o'clock, A.M.;

At School House Lone Star, Texas, in Election Pre. No. 12, Titus County, on the 19 day of November, 1940, at 10-15 o'clock, A.M.;

At Court House Mt. Pleasant, Texas in Election Pre. No. 13, Titus County, on the 19 day of November, 1940, at 10 o'clock A.M.;

At Court House Mt. Pleasant, Texas in Election Pre. No. 14, Titus County, on the 19 day of November, 1940, at 10 o'clock, A.M.;

At Exhibit Building Fair Ground - 1st Building in fair Ground Mt. Pleasant, Texas - in Election Pre. No. 15, Titus County, on the 19 day of November, 1940, at 9-45 o'clock, A.M.;

WITNESS MY HAND AT MT. PLEASANT, TEXAS, this the 19th day of November, A.D. 1940.

G. R. Ard
Sheriff, Titus County, Texas

By: Hollis B. Holcomb, Deputy

Fee - 15 Notices \$15.00
Miles 122 9.15
Total \$24.15

BE IT REMEMBERED, that on the 18th day of November, A.D. 1940, the Commissioners' Court of Titus County, Texas, met in call session with the following members present:

C. T. Neugent, County Judge

Lester Garrett, Commissioner Precinct One

W. J. Cody, Commissioner Precinct Two

Ernest Brown, Commissioner Precinct Three

G. C. Lunsford, Commissioner Precinct Four

WHEREUPON Commissioner T. L. Garrett presented for consideration of the court the following resolution, and moved its adoption: Commissioner G. C. Lunsford seconded the motion. The resolution offered by Commissioner T. L. Garrett being as follows:

"WHEREAS, on the 12th day of November, 1940, there was presented to the Commissioners' Court of Titus County, Texas, a petition signed by J. A. Floyd and five hundred thirsen (513) other resident qualified voters of Titus County, Texas, asking that the Commissioners' Court of Titus County, Texas, submit to the qualified voters of Titus County, Texas, at an election held for that purpose, the question of whether or not the sale of beer containing alcohol not exceeding four per cent (4%) by weight shall be prohibited in Titus County, Texas; and,

WHEREAS, the Commissioners' Court of Titus County, Texas, after due examination of said petition finds that the same is in proper form and has more than the required number of qualified signers thereon as is required by Sec. 32 of Art. 666, Penal Code, State of Texas, 1925, as amended by the Forty-Fourth Legislature, 1935.

NOW, THEREFORE, BE IT ORDERED by the Commissioners' Court of Titus County, Texas, at a

called session of said court, held on the 18th day of November, A.D. 1940, that an election be held at the various voting precincts in Titus County, Texas, on the 29 day of November, A.D. 1940, which day is not less than ten nor more than twenty days from this date, for the purpose of submitting to the legally qualified voters of said county the question of whether or not the sale of beer containing alcohol not exceeding four per centum (4%) by weight shall be prohibited in said county.

BE IT FURTHER ORDERED that such election shall be held at the regular voting places in all the election precincts in Titus County, Texas, and the election officers heretofore appointed by the Commissioners' Court of Titus County, Texas, on the 13th day of February, 1940, for the purpose of holding all special and general elections to be held in Titus County, Texas, are hereby appointed and designated as the officers to hold said election at the various voting precincts in Titus County.

BE IT FURTHER ORDERED that the officers holding such election and conducting such election shall conform to the general election laws of the State of Texas, where not inconsistent with Art. 666 of the Penal Code of the State of Texas, and where the general election laws are inconsistent with Art. 666 of the Penal Code of Texas, the said Art. 666 shall govern. The officers holding such election shall, after the polls are closed, proceed to count the votes and within three (3) days thereafter make due report of said election to the Commissioners' Court of Titus County, Texas.

BE IT FURTHER ORDERED that at the said election the votes shall be by official ballot which shall have printed at the top thereof in plain letters the words "OFFICIAL BALLOT". Said ballot shall have also written thereon the following:

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BE IT FURTHER ORDERED that the clerk of said court shall post or cause to be posted at least one copy of this order in each election precinct in Titus County, Texas, for at least six (6) days prior to the day of the election".

Whereupon the County Judge put the question of the adoption of said resolution to a vote of the members of the Commissioners' Court, stating that all who favored the adoption of the resolution shall vote "AYE" and all opposed vote "NO"; whereupon Commissioners Garrett, Cody, Brown and Lunsford vote "AYE" and none voted "NO"; whereupon the County Judge declared the motion carried and the resolution adopted.

TO WHICH CERTIFY, a true copy hereof, witness our hands and seal of said court, this the 18 day of November, 1940.

ATTEST: A. B. Gilpin
Clerk
(Commissioners' Court Seal)

C. T. Neugent
County Judge

THE STATE OF TEXAS |

THE COUNTY OF TITUS |

I, A. B. Gilpin, County Clerk of Titus County, Texas, do hereby certify that the above and foregoing order is a true and correct copy of the order now on file in my office at the Court House in Titus County, Texas, filed therein on the 18 day of November, 1940, calling an election by the Commissioners' Court of Titus County, Texas, to be held in Titus County, Texas, on the 29 day of November, 1940, for the purpose of submitting to the qualified voters of said county the question of whether or not the sale of beer containing alcohol not exceeding 4% by weight shall be prohibited in said county.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 18 day of November, A.D. 1940.

(SEAL)

A. B. Gilpin
County Clerk, Titus Co., Texas

~~INDEPENDENT~~

CERTIFICATE OF INDEBTEDNESS

\$2,960.00

THE STATE OF TEXAS |

COUNTY OF TITUS |

The County of Titus, Texas, will pay to bearer at the Office of the County Treasurer, Mount Pleasant, Texas, the sum of Two Thousand Nine Hundred Sixty (\$2,960.00) Dollars, in lawful money of the United States of America, being the accrued interest on past due principal and interest coupons on and by reason of \$49,000.00 of warrants; said warrants being more fully described as follows:

Titus County General Funding Warrants, dated March 10, 1928, bearing 6% interest, numbers 7 to 30, both inclusive, of the denomination of \$1000.00 each, aggregating \$24,000.00, being part of an issue aggregating \$30,000.00.

Titus County Funding Warrants, Series 1928-A, dated December 15, 1928, bearing 6% interest, numbers 2 to 26, both inclusive, of the denomination of \$1000.00 each, aggregating \$25,000.00, being part of an issue aggregating \$25,840.00.

This Certificate of Indebtedness has been authorized pursuant to an order passed by the Commissioners' Court of Titus County on the 19th day of October, 1940, authorizing the issuance of \$59,250.00 General Refunding Bonds, Series 1940, dated May 28, 1940, and shall be accepted by the Comptroller of Public Accounts of the State of Texas in exchange for a like amount of said Refunding Bonds.

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

A. B. Gilpin
County Clerk, Titus County, Texas.

(SEAL)

D. C. Morgan
County Treasurer, Titus County, Texas.

The above minutes read and approved.

Attest: _____

County Clerk.

County Judge.

AA1372