

IN THE MATTER OF AUTHORIZING THE ISSUANCE OF TITUS COUNTY ROAD AND BRIDGE REFUNDING BONDS SERIES 1942, IN THE AMOUNT OF TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS:

THE STATE OF TEXAS |
COUNTY OF TITUS |

On this the 15th day of May, 1942, the Commissioners' Court of Titus County, Texas, convened in regular meeting during a regular Term of Court at the Courthouse in the City of Mount Pleasant, Texas, with the following members of the Court present, to-wit:

Ed Dickson	County Judge
T. L. Garrett	Commissioner Precinct No. 1,
E. E. Nugent	Commissioner Precinct No. 3,
Norman Goodwin	Commissioner Precinct No. 4,
Floyd Keith	County Clerk and Ex-Officio Clerk, Commissioners' Court,

with the following members absent: Morris White, constituting a quorum of the court, at which time the following proceedings were had:

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

AYES: Commissioners Garrett, Nugent and Goodwin.

NOES: None.

The County Judge announced that the order had been passed. The order as passed is as follows:

AN ORDER

BY THE COMMISSIONERS' COURT OF TITUS COUNTY TEXAS, AUTHORIZING THE ISSUANCE OF TITUS COUNTY ROAD AND BRIDGE REFUNDING BONDS, SERIES 1942, IN THE AMOUNT OF TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS, BEARING INTEREST AT THE RATE OF FOUR AND ONE-FOURTH (4 $\frac{1}{4}$) PER CENT PER ANNUM, IN LIEU OF AND IN EXCHANGE FOR A LIKE AMOUNT OF LEGALLY OUTSTANDING WARRANTS OF THE COUNTY, PURSUANT TO NOTICE HERETOFORE GIVEN UNDER THE PROVISIONS OF CHAPTER 163, ACTS OF THE REGULAR SESSION OF THE FORTY SECOND LEGISLATURE, LEVYING A TAX TO PAY THE PRINCIPAL AND INTEREST OF SAID BONDS, AND PRESCRIBING THE DUTIES OF VARIOUS OFFICIALS IN REFERENCE TO THE ISSUANCE THEREOF.

WHEREAS, pursuant to the provisions of Chapter 163, Acts of the Regular Session of the Forty Second Legislature, the Commissioners' Court has heretofore given notice of its intention to issue Refunding Bonds to take up a like amount of its time warrants, which notice is in words and figures as follows:

"NOTICE OF INTENTION TO ISSUE
ROAD AND BRIDGE REFUNDING BONDS"

Notice is hereby given that on the 15th day of May, 1942, the Commissioners' Court of Titus County, Texas, will pass an order authorizing the issuance of Road and Bridge Refunding Bonds of said County, in the maximum amount of Twenty Five Thousand (\$25,000.00) Dollars, bearing interest at the rate of four and one-fourth (4 $\frac{1}{4}$) per cent 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 fifteen (15) years after the date of said bonds, for the purpose of taking up, cancelling, refunding and in lieu of a like amount of interest-bearing time warrants described as follows:

Titus County Road and Bridge Warrants, Series 1941, dated December 15, 1941, bearing interest at the rate of Four and one-half (4 $\frac{1}{2}$) per cent per annum, numbered Thirty One (31) to Fifty (50), both incl., of the denomination of Five Hundred (\$500.00) Dollars each, aggregating Ten Thousand (\$10,000.00) Dollars, and maturing serially \$4,000.00 April 15, 1953, and

\$6,000.00 April 15, 1954.

Titus County Road and Bridge Time Warrants, Series 1942, dated March 10, 1942, bearing interest at the rate of Four and One-half (4½) per cent per annum, numbered One (1) to Thirty (30), both inclusive, of the denomination of Five Hundred (\$500.00) Dollars each, aggregating Fifteen Thousand (\$15,000.00) Dollars, and maturing serially \$500.00 on April 15th each of the years 1943 to 1947, inclusive; \$1,000.00 April 15, 1948; \$1,500.00 on April 15, 1949; \$2,000.00 April 15, 1950-51; \$5,000 April 15, 1952; and \$1,000.00 April 15, 1953.

This notice is given in accordance with the provisions of Chapter 163, Acts of the Regular Session of the Forty Second Legislature.

EXECUTED by order of the Commissioners' Court passed on the 7th. day of April, 1942.

Ed Dickson, County Judge,
Titus County, Texas."

;and

WHEREAS, said notice was published in the Mount Pleasant Daily Times, a newspaper of general circulation, published in Titus County, Texas, in its issue of April 10, 17 and 24th; and

WHEREAS, no petition has been filed with the Court such as is contemplated in said law, requesting a referendum election on the issuance of said Refunding Bonds; and

WHEREAS, said indebtedness consists of interest-bearing time warrants hereinafter set forth;

Titus County Road and Bridge Warrants, Series 1941, dated December 15, 1941, bearing interest at the rate of Four and one-half (4½) per cent per annum, numbered Thirty One (31) to Fifty (50), both incl., of the denomination of Five Hundred (\$500.00) Dollars each, aggregating Ten Thousand (\$10,000.00) Dollars, and maturing serially \$4,000.00 April 15, 1953, and \$6,000.00 April 15, 1954, being part of an authorized issue aggregating Twenty Five Thousand (\$25,000.00) Dollars.

Titus County Road and Bridge Time Warrants, Series 1942, dated March 10, 1942, bearing interest at the rate of Four and one-half (4½) per cent per annum, numbered One (1) to Thirty (30), both inclusive, of the denomination of Five Hundred (\$500.00) Dollars each, aggregating Fifteen Thousand (\$15,000.00) Dollars, and maturing serially \$500.00 on April 15th each of the years 1943 to 1947, inclusive; \$1,000.00 April 15, 1948; \$1,500.00 on April 15, 1949; \$2,000.00 April 15, 1950-51; \$5,000.00 April 15, 1952; and \$1,000.00 April 15, 1953, being all of an authorized issue aggregating Fifteen Thousand (\$15,000.00) Dollars.

;and

WHEREAS, all of said interest-bearing time warrants were issued in all particulars in accordance with law, including Chapter 163, Acts of the Regular Session of the Forty-second Legislature; and

WHEREAS, all of said time warrants above described constitute legal, outstanding and unpaid obligations against the Road and Bridge Fund of Titus County; and

WHEREAS, all of said original indebtedness was created upon the condition that it should be a charge upon the Road and Bridge revenues of the County and has at all times been a charge upon the Road and Bridge Revenues of said county; and

WHEREAS, the total of said indebtedness above described is Twenty Five Thousand (\$25,000.00) Dollars; and

WHEREAS, it is considered to be to the best interest of said County to refund said

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warrants into Refunding Bonds of the County, bearing a lower rate of interest in accordance with the laws of the State of Texas, and

WHEREAS, after levying the tax to pay the principal and interest of said Refunding Bonds, and after making provision for all other fixed charges against the County, sufficient taxing power will remain to pay the operating expenses of the County, chargeable to said fund;

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

1. That the bonds of the County to be called "Titus County Road and Bridge Refunding Bonds Series 1942", be issued under and by virtue of Chapter 163, Acts of the Regular Session of the Forty Second Legislature, effective May 21, 1931, and by virtue of the Constitution and laws of the State of Texas, in the amount of Twenty Five Thousand (\$25,000.00) Dollars, for the purpose of refunding, cancelling and in lieu of a like amount of interest-bearing time warrants above described, constituting legal, outstanding indebtedness of Titus County, Texas, chargeable against its Road and Bridge Fund.

2. That said bonds shall be numbered consecutively from One (1) to Twenty Seven (27), both inclusive, of the denomination of One Thousand (\$1,000.00) Dollars each, except Numbers One (1) to Four (4), inclusive, for Five Hundred (\$500.00) Dollars each, and shall become due and payable as follows:

<u>BONDS NUMBERS</u>	<u>MATURITY DATES</u>	<u>AMOUNTS</u>
1	April 15, 1944,	\$500.00
2	April 15, 1946,	500.00
3	April 15, 1947,	500.00
4	April 15, 1948,	500.00
5	April 15, 1949,	1000.00
6	April 15, 1950,	1000.00
7	April 15, 1951,	1000.00
8 to 12 inc.	April 15, 1952,	5000.00
13 to 17 inc.	April 15, 1953,	5000.00
18 to 22 inc.	April 15, 1954,	5000.00
23 to 27 inc.	April 15, 1955,	5000.00

That the maturities fixed for said issue are such that the burden of taxation to support the same is approximately uniform throughout the term of such issue, to the extent that the financial condition of the County will permit and the court adjudges such to be a fact.

3. Said bonds shall be dated the 15th day of May, 1942.

4. Said bonds shall bear interest from their date at the rate of four and one-fourth (4 $\frac{1}{4}$ %) per cent per annum, payable October 15, 1942, and semi-annually thereafter on April 15th and October 15th of each year, until fully paid.

5. That the principal and interest on said bonds shall be payable in lawful money of the United States of America upon presentation and surrender of bond or proper coupon at the office of the County Treasurer, Mount Pleasant, Texas.

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

7. That the fac-simile signatures of the County Judge and County Clerk may be lithographed or printed upon the coupons attached to said bonds, and shall have the same effect as if they had been signed by them.

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

NO. _____

\$ _____

UNITED STATES OF AMERICA
 STATE OF TEXAS
 COUNTY OF TITUS
 ROAD AND BRIDGE REFUNDING BOND
 SERIES 1942

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 15th day of April 19__ the sum of _____ DOLLARS in lawful money of the United States of America, with interest thereon from date hereof at the rate of four and one-fourth (4 $\frac{1}{4}$) per cent per annum, interest payable October 15, 1942, and thereafter semi-annually on the 15th day of April and the 15th. day of October of each year, principal and interest payable upon presentation and surrender of bond or proper coupon at the office of the County Treasurer, Mount Pleasant, Texas, and the County of Titus is hereby held and firmly bound payable upon presentation and surrender of bond or proper coupon at the office of the County Treasurer, Mount Pleasant, Texas, and the County of Titus is hereby held and firmly bound, and its faith and credit and all taxable property in said County are hereby pledged for the prompt payment of the principal of this bond at maturity and the interest thereon as it accrues.

This bond is one of a series of Twenty Seven (27) bonds numbered from One (1) to Twenty Seven (27), both inclusive, of the denomination of One Thousand (\$1,000.00) Dollars each, except Numbers One (1) to Four (4), inclusive, for Five Hundred (\$500.00) Dollars each, aggregating Twenty Five Thousand (\$25,000.00) Dollars, issued for the purpose of refunding, cancelling and in lieu of a like amount of legally outstanding indebtedness of the County of Titus, against the Road and Bridge Fund of said County, incurred for road and bridge purposes, consisting of legally issued, subsisting warrants of said County, all of which original warrants are being duly cancelled by the proper authorities simultaneously with the issuance of this bond and of the series of which it is a part.

In addition to all other rights the holder or holders of this bond and of the series of which it is a part is and are subrogated to all of the rights held by the holders of the original debts refunded in this issue of bonds.

This issue of bonds was expressly authorized by an order passed by the Commissioners' Court of Titus County, Texas, duly recorded in the minutes of said Commissioners' Court, in conformity with the provisions of Chapter 163, acts of the Regular Session of the Forty-Second Legislature.

The date of this bond in conformity with the order above mentioned is the 15th. day of May, 1942.

AND IT IS HEREBY CERTIFIED AND RECITED that the issuance of this bond, and the series of which it is a part, is duly authorized by law; that all acts, 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 due provision has been made for levying and collecting annually by taxation an amount sufficient to pay the interest on these bonds as it falls due and to provide a sinking fund for the final redemption of said bonds at maturity; and that the issue of bonds of which this is one, together with all other 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 bond to be signed by its County Judge,

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countersigned 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 the County Clerk as of the date last above written.

COUNTERSIGNED: Floyd Keith,
County Clerk, 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 THIS THE 15th DAY OF

_____, 19__.

Titus County, Texas, will pay to bearer at the office of the County Treasurer, Mount Pleasant, Texas, the sum of _____ (\$_____) Dollars, in lawful money of the United States of America, being ___ months' interest on Titus County Road and Bridge Refunding Bond, Series 1942, dated May 15, 1942, No. ____.

Floyd Keith, County Clerk

County Judge.

10. That substantially the following certificate shall be printed on the back of each of said bonds;

COMPTROLLER'S OFFICE :

STATE OF TEXAS :

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 Construction and laws of the State of Texas, and that it is a valid and binding obligation of said Titus County, Texas, and said bond has this day been registered by me.

WITNESS MY HAND AND SEAL OF MY OFFICE at Austin, Texas this the ___ day of ___, 19__.

Comptroller of Public Accounts of the State of Texas

11. The Comptroller shall not register said bonds except as and when there shall be surrendered to him said warrants aggregating in amounts the respective amounts of the bonds then to be registered. The holder or holders of said original indebtedness shall be entitled to the accrued interest of the Refunding Bonds as compensation for not drawing interest on the original warrants beyond the date calculated in this order.

12. The Comptroller is authorized to accept from C. N. Burt & Company, Dallas, Texas, or upon its order, the original items of indebtedness, and is authorized to deliver to the said Company, or upon its order, said Refunding Bonds as and when issued.

13. Reference is here made to the order of this Court which was made and entered on the 11th. day of May, 1942, at which meeting all members were present, levying a tax for the payment of these bonds and said order is hereby ratified and the tax therein levied is hereby appropriated to the payment of the bonds herein authorized, said order being as follows:

"THE STATE OF TEXAS |

COUNTY OF TITUS |

On this the 11th day of May, 1942, the Commissioners' Court of Titus County, Texas, met in regular Session at their regular Meeting Place at Mount Pleasant, Texas, with the following members present:

Ed Dickson,	County Judge,
T. L. Garrett,	Commissioner Precinct #1
Morris White,	Commissioner Precinct #2
E. E. Nugent,	Commissioner Precinct #3
Norman Goodwin,	Commissioner Precinct #4
Floyd Keith,	County Clerk and Ex-Officio Clerk, Commissioners' Court,

at which time motion was made by Commissioner Garrett, Seconded by Commissioner Goodwin, that to pay the interest on \$25,000.00 TITUS COUNTY ROAD AND BRIDGE 4 $\frac{1}{2}$ % REFUNDING BONDS to be authorized on May 15, 1942, in accordance with thirty days' published notice being given, and subject only to a petition of 1% of the qualified voters restraining the issuance of such proposes refunding bonds not being presented to this Court by May 15, 1942, and to create a sinking fund sufficient to discharge them as they mature, a tax of Two (.02) Cents on the one Hundred (\$100.00) Dollars' assessed valuation of all taxable property in the County of Titus, Texas, is hereby levied for the Year 1942, out of the Constitutional Fifteen (15) Cents Road and Bridge Fund Tax of said County, and said tax shall be assessed and collected, and there shall be calculated each year while any of said bonds or interest thereon are outstanding and unpaid, whatever rate of tax is necessary to provide current interest and the required amount of the principal for such year, or a proportionate part thereof, and for each of said years a tax at such rate within the rate permitted by the Constitution is hereby levied and ordered to be assessed and collected and that such taxes when collected shall be appropriated and applied to the purposes named.

MOTION CARRIED by unanimous vote this the 11th day of May, 1942.

ED DICKSON, County Judge,
Titus County, Texas.

ATTEST:

FLOYD KEITH, County Clerk."

14. All taxes in process of collection for the benefit of the issues of interest-bearing time warrants refunded in this bond issue and all moneys in the sinking funds of said warrant issues are hereby appropriated to the interest and sinking fund of this bond issue. The County Judge, County Clerk and County Treasurer are directed to take such steps as are necessary to transfer said funds to the interest and sinking funds for this bond issue. Provided, however, that said transfer shall be made proportionately from time to time as and when said interest-bearing time warrants have been actually surrendered in exchange for said Refunding Bonds, in such manner that outstanding warrants not exchanged will always be protected by a proper interest and sinking fund heretofore provided for that purpose.

15. The sum of \$442.75 is hereby appropriated out of fund available therefor for the purpose of paying the interest which will accrue on said bonds on October 15, 1942. The County Judge, County Clerk, and County Treasurer are hereby directed to transfer said sum to the interest and sinking fund provided for this issue, to be used for no other purpose than to pay the interest which will accrue on October 15, 1942.

16. It is further ordered that the County Judge shall be and he is hereby authorized to take and have charge of all necessary records pending investigation and approval by the Attorney General and shall have control of said bonds during said time. After the record has

been approved the County Judge is authorized to leave the bonds in the office of the Comptroller pending the exchange for the original warrants and pending their registration, which may be at one time or in installments.

17. IT IS FURTHER ADJUDGED AND DECREED that all things required to be done by law in the issuance of said original warrants refunded herein have happened and been performed in due time, form and manner as required by law; that the County received full and lawful value for all of said warrants refunded hereby; that all acts heretofore performed by the Commissioners' Court and by the several County Officials in reference thereto are hereby expressly validated, and said original indebtedness is hereby validated; that all acts required by law and all things required by law to have happened in reference to this issue of refunding bonds have happened and been performed in due time, form and manner as required by law; that this finding is made for the benefit of the prospective holders of said bonds and for the benefit of the Attorney General of Texas.

PASSED AND APPROVED this the 15th day of May, 1942.

Ed Dickson, County Judge,
Titus County, Texas.

ATTEST: (Seal)
Floyd Keith, County Clerk,
Titus County, Texas.

THE STATE OF TEXAS |
COUNTY OF TITUS |

I, the undersigned, County Clerk and Ex-Officio Clerk of the Commissioners' Court of Titus County, Texas, do hereby certify that the above and foregoing is a true, full and correct copy of an order passed by the Commissioners' Court of said County (and of the minutes pertaining thereto) on the 15th day of May, 1942, which order is duly of record in the minutes of said Court in Vol. _____ page _____ et seq.

WITNESS MY HAND and seal of the Commissioners' Court, this the 15 day of May, 1942.

Floyd Keith, County Clerk and
Ex-Officio Clerk, Commissioners' Court,
Titus County, Texas.

(SEAL)

APPROPRIATION CERTIFICATE

THE STATE OF TEXAS |
COUNTY OF TITUS |

We, the undersigned, County Judge, County Clerk and County Treasurer of the County of Titus Texas, do hereby certify that in accordance with the terms of the order passed by the Commissioners' Court of said County on the 15th day of May, 1942, authorizing the issuance of "Titus County, Texas, Road and bridge refunding bonds, Series 1942, \$25,000.00, 4 1/2%", there has been appropriated the sum of \$442.75 out of available funds therefor to pay the interest which will accrue on said series of bonds on October 15, 1942.

We do further certify that the said sum has been placed in a separate fund and will be used for no other purpose than to pay the interest accruing on this series of bonds on October 15, 1942.

IN TESTIMONY WHEREOF, witness our hands, this the _____ day of May, 1942.

Ed Dickson, County Judge,
Titus County, Texas.

Floyd Keith, County Clerk,
Titus County, Texas.

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

(SEAL)

SIGNATURE IDENTIFICATION AND NON-LITIGATION CERTIFICATE

STATE OF TEXAS |
 | SS.
COUNTY OF TITUS |

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WE HEREBY CERTIFY, that we did officially sign the \$25,000.00 of Titus County Road and Bridge Refunding Bonds, Series 1942 drawing 4 1/2 per cent interest, payable semi-annually and delivered herewith, said bonds being dated May 15, 1942 being of \$1,000.00 denomination, except Nos. 1 to 2, incl. for \$500.00 each numbered 1 to 27 both inclusive, maturing \$500.00 4/15/44; 46-48; \$1,000 4/15/49-51; \$5,000 4/15/52-55.

We, the undersigned, being at the date of such signature and now the duly chosen, qualified and acting officers indicated therein and authorized to execute same.

WE DO FURTHER CERTIFY that no litigation of any nature is now pending or threatened restraining or enjoining the issuance and delivery of said bonds; or the levy and collection of taxes to pay the interest and principal, or in any manner questioning the proceedings or authority by which same is made, or affecting the bonds thereunder; and

That neither the corporate existence nor boundaries, nor the title of present officers to their respective offices is being contested, and that no authority nor proceedings for the issuance of said bonds have been repealed, revoked or rescinded.

WE FURTHER CERTIFY that we are acquainted with the official seal of said Commissioners' Court and that an impression of said official seal is affixed to each of said bonds and that a correct impression of the same also appears upon this certificate.

That the fac-simile signatures of County Judge, County Clerk appear upon the coupons attached to said bonds

executed and delivered at Mount Pleasant, Texas this 15th day of May 1942.

Signature	Official Title
Ed Dickson	County Judge
Floyd Keith	County Clerk
D. C. Morgan	County Treasurer.

(SEAL)

I DO HEREBY CERTIFY that the signatures of the officers subscribed above are true and genuine.

C. L. Lee, Cashier
First National Bank
Mt. Pleasant, Texas.

(Bank Seal)

Dated At Mount Pleasant, Texas, this 15th day of May, 1942.

IN THE MATTER OF DESIGNATING THE COUNTY JAIL AS QUARANTINE STATION FOR SUCH PERSONS AS MAY BE FOUND TO HAVE VENEREAL DISEASES.

Motion was made by Commissioner Nugent and duly seconded by Commissioner Goodwin as follows, to wit: "That the County Jail of Titus County, Texas, be and it is hereby designated as the quarantine station for Titus County, Texas, for such persons as may be found in Titus County who have venereal diseases, and such persons as may be found in said county infected with such diseases may be retained in said quarantine station as is provided in Art. 444B, R.C. S. 1925." Motion was submitted by the County Judge and all voted "Aye". County Judge declared the motion carried.

* * *

