

## ORDER AWARDING CONTRACT:

THE STATE OF TEXAS )  
 COUNTY OF TITUS )

On this the 18th day of September 1950, the Commissioners' Court of Titus County, Texas, convened in regular session at a regular term of said Court, at the regular meeting place thereof, at the Courthouse in Mt. Pleasant, Texas, with the following members, to-wit:

W. W. Mason,	County Judge,
R. W. Jones,	Commissioner Precinct No. 1,
J. Q. Roper,	Commissioner Precinct No. 2,
Eugene Mankine,	Commissioner Precinct No. 3,
Thomas J. Hood,	County Clerk,

being present, and the following absent; J. R. Ronder, constituting a quorum, and, among other proceedings had, the following order was adopted:

WHEREAS, this Court has heretofore determined the advisability and necessity of purchasing certain road machinery and equipment for use on the roads of Titus County, purchasing right-of-way for public roads in the County, and constructing permanent road and bridge improvements; and,

WHEREAS, this Court has heretofore on October 10, 1949, adopted an order authorizing this issuance of \$135,000.00 TITUS COUNTY ROAD AND BRIDGE WARRANTS, dated November 1, 1949, for the purpose of paying claims to be incurred by Titus County in purchasing right-of-way for public roads in the County, and incidental expenses in connection therewith, constructing permanent road and bridge improvements in the County, and purchasing road machinery and equipment for use on the roads of Titus County; and,

WHEREAS, this Court, by resolution adopted on August 28, 1950, authorized, ordered and directed the County Judge to publish notice to bidders on certain road machinery, and of the intention of the Commissioners Court to pay all or a part of the net cost of said road machinery by the issuance and delivery of warrants out of the above described issue; and,

WHEREAS, this Court affirmatively finds that said notice to bidders was duly given by publication in a newspaper of general circulation published in Titus County, Texas, in the manner and for the time required by law; the date set for receiving bids being this 18th day of September, 1950; and,

WHEREAS, this Court further finds that no petition of any kind or character in respect to the purchase of said road machinery described in said notice or the issuance and delivery of TITUS COUNTY ROAD AND BRIDGE WARRANTS in payment thereof has been filed with the County Clerk, or any member of this Court, or any other official thereof; and,

WHEREAS, this Court has heretofore opened and considered the bids for the purchase of said road machinery; and,

WHEREAS, said bids having been found to be in proper order and accompanied by the required deposits, and the Commissioners Court desiring to award contract to the lowest and best bidder;

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

## I.

That the bid of HOBBS EQUIPMENT COMPANY, TYLER, TEXAS, for the purchase of One (1) MOTOR GRADER be and the same is hereby accepted; the price to be paid said Company for said machinery being \$8,600.00.

## II.

That the County Judge and County Clerk be and they are hereby authorized and directed to execute on behalf of the Commissioners Court of Titus County the contract submitted by said Hobbs Equipment Company.

III.

That said contract be attached hereto and made a part hereof and is hereby approved by the Commissioners Court.

The above order being read, it was moved and seconded that same do pass. Thereupon, the question being called for, the following members of the Court voted AYE: R. W. Jones, J. Q. Roper and Eugene Mankins, and the following voted NO: NONE.

- /s/ W. W. Mason, County Judge
- /s/ R. W. Jones, Commissioner Precinct No. 1
- /s/ J. Q. Roper, Commissioner Precinct No. 2
- /s/ Eugene Mankins, Commissioner Precinct No. 3

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IN THE MATTER OF JUDGMENT RENDERED IN DISTRICT ESTABLISHING BOUNDARY LINES OF VOTING BOXES IN PRECINCT NO. 4:

NO. 5950

J. R. PONDER, CONTESTANT		IN THE DISTRICT COURT
VS.		OF
JOHN B. KIRBY, CONTESTEE		TITUS COUNTY, TEXAS

J U D G M E N T

BE IT REMEMBERED that the above styled and numbered cause came on for trial on the 15th day of September, 1950 and all parties appeared in person and through their attorneys and announced ready for trial, and no jury having been demanded, all matters of fact, as well as of law, were submitted to the court; and

BE IT FURTHER REMEMBERED that on the 19th day of September, 1950, the parties appeared in person and by and through their attorneys announced to the Court that they had agreed upon a judgment to be entered in this cause and that whereby said cause of action was to be dismissed from the docket of the said court in keeping with the agreement of the parties as follows:

(a) It is agreed by and between contestant and contestee that a special election shall be held in Commissioner's Precinct No. 4, Titus County, Texas, at the regular voting boxes in said Commissioner's Precinct; viz. Cookville, Hickory Hill and Lone Star, on Saturday, September 30, 1950, for the purpose of determining whether Contestant or Contestee receives the majority vote of all the voters voting in said precinct at said special election. In this connection, it is agreed that said election shall be conducted under the same laws governing the holding of primary elections and that only such voters shall vote at said election as would be qualified voters to vote at a regular primary election in said precinct.

(b) It is specially agreed that should any person become 21 years of age subsequent to January 1, 1950 and prior to September 30, 1950 and possess the other necessary legal qualifications (except exemption certificate to make him a legal voter, he shall be permitted to vote at said election.

(c) It is agreed that no absentee ballots shall be voted by any voter, counted, or canvassed by the election officials at said election, but that all voters who vote shall appear personally at the respective voting boxes.

(d) That the returns of said special election shall be made, signed and certified as provided by law as to the holding of primary elections.

(e) That immediately after said ballots shall have been counted, the respective officers holding such election in said precinct shall sign the tally sheets, returns, etc. and immediately seal in an envelope one tally sheet, one poll list and one official return and deliver same to the County Clerk of Titus County. That they shall immediately place in an envelope and seal the same one tally sheet, one official return and one poll list and a

register of official ballots duly signed, and return the same to Joe Steed, Chairman of the Democratic Executive Committee of Titus County.

(f) That said officials, immediately after the polls have been closed and the votes shall have been counted and tabulated, shall place all ballots voted at said election in a ballot box, together with all mutilated tickets or ballots, and all unused ballots, and place the third tally sheet, poll list and return sheet in said ballot box and deliver same to the County Clerk of Titus County, Texas.

(g) It is agreed that no person holding or assisting in the holding of the second primary election on August 26, 1950, in said precinct shall serve as an election official in the forthcoming special election.

(h) It is agreed that a stub box as provided by law shall be furnished by the District Clerk to the proper officials of said precinct and that same shall be returned to him by said officials as provided by law.

(i) It is agreed that each of the parties hereto shall pay one-half (1/2) of all costs incurred in connection with the printing of the tickets, the holding of the election and making the necessary returns as herein provided for.

(j) In the event regular election boxes and stub boxes can not be furnished said officials, it is agreed that the District Clerk may furnish election boxes heretofore used in connection with the holding of elections, together with locks for said boxes, and shall place his seal on election boxes to be used as stub boxes.

(k) It is agreed that the Executive Committee of Titus County, a majority thereof being present, shall meet on Monday, October 2, 1950, between the hours of 10 o'clock A. M. and 2 o'clock P.M. and canvass the returns of said election in the same manner as in a regular election and shall declare which of the two (2) candidates received the greatest number of votes and certify the name of such candidate receiving the greatest number of votes as shown by said official returns to the County Clerk of Titus County, Texas as provided by law, and shall issue a certificate of nomination to the candidate receiving the greatest number of votes at such special election, and shall be declared by said Executive Committee as the duly and legally nominee of the Democratic party for the Commissioner of Precinct No. 4.

(l) It is agreed between the parties hereto that the name of J. R. Ponder shall appear first on the official ballot to be furnished the voters of said precinct and that the name of John B. Kirby shall appear second; and that in all other respects the ballots shall conform to the ballot prescribed by law for democratic primaries.

(m) It is agreed that all qualified voters residing upon either side of the Oak Grove-Liberty Hill Road shall be permitted to vote at said election; that all qualified voters residing on either side of the Cookville-Coopers Chapel Road (also known as the Ellis Bridge Road) between its intersection with the Oak Grove-Liberty Hill Road and the road running West from Lone Star which intersects the Cookville-Coopers Chapel Road at the Marshall Harvey Farm shall be permitted to vote at said election; and also all qualified voters living upon either side of the Bob Taylor-Clifton Harvey Road shall be permitted to vote at said election.

(n) That all qualified voters living on the West side of that road running North and South leading from New State Highway No. 67 at the E. C. Dale Farm and connecting into Old State Highway No. 1 shall be permitted to vote at said election.

(o) It is agreed that Lenton Road and wife, Mrs. Lenton Roach, are liners between Commissioner's Precinct Nos. 1 and 4 and may vote at Hickory Hill in Precinct No. 4 on September 30, 1950.

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(p) It is agreed that the qualified voters living on what is commonly known to be the line between the Cookville and Hickory Hill Voting Precincts shall be permitted to vote in either of said precincts as they did in the primary election held on August 26, 1950.

ACCORDINGLY, it is therefore, ORDERED, ADJUDGED and DECREED by the Court, the 21st day of September, 1950, that the above and foregoing agreement be, and it is hereby, entered as the judgment of this court, and said cause is hereby dismissed.

It is further ORDERED, ADJUDGED and DECREED by the court that Contestant and Contestee shall each pay one-half (1/2) of the court cost incurred herein.

/s/ T. C. Chaddick,

Judge presiding.

APPROVED as to form by:

FLORENCE AND FLORENCE

BY /s/ G. L. Florence

T. R. Florey, Jr.

Attorneys for Contestant

BROWN AND RUSSELL

By Traylor Russell

Attorneys for Contestee.

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There being no further business before the Court, Motion was made by Commissioner Jones and Seconded by Commissioner Mankins to adjourn. Motion carried.  
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The above and foregoing minutes were read and approved this the 30th day of September, 1950.

ATTEST: [Signature]  
County Clerk, Titus County, Texas.

[Signature]  
County Judge, Titus County, Texas.