

NOTICE.

IN THE COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS:

In the matter of Stock Law Election Held August 18th, 1923.

Notice is hereby given that L.G. Martin, Floyd Bailey, H.V. Davis, have filed a motion in the Commissioners Court of Upshur County, Texas, to have said Court to enter nunc tunc upon its minutes the following: An order passed by the Commissioners Court on July 10th, 1923, directing that a Stock Law Election be held throughout the said County on August 18th, 1923. An order for and notice of said election given by the County Judge of said County on July 10th, 1923.

The result and proclamation of the result of said election issued by said County Judge on August 24th, 1923. And notice is hereby given that said motion has been set for a hearing to be had on the same on Thursday, March 14th, A.D. 1935, at the next regular term of this court to be held at the courthouse in Gilmer, Upshur County, Texas.

Given under my hand and seal of office this the 11th day of February, A.D. 1935.

J. R. HINSON, County Judge and Presiding Officer
of the Commissioners Court of Upshur County, Texas

PUBLISHERS AFFIDAVIT.

STATE OF TEXAS,

COUNTY OF UPSHUR\$ SS

I, R.H. Laschinger, do solemnly swear that I am the Business Manager of the Gilmer Daily Mirror, printed and published at Gilmer, in the County of Upshur and State of Texas, and that from my own personal knowledge and reference to the files of said publication, the advertisement of Stock Law Election was inserted in the Gilmer Daily & Weekly Mirror on Feb. 16, & 21/ 35.

R.H. Laschinger,

Subscribed and sworn to before me March 13, 1935.

Seal.

Kate Knowles

IN THE MATTER OF STOCK | IN THE COMMISSIONERS COURT
LAW ELECTION HELD | OF UPSHUR COUNTY, TEXAS.
AUGUST 18TH, 1923. | MARCH TERM, A.D. 1935.

On this the 14th day of March, A.D. 1935, at a regular term of the Commissioners Court of Upshur County, Texas, a quorum being present, there came on to be heard, considered and passed upon, a motion filed in said court and signed by L.H. Martin, Floyd Bailey and H.V. Davis, asking that certain orders and instruments, hereinafter referred to, concerning a county wide stock law election held in said county on August 18th, 1923, be entered nunc tunc upon the minutes of said court, and that such other orders and decrees be entered and passed as, premiss considered, may be necessary.

The court after hearing and considering both the oral and written evidence introduced before the court, including written instruments found among the papers in said matter and

filed and prepared in the year of 1923, finds as follows:

That each of the signers of the petition above referred to is a freeholder and qualified voter of Upshur County, Texas.

That notice of the setting of said motion for a hearing, to be had on this date, was duly given, said notice having been published in The Gilmer Weekly Mirror, a newspaper printed and published in said county at Gilmer, Texas. That said notice was so published on the ___ day of February, 1935.

That on June 23rd, 1923, a petition, signed by one hundred freeholders and qualified voters of Upshur County, Texas, with at least twelve from each justice precinct of said County, was filed in and presented to the Commissioners Court of Upshur County, Texas, requesting said Court to order a county wide stock law election to be held in said county, to determine whether horses, mules, jacks, jennets and cattle should be permitted to run at large in said county.

That at the next regular term of said Commissioners Court, and on July 10th, 1923, said court did order said election to be held in said county on August 18th, 1923, which was more than thirty days from the date of the passage of such order, and ordered said election to be held throughout the county and to be conducted and the returns thereof made in accordance with laws regulating general elections, in so far as the same are applicable. That thereafter and on the same day the Honorable S.J. Moughon, who was then County Judge of said county, issued an order for said election and gave a valid and legal notice of same, as required by law.

That said election was on the 18th day of August, A.D. 1923, duly, legally and lawfully held in said county; that thereafter and before the tenth day after said election, the persons holding same made due returns to said County Judge of all votes cast at their respective voting places for and against said proposition submitted at said election; that said returns were duly, legally and lawfully opened, tabulated and counted; that a majority of the votes cast at said election were for said stock law.

That immediately thereafter and on August 24th, 1923, the said Honorable S.J. Moughon, County Judge of said County, duly and legally issued his proclamation debaring the result of said election and posted said proclamation at the Courthouse door in Upshur County, Texas.

That all the provisions of the law were complied with in presenting the petition, the action of the court thereon ordering the election, the giving of notice and holding of the election, and in counting and returning the votes and declaring the result thereof, but that certain orders, hereinafter specified, in connection with said stock law election, were, through oversight, or for some unknown reason, not placed of record upon the minutes of said Commissioners Court.

That no similar election had been held in said county within twelve months prior to the filing of said petition on June 23rd, 1923, and that none has been held within said county since the date of said election on August 18th, 1923.

Therefore, the court is of the opinion that said motion should in all respects be granted, and hereby orders the following entries to be made upon the minutes of the Commissioners Court of Upshur County, Texas;

Entered as of date July 10th, 1923, the following: On this the 10th day of July, A.D. 1923, at a regular term of the Commissioners Court of Upshur County, Texas, being the next regular term after the filing of the petition, hereinafter mentioned, came on to be considered a petition to this court, signed by one hundred freeholders and qualified voters of Upshur County, Texas, with at least twelve from each justice precinct in said county, requesting this court to order a county wide stock law election to be held in said county, to

determine whether horses, mules, jacks, jennets and cattle shall be permitted to run at large in said County, and it appearing to the court that said petition complys in all respects with the law, it is hereby ordered that said election be held throughout the county on the 18th day of August, A.D. 1923, said date being more than thirty days from the date of this order; that said election be held and conducted and returns thereof made in accordance with the laws regulating general elections, in so far as the same are applicable.

Entered as of date August 24th, 1924, the following: Be it known that, in pursuance to a lawful petition, order of the Commissioners Court, County Judge's order, due notice, and other statutory requisites, a county wide stock law election was held in Upshur County, Texas, on the 18th day of August, 1923, and that I, S.J. Moughon, County Judge, of said county, in the presence of the County Clerk and one justice of the peace of said county, have on this the 24th day of August, A.D. 1923, opened tabulated and counted the returns of said election, which returns were made to me before the tenth day after such election by the persons holding such election of all the votes cast at their respective voting places for and against said proposition submitted at said election, I find that there were 508 votes cast at said election for the stock law and 155 votes cast at said election against said stock law; that there were a majority of the votes cast for said stock law. Now, therefore, I, S.J. Moughon, County Judge of Upshur County, Texas, do hereby declare that said stock law election carried, that such election resulted in favor of preventing horses, mules, jacks, jennets and cattle from running at large in said Upshur County; and I order and direct that this proclamation be posted at the courthouse door of this county, and that after the expiration of thirty days from its issuance, it shall be unlawful to permit to run at large, within said county, any animal of the classes heretofore mentioned.

It is further ordered that J.R. Hinson, County Judge of Upshur County, Texas, and/or B.C. Ewell, County Clerk of said county give due notice of the election above referred to and the entry of said orders *nunc pro tunc*.

J.R. HINSON, PRESIDING OFFICER OF THE COMMISSIONERS
COURT OF UPSHUR COUNTY, TEXAS.

ATTEST:

B.C. EWELL, COUNTY CLERK OF UPSHUR COUNTY, TEXAS.

PROCLAMATION OF STOCK LAW ELECTION

IN UPSHUR COUNTY, TEXAS.

THE STATE OF TEXAS, |
COUNTY OF UPSHUR |

WHEREAS, on the 23rd day of June 1923, one hundred freeholders and qualified voters of Upshur County, Texas, with at least twelve from each Justice Precinct in said County, filed a petition with the Commissioners Court of Upshur County, Texas, requesting that court to order a county wide Stock Law Election, to determine whether horses, mules, jacks, jennets and cattle should be permitted to run at large in said county; and

WHEREAS said Commissioners Court, on considering said petition, did on the 10th day of July, 1923, order said election to be held on the 18th day of August, A.D. 1923; and WHEREAS, the then County Judge of said County, issued and order for said election and gave notice as required by law; and

WHEREAS, said election was duly and legally held on the said 18th day of August, 1923, and at which time 508 votes were cast "For the Stock Law" and 155 votes were cast "Against the Stock Law", and the then County Judge opened tabulated and counted the returns

of said election, and found that the majority of votes cast were for said stock law; and WHEREAS, through oversight, inadvertence, or for some unknown reason the result of said election was not placed upon the minutes of the said Commissioners Court; and,

WHEREAS, on the 14th day of March, A.D. 1935, the Commissioners Court of Upshur County, Texas, duly and legally caused said result and other necessary orders to be entered nunc pro tunc upon the minutes of said court.

NOW, therefore, I, J.R. Hinson, County Judge of Upshur County, Texas, do hereby issue this my proclamation, declaring that such election resulted in favor of preventing horses, mules, jacks, jennets and cattle from running at large in said County, and that after the expiration of thirty days from its issuance it shall be unlawful ot permit to run at large, within the limits of Upshur County, Texas, any animal of the classes hereinbefore mentioned, and I order and direct that this proclamation be posted at the courthouse door of this county, and published in Gilmer Mirror a newspaper published in Upshur County, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 14th day of March, A.D. 1935.

J.R. HINSON, COUNTY JUDGE OF UPSHUR COUNTY, TEXAS.

ATTEST:

B.C. ELWELL, Ex-OFFICIO CLERK OF THE COMMISSIONERS
COURT OF UPSHUR COUNTY, TEXAS. SEAL.

A copy of the above proclamation os Stock Law Election in Upshur County, Texas, was posted at the Courthouse Door of Upshur County on March 14, 1935, and a copy published in the Gilmer Mirror on March 14, 1935.

By Edith Hogg, Deputy.
Seal.
B.C. ELWELL, County Clerk Upshur
County, Texas.