

The Commissioners Court met in Special Session August 25th, 1936, with all members present, to-wit: Edw. Harper, County Judge, T. R. Smith, Commr. Prec. No. 1, E. C. Smith, Commr. Prec. No. 2, P. H. McGown, Commr. Prec. No. 3, R. W. Chapman, Commr. Prec. No. 4, Geo. W. Russell, Sheriff, and Zeda Davidson, Clerk and transacted business, as follows:

Accounts were allowed and approved as is shown by Minutes of accounts allowed:

On this day came on to be considered the following Application of Wyatt Metal and Boiler Works, and upon the motion made by E. C. Smith, and seconded by P. H. McGown, with a majority, to-wit: E. C. Smith, P. H. McGown, and R. W. Chapman, voting Aye, and a minority, to-wit: T. R. Smith, and Edw. Harper, voting No., it is ordered that the petition be and is hereby accepted. Petition reading as follows:

The State of Texas } Commissioners' court, August 25th, term, A. D. 1936.  
County of Sabine }

TO THE HONORABLE COMMISSIONERS' COURT OF SABINE COUNTY, TEXAS:

The application of Wyatt Metal & Boiler Works would respectfully show that the said Wyatt Metal & Boiler Works is now the lawful owner of the Warranty of Sabine County No. 497, for the sum of Nine Thousand Two Hundred and Sixteen and 66/100 (\$9,216.66) Dollars, with six (6%) per cent interest thereon, dated December 13, 1932, issued and made payable to Wyatt Metal & Boiler Works, in accordance with an order of your honorable body made and entered of record on December 12, 1932, which said warrant reads as follows:

"No. 497.

\$ 9,216.66.

The Treasurer of the County of Sabine, State of Texas: pay to Wyatt Metal & Boiler Works, or bearer, the sum of Nine Thousand Two Hundred Sixteen and 66/100 dollars out of the R. & B. Fund being the amount allowed by the Commissioners' court of said County at its December term 1932 for culverts with interest at 6%.

Witness my hand and seal of said Court at Hemphill, Texas, this the 13th day of December 1932, Minute Book C. page ---.

Mrs. Berta Harper,  
County Clerk,  
By Zeda Davidson, Deputy.

Your applicants would further show that the said Warrant was allowed and directed issued by your Honorable Body to applicant as payment for sundry items of merchandise purchased by your honorable body from applicants for public use and improvement of the public roads of Sabine County; that said warrant thus issued is for such a legal sum that the same is inconvenient to handle and use by applicant in its business transactions.

Wherefore, applicant desires that said sum represented by said warrant be represented by

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said warrant be represented by an issue of several warrants in such smaller denominations, totaling the full amount of the \$9,216.66 represented by said large warrant now held and owned by your applicant, which warrant for the \$9,216.66 applicant is ready to surrender to your Honorable body for such warrants in smaller denominations as may be issued in lieu thereof, as requested herein; that such warrants of lesser denominations would, if thus issued, be much more convenient for handling and use by your applicant, and thus issued, perhaps to convenience to your county.

Wherefore, premises, considered, your applicant respectfully requests that your Honorable Body grant its petition.

Wyatt Metal & Boiler Works.

The State of Texas } Commissioners' court.  
County of Sabine } August 25, th, term, A. D. 1936.

In the matter of the application of the Wyatt Metal & Boiler Works for an issuance of several warrants of lesser denominations totaling the amount of \$9,216.66, with interest thereon, in lieu of warrant No. 497, for \$9,216.66, of date December 13, 1932, payable to Wyatt Metal & Boiler Works, and the exchanging of said warrant No. 497 for said warrants of lesser denominations totaling the amount of \$9,216.66, and the interests thereon, and the said Wyatt Metal & Boiler Works now here presenting said warrant No. 497 to the Court for said exchange and the court having fully considered said matter, is of the opinion that applicant's petition should be granted;

It is therefore ordered that applicant's petition, in all things, be and is hereby granted to the said Wyatt Metal & Boiler Works, and that said warrants of lesser denominations be and are hereby, allowed in denominations of \$500.00, and in numbers from 1 to 22 inc., and one for \$290.41, with interest thereon from 24th day of August, at the rate of 3 per cent until paid, which said warrants shall be numbered 497-A, 497-B, 497-C etc., and shall read as follows;

"The Treasurer of the County of Sabine, State of Texas: pay to the order of Wyatt Metal & Boiler Works, or bearer, the sum of Five Hundred and no/100 Dollars, with interest at 3 per cent, out of the Road and Bridge Fund, being the amount allowed by the Commissioners' court of Sabine County, Texas, at its August term, A. D. 1936; as one of a series of 23 warrants issued in lieu of warrant No. 497, for \$9,216.66 dated December 13, 1932, allowed and ordered issued by the Commissioners' court of Sabine County, Texas, at its December term, 1932, payable to Wyatt Metal & Boiler Works, or bearer, for culverts, with interest at 6 per cent. (See minute Book of the Commissioners' court of Sabine County, Texas, Vol. "C" page --- or Vol. "N" page 139.

is  
And it further ordered that the County Clerk do issue said warrants and deliver same to Wyatt Metal & Boiler Works, and the County Treasurer is hereby directed to register the same.

Approved and signed, this the 25 day of August, A. D. 1936.

County Judge:

Commissioner, Precinct No. One.

E. C. Smith, Commissioner,  
Precinct No. Two.

P. H. McGown, Commissioner,  
Precinct No. Three.

R. W. Chapman, Commissioner,  
Precinct No. Four.

On motion made by R. W. Chapman, Seconded by E. C. Smith, with R. W. Chapman, E. C. Smith and P. H. McGown, Voting aye, and Edw. Harper, and T. R. Smith, voting No, it is ordered by the court that the following order be and is hereby ordered passed:

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The Commissioners' court of  
Sabine County, Texas.

August term, 1936.

August 25, 1936.

In the matter of the suit of Sabine County, vs. Wyatt Metal and Boiler Works No. 4057, now pending in District Court of Sabine County, Texas, instituted and filed under the direction of this court by its order passed and entered of record in the Minutes of this court on the 25th day of January 1933, Volume N. page 150, which reads as follows:

"Hemphill, Texas,  
January 25, 1933.

Hon. Commissioners' Court,  
Sabine County, Texas.

I hereby request to you that you authorize me, as County Attorney of Sabine County, to bring suit for the cancellation of the contract made by the previous Commissioners' court with Wyatt Metal & Boiler works of Dallas, Texas, wherein the Court contracted for an aggregate amount of \$13150.55 for culverts.

I will thank you to take a vote on this request today.

L. E. King, County Attorney  
Sabine County, Texas. L.E.King.

Whereupon a motion was made by R. W. Chapman, and seconded by Ernest --, with R. W. Chapman, and Ernest Smith and Edward Harper, voting yea, and H. E. White and P. H. McGown, voting no it is ordered by the court that the above request be, and the same is hereby granted."

which order directed L. E. King, County Attorney to file this suit for Sabine County, for the cancellation of warrant No. 497, for the principal sum of \$9,216.66, and interest issued December 13, 1932, payable to Wyatt Metal and Boiler Works, in accordance with the order of this Honorable Court made, and entered of record in the Minutes of said Court on Dec. 12, 1932, which warrant, is this day surrendered to this court, by Wyatt Metal and Boiler works, for and in consideration of a series of 23 warrants payable to Wyatt Metal and Boiler works issued and delivered by this court to said Wyatt Metal and Boiler works, in lieu of said warrant No. 497, surrendered as aforesaid.

and whereas said controversy as between this court and said Wyatt Metal and Boiler works is adjusted to the entire satisfaction of this court by said above arrangement, therefore, it is the opinion and judgment of this court that the suit of the Sabine County, vs. Wyatt Metal and Boiler Works No. 4057, now, pending in this District of Sabine County, Texas, should be dismissed at Plaintiff's Costs, wherefore, it is ordered by this court, that said suit be requested by the Plaintiff, Sabine County, of the Honorable District Court of Sabine County, Texas that said suit be so dismissed and that the County Attorney be thus informed and no further action, than this, be taken by him in any further prosecution of this suit than to have the same dismissed as herein indicated and requested.

Done this the 25th day of August, 1936.

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Co. Judge.

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Comm. Prect. No. 1.

E. C. Smith, Comm. Prect. No. 2.

P. H. McGown, Commr. Prect. No. 3.

R. W. Chapman, Comm. Prect. No. 4.

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**PROTEST:**

Formal Protest of L. E. King, County Attorney Sabine County, Texas, and as attorney for the County. In regard to action taken by Commissioners court on date Aug. 25, 1936, with reference to a Warrant No. 497, in Amount of \$9216.66 held or issued to Wyatt Metal and Boiler

works, of Dallas Texas, and with reference to Order withdrawing suit No. 4057, styled "Sabine County, vs. Wyatt Metal & Boiler Works, in the District Court Sabine County, Texas.

State of Texas  
Sabine County

In Commissioners court Sabine County, Texas, August 25, 1936.

Now comes L. E. King, County Attorney for Sabine County, Texas, Edward Harper County Judge & T. R. Smith Commissioner, Precinct No. 1, and here now enters his protest to the action taken by the Commissioners court of Sabine County, Texas, with reference to their action taken, in which they order that a warrant held by or in the hands of the Defendant Wyatt, Metal and Boiler Works in cause No. 4057 on the civil docket of the District Court of Sabine County, Texas, wherein "Sabine County is Plaintiff and Wyatt Metal and Boiler works are defendants, which warrant is in sum of \$9216.66, which is surrendered to the Commissioners court upon them, having issued to the defendants in lieu thereof 23 county Warrants, of smaller size and denominations, aggregating the total of said \$9216.66;

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Because there was a suit filed in the District court of Sabine County, Texas, on the 18 day of April, A. D; 1933, after the County Attorney had had granted to him, by the Commissioners Court, Sabine Co. Texas, the authority to file said suit, in which the Wyatt Metal and Boiler Works, were the defendants in said suit and the County of Sabine was the Plaintiff; that said suit, involves the validity of the particular county warrant No. 497, in amount of \$9216.66 in which the Commissioners court attempt to pass its order, to issue other and smaller warrants in lieu of the said above named warrant, and that by virtue of the authority having been granted to the County Attorney by the Commissioners court to give him leave to file the above suit, and by virtue of the filing of said suit in accordance with said authority, the Honorable district Court of Sabine County, Texas, has now and has had since the filing of said suit, had jurisdiction and venue of the above styled matter and the subject matter thereof.

Wherefore the premises considered, your protestant, herenow protest the action of the Commissioners court, as was taken, on date of Aug. 25, 1936, in the above antitled and styled matter, and ask that same be not considered of any force and effect in the matter whatever, but that the said above styled matter be tried out before the District Court of Sabine County, Texas upon its merits, as the law and equity warrantys and demands and in duty bound your protestant will ever protest in behalf of the matter as above named.

L. E. King, County Attorney for Sabine County, Texas.

L. E. King, Attorney for Sabine County, Texas.

Edw. Harper, County Judge.

T. R. Smith, Commissioner Prec. # 1.

There being no further business, court adjourned.

Attest:

*Zedekiah Davidson*  
County Clerk.

County Judge.

*T. R. Smith*  
Commr. Prec. No. 1.

*E. L. Smith*  
Commr. Prec. No. 2.

*P. A. McLean*  
Commr. Prec. No. 3.

*B. Chapman*  
Commr. Prec. No. 4.

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