

THE STATE OF TEXAS

AUGUST 1, 1959

COUNTY OF JOHNSON

BE IT REMEMBERED at a regular meeting of the Commissioners Court on the above mentioned date at the Courthouse in Cleburne, Texas, the following members were present: H. G. Littlefair, County Judge; W.M. Coward, Commissioner of Precinct No.1; S. W. Evans, Commissioner of Precinct No.2; Jimmie L. Walters, Commissioner of Precinct No. 3; M. W. Roland, Commissioner of Precinct No. 4, Louis B. Lee, County Clerk, and J. T. Epperson, Jr., County Auditor.

A motion was made by Commissioner Roland and seconded by Commissioner Evans that all due and properly endorsed bills against Johnson County be allowed and ordered paid.

All voted aye

A motion was made by Commissioner Roland and seconded by Commissioner Evans, WHEREAS, Johnson County, Texas, has a portion of the surplus in the County and District Road Highway Fund as of Aug. 31, 1959, in the amount of \$41,747.68; the Commissioners' Court of Johnson County, Texas, hereby request that the Board of County and District Indebtedness refund to Johnson County in the amount of \$41,747.68 which represents Johnson County's portion of the surplus in the County and District Road Highway Fund.

This is to certify that the amount of \$41,747.68 which is to be returned to Johnson County will be placed in the Road & Bridge Fund of Johnson County, Texas to be used for the construction and improvements of County Rural Roads.

All voted aye

Commissioners Court of Johnson County Clerk

We, the undersigned voters of Precinct 2, Johnson County, request that Edward Leon Hewett be appointed Justice of the Peace of this precinct. This position is now vacant.

J.A. McFarland	C.D. Evans	J.B.Carlock	S.A. West	John Bransom
Henry Reed	Lee Steed	T.H. Simpson	W.A. Kelly	
Glen L. Davis	V.R. Brooks	G.R.Russell,Jr.	C.S. Steed	
H.S. Carlock	W.H. Gregory	O.O. Herriage	Ernest Watson	
A.W. Carlock	C.E. Hewett	E.I. Ray	Marvin L. Walker	

A motion was made by Commissioner Evans and Seconded by Commissioner Roland that Edward Leon Hewett be, and is hereby now appointed Justice of Peace for Justice Precinct No. 2, Johnson County, Texas, effective upon his posting

proper bond with the County Clerk and taking oath of office.

All voted aye

A motion was made by Commissioner Coward and seconded by Commissioner Walters that the County Auditor be instructed to issue County Check in the amount of \$50.00 payable to County Judges & Commissioners Ass'n of Texas in payment of yearly dues for membership.

All voted aye

A motion was made by Commissioner Coward and Seconded by Commissioner Roland that the following returns of Diminishing Tax Election to Diminish Tax in Common School District, in the Friendship Commission School District No. 34 of Johnson County, Texas, be approved.

All voted aye

RETURNS OF DIMINISHING TAX ELECTION

TO DIMINISH TAX IN COMMON SCHOOL DISTRICT

THE STATE OF TEXAS      ()

COUNTY OF JOHNSON      ()

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

We, the undersigned officers, holding an election at Friendship School Building in Johnson County, Texas, in Friendship Common School district No. 34 of Johnson County, Texas, on the 25<sup>th</sup> day of July, 1959, for the purpose of submitting to the resident qualified voters of said School District for their action thereupon the proposition of diminishing the school tax in said district as provided in the order calling said election, DO HEREBY CERTIFY that at said election only resident qualified voters were permitted to vote, and that there were 87 votes cast, of which number there were cast:

"FOR DIMINISHING OF SCHOOL TAX TO 75 CENTS"                      34 votes.

"AGAINST DIMINISHING OF SCHOOL TAX TO 75 CENTS"                      53 votes.

We herewith enclose poll list and tally sheet of said election.

We further certify that each of the election officials executing this return was duly appointed in the order calling said election or by the Presiding Judge or was elected by the voters present at the polls to serve at said election in the capacity stated under each of our signatures. That all persons appointed in the order calling said election not executing this return failed to appear at the polls to conduct said election.

WITNESS OUR HANDS, this the 31<sup>st</sup> day of July, 1959.

L. B. Johnson, Presiding Officer

Ottis Dunson, Clerk

A. D. Jackson, Clerk

THE STATE OF TEXAS

( ) IN THE DISTRICT COURT OF

COUNTY OF JOHNSON

( ) JOHNSON COUNTY, TEXAS

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes H. G. Littlefair, County Judge and Chairman of the Commissioners' Court of Johnson County, Texas, hereinafter called Petitioner, and for cause of action represents to the Court as follows:

1. That on Saturday, July 25, 1959, pursuant to a proper petition, notices and order of election, an election was held in the Friendship Common School District No. 34 at the School building on the proposition whether or not the school tax should be diminished from the present rate of \$1.25 to \$.75;

2. Under proper authority the County Judge appointed L. B. Johnson the Presiding Judge of said election;

3. That after said election was held, the officials of said election made a mistake improperly reporting the talley sheet of said election, and that only on (1) return was prepared and it was placed in the ballot box and the ballot box was locked. The law provides that four (4) returns should be made; one (1) for the County Clerk, one (1) for the County Judge, one (1) for the Presiding Judge of the election, and one (1) in the ballot box.

4. Under the circumstances as above related, the Commissioners' Court will be unable to properly canvass the results of said election, which duty is imposed on the Commissioners' Court by law.

WHEREFORE, Petitioner prays the court that the officials of the election, Mr. L. B. Johnson, Presiding Judge, J. G. Street, A. D. Jackson, and Ottis Dunson be directed to:

1. Open the ballot box;

2. Recount the ballots in said ballot box;

3. Correct the talley sheet and/or other forms necessary to be made to the Commissioners' Court; and

4. Make proper returns to the Commissioners' Court on or before 9 a. m., Saturday, August 1, 1959, so that the Commissioners' Court can carry out its duty to make a proper canvass of said returns of said election.

H. G. Littlefair, Chairman,  
Commissioners' Court  
Johnson County, Texas

THE STATE OF TEXAS       ()  
COUNTY OF JOHNSON       ()

That we, L. B. Johnson and A. D. Jackson, after being duly sworn upon oath, state that we were two of the election officials in the election held in the Friendship Common School District No. 34 on Saturday, July 25, 1959, on the proposition that whether or not the school tax should be diminished from \$1.25 to \$.75.

That after said election and the ballots were counted and the returns were made, that we discovered that all election officials had made a mistake in reporting on the talley sheet the number of votes for each proposition, and also that only one (1) return of the election was made and placed in said ballot box and the ballot box locked.

That the talley sheet and poll list made to the County Judge and County Clerk was in error and that not return of the results was made to each of those officials as should have been.

L. B. Johnson  
A. D. Jackson

Subscribed and sworn to before me this 30 day of July, A. D. 1959, to certify which witness my hand and seal of office.

(seal) Margaret Powell, Notary Public in and for  
Johnson County, Texas

THE STATE OF TEXAS       () IN THE DISTRICT COURT OF  
COUNTY OF JOHNSON       () JOHNSON COUNTY, TEXAS

ORDER OF COURT

On this the 30<sup>th</sup> day of July, 1959, came on for hearing the Petitioner, Chairman of the Commissioners' Court of Johnson County, Texas, substantiated with affidavits of L. B. Johnson and A. D. Jackson, that an error in the returns of the election held in the Friendship Common School District No. 34 on Saturday, July 25, 1959, has occurred, and improper returns have been made.

It appearing to the court that said returns should be properly made in order for the Commissioners' Court to carry out its duty under the law to

canvass the returns of said election, and to expedite justice, it is therefore ordered:

That the official of the election, L. B. Johnson, Presiding Judge, J. G. Street, A. D. Jackson, and Ottis Dunson, or a quorum thereof, be instructed to:

- 1. Open the ballot box;
- 2. Recount the ballots;
- 3. Correct the talley sheet and/or other forms necessary to be made to the Commissioners' Court; and
- 4. Make proper returns to the Commissioners' Court of Johnson County, Texas, on or before 9 a. m., Saturday, August 1, 1959, so that the Commissioners' Court can carry out its duty to make a proper canvass of said returns of said election.

John A. James, Jr., District Judge  
18<sup>th</sup> Judicial District

A motion was made by Commissioner Coward and seconded by Commissioner Roland that the Quarterly report of the County Treasurer for the Quarter ending June 30<sup>th</sup>, 1959 be approved.

All voted aye

A motion was made by Commissioner Evans and seconded by Commissioner Roland that the bond of Edward Leon Hewett as Justice of the Peace in and for Justice Precinct #2, Johnson County, Texas be approved.

All voted aye

THERE BEING NO FURTHER BUSINESS COURT IS HEREBY ADJOURNED.

_____ COUNTY CLERK	_____ COUNTY JUDGE
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