

Eagle Lake Headlight.

Bruce W. McCarty, Editor and Proprietor.

"NOTHING EXTERMINATE, NOR SET DOWN AGAIN IN MALICE."

One Dollar and a Half Per Year in Advance.

VOLUME XI.

Eagle Lake, Texas, Saturday, August 30, 1913.

NUMBER 14

NO SCHOOL TAX ELECTION WAS HELD

Injunction Granted by Judge Kennon Restraining Trustees From Holding School Tax Election For Eagle Lake School District.

An injunction to prevent the holding of the school tax election for the Eagle Lake Independent School was issued by Judge Kennon. The injunction is styled *Frank Martin et al vs Eagle Lake Independent School District*.

THE STATE OF TEXAS, the City of Eagle Lake, the Eagle Lake Independent School District, E. L. Mooney, M. E. Guyan, J. F. Fordyce, P. T. Gordon, E. W. Hanly, S. O. McCarty, F. S. Ulerly and J. R. Westmoreland, GREETING:

WHEREAS, Frank Martin, L. J. Edwards, Walter Adams, W. S. Campbell, August Johnson, A. E. Deats, Charles Banning, W. W. McCormick, V. A. Hayden, T. W. Martin, Oliver Martin, and M. B. Briggs filed their petition in the District Court of Colorado county on the 25th day of August, A. D. 1913 in a suit numbered 7925 on the docket of said Court, wherein Frank Martin, L. J. Edwards, Walter Adams, W. S. Campbell, August Johnson, A. E. Deats, Charles Banning, W. W. McCormick, V. A. Hayden, T. W. Martin, Oliver Martin, and M. B. Briggs are Plaintiffs, and the City of Eagle Lake, the Eagle Lake Independent School District, E. L. Mooney, M. E. Guyan, J. F. Fordyce, P. T. Gordon, E. W. Hanly, S. O. McCarty, F. S. Ulerly and J. R. Westmoreland are Defendants, alleging that the Board of Trustees of the Eagle Lake Independent School District made an order or proclamation calling an election to be held in the city of Eagle Lake on the 27th day of August, A. D. 1913, to empower said Trustees to annually levy and collect a tax upon all taxable property in said Eagle Lake Independent School District for the support of maintenance of the public free schools in said Eagle Lake Independent School District, of and at a rate of not exceeding fifty cents on the one hundred dollars valuation of taxable property in said district, and that J. R. Westmoreland was appointed manager of said election, with authority to select two judges and two clerks to assist him in holding same, and, in furtherance of which, said Westmoreland is proceeding and threatening to carry out said order and to hold said election, and to appoint said judges and clerks to assist in so doing, and which he and those acting with him and said Board of Trustees will do unless restrained by an order of this Court; and praying for a temporary injunction restraining you and each of you, your agents, servants, and appointees, and all other persons from holding said election, or from doing anything, or any act looking thereto in furtherance thereof, and which plaintiffs ask may be made final upon the hearing of said petition.

And whereas, the Honorable Munford Kennon, Judge of said Court, has made upon said petition his order and fiat as follows:

In chambers, Columbus, Texas, August 23rd, A. D. 1913, the Clerk of the District Court of Colorado county, Texas, will file the within application, and upon the execution of an injunction bond in the sum of \$1000.00, payable and conditioned as the law requires, is directed to issue the temporary writ of injunction prayed for in the within petition, which petition is made a part of this order.

And whereas, the said Frank Martin, L. J. Edwards, Walter Adams, W. S. Campbell, August Johnson, A. E. Deats, Charles Banning, W. W. McCormick, V.

A. Hayden, T. W. Martin, Oliver Martin, and M. B. Briggs executed and filed with the Clerk of said Court a bond in the sum of \$1000.00, made payable and conditioned as required by law and fiat of the Judge.

that you, and each of you, your agents, servants, and appointees, and all other persons desist and refrain from holding said election, or from doing anything or any act looking thereto or in furtherance thereof, until the further order of said District Court, to be holden within and for the county of Colorado, at the Court house thereof in Columbus on the second Monday of September, A. D. 1913, the same being the 8th day of September, A. D. 1913, when and where this writ is returnable.

Given under my hand and the seal of said Court at Columbus this 25th day of August, A. D. 1913.

(SEAL) W. C. PAPENBERG, Clerk, District Court, Colo. Co.

HISTORY OF THE CASE.

On August 25, 1913, Frank Martin, L. J. Edwards, Walter Adams, W. S. Campbell, August Johnson, A. E. Deats, Charles Banning, W. W. McCormick, V. A. Hayden, T. W. Martin, Oliver Martin and M. B. Briggs filed a petition in the District Court at Columbus asking that the City of Eagle Lake, the Eagle Lake Independent School District, E. L. Mooney, M. E. Guyan, J. F. Fordyce, P. T. Gordon, E. W. Hanly, S. O. McCarty, F. S. Ulerly and J. R. Westmoreland be restrained from holding the election for the levy of a school tax in the Eagle Lake Independent School District which had been called for the 27th inst. On an ex-parte hearing before the court, the defendants not being heard therein, Judge M. Kennon granted an injunction against all these defendants and all other persons, restraining them from holding said election.

It being nearly time for the tax rolls to be closed, the Trustees immediately took steps looking to the holding of the election and the levy of the tax, and made the proposition in their motions that the collection of the tax be restrained until the legality thereof could be thrashed out. Judge J. M. Woods, of Seguin, Judge J. J. Mansfield of Columbus, and A. J. Wirtz of Eagle Lake were employed by the Trustees to represent all the defendants in the matter.

The attorneys immediately made motions to dissolve or modify said injunction, motions for re-hearing, new trial and to raise the amount of the injunction bond, but Judge Kennon refused to hear any of these motions before the date set for the election to be held. After exhausting all proceedings in the District Court, the attorneys applied to Judge R. A. Pleasants, Chief Justice of the Court of Civil Appeals at Galveston, for a writ of prohibition against all persons from interfering with the holding of the election and the levy of the tax. Judge Pleasants refused the application by the following endorsement on the petition:

"Houston, Texas, Aug. 26, 1913.

This application this day presented to me is respectfully refused, because notwithstanding the fact that the equity of the case appears to be with the applicants (Trustees and others), I do not think that I have the jurisdiction or authority under the constitution and statutes of

Mr. Herbert Wilson, who recently received through Congressman Geo. F. Burgess an appointment to Annapolis, left Tuesday afternoon for that place to enter a preparatory school prior to taking his examination for the United States Naval Academy at Annapolis. He will spend a week in Washington City while en route.

Messrs. H. W. Lott and Chas. Von Lengerke returned Tuesday night from their trip to Menard.

Ford car. They were joined at Weimar by some friends from Oakland and left that place for Menard county. Charley says they spent a delightful outing and that fish in the San Saba river are numerous. They report having made more than a thousand miles in the Ford car in which they traveled without as much trouble as one puncture.

Mr. G. E. Thomas was in the city on business Tuesday. He returned home last Sunday night from an extended visit to Wilkes-Barre, Pennsylvania.

Miss Alice Thomas of Wilkes-Barre, Pa., sister of Miss Mary Thomas, arrived in the city Wednesday morning, and will begin work as stenographer for the Southern Rice Growers Association on the first of the month.

Mr. C. H. Brosig went to Galveston Wednesday for his little daughter, Willie, who has been visiting relatives in Galveston. At Houston they were joined by Mrs. Brosig on her return from Marlin where she has been spending several weeks for the benefit of her health. They returned home yesterday.

Mr. and Mrs. O. L. Miller returned Wednesday from Houston to which place they accompanied Mr. and Mrs. J. S. O'Neal on their return to Missouri. Mr. and Mrs. O'Neal of Poplar Bluff, Missouri, have been visiting at the Miller home, she being a sister of Mrs. Miller. They left for their home last Sunday.

"Don't know where the Hallettsville paper got it that I would locate over there, as reprinted in the Headlight last week," remarked Contractor O. J. Howard, "but you can just tell them that Eagle Lake is good enough for me and at this time, I have no intention whatever of moving."

Mrs. S. B. McElhinney and daughter, Miss Ruth, departed for their home in Crowley, Louisiana, last Sunday after a pleasant visit here to the family of their son and brother, Mr. B. H. McElhinney.

Rev. J. W. Gates of Coleman was the guest of Mr. and Mrs. D. A. Allen last Friday, Saturday and Sunday, leaving Sunday afternoon for his home. He was en route from a visit to Corpus Christi, Mrs. Gates still being at Corpus, though is expected here in a day or so for a visit to her son, Mr. Allen.

Mrs. O. Simms and children returned last Friday from a few days' visit to her former home in Rosenberg.

this state to grant the writ prayed for.

(Signed) R. A. Pleasants, C. J. Court of Civil Appeals of the First District.

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