

days be suspended and the same is suspended and this bill be placed upon its third reading and final passage.

[NOTE.—H. B. No. 383 passed the House of Representatives by a two-thirds vote, yeas 112, nays 0, and concurred in Senate amendments by a two-thirds vote, yeas 111; nays 0; and passed the Senate with amendments by a two-thirds vote, yeas 25, nays 0.]

Approved February 27, 1913.

Became a law February 27, 1913.

KLEBERG COUNTY—CREATION OF.

H. B. No. 40.]

CHAPTER 10.

An Act to create and establish the county of Kleberg out of a part of Nueces county; prescribing its area and boundaries; appointing commissioners to organize said county and prescribing their duties; providing for a division of said county into commissioners' and justices' precincts; providing for holding county and precinct elections for the election of county and precinct officers, and for holding an election for the purpose of locating the county seat of said county; providing for the attachment of said county to judicial, representative, senatorial, congressional and supreme judicial districts; providing for the assessment and collection of taxes and for the defraying of expenses of organizing said county and surveying and fixing its boundaries, and providing for the payment of the pro rata share of the debt of Nueces county from which said county is taken; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That a new county, to be called the county of Kleberg, is hereby created, containing the superficial area [area] of not less than nine hundred square miles, taken from the territory of the existing county of Nueces, and described as follows, to-wit:

Beginning at the southeast corner of Jim Wells county, on the north line of Brooks county, for southwest corner of this county;

Thence northerly along east line of Jim Wells county, twenty-five miles and fifteen hundred and thirty-four varas to a corner of Jim Wells county for northwest corner of this county;

Thence easterly with line of Jim Wells county, at seven miles, 482.7 varas, past a corner of Jim Wells county, continuing same course at about eight miles, 150 varas, from said corner of Jim Wells county, the center of San Fernando creek for corner of this county;

Thence southerly down said creek with its meanders to the lower southwest corner of the "Palo Alto" Grant, and northwest corner of "Los Sauces" Grant, for a corner of this county.

Thence easterly along north line of said "Los Sauces" Grant at about nineteen miles and 700 varas, past northeast corner of said "Los Sauces," continuing same course at about thirty-one miles and 800 varas from northwest corner of "Los Sauces" Grant to western shore of Laguna Madre for corner of this county;

Thence northeasterly across Laguna Madre, about five and one-fourth miles to southwest corner of Calixto and Pragedis one-half league tract for corner of this county;

Thence southeasterly along south line of said tract, about one mile to west shore of the Gulf of Mexico for northeast corner of this county;

Thence in a southerly direction with meanders of said West shore of the Gulf of Mexico, about twenty-four miles, to the northeast corner of Willacy county for southeast corner of this county;

Thence westerly along north line of Willacy county and Brooks county to place of beginning.

SEC. 2. That Robert J. Kleberg, B. O. Sims, Jr., Charles H. Flato, Jr., B. F. Wilson and Marcus Phillips are hereby appointed commissioners to organize said county, and before entering upon their duties herein prescribed, shall take an oath before some officer authorized to administer oaths, faithfully and impartially to discharge their duties as such commissioners.

SEC. 3. It shall be the duty of said commissioners, a majority of whom shall constitute a quorum for the transaction of all business, to employ a competent surveyor or surveyors to run, fix and mark the lines of said county, make field notes thereof, and establish its corners and boundaries; to lay off and divide said new county into four convenient precincts for the election of county commissioners, justices of the peace and constables, particularly defining the boundaries of such precincts; to designate convenient places in said new county where elections shall be held and appoint a presiding officer and judges of election for each place designated for holding such elections, to make a careful approximate estimate of the population of said county, and certify same to the Governor of Texas. Said commissioners shall keep, or cause to be kept, a record of all their proceedings, and shall transmit to the Governor of Texas a true copy thereof, and cause the original thereof to be filed as an archive in said new county, with the county clerk thereof.

SEC. 4. Within ten days after the receipt by the Governor of a copy of the aforesaid record, he shall order an election in said county for all county and precinct officers allowed or permitted by law to be elected, and for the location of a place for the county seat of said county, giving at least twenty days' notice of the place and time of the election by printed hand bills posted in one or more public places in each of the precincts of said new county, and by publication thereof in a newspaper, if any there be published in said new county. Said order shall state the name of the presiding officers, designated in Section 3 of this Act, for holding elections, and shall give the boundaries of the election precincts and the names of the officers to be elected. Said election shall be conducted and governed by the general laws on the subject and the returns of said election shall be made to the commissioners hereinbefore appointed. Said commissioners shall open said returns, canvass the same, declare the result, and issue to the candidate for each of the several offices who has received the greatest number of votes, a certificate of election, stating therein the office to which such candidate has been elected, the number of votes polled for him, the day on which the election was held, and shall sign the same, and shall approve the official bonds of the officers elected. Any one of said commissioners is hereby empowered to administer the oath of office to the officers elected under this Act, and said officers so elected shall hold office until the next general election for county officers, and until their successors are elected and duly qualified.

SEC. 5. Until said officers are elected and qualified, all of the territory in said county of Kleberg shall belong for all purposes to the county of Nueces, from which it is taken. When said new county has been fully organized as herein provided for, the same is hereby made a part of the Seventy-fourth Judicial District of the State of Texas, and is attached to the Twenty-third Senatorial District, and to the Seventy-seventh Representative District and to the Fifteenth Congressional District, and to the Fourth Supreme Judicial District of the State of Texas.

SEC. 6. The said county of Kleberg shall defray all expenses incurred in perfecting its organization and shall also pay its pro rata of the liabilities existing, at the time of the passage of this Act, of Nueces county, from which its territory is taken, in the manner, proportion and extent as fixed and provided for by the Constitution of the State of Texas, and by the General Laws of the State, in force at the time of the passage of this Act.

SEC. 7. The tax assessor and collector of the county of Nueces, out of which the county of Kleberg is hereby created, shall assess and collect the State, county and district taxes, if any there be, on all property subject to taxation in said Nueces county for the year 1913 and previous years, in the same manner as if no new county had been created by this Act and said assessor and collector, until said taxes for the year 1913 and previous years are assessed and collected, shall be governed by the laws of the State of Texas as to tax assessors and tax collectors generally for the assessment and collection of State and county taxes for said years, and until said taxes for the year 1913 and previous years are assessed and collected and paid over by said tax collector as hereafter provided, his power and duty under the law as otherwise prescribed, as to the collection of said taxes, shall not in anywise be affected by the provisions of this Act; provided, that said tax collector for the county of Nueces, out of which the county of Kleberg is hereby formed, shall, at the end of each calendar month, from and after the organization of this county, make out and sign and swear to triplicate reports of all taxes collected upon the property in Nueces county for the year 1913, as it existed prior to the creation of Kleberg county herein, and file one of said reports with the treasurer of Nueces county, one with the commissioners court of Nueces county, and forward the other with all moneys received by him during the previous month, as taxes upon persons and property within the limits of Kleberg county, as herein by this Act created, less his commission, to the tax collector of the county of Kleberg, and continue to do so until all of said taxes are collected and remitted; said tax collector of Nueces county shall report and remit on the first of each month to the tax collector of the county of Kleberg, all moneys received by him during the previous month, as taxes upon persons and property within the limits of Kleberg county as herein by this Act created, for the years previous to the year 1913, in the same manner in all respects, as herein provided for the taxes for the year 1913. And the tax collector of the county of Kleberg shall receive all said taxes and receipt in writing to the said tax collector therefor, and remit same to the proper authorities as required by law, and all taxes, state and county and district, so collected and received by the tax collector of Kleberg county, shall be subject to all the laws of the State of Texas as to the use to be made thereof.

SEC. 8. That all laws and parts of laws of this State with respect to the organization and creation of new counties, in so far as the same are in conflict with this Act, shall have no application in the creation, establishment and organization of the county herein provided for.

SEC. 9. The great inconveniences to which the people are subjected living in the territory from which said county of Kleberg is hereby created, by being compelled to travel extraordinary distances to attend to their private and public business at the county seat of Nueces county in which they now reside, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, shall be, and the same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

[NOTE.—H. B. No. 40 passed the House of Representatives by a two-thirds vote, yeas 113, nays 3; and passed the Senate by a two-thirds vote, yeas 29, nays 0.]

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File No.

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Kleberg County

Creation of County

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BOB ARMSTRONG, Com'r

By James E. McCarty