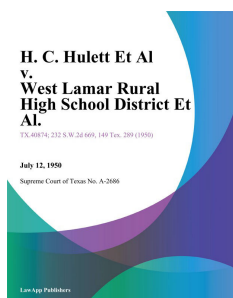


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## H C HULETT ET AL V WEST LAMAR RURAL HIGH SCHOOL DISTRICT ET AL EBOOKS 2019



Author: Supreme Court of Texas

Realese Date: Expected @@expectedReleaseDate@@

This suit was brought by tax-paying citizens residing within the West Lamar Rural High School District of Lamar County against the District and its Board of Trustees and Clyde Parham, a building contractor, to enjoin the defendants from carrying out a contract for the construction of school buildings. In their amended petition the plaintiff allege that the contract was illegal and void because it provided for the expenditure of proceeds from the sale of bonds for an unauthorized purpose in violation of Article 2786, Revised Civil Statutes. Specifically, it was contended that the contract provided for the construction of buildings out of wood, whereas pursuant to the provisions of Article 2786 the petition for the bond election, the order of the school board calling the election, and the election notices provided for the construction of school buildings "of materials other than wood." The defendants amended answer included numerous special exceptions, all of which were sustained by the district court. Although it had sustained these exceptions, the court heard evidence offered by the defendants and entered an order denying a temporary injunction. An appeal was taken to the Court of Civil Appeals from this order. In that court the appellees filed affidavits showing that the construction of the buildings was "90 to 95 per cent complete" and a motion to dismiss the appeal was sustained. 229 S.W.2d 839. We granted a writ of error upon the assignment that the Court of Civil Appeals had erred in dismissing the appeal, the affidavits before that court showing, in our opinion, that substantial sums remained to be paid under the contract and therefore that the question involved was not moot.

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