

PLAINTIFF'S ORIGINAL PETITION.

THE STATE OF TEXAS | IN THE DISTRICT COURT OF COKE COUNTY,
COUNTY OF COKE | TEXAS.

TO THE HONORABLE JUDGE OF THE DISTRICT COURT OF TAYLOR COUNTY, TEXAS,
104th JUDICIAL DISTRICT, AND TO THE DISTRICT COURT OF COKE COUNTY, TEXAS:

Now comes your petitioner, Mrs. Ethel B. Carruthers, a single woman, who will hereinafter be styled Plaintiff, who resides in Tom Green County, Texas, and complaining of N.R. Eldred and A.J. (John) Eldred and Charles Eldred who reside in Coke County, Texas, and who will hereinafter be styled Defendants, and for cause of action Plaintiff respectfully represents;

Coke County, Texas, is situated in one and only one Judicial District of the State of Texas, to-wit; The 51st Judicial District, and said Judicial District and said County have one and only one District Judge thereof, to-wit: the Honorable J.P. Hill, who is the duly elected, qualified and acting District Judge of said District and said County, and the resident Judge thereof and the only such Judge.

The said Hon. J.P. Hill cannot act upon this Application for the reason that he is inaccessible, he is absent from his District and from said Counties and his exact whereabouts at this time are unknown; the said Hon. J.P. Hill has been without the State of Texas and in the State of Arkansas on his vacation and is now somewhere en route from at or near Hot Springs, Ark. back into the State of Texas, his exact location not being known.

Plaintiff is the owner, owning the full fee simple estate therein and entitled to possession thereof of the following described lands situated in the County of Coke, State of Texas, to-wit:

Beginning at the intersection of the East line of Survey No. 3, Block 2, H & T.C.Ry.Co. lands with the southwesterly block line of Southern Pacific Railway Co. Block No. 15; Thence southeasterly with the block line of said Southern Pacific Railway Company Block No. 15, to the most southerly corner of said Southern Pacific Railway Co. Block No. 15; Thence northeasterly with Southern Pacific Railway Co. Block 15 line to the intersection of said block line with the most southerly line of G. West survey

No. 2; Thence with the most southerly line of G. West Survey No. 2 easterly to the most southerly southeasterly corner thereof; Thence Northeasterly with the southeasterly line of said G. West survey No. 2 to corner of said Survey and the most Northerly southern line of said G. West survey No. 2; Thence easterly with the souther line of said G. West survey No. 2 to the most easterly southeast corner of said survey; Thence south passing the Northwest corner of Survey No. 1, J.R. Tubb, the southwest corner of said survey No. 1, J.R. Tubb, and the northwest corner of survey No. 1, Mrs. S. J. Evans in all of this straight line to the northeast corner of survey No. 2, H & T. C. Railway Co. lands, Block 2; Thence west with the north lines of said survey No. 2 and survey No. 25, same block in all on this line to the southeast corner of survey No. 3, H & T. C. Railway Co. lands, Block 2; Thence with the East line of said survey No. 3 North to the place of beginning.

Plaintiff is the full owner of said lands and premises, owning the full fee simple estate therein.

On or about August 21st, 1929, Plaintiff was in possession of the premises above described and was entitled to such possession. The Defendants afterwards, to-wit; on or about the 23rd day of August, A. D. 1929, unlawfully entitared upon and dispossessed Plaintiff of the above described lands and premises and withholds from her the possession thereof to Plaintiff's damages in the sum of Two-thousand and No/100 (\$2,000.00) Dollars.

Notwithstanding Plaintiff's full fee simple title in and to said lands and premises and her full right to the possession and uninterrupted use thereof, the Defendants and their servants, agents and employes have gone upon said lands and premises without any right or title whatsoever, are now upon and going upon the same and are threatening to continue to go upon the same; they have dug thereon certain post holes and erected certain fence posts thereon and are now going upon the same and digging additional post holes, erecting additional fence posts and are constructing thereon, without right or authority, a fence across said lands and premises, fencing off said lands belonging to Plaintiff, and have threatened and are threatening to continue the construction and erection of said fence and to fence off a portion of

said lands belonging to this Plaintiff. Said Defendants have trespassed upon said lands and premises, are now trespassing upon the same and are threatening to continue to trespass upon the same without right or authority against the will of this Plaintiff, and are building and threatening to continue to build fences thereon as aforesaid.

Plaintiff has no adequate remedy at law in that if Defendants are allowed to continue their trespass upon said lands and premises, to go upon the same and erect fences thereon under claim of ownership as said Defendants are now doing, and are not stopped therefrom, Plaintiff will lose her title to said lands and premises by limitation; and further in that said Defendants and neither of them are financially able to respond in damages for the wrongs they are doing this Plaintiff.

WHEREFORE, premises considered, Plaintiff respectfully prays that a temporary injunction be granted her enjoining and restraining said Defendants, and each of them, and the servants, agents and employes of said Defendants, and of each of them, from interfering with Plaintiff's use and possession of said lands and premises, and from going over and upon the same, and from digging any post holes thereon or erecting any fence posts or constructing any fences thereon, and that said Defendants, and each of them, and the agents, servants and employes of said Defendants, and each of them, be in all things restrained from trespassing upon said lands and premises, or any portion thereof, and that said Defendants be cited to appear and answer herein, and upon hearing hereof that said injunction be made perpetual and final, and that Plaintiff have judgment against said Defendants, and each of them, for the title and possession of said lands and premises; that all purported claims of the Defendants, or either of them, in and to said lands and premises be voided, set aside and held for naught; that Plaintiff have her writ of possession and that she have all other and further relief, general or special, as she may be entitled to receive at law or in equity, and all costs of suit.

Collins, Jackson & Snodgrass,
Attorneys for Plaintiff.

I, Mrs. Ethel B. Carruthers, Plaintiff in the above styled and numbered cause, having read the foregoing Petition and application for injunction, upon oath do state that the matters and things set forth and alleged therein are true.

Ethel B. Carruthers, Plaintiff.

SWORN TO AND SUBSCRIBED before me by Mrs. Ethel B. Carruthers Plaintiff, on this 26th day of August, A.D. 1929.

(Seal)

R.C. Ramsay Notary Public in and for Tom Green County, Texas.

THE STATE OF TEXAS | IN THE DISTRICT COURT OF 104th JUDICIAL DISTRICT,
COUNTY OF TAYLOR | TAYLOR COUNTY, TEXAS, IN CHAMBERS.

On this 26th day of August, A.D. 1929, came on to be presented to me in Chambers the foregoing Petition and Application for Injunction, and the same having been considered and evidence heard that the said Hon. J.P. Hill, the resident District Judge of Coke County, Texas, cannot herein act upon the Application for Injunction by reason of his absence and inaccessibility, the same having been considered by me it is ordered that the Clerk of the District Court of Coke County, Texas, issue a Writ of Injunction in all things as prayed for in the within Petition upon the petition^{er} executing to the adverse parties a Bond with two or more good and sufficient Sureties, in the sum of \$1000.00, conditioned as the law requires.

W.R. Chapman, Judge of the District Court, Taylor County, Texas, and 104 Judicial District.

Filed Aug. 27th, 1929
W.H. Maxwell Clerk District Court
Coke County, Texas.

PLAINTIFF'S FIRST AMENDED SUPPLEMENTAL PETITION.

NO. 1266

MRS. ETHEL B. CARRUTHERS, | IN THE DISTRICT COURT OF
VS. |
N.R. ELDRED, ET AL., DEFENDANTS | COKE COUNTY, TEXAS.

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes plaintiff with leave of Court first had and

Obtained and files and presents this her trial amendment, and for such amendment says:

Plaintiff sues for certain lands and amends the description of said lands sued for so that the same are described as follows:

In Coke County, Texas, Beginning at the South corner of Block No. 15 S.P.Ry.Co., being the south corner of Section No. 36, said Block, Thence with the southwest base line of said block to the intersection thereof with the east line of Survey No. 3, H & T.C.Ry.Co. Block No. 2; Thence south with the east line of said Survey No. 3 to the southeast corner thereof, and the Northwest corner of survey No. 25, same block; Thence east with the North line of said survey No. 25 and the north line of Survey No. 2, same block, to the Northeast corner of said survey No. 2; Thence North to the most easterly southeast corner of G.West survey No. 2; Thence West to the southeast base line of said Block No. 15; Thence with said southeast block line and the southeast line of Section No. 36, Block No. 15, to the place of beginning; and plaintiff prays as originally.

Collins, Jackson & Snodgrass,
Attorneys for Plaintiff.

And as her First Supplemental Petition, with leave of the Court had, plaintiff answers Charles Eldred's answer and cross action by denying all and singular the allegations of title, ownership and limitation, and demands strict proof thereof; plaintiff says she is not guilty of the injuries, wrongs and trespasses alleged against her in said cross action, and prays as in her original petition.

Collins, Jackson & Snodgrass,
Attorneys for Plaintiff.

Filed April 2nd, 1930
W.H. Maxwell Clerk Dist Court
Coke Co., Texas.

DEFENDANT CHARLES ELDRED'S ORIGINAL ANSWER.

Mrs. Ethel B. Carruthers | In District Court, Coke County, Texas.
No. 1266 Vs. |
N.R. Eldred et al | October Term, A.D. 1929.

To Hon. J.P. Hill, Judge of said Court:

I.

1. Now comes Charles Eldred one of the Defendants herein and excepts generally to the allegations of fact in Plaintiff's petition contained and says the same are insufficient to constitute a cause of action of which he prays the Judgment of the Court.

2. This defendant specially excepts to said petition and says the allegations thereof are insufficient to constitute a cause of action in trespass to try title or to recover of this defendant the land in controversy herein of which he prays the Judgment of the Court.

3. This defendant specially excepts to that portion of Plaintiff's petition wherein the land sued for is attempted to be described and says that the description thereof is insufficient of which he prays the judgment of the Court.

II.

Further answering herein this defendant here now disclaims all right, title and claim in and to all of the land sued for by plaintiff described in her petition, save and except the following described portion thereof, to-wit: 359 acres known as survey 1, S.F. 8463, Original Grantee, E.W.Escue, more particularly described by metes and bounds as follows,

Beginning at the south corner of survey No. 36, S.P.Ry. Co. Block 15, a stone mound in the ground Thence N. 35 deg. E. with S.E. line of Survey No. 36, 1404 vrs. a stone mound in said line. Thence E. 589 vrs. a stone md. in W. line of No. 1, H & T.C.Ry.Co. Block No. 2, 147 vrs. S. 35 deg. W. from its N.W. corner; Thence S. 35 deg. W. with W. line of No. 1, 1740 vrs. st. md. inner corner of No. 1; Thence N 55 deg. W. with line of No. 1, 1143 vrs. a N.W. corner of No. 1; Thence S. with W. line of No.1, 1011 vrs. st. md. in N. line of No. 25; Thence W. 920 vrs. st. md. on hill from which N. end of peak bears S 45½ deg. E. Oyster Mt. brs N 78 deg. 10' W. S.E. corner of No. 3; Thence N. with E. line of No. 3, 1635 vrs. st. md. in S. line of No. 36, Block 15; Thence S. 55 deg. E. 1773 vrs. to the place of beginning.

Wherefore this defendant prays that as to all of the land sued for herein by Plaintiff, except the tract last above described, he go

hence without day and recover his costs.

III.

Further answering herein this defendant denies all and singular the allegations in Plaintiff's petition contained and says he is not guilty of the injury, wrongs and trespasses complained of against him in Plaintiff's petition, and of this he puts himself upon the country.

Wherefore he prays Judgment of the Court that he go hence without day and recover of plaintiff all costs in this behalf incurred.

IV.

Further answering herein and for further plea in this behalf, this defendant says, that Plaintiff ought not to have and maintain her cause of action herein against him, because he says that claiming to be the true and lawful owner of the 359 acre tract of land hereinbefore described, and holding and claiming the same in fee simple, from and under the State of Texas, he has had and held peaceable, continuous and adverse possession thereof for a period of more than three years next after plaintiff's cause of action accrued and before the commencement of this suit, by reason of which he has acquired full title to said land under the three years statute of limitations of this state, which is here now pleaded and asserted. Wherefore he prays that Plaintiff take nothing in this suit, that this defendant be discharged with his costs, and that he have judgment for the title and possession of said land, and for such other and further relief special and general, in law and in equity to which he may be justly entitled.

V.

Further answering herein and by way of cross action against Plaintiff, this defendant says that he was at the date of the institution of this suit and has been for more than nine years prior thereto, and still is the owner of the following described tract of land, to-wit: Survey 1, S.F. 8463, Original Grantee, E.W.Escue, containing 359 acres, more particularly described by metes and bounds as follows, Beginning at the south corner of survey No. 36, S.P.Ry.Co. Block 15, a stone mound in the ground; Thence N. 35 deg. E. with S.E. line of survey No. 36, 1404 vrs. a stone mound in said line.

Thence E. 589 vrs. a st. md. in W. line of No. 1, H & T.C.Ry.Co. Block No. 2, 147 vrs. S. 35 deg.W. from its N.W. corner; Thence S. 35 deg. W. with W. line of No. 1, 1740 vrs. st. md. inner corner of No. 1; Thence N. 55 deg. W. with line of No. 1, 1143 vrs. a N.W. corner of No. 1; Thence S. with W. line of No. 1, 1011 vrs. st. md. in N. line of No. 25; Thence W. 920 vrs. st. md. on hill from which N. end of peak bears S. 45 $\frac{1}{2}$ deg.E, Oyster Mt. brs N 78 deg. 10' W, S.E. corner of No. 3; Thence N with E. line of No. 3, 1635 vrs. st. md. in S. line of No. 26, Block 15; Thence S. 55 deg. E. 1773 vrs. to the place of beginning; which land is a portion of the land sued for by Plaintiff herein.

That said tract of land was purchased from, and awarded by the State of Texas to this defendant through the Commissioner of the General Land Office of said State on October 20th, 1919, as a part of the public free school lands of said state, under the laws of said state then in force providing for the sale of the public free school lands thereof. That the consideration paid and promised to be paid by this defendant there for was \$3.25 per acre or a total consideration of \$1166.75, this defendant paying therefor the sum of \$29.16 or 1/40 of said consideration in cash, and executing and filing his obligation for \$1137.59 or 39/40 of said consideration bearing interest at the rate of five per cent per annum conditioned and payable as provided by law. That by virtue of such sale by the state and purchase of said land by this defendant he was on or about the 25th day of August, A.D. 1929, lawfully seized and possessed of said land, holding and claiming fee simple title thereto, and afterwards on or about the 26th day of August, A.D. 1929, while this defendant was so seized and possessed of said land, the Plaintiff unlawfully entered upon said land and ejected this defendant therefrom and unlawfully withholds from him the possession thereof to his damage \$2000.00. That the reasonable annual rental value of said land is \$350.00. That plaintiff herein is asserting some pretended but invalid claim to said land the exact nature of which is unknown to this defendant, but this defendant believes and avers that she claims the same under some limitation statute of this state, which claim has clouded the defendants title to said land.

Wherefore this defendant prays that plaintiff nothing in this suit.

That this defendant have judgment for the title and possession of said land and premises, that the cloud upon his title to said land by reason of the pretended but invalid claim of plaintiff thereto be removed, and that he be quited in the use and possession thereof, that the writ of injunction heretofore issued herein be dissolved, for his damages, costs of suit, and for such other and further relief, in law and in equity to which he may be justly entitled.

G.S.Arnold, Attorney for Defendant, Charles Eldred.

Filed Oct. 1st, 1929
W.H. Maxwell Clerk District Court
Coke County, Texas.

JUDGMENT.

NO. 1266

MRS. ETHEL B. CARRUTHERS | IN THE DISTRICT COURT OF COKE COUNTY,
VERSUS |
N.R. ELDRED, ET AL | TEXAS.

On this the 2nd day of April, A.D. 1930, at a regular term of this Court and in its regular order on the docket came on to be heard and called this cause;

Plaintiff appeared in open Court by Attorneys and the Defendants, N.R.Eldred and Charles Eldred and A.J. Eldred, each of whom having been duly served and cited to appear and answer herein in manner and form and for length of time required by law, appeared in the following manner.

The Defendants, N.R.Eldred and A.J. Eldred, and each of them, having heretofore filed disclaimers herein appeared no further and the Defendant, Charles Eldred having answered herein, appeared in open Court in person and by Attorneys, and there also appeared in open Court in person and by Attorneys W.C.Blanks, Intervener, heretofore granted leave by this Court to intervene herein, and all persons announcing ready for trial, and a jury having been waived, the Court thereupon heard the pleadings read and

heard evidence introduced by all parties on the merits of this cause, and argument of counsel hereon, and for such pleadings, evidence and argument does find the law and the facts to be and does render judgment as follows:

The Court finds the facts to be:

Survey No. 1, Block 2, H & T.C.Railway Co. in Coke County, Texas. is a prior and senior survey to the E.W. Escue Survey No. 1, in said County awarded to Charles Eldred on October 20th, 1919, and said Survey No. 1, Block 2, H & T.C.Railway Co. is a prior survey and a senior survey to G. West Survey No. 2.

The correct and true boundaries of said Survey No. 1, Block 2, H & T.C.Railway Co., are described and set out as follows, to-wit:

Beginning at a point on the North line of Survey 25, Block 2, H & T.C.Ry.Co., an old rock mound in valley, which point is 920 varas East of the common Northwest corner of said survey 25, the Northeast corner of survey No. 26, and southeast corner of survey 3, all in said Block 2, H & T.C. Ry. Co; Thence East with the North boundary lines of said survey 25, and survey 2, Block 2, H & T.C.Ry.Co., 2941 varas for original southeast corner of said Survey 1, and being also the Northeast corner of said Survey 2, an old rock mound at fence, from which a cedar stump bears S. 4 deg. E. 114 varas; Thence North 1900 varas for Northeast corner said Survey 1; Thence West 1566 varas, more or less, passing southeast corner of Survey No. 2, George West, at 923 varas to a point on the southeast line of survey 36, Block 15, S.P.Railway Co., which point is 1551 varas N. 35 deg. E. from the south corner of said Block 15, S.P.Ry.Co; Thence south 35 deg. W. with S.E. B. line of said survey 36, Block 15, S.P.Ry.Co. to the south corner of said survey 36; Thence North 55 deg. West with S.W.B. line of said survey 36, Block 15, S.P.Ry.Co. to an old rock mound on side of hill, which point is 1011 varas North of beginning corner first above mentioned; Thence south 1011 varas to place of beginning, said survey containing 819 acres of land, more or less,

And the Court further finds that all of the E.W.Escue survey No. 1 lying east of a straight North and south line drawn from a point in the southwest base line of Southern Pacific Railway Co. Block No.

15, 1146 vrs. North 55 degrees West from the south corner thereof to the North line of survey No. 3, Block 2, H & T.C.Railway Co. lands, is in conflict with said Survey No. 1, H & T.C.Railway Co. Block No. 2, and all said portion of said survey No. 1, E.W.Escue, lying east of said line purports to cover and include lands included in and which constitute a part of said Survey No. 1, Block No. 2, H & T.C.Railway Co.

The Court finds the law to be that any portion of the E.W. Escue survey No. 1 or the award made thereunder to Charles Elred on October 20th, 1919, which may conflict with said Survey No. 1, Block 2, H & T.C. Railway Co. as the boundaries of the same are set forth and defined above, or which may cover and embrace any of the lands and premises included within the boundaries of said Survey No. 1 as above set forth, is null and void and of no force and effect.

And the Court further finds that any portion of the G. West Survey No. 2 which conflicts with said Survey No. 1, Block 2, H & T.C.Railway as the same is bounded hereinabove, or which may cover any of the lands and premises included in the boundaries of said Survey No. 1 as set forth above, is void and of no force and effect.

It is therefore ORDERED, ADJUDGED AND DECREED that Plaintiff Mrs. Ethel B. Carruthers, do have and recover of and from N.R. Eldred and A.J. Eldred, and each of them, on the respective disclaimer of each, the title and possession to the lands and premises herein sued for, situated in Coke County, Texas, and described as follows, to-wit:

Beginning on the Southwesterly base line of Southern Pacific Railway Company Block No. 15 where said line intersects the east line of Survey No. 3, H & T.C.Ry.Co. Block No. 2; Thence South with the east line of said Survey No. 3 to the southeast corner thereof, and the Northwest corner of Survey No. 25, H & T.C.Ry.Co. Block 2; Thence East with the North line of said Survey No. 25 and the North line of Survey No. 2, H & T.C.Ry.Co. Block 2, to the northeast corner of said survey 2; Thence North Nineteen Hundred varas, more or less, to the most easterly southeast corner of George West survey No. 2; Thence West to the southeasterly base line of said

Southern & Pacific Ry.Co.Block No. 15; Thence South 35 West with said block line to the souther corner of said block, being also the south corner of Section 36, said block; Thence North 55 West with the southwesterly base line of said block to the place of beginning.

It is further ORDERED, ADJUDGED AND DECREED that the temporary injunction heretofore issued herein be and the same is hereby dissolved, in so far as it affects any of the lands and premises herein sued for lying west of a straight north and south line beginning in the southwesterly base line of said Block No. 15, at a point eleven hundred and forty three varas from the south corner of said block and running south to the north line of section No. 25, H & T.C.Ry.Co. Block 2, and that said injunction in so far as it affects any of the lands and premises herein sued for lying east of said line be and the same is hereby made perpetual in accordance with the original terms thereof.

It is further ordered, adjudged and decreed that Plaintiff, Mrs. Ethel B.Carruthers, do have and recover of and from the Defendant, Charles Eldred, the title and possession of the following portion of the lands herein sued for in Coke County, Texas, to-wit:

Beginning at the south corner of survey No. 36, S.P.Ry.Co. Block No. 15, the same being the south corner of said block; Thence North 55 West with the southwesterly line of said survey and of said block eleven hundred and forty three varas; Thence south ten hundred and eleven varas, more or less, to the North boundary line of section No. 25, Block 2, H & T. C.Ry.Co. lands; Thence east with the north line of said Section No. 25 to the Northeast corner thereof, same being the northwest corner of section No. 2; Thence in a straight line to the place of beginning. And it is ordered and decreed that all right, title and interest of said Defendant, Charles Eldred, in and to said portion of said lands and premises be, and the same is hereby divested out of said Charles Eldred and vested in said Plaintiff, and cross action of said Defendant Charles Eldred and prayer therein in so far as the same seeks to recover any of said portion of said lands and premises is hereby denied.

It is further ordered, adjudged and decreed that on his cross action Defendant Charles Eldred do have and recover of and from Plaintiff, Mrs. Ethel B. Carruthers the title and possession to the following portion of the lands and premises herein sued for, to-wit:

Beginning at a point in the southwesterly base line of said Block No. 15, S.P.Ry.Co. and of said survey No. 36, eleven hundred and forty three varas north 55 west from the south corner thereof; Thence North 55 West with said block base line to the intersection of the same with the east line of survey No. 3, H & T.C.Ry.Co. Block No. 2; Thence south with the east line of said survey No. 3 to the southeast corner thereof, and the Northwest corner of survey No. 25, same block; Thence east with the north line of said survey No. 25 to a point directly south of the beginning point of this tract, being the southwest corner of the tract of land hereinabove adjudged in favor of plaintiff herein; thence north with the west line of said tract of land hereinabove adjudged to Plaintiff ten hundred and eleven varas, more or less, to the place of beginning, and that all title of Plaintiff in and to this described tract be vested out of Plaintiff and into Defendant Charles Eldred and that Plaintiff be denied the relief prayed for in the main suit as to this described tract of land. And upon rendition of this portion of this Judgment granting recovery to the said Charles Eldred of the title of and possession to the lands in this paragraph described lying east of the line in this paragraph set forth, the parties thereupon in open court did announce and produce evidence to the court that since the making of the issues herein by the pleadings and on the date of rendition of this Judgment plaintiff, Mrs. Ethel B. Carruthers had purchased from Defendant Charles Eldred the lands and premises in this paragraph described, and Defendant Charles Eldred having this day executed a conveyance of said lands and premises to Plaintiff, Mrs. Ethel B. Carruthers, it is ordered and decreed that this recovery herein in favor of Defendant, Charles Eldred against Plaintiff, Mrs. Ethel B. Carruthers, shall not in any manner affect or impair title of Plaintiff, Mrs. Ethel B. Carruthers, in and to the lands and premises in this paragraph described as such title may be derived through conveyance from Charles Eldred, but that such conveyance shall in all its terms and provisions be and remain in

full force and effect unchanged and unimpaired by this judgment.

It is further ordered, adjudged and decreed that Intervener, W.C.Blanks, do have and recover of and from the Defendant Charles Eldred, the title and possession of the following described tract of land, to-wit:

Beginning at the southern corner of said S.P.Ry.Co.Block No. 15, and the southern corner of said Survey No. 36, same block; Thence in a straight line to the northeast corner of survey No. 25, H & T.C.Ry.Co. Block No. 2, and the Northwest corner of survey No. 2, same block; Thence East with the North line of said survey No. 2, nineteen hundred varas, more or less, to the northeast corner of said Survey No. 2; Thence North nineteen hundred varas, more or less, to the southeast corner of George West survey No. 2; Thence West to the southeasterly base line of said S.P.Ry.Co.Block No. 15; Thence south 35 West with said base line of said Block No. 15 and the southwesterly line of Section No. 36, said Block, 1887 varas, more or less, to the south corner of said block and of said survey, the place of beginning; and that all right, title and interest of said Defendant, Charles Eldred, be divested out of him and vested in Intervener, W.C.Blanks.

It is further ordered, adjudged and decreed and the Court finds from the evidence that there exists a conflict between survey No. 1, H & T.C.Ry.Co.Block No. 2 in Coke County, Texas, and the lands and premises embraced therein, and survey No. 1, S.F. 8463, E.W.Escue, and the lands and premises embraced therein as said Escue Survey was awarded to Defendant Charles Eldred on October 20th, 1919, in so far as said Escue Survey and said award purports to cover any lands lying east of a straight line beginning at a point in the southwesterly base line of said S.P.Ry.Co.Block No. 15, eleven hundred and forty three varas north 55 west from the south corner of said block and running south ten hundred and eleven varas, more or less, to the north line of survey No. 25, Block No. 2, H & T.C.Ry.Co. lands; and it is ordered, adjudged and Decreed that said survey No. 1, H & T.C.Ry.Co.Block No. 2, is prior and superior to said survey No. 1, E.W.Escue, in so far as said survey No. 1, E.W.Escue, and said award made in connection therewith purports to cover any lands lying east of said line, and as between

the two said surveys and all parties to this cause, it is ordered, adjudged and decreed that the following described lands constitute a part of survey No. 1, H & T.C. Ry.Co. Block No. 2 and no part of survey No. 1, E.W.Escue, and said E.W.Escue survey No. 1 is held void and of no effect in so far as the following described lands are concerned, to-wit:

Beginning at a point in the southwest base line of said Southern & Pacific Ry.Co.Block No. 15 eleven hundred and forty three varas north 55 west of the south corner thereof; Thence south ten hundred and eleven varas, more or less, to the north line of survey No. 25, H & T.C.Ry. Co.Block No. 2; Thence east with the north line of said survey No. 25 and the north line of survey No. 2, same block, to the Northeast corner of survey No. 2; Thence North 1900 varas, more or less, to the most easterly southeast corner of G.West survey No. 2; Thence West to the southwest base line if said S.P.Ry.Co.Block No. 15; Thence south 55 West 1887 varas, more or less, to the south corner of said S.P.Ry.Co.Block No. 15; Thence North 55 West to the place of beginning.

All the lands and premises dealt with or described herein in this judgment and in all parts of this judgment are located and situated in Coke County, Texas.

It is ordered and decreed that all costs of N.R.Eldred and A.J.Eldred be adjudged against Plaintiff, and that said Defendants be discharged with their costs, and that Defendant Charles Eldred be awarded no damages herein for injunction heretofore issued, but that he recover his costs of and from Plaintiff and Intervener jointly and severally, and that as to Intervener's costs they be adjudged against Intervener with all other costs adjudged against the Plaintiff.

J.P. Hill, District Judge.

THE STATE OF TEXAS

COUNTY OF COKE

I, W.H. Maxwell Clerk of the District Court in and for Coke County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the proceedings had in Cause Styled No. 1266, Mrs. Ethel B. Carruthers Vrs. N.R. Eldred et al, as follows, to-wit:

1st. Plaintiff's Original Petition.

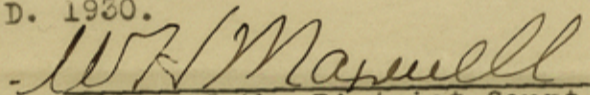
2nd. Plaintiff's First Amended Supplemental Petition.

3rd. Defendant Chas. Eldred's Original Answer,

as the same appears on file in this office.

4th. Judgment, as the same appears of record in Book 4, page 423, District Court Minutes of Coke County, Texas.

Witness my hand and seal of office at Robert Lee, Texas, this the 5th day of November, A.D. 1930.


Clerk of the District Court
of Coke County, Texas.

Sketch File No. 25

Coos County

Deed

Deed of Conveyance

Filed Dec 8 1900

J. H. Walker, Comm.

J. F. McDonald
File Clerk

Descriptive:

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