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In the District Court of El Paso County,
Texas, 65th Judicial District.

H. P. Deady, et ux,)
vs.) No. 9842.
C. M. Newman, et al.)

BE IT REMEMBERED that on the 21st day of May, 1917, at the regular May Term of this Court, coming on to be regularly heard the above numbered and entitled cause, came and appeared parties, plaintiffs, H. P. Deady and wife, Caroline Miller Deady, and parties defendants, C. M. Newman, individually and as independent executor of the estate of E. S. Newman, deceased, Myra N. Mapel and her husband C. J. Mapel, Fannie Mapel, a minor through her next friend, C. M. Newman, and her guardian ad litem, C. M. Newman, heretofore appointed to represent the interests of the minor Fannie Mapel, and W. L. Tooley, J. H. Nations, James G. McNary and John T. McElroy, and all parties announced ready for trial; and a jury having been heretofore demanded, thereupon came a jury of twelve good and lawful men, to-wit W. E. Robertson, and eleven others who were duly and legally selected, empaneled and sworn and who after having heard the pleadings read, evidence, charge of the court and argument of counsel, retired on the 26th day of May, 1917, to consider of their verdict;

In said charge of the court this cause was submitted on special issues, and said cause continued regularly for trial from the 21st day of May, until the 26th day of May, 1917, it having been agreed by and between the parties plaintiffs and defendants in this cause and requested by each of them that this cause should be submitted upon special issues and agreed that if the Jury should answer Question Number One of special issues submitted to them in the affirmative, that judgement should be rendered in favor of plaintiffs for the land sued for and claimed by them; but that if the jury should render a verdict on said special issues and should answer Question No. One in the negative, and should answer Question No. Two in the affirmative, that judgement should be rendered that plaintiffs take nothing by their

suit and that the defendants should have and recover judgment of and against the plaintiffs for the lands claimed by defendants in their cross-action and plea in reconvention and the judgment should be rendered in favor of the defendants for the lands described in said cross action and plea in reconvention.

And thereupon said jury having retired on the 26th day of May, 1917, to consider of their verdict and to return answers to the questions and special issues submitted to them by the court and on the 26th day of May, 1917, returned into open court the following verdict and the following answers to the questions propounded to them by the court, to-wit:

In the District Court of El Paso County, Texas, 65th Judicial District,

H. P. Deady, et ux,)
 vs.)
 E. S. Newman, et al.) No. 9842.

We, the jury in the above styled and numbered cause, return the following answers to the questions propounded by the Court:

Answer to Question Number One: No.

Answer to Question Number Two: Yes.

Answer to Question Number Three: _____.

(signed) W. E. Robertson, Foreman."

The Court in its charge having submitted to the jury three questions for determination, and said questions being as follows, and being shown from the charge of the court filed herein on May 26, 1917.

Question No. One: Do you find from a preponderance of the evidence that the northern boundary line of said Surveys Numbers 69 and 77, as surveyed on the ground by J. A. Tivey, is coincident with or south of the northern boundary of said surveys as located and marked by Murray Harris, and delineated on the map of the said Harris introduced in evidence?

Answer this Question Yes or No.

If you have answered Question No. One in the negative, then, but not otherwise, the Court submits for your determina-

tion this additional question:

Question Number Two: Do you find from the evidence that the northern boundary line of said Surveys Numbers 69 and 77 as surveyed on the ground by J. A. Tivey, is coincident with or north of the Northern Boundary line of said Surveys as located and marked by R. E. Hardaway, and delineated on the map of the said Hardaway introduced in evidence:

Answer this question Yes or No.

In the event you have answered the above questions Numbers One and Two in the negative, then, but not otherwise, the Court submits for your determination this additional question:

Question Number Three: Where do you find from the evidence J. A. Tivey located on the ground the northern boundary line of Surveys Numbers 69 and 77?

If, under the direction of the Court, you find it necessary to answer this question, the Court suggests that you locate the true northern boundary line, that is, the line established by J. A. Tivey on the ground, with reference to either the map made by Murray Harris, introduced in evidence, or the map made by R. E. Hardaway, introduced in evidence, by stating the number of varas, north or south, as the case may be, that said boundary line lies from the northern boundary of 69 and 77, as established either by the said Harris or Hardaway. If you see fit to follow this suggestion, use either one or the other of said two, lines, not both."

And which said verdict and answers to said questions were duly and legally returned into court and received by said court and ordered filed.

And it appearing to the Court that thereafter, on, to-wit: the 1st day of June, 1917, the above named defendants filed herein their motion for judgment on the findings of said jury upon said special issues, and said motion having been duly considered by the Court on this the 20th day of June, 1917, and the court being fully advised, it is ordered, adjudged and decreed by the court, that the plaintiffs H. P. Deady and Caroline Miller Deady, do have and recover of and from the defendants, and each of them, upon the said defendants' disclaimer

filed herein on the first day of December, 1916, all the land sued for which lies northeasterly or northerly of the southerly or southwestern lines of Sections Four (4) and Six (6) of the Texas & Pacific Surveys, as said lines are fixed by a survey of R. E. Hardaway, Surveyor appointed herein, dated February and May, 1914, and filed in this cause, and introduced as part of the evidence introduced on the trial of said case, and recover of and from defendants all costs in this behalf incurred prior to the first day of December, 1916, but as to the remainder of said lands sued for by said plaintiffs, that plaintiffs take nothing by their said suit, and as to the said remainder said defendants be permitted to go hence without day and recover of and from the plaintiffs, H. P. Deady and Caroline Miller Deady, and their sureties upon their cost bond, all costs in this behalf incurred subsequent and since the 1st day of December, 1916, for all of which let execution issue.

It is further ordered, adjudged and decreed by the court that the above named defendants upon their cross-action and plea in reconvention filed herein, have judgment of and against the plaintiffs, H. P. Deady and wife, Caroline Miller Deady, for all the right, title, claim, interest and possession in and to, and do recover against them all right, title, claim, interest, estate and possession in and to, and do recover against them the following described land and premises situate in the County of El Paso and State of Texas, to-wit:

Being all of Surveys numbered Sixty-nine (69) and Seventy-seven (77) surveyed for Samuel A. Maverick by Joseph Tivey, and patented by the State of Texas, the patents thereof being ^{here} referred to; to all of which said patents so recorded in El Paso County reference being here had and made for a further and other description of said Surveys Sixty-nine (69) and Seventy-seven (77) and the field notes therein contained. And said above numbered surveys so above referred to being further surveyed and located upon the ground by R. E. Hardaway, Surveyor appointed in this cause, and by virtue of such surveys so being made by the said Hardaway said above surveys being described as follows, to-wit:

Survey 69. Beginning at a cement monument set by the said

Hardaway for the northcorner of this survey and the east corner of Survey Sixty-two (62); thence south 45° east 4367 varas to a concrete monument set by said Hardaway, being the east corner of this survey, in the west line of Survey Seventy-one; and also being the southerly corner of Section Four, Block A of the Texas & Pacific Railway Company's Surveys in El Paso County, Texas, as shown on said map of said R. E. Hardaway, surveyor appointed herein; thence south 45° west 1455 varas to the Rio Grande River; thence up the river with its meanderings to the southwest corner of Survey 68; thence north 45° east 640 varas to the east corner of Survey 68; thence north 45° west 672 varas to the north corner of Survey 68; thence south 45° west 151 varas to the east corner of Survey 67; thence north 45° west 672 varas to the north corner of Survey 67; thence 45° west 382 varas to the east corner of Survey 66; thence north 45° west 672 varas to the north corner of Survey 66; thence north 45° east 515 varas to the east corner of Survey 65; thence North 45° west 672 varas to the north corner Survey 65; thence south 45° west 202 varas to the east corner of Survey 64; thence north 45° west 580 varas to the north corner of Survey 64; thence north 45° east 475 varas to the east corner of Survey 63; thence north 45° west 427 varas to the south corner of survey 62; thence north 45° east 672 varas to the north corner of this survey, and to the point of beginning, and being the east corner of Survey 62; and

SURVEY 77, Beginning at a cement monument set by the said Hardaway for the north corner of this survey; thence south 45° east at 510 varas a cement monument set by said Hardaway for the west corner of Section 6, Block A of Texas & Pacific Surveys in El Paso County, Texas, as shown on said map of said Hardaway, at 2410 varas a cement monument set by said Hardaway for the south corner of ^{said} Section 6, Block A, as shown on the map of said Hardaway at 4310 varas to a cement monument set by said Hardaway for the east corner of this survey and in the west line of Survey Number 82; thence south 45° west along the west line of Survey 82, 589 varas to a stake on the bank of the river; thence up the river with its meanderings to the southeast corner of Survey 76; thence north 45° east 829 varas to the east

corner of Survey 76; thence north 45° west 672 varas to the north corner of said survey; thence south 45° west 509 varas to the east corner of Survey 75; thence north 45° west 672 varas to the north corner of said survey; thence north 45° east 100 varas to the east corner of survey 74; thence north 45° west 672 varas to the north corner of said survey; thence north 45° east 191 varas to the east corner of survey 73; thence north 45° west 672 varas to the north corner of said survey; thence north 45° east 211 varas to the east corner of survey 72; thence north 45° west 672 varas to the north corner of said survey and in the east line of survey number 71; thence north 45° east 587 varas to the place of beginning and the above and foregoing metes and bounds including Surveys 69 and 77 as surveyed and located by R. E. Hardaway, surveyor, appointed by this court, and as is shown by the map filed herein and made by the said Hardaway, surveyor appointed by the court in the above numbered and entitled cause, to locate and survey the land and premises in controversy in this suit; and for the recovery of and possession of said above land and premises let defendants have their writ of possession and restitution, as well as all costs of court in this behalf expended since December 1st, 1916, for all of which let execution issue.

It is further ordered, adjudged and decreed that execution may issue in favor of the officers of the court, against each of the parties hereto for all costs by them respectively incurred.

And to the action of the court in adjudging all costs against defendants incurred and expended prior to December 1st, 1916, and not adjudging that defendants recover of and from the plaintiffs all costs incurred and expended prior to December 1st, 1916, defendants then and there in open court excepted and gave notice of appeal to our Court of Civil Appeals for the Eighth Supreme Judicial District, at El Paso. Done this June 20th, 1917.

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State of Texas)
 County of El Paso)

I, C. W. Harper, Clerk District Courts in and for El Paso County, Texas, 65th Judicial District, do hereby certi-

counter 26935

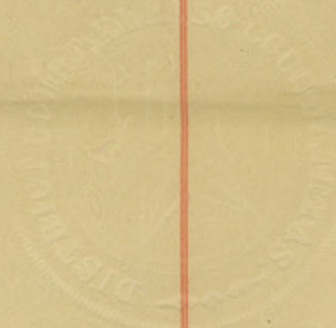
fy that the above and foregoing is a true and correct copy of the judgment rendered and entered in cause No. 9842, wherein H. P. Deady et ux are Plaintiffs and C. M. Newman et al are defendants, as the same appears of record in the minutes of said Court in Volume 2, Page, thereof.

Given under my hand and the seal of said Court this, the 7th day of May, A. D. 1925.

C. W. Harper, Clerk District Court,
El Paso Co., Tex., 65th Judicial Dist.

By *J. K. ...*

Deputy.



FAMMERTON
DONO
MATTIN...

D⁷

5/15/25 -
Judge Chas Rogan

SK. File - 13
Copy, decree Court -
Hudspeth County -
< See 2 Rolled Sketches
filed herewith >

Filed 7/5/25
J. J. Robinson
Comr.
by W. Hawkins