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289 S.W. Reporter
Wells Stilwell & Spears
vs Dupuy

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS,
SIXTY-FIFTH JUDICIAL DISTRICT,
SEPTEMBER TERM, A.D. 1925.

H. E. Dupuy, et al,
vs. No. 25565.
R. J. Wells, et al.

Be it remembered that on the 15th day of October, A. D. 1925, at the regular term of this Court, came the parties by their attorneys and announced ready for trial, and thereupon came a jury of good and lawful men, who being duly impanelled and sworn, and after hearing the pleadings, the evidence, the arguments of counsel and the charge of the Court, did on the 24th day of October, A. D. 1925, return the following verdict on special issues in the Court, to-wit:

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

- Answer to question No. 1. Yes.
- Answer to question No. 2. _____.
- Answer to question No. 3. _____.
- Answer to question No. 4. No .
- Answer to question No. 5. _____.

J. C. Kistenmacher, Foreman."

And thereupon came the plaintiffs and moved the Court that judgment be entered for them on their original suit, and that the defendants take nothing by their cross action.

It further appearing to the Court that by the pleadings filed herein, that the plaintiff H. E. Dupuy, had parted with all his interest in said lands, and that the plaintiff, P. D. Anderson, was the owner and holder of the same.

It is therefore considered, ordered, adjudged and decreed by the Court that the plaintiff, P. D. Anderson, do have and recover of and from the defendants, R. J. Wells, Charles Stilwell and J. B. Spears, the following described land and premises situated in the County of Hudspeth, State of Texas, to-wit:

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Tract No. 1. That part of Survey No. 17, in Block A, Texas & Pacific Railway Company lands, in Hudspeth County, Texas, and described as follows, to-wit:

Beginning at a point for the East corner of this tract in the Southwest line of new County road North $44^{\circ} \frac{29'}{\text{West}}$ 3406.6 varas from the north corner of tract known as J. M. Bean tract; thence South $45^{\circ} 36'$ West with the Southeast side of said Survey No. 17 and the Northwest side of Survey No. 18, Block A, 446.6 varas to the South corner of this tract, the South corner of said Survey No. 17 and the West corner of said Survey No. 18; Thence North $44^{\circ} 24'$ West with the Southwest line of said Survey 17 and the Northeast line of Anna Mason Survey No. $110\frac{1}{2}$ 1914.4 varas to the West corner of this tract the West corner of said Survey 17 and the South corner of Survey 16, Block A; Thence North $45^{\circ} 36'$ East with the Northwest line of said Survey 17 and the Southeast line of said Survey 16, 438.9 varas to the North corner of this tract; Thence South $44^{\circ} 29'$ East along the Southwest line of said County road 1914.4 varas to the place of beginning, containing 150.63 acres.

Tract No. 2. All that certain tract or parcel of land situated in the Southwesterly part of Survey 19, Block A, Hudspeth County, Texas, and more particularly described as follows:

Beginning at a point for the East corner of this tract on the Southwest side of new County Road at the North corner of tract known as the J. M. Bean tract; Thence along a fence on the Northwest side of said J. M. Bean tract South $45^{\circ} 20'$ West 451.6 varas to the South corner of this tract; Thence with Southwest line of said section 19 and Northeast line of Anna Mason Survey No. $110\frac{1}{2}$ North $44^{\circ} 24'$ West 1494.4 varas to the West Corner of this tract, the West corner of said Survey 19, and the South corner of Survey 18, Block A; Thence with the Northwest line of said Survey 19 and the Southeast line of said Survey 18, North $45^{\circ} 37'$ East 449.4 varas to the North corner of this tract; Thence with a fence along said Southwest

side of said County Road South 44° 28' East 1492.2 varas to the place of beginning, containing 119.16 acres.

All of which surveys are fully shown on a map made by W. L. Rider, introduced in this cause, which is hereby referred to for further description; for which the said plaintiff, P. D. Anderson, may have his right of possession.

Be it remembered also that the defendants' cross-action came on to be heard as to the following described lands, to-wit: All that portion of the Anna Mason Survey No. 110 $\frac{1}{2}$ described as follows, to-wit:

Beginning at the Northeast corner of Survey No. 110, same being the Northeast corner of the present farm of Wells, Stillwell and Spears, and the corner of the fence erected by John T. McElroy, upon the line heretofore surveyed and established by E. L. DeShazo same being the present corner of the said fence, as the same stands to day; thence North 45° 34' East 545.5 varas to the Northeast corner of the Anna Mason Survey No. 110 $\frac{1}{2}$, as originally located by Joseph Tivey and relocated by R. E. Hardaway, as shown on map filed herewith and made a part hereof; thence North 45° West 5700 varas; thence South 45° 34' West 460 varas, to the present fence of Wells, Stillwell and Spears, on the line heretofore surveyed by E. L. DeShazo; thence South 45° East, along the present fence of Wells, Stillwell and Spears, to the place of beginning.

It is therefore ordered, adjudged and decreed by the Court that the defendants, R. J. Wells, Charles Stillwell and J. B. Spears, as to their cross-action for the above described land, take nothing by the same, and that the plaintiffs, H. E. Dupuy and P. D. Anderson, be permitted to go hence without day and recover their costs.

It is further ordered that the plaintiff, H. E. Dupuy, take nothing by his suit, and that he be permitted to go hence without day.

It is further ordered by the Court that all costs in this behalf expended be taxed against the defendants, for all of which let execution issue.

THE STATE OF TEXAS, |
COUNTY OF EL PASO... |

I, C. W. Harper, Clerk District Court, in and for El Paso County, Texas, 65th Judicial District, do hereby certify that the foregoing is a true and correct copy of the original judgment rendered and entered in cause No. 25565, wherein H. E. Dupuy is Plaintiff, and R. J. Wells, et al, are Defendants, as the same appears of record in the minutes of said Court, in Volume 6, at page 611 thereof.

Given under my hand and the seal of said Court, this the 14th day of September, A. D. 1928.

C. W. Harper, Clerk District Court,
El Paso County, Texas, 65th
Judicial District.

By

John R. Cobb
Deputy.

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Hudspeth Co
Copy of Deed of Court
Received 10/2/28

Affecting Sur 17 + 19, Bk A,
T & P, Hudspeth Co

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