

A. B. MARTIN
L. S. KINDER

C. D. RUSSELL
D. ZIMMERMANN

Martin, Kinder, Russell & Zimmermann
ATTORNEYS-AT-LAW

PLAINVIEW, TEXAS. Jan'y 20, 1916.

Hon. J. T. Robison,
Austin, Texas.

Dear Sir:

I wish to thank you for your letter of 18th inst., regarding the department's attitude towards the decision in the case of McSpadden v Vannerson, reported in 169 S W 1079. I do not fully understand this decision, and am frank to say that I doubt if the Appellate Court ever grasped the real issues. It seems to mean nothing more than a decision that there is a disputed question of fact in the record upon which the jury could pass, and did pass which the court does not feel at liberty to disturb. This binds no one save the parties to the litigation, and the next jury can decide the question precisely opposite, which would likewise bind the appellate court, if there is jury question in the case, and of course there is, or it would have been the duty of the court to say so. In other words every individual owner of land in M-15, not a party to this litigation, can have his case passed on by a jury and I anticipate before this litigation finally ceases, to see the land lines in this block piled up like a torn down block house. It's really a pity that the location of this block was not a question of law so that the litigation could be some day ended. The original opinion was very drastic and far reaching, but was so clearly wrong that the court upon motion for rehearing, withdrew it, as you will see by this opinion.

They refused utterly to pass upon the only real defense we had, and I don't believe they ever appreciated the force of it. It was this: You understand the appellee located from the S W corner of 6, Randall County. Now in the East line of 6, there are several original corners called for, all older than the one at the S W corner of 6, and all as clearly identified as the S W corner, and all called for through intervening surveys, and nearer than the S W corner to the beginning of M-15, and in order to get to the S W corner of 6 from the easterly blocks S of 6, you must through these original corners. How they ever went over these originals and utterly disregarded them, and tied to a junior corner is a piece of judicial gymnastics I have never been able to understand. It might have been our fault in presenting the matter, as I am sure the court never understood this, and sincerely tried to decide the matter right. I feel confident that a decision will ultimately be reached that there is no west slide.

Again thanking you, I am, with kind personal regards,
Yours very truly,

A B Martin

RECEIVED

JAN 22 1916

Referred to Chief Clerk

counter 37629

2062

Swisher Co 9.

Judge A.B. Martin's
Letter in case of McSpadden vs Vannerson, 169
S.W.R. page 1079.

Dated Jan. 20, 1916,
Filed do. 22, 1916.

Dear Sir:
Austin, Texas.
Jan. 1. T. Poplison,

SWATZ/11000, TEXAS, Jan. 2 50, 1916.

W. S. SWATZ

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9.

Swisher Co
Sketch files

See letter of
Hon. H. G. Hendricks
in Vol 169, page 1079
S.W. Rept -

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out delay, should grant the motion for rehearing, and
decide the matter right. I feel confident that a decision will
be reached that will be in accordance with the law.
I am, with kind personal regards,
Yours very truly,
H. G. Hendricks

1-20-16

1-22-16

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JAN 25 1916