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H HOUSEMAN V PAUL DECUIR EBOOKS 2019



Author: Beaumont No. 4991 Court of Civil Appeals of Texas

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WALKER, Justice. The action is in trespass to try title, to recover the title to and possession of a tract of land containing 75.835 acres, less the minerals, which is located in the town of Vidor, in Orange County, and to recover damages for the conversion of timber grown on the land. The plaintiff is the appellee DeCuir. There were two defendants, namely, the appellant Houseman and the Houston Oil Company of Texas, but plaintiff took a non-suit as to the latter. Defendant Houseman had title to the land unless plaintiff's claim of title is good, and plaintiff claimed title under the 10-year statute of adverse possession, Article 5510, R.S.1925. The cause was tried to a jury who found, in response to the only Special Issue submitted, that plaintiff had complied with the statute just cited, by possession and use of the land for grazing purposes during 10 consecutive years or more between August 31, 1932 and February 14, 1945; and it was stipulated on trial that the reasonable value of the timber removed from the land by defendant Houseman's vendee of the timber was \$5,050. The trial court accordingly rendered judgment in behalf of plaintiff against defendant Houseman for the title to and possession of the land and for the said sum of \$5,050 as damages. From this judgment the defendant Houseman has appealed, assigning two Points of Error for reversal.

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