

WARREN V. KORNEGAY, 1915-NMSC-033, 20 N.M. 225, 147 P. 1197 (S. Ct. 1915)

**WARREN
vs.
KORNEGAY et al.**

No. 1728

SUPREME COURT OF NEW MEXICO

1915-NMSC-033, 20 N.M. 225, 147 P. 1197

March 31, 1915

Appeal from District Court, Roosevelt County; McClure, Judge.

Action by R. H. Warren against R. Kornegay and others. Judgment for plaintiff.
Defendants appeal.

COUNSEL

James A. Hall of Portales, for appellant.

T. E. Mears of Portales, for appellee.

JUDGES

Mechem, District Judge. Roberts, C. J., and Parker, J., concur.

AUTHOR: MECHEM

OPINION

{*226} OPINION OF THE COURT.

{1} Counsel for appellant raises but one point, namely, that the judgment of the lower court is not sustained by a preponderance of the evidence. The trial judge heard the cause upon depositions and testimony taken by an examiner. Following the practice as announced in Gallup Electric Light Co. v. Pacific Improvement Co., 16 N.M. 86, 113 P. 848, we have reviewed the entire record as if trying the case in the first instance, and upon such review our conclusions differ in no wise from those of the trial court.

{2} Judgment of the lower court is affirmed.