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1
 2 Fraud A Jasserand et al. } District Court
 3 No 776. vs. } Trinity County, Texas
 4 Peter Jasserand. et al. } In March Term 1896,
 5 }

6 To The Hon. The District Court for Said County.
 7 In Obedience to a decree of this Honorable Court,
 8 Made and entered on the 14th day of March 1896, in the above
 9 entitled and numbered cause, wherein the undersigned were
 10 appointed Commissioners of partition and ordered to partition
 11 the lands in said decree mentioned and described among
 12 the parties therein named, we did, on the 30th day of
 13 April, 1896, proceed to carry out, such decree, by
 14 making partition of the said lands, as hereinafter set out,
 15 to each party named in said decree, and having attached a
 16 plat showing each block.

Block No. 1.

17
 18
 19
 20
 21
 22
 23 Field notes for 500. acres of land out of the N.E.
 24 Corner of A League of land Plat to James Brown, known
 25 as Block No. 1, in Partition, which is represented on
 26 a plat here to attached.

27 Beginning at the N.E. Corner of
 28 Collins & Leslie Survey, in the N.B. line of the J. -
 29 Mansfield 1/3 Lea. at a stake from which a pine mk +
 30 hrs. E. 10 S. 15 1/2 Vs. Thence N. with the N.B. line of the said
 31 Mansfield Survey 22.76. Vrs. to the N.E. Corner of
 32 The James Brown League. Thence N. 12 3/5 Vrs. to the -

Should have been S. 80°
of field notes
was used.

A



1
2 Corner of G.V. Leslie Survey, Thence S. with said -
3 Leslie E. B. line 2276. Vs. to the N.B. line of the
4 Collins & Leslie Survey Thence E. 1235 Vs. to the place
5 of beginning also another tract containing
6 50 acres. The same being set aside with Block
7 No. 1. for many other purposes
8 Out of the A. Roberts League
9 Beginning at a post oak in the North boundary line of
10 Moore and the South boundary line of said Robertson
11 Survey. Post Oak marked J. 111. Thence N. 531. Vs.
12 at a stake for corner from which a pine 12 in dia.
13 brs. S. 4 1/2 Vs. an other pine 28 in dia. brs S. 8 1/2 E. 7 1/2
14 Vs. and another pine brs S. 24 1/2 7 1/2 Vs. all marked
15 J. and three hacks. Thence West. 531. Vs. to a pine
16 14 in dia. marked on four sides with three hacks
17 and the letter J. Thence South. 531. Vs. to a stake
18 in the North boundary line of Moore's Survey at a
19 stake from which a pine 14 in dia. brs North 61 E
20 4 Vs. Thence East. 531. Vs. to the beginning
21 also another Survey containing 50 acres. ^{marked}
22 Out of Isaac Mansfield's 1/3 League and
23 being attached to Block No. 1 and a part of a
24 75-acre tract purchased of Wade Mercer by
25 Frank Josseland. on the 10th day of February A.D.
26 1880. Book No. 3. page 438. Montgomery Co. Records.
27 Beginning at a stake in the center of Dry
28 Creek. from which a Sweet Gum 2 feet in dia.
29 mk. X brs. S. 10 E. 25 Vs. Thence South with the
30 West boundary line of said Mansfield 1/3 League
31 Survey 1087. Vs. to the corner of the Brown League
32 to a stake in an old pond, for corner



1
2 from which a pine 14 in dia. Mk. T. brs. S. 15° E. 5 Vrs.
3 Thence E. 210. Vrs. With the North boundary line
4 of Miller League. to its N.E. Corner. Set a Stake
5 for Corner. from which a post Oak. 16 in dia.
6 Mk. M. brs. N. 56° W. 7 Vrs. Thence South with Miller
7 East boundary 43 Vrs. Set a Stake for Corner. from
8 which a Red Oak. 2 feet in dia. Mk. T. brs. West
9 S. Vrs. Thence East 128½ Vrs. Set a Stake from which
10 a pine 16 in dia. Mk. T. brs. N 12° W. 1 Vrs. A Sweet-
11 Gum. 12 in dia. Mk. T. brs. N. 65° E. 4½ Vrs. Thence North
12 1130 Vrs. to a Stake Set for corner. in the Center. of Dry
13 Creek. from which a Holley 8 in dia. Mk. T. brs. South
14 8 Vrs. Thence up Dry Creek to the beginning corner.
15 containing 50 acres. More or less.

16 The above three surveys. contain 600. acres. of land
17 agreeable to the original field notes. made by other-
18 Surveyors. in part and calling for more or less acres
19 and constituting Block No. one. in this partition
20 and aside for Mary Antie Johnson

21 Block No. 2. Containing 500.
22 acres. in one body. out of Isaac. Mansfield
23 1/3 League. and one hundred acres. out of same
24 Survey making a total of 600. acres. in Block No. 2
25 Beginning on the West boundary line of said
26 Mansfield 1/3 League. at a stake in the Center of Dry
27 Creek for corner. from which a Sweet Gum 2 feet
28 in dia. Mk. T. brs. S. 10° E. 25 Vrs. Thence North with
29 said Survey 3977. Vrs. to its N.W. Corner. Set a
30 Stake from which a Sweet Gum 8 in dia.
31 Mk. T. brs. N. 75° W. 9 Vrs. Thence E. 540. Vrs. to
32 one of the N. E. Corners. of said Mansfield



1
2 1/3 League, at a stake from which, a
3 Red oak 11 in dia, MK^t, + brs S. 4^o W. 4^o Vrs. =
4 Thence South 877 Vrs. to a stake for corner at
5 an other corner. of said Mansfield 1/3 Lea
6 a Red oak 24 in dia, MK^t, + brs S. 6^o 9^o W. 13^o Vrs
7 Thence East, 510. Vrs. Set a stake on Mansfields
8 North boundary for corner from which, a post
9 oak 10 in dia, MK^t, + brs S. 3^o 5^o E. 3^o Vrs. a pine
10 12 in dia MK^t, + brs N. 7^o E. 3^o 5^o Vrs. Thence
11 South 3100. Vrs. to Dry Creek. Set a stake
12 on the N. Bank, of same for corner from
13 which a Black Gum, 10 in dia, MK^t,
14 brs S. 10^o W. 1^o Vrs. a pine 10 in dia MK^t,
15 brs N. 5^o E. 2^o 1/4 Vrs. Thence up Dry Creek
16 To the beginning containing 500. acres
17 more or less. " Also Survey fee (75) acres
18 being a part of said Isaac Mansfields
19 1/3 League, and being attached to Block
20 N. 2. and being also the same 75 acres
21 deeded by Mrs Mercer, Wife to Frank J. Mercer,
22 dated Februarynd 10th 1880, and recorded in
23 in Vol. 3. Page, 437. Records of Montgomery
24 County. Beginning in the Center of Dry
25 Creek, on the Isaac Mansfield 1/3 League,
26 and 386. Vrs. East of Mansfields, W. B. line
27 where an oak, 14 in dia hacked and MK^t,
28 brs S. 2^o E. 15 Vrs. Thence S. 986. Vrs. to a stake
29 where a pine 8 in dia, brs N. 30^o E. 2^o Vrs. a pine
30 14 in dia, MK^t, brs S. 4^o W. 2^o 1/2 Vrs. Thence E.
31 347. Vrs. to a stake, where a tree 6 in dia MK^t,
32 and hacked. 1 vara distance, Thence North



1 1310 Vrs. to the Center of Dry Creek, where a
2 Gun. 14 in dia. brs S 10 W, 25 Vrs. Thence in a
3 westerly direction with Dry Creek to the
4 place of beginning containing 75 acres more
5 or less. Also 25 acres out of the said
6 said Mansfield 1/3 League, and being out of
7 the East end of a 75 acre Survey deeded
8 by Wade Mercer to Frank Jossorand, on the
9 10th day of Feby. A. D., 1880. Recorded in Book # 3.
10 pp. 438. Records of Montgomery County, =
11 Beginning in the Center of Dry Creek at
12 the N. W. Corner of a 75 acre Survey conveyed
13 by Wm Mercer to Frank Jossorand, and descri-
14 bed above. Thence South 986 Vrs. to the S. W. Corner
15 of same, at a stake a pine 8 in dia, brs N. 30 E,
16 25 Vrs. This being on the West boundary line,
17 of said 1/3 League, Thence West, to the
18 S. E. Corner of a 50. acre Survey, at a stake
19 from which a pine 16 in dia, ms. + brs.
20 N 12 W, 1 vrs. Thence North 1130. Vrs. to
21 Dry Creek, at the N. E. Corner of said 50.
22 acres, at a stake for corner, from which a
23 Hazel 8 in dia, ms. + brs South 8 Vrs. Thence
24 down Dry Creek, to the beginning containing
25 25 acres more or less. This Survey and the
26 75 acre Survey in the East, and adjoining
27 this and 500. acres lying North on the
28 said Mansfield 1/3 Lea. constitute 600 acres, in
29 Block No. 2, and allotted to Peter Jossorand
30 Jossorand
31
32



500 acres
out of 9 -
Mansfield
and 200
acres out
of Wm White
League &
Labor.

Block No 3 " 700 acres
and Wm White League & Labor
out of the Isaac Mansfield 1/3 League
In said partition. Beginning at a stake
at the North E corner of 500 acres, belonging
to Block No 2, a post oak nr. t. brs. S. 33 E. 3 1/2
10 in dia, a pine 12 in dia. nr. t. brs. N. 76 E.
3 5/8 Vrs. Thence S. 31 00. Vrs. to Dry Creek, at a
stake on the North bank of said creek, from which
a Black gum 10 in dia. nr. t. brs. S. 10 W. 1 1/4 Vrs.
a pine, 10 in dia. nr. t. brs. North 50 E. 2 1/4 Vrs.
Thence down said Dry Creek, to a stake
for corner, from which, an ash, 8 in dia,
marked X, brs. S. 60 E. 6 1/2 Vrs. a sweet gum, 12 in
dia nr. t. brs. S. 78 E. 5 3/4 Vrs. Thence North
31 00. Vrs. to a stake for corner, on the North
boundary line of said 1/3 League, from which
a post oak 10 in dia. nr. t. brs. N. 47 E. 5 Vrs.
a post oak, 4 in dia, nr. t. brs. N. 15 W.
1 2/3 Vrs. Thence West, with said Mansfield
N. B. line, 75 Vrs to a branch, 1275 in all
to the place of beginning containing
700 acres, more or less, allotted to
Frank A. Jossraud

Block No 4, in said
partition being 700 acres, out of the
Wm White League, and Labor, and a
part of 900 acres, having been convey
ed, to Frank Jossraud Sept 20. 1879
by J. G. Dupree & Bro. on Vol. 3, page, 433. -
Records, of Montgomery County, Beginning
at a stake, on the North boundary line of



1 Wm Whitus League Labor from which a post
2 Oak. 10 in dia, N 47° E 5 1/2 Vs. a
3 post Oak. 4 in dia, N 16° W 1 1/2 Vs.
4 Thence E. with the E. B. line, of No 3, to Dry
5 Branch, at a stake for corner, from which
6 an ash, 8 in dia, N 47° E, 6 1/2 Vs. a
7 Sweet gum, 12 in dia, N 47° E, 5 1/2 Vs.
8 Thence down dry Creek, and Spring Creek,
9 to the S.E. Corner, of said 900, acre tract,
10 at a stake for corner, Thence North, 3100 Vs
11 to the N.E. Corner, of said, 900, acre tract,
12 Thence West, 1275. Vs. to the beginning
13 containing 700, acres, more or less, and
14 being Block No 4, in said partition, allotted to
15 J. H. Mark
16 Surveyed April 27, 28, 29 & 30, 1846.

17 Chain Carriers, } L. Barnes
18 W. B. Smith } County Surveyor,
19 A. J. Bush, } Montgomery Co., Texas,
20 Oliver Stover, } and comprising one of the
21 } Commissioners, in said partition,
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In the Matter of
Application of C.W.
Wagne and J.A. Knight
to purchase School
lands in Montgomery
County, Texas -

Exhibit "A"

Protest of W.H.
Bradley -

152

Hon. J.T. Robison,
Land Com'r,
Austin, Texas.

Dear Sir:--

I am reliably informed that G.W. Wages and J.A. Knight of Montgomery County, Texas, have made application under the laws of the State of Texas, to purchase from the State as vacant and unappropriated lands belonging to the school fund of the State, lands lying in said Montgomery County, Texas, bounded on the North by Alexander Smith survey and Montgomery County School Land; on the East by Henry Dunman survey; on the South by William White, and on the West by Isaac Mansfield, the same being, according to their contention, unappropriated School Land.

I beg to file this, my protest, against the recognition of said lands as vacant and unappropriated school land for reasons, as follows:

The official map of said Montgomery County shows that said land is a part of the William White survey, and has been so recognized by the State of Texas, for many years, the owners of which strip of land having paid regularly the taxes thereon each and every year since the William White survey was patented.

The field notes of the Isaac Mansfield survey make the following call: "Thence East 1670 vrs to William White's N.W. corner", making the N.E. corner of the Isaac Mansfield and the N.W. corner of the William White common corner. The next call of the Mansfield field-notes is as follows: "Thence South 3100 vrs with the line of White's survey to the center of Spring creek", showing that the E.B. line of the Mansfield is common with the W.B. line of the White a distance of 3100 vrs. The White is an older survey than the Mansfield, and therefore, the White field-notes cannot call for the Mansfield survey, but the surveyor of the Mansfield survey must have located the N.W. corner of the White at the point reached by the eastern extension of the N.B. line of the Mansfield survey, a distance of 1670 varas from the inner N.E. corner of the Mansfield survey, and these two corners must have been found to be common on the ground and so found by the surveyor at the time he surveyed the Mansfield.

RECEIVED

AUG 12 1910

Referred to School

I have not the field-notes of the Alexander Smith and the Montgomery County School Land surveys before me, but would be glad you will

counter 31827

A 8

examine the records of your office to see whether the South lines of the Smith and the Schhol Land are not called to run with the North line of the William White.

I beg to copy here letters which passed in correspondence relative to this matter, between myself, or my attorney, Mr. Hayne Nelms, and Mr. L. Burnes, the county surveyor of Montgomery County, Texas, as follows:

"Groveton, Texas, May 30th 1910.

Mr. L. Burnes,

Conroe, Texas.

Dear Mr. Burns:--

Mr. Bradleu has contracted to sell his Montgomery County lands, the lands you surveyed, and in the contract, it was agreed that the lands should be surveyed. In accordance with this agreement, the purchaser sent his Houston surveyor on the ground, who has filed his report and a map prepared from his notes, showing that the William White N.W. corner falls several varas below the N.E. corner of the Mansfield survey. I answered this contention and tried to show that these two corners are common corners, that the N.W. corner of the White is the N.E. corner of the Mansfield survey. I argued that it would be a hard matter to find the old lines on the ground because much of the timber has been cut and blown down by the 1900 storm, and that the old lines were no doubt effaced. But that the Mansfield fieldnotes call for the N.W. corner of the William White survey, and that the official map of Montgomery County shows these two surveys to meet in a common corner, and this has been recognized all these years by the General Land Office at Austin.

Now, it occurs to me that you know all about this matter, having been a surveyor for so many years, and having run all these lines before the timber was destroyed, and that you knew of your own knowledge that the N.E. corner of the Mansfield survey is also the N.W. corner of the White, and that we could prove by you that the old line and witness trees on the ground prove this to be so. If you know these to be facts, we may have to get you to represent Mr. Bradley and go on the ground with the Houston surveyor, and establish these old corners. You see they would cut Bradley out of several hundred acres by throwing the North line of the White far below the North line of the Mansfield survey. Let me hear from you.

Yours very truly,

Hayne Nelms".

counter 31828

3.

In answer to this letter, Mr. Burnes wrote the following letter, which fully explains itself:

"Conroe, Texas, 6/7/10.

Hon. Hayne Nelms,

Groveton, Texas.

Dear Sir:--

During my absence your letter of May 30th was received. I have carefully noted what you say regarding the N.W. corner of White's league and the N.E. corner of Isaac Mansfield survey. I will testify any where that the two corners are one and the same corner, which was proven up on the ground in the partition of Frank Josserand's heirs many years ago. I being one of the parties appointed to divide and set aside the lands equally between the heirs. Two other men at Groveton were with me. Mr. Eller, who was here a few days ago, is the surveyor, who surveyed the lands recently for the Houston parties. I explained to him how the impression came about that the two corners were not together by recent surveys. The Ezra Reed and Smith surveys lying North lapped over the Mansfield and White surveys. B.J. Wilcoxon and I detected the lap when we surveyed out the Ezra Reed survey, which covers a strip along a part of the James Brown league. This caused Mr. Eller to make this mistake. I am satisfied there ~~wixk~~ will be no further trouble about this matter as I am well acquainted with Mr. Eller, also Mr. Wiley, who is manager for the Southwestern Development Co., and I am satisfied that this Company owns the land in that vicinity.

Yours very truly,

L. Burnes".

I submit that the letter of Mr. Burnes shows that he made the partition of the Mansfield and the White surveys long before the timber was cut off these lands and long prior to the 1900 Galveston storm, which destroyed practically all the timber on these surveys, and that he and the other two appointed by the court to partition these lands among the Josserand heirs, located the old lines of the Mansfield and the White, and found the N.E. corner of the Mansfield to be the N.W. corner of the White survey.

I hand you herewith the report of the commissioners of partition appointed by the District Court of Trinity County, marked Exhibit "A",

counter 31829

A10

A¹²

Montgomery Co. Sketch File



Montgomery
Sept 17

Protect
FILED
AUG 12 1910
J. T. ROBISON, Commissioner.
Robison Clerk

Montgomery Co. Sketch File

This protest does not apply to the land applied for in this S 7 9745 - and should not have been filed.

Robison
6/17/1911
Comm

No. 16.

Montgomery Co.
Sketch File