



**HIGHWAY FACTORS GROUP CHAIRMAN'S
FACTUAL REPORT**

**Highway Attachment – Land Deeds Related to Construction of Railroad and
Property at Main Street Grade Crossing**

Biloxi, Mississippi

HWY17MH010

(12 pages)

DB 3/319
CDB 1/123

Conveyance
to
N O & M R R
Company

(89)

Whereas the Mobile and New Orleans RailRoad Company are about to locate a Rail Road leading from the City of New Orleans in the State of Louisiana to the City of Mobile in the State of Alabama through the Counties of Hancock Harrison and Jackson in the State of Mississippi at a convenient distance from the sea Shore under the provisions of an act of the Legislature of the State of Mississippi aforesaid entitled an act to amend an act to incorporate the Mobile and New Orleans Rail Road Company approved 23d of February 1852 which was approved on the day of A D 1854, And whereas we the undersigned owners of lands in the County of Harrison aforesaid are desirous that said Rail Road should be located on and run through our lands now this instrument witnesseth that we whose names are hereunto signed in consideration of said road being so located on our lands and in consideration of the sum of one dollar to us paid the receipt whereof is hereby acknowledged hereby severally and respectively agree to grant to said company free of charge the right of way use and possession of the lands necessary for the purpose of said Road "say one hundred feet wide" to be located on our lands respectively such as we now own or may become seized of up to the time of locating said Road whenever the same may pass, also the right and privilege to excavate and embank elsewhere as may be necessary for the use of said road, said right of way use possession rights and privileges to continue so long as said road shall continue to be used as a Rail Road provided however that said Road shall not be located so as to interfere with our present improvements on said land or any part of it at say $\frac{1}{2}$ mile from the sea shore and we do by these presents severally and respectively covenant and agree with said company for ourselves our heirs or assigns that when the final location of said Road is made each of us to make seal and execute a full and complete deed of conveyance of such lands as may be selected by said company or its duly authorized agents without further compensation therefor not exceeding however one hundred feet in width specially described by metes and bounds and fully assuring to said company such right of way so long as said Rail Road shall be continued as such and will at all times make execute and deliver such other and further deeds and assurances in the premises as may be necessary when required by said company or its duly authorized agents or attorneys

In witness whereof we have hereunto set

our hands and seal this 22nd day of April A D 1854

Signed sealed and delivered
in presence of

- | | | | |
|------------------------|--------|----------------------|--------|
| A Monet) | | | |
| Barnes Moore.) | | | |
| her | | | |
| Carmelite x Noell | (Seal) | Thomas Kershaw | (Seal) |
| mark his | | M J Kershaw | (Seal) |
| Jean Baptiste x Claude | (Seal) | Wm B Lightfoot | (Seal) |
| his mark | | Alison Montgomery | (Seal) |
| Barney x Donlan | (Seal) | F B Hiern | (Seal) |
| mark | | Larned Davis | (Seal) |
| R P Lizaina | (Seal) | E P Fourniquet | (Seal) |
| J H Kornbeck | (Seal) | Jno A Crazer | (Seal) |
| J M Vandervoort | (Seal) | W Manders | (Seal) |
| D H Pentacost | (Seal) | C A Hiern | (Seal) |
| John J McCaughan | (Seal) | W H Calvert | (Seal) |
| Henry Joice M D | (Seal) | Sheldon S Clark | (Seal) |
| his | | Laurent Schultz | (Seal) |
| Jno B x Ladner | (Seal) | P Holten | (Seal) |
| mark | | John Brill | (Seal) |
| W H Tegarden | (Seal) | F Haller | (Seal) |
| Geo W Tegarden | (Seal) | Edward Saucier | (Seal) |
| R C Cowan | (Seal) | John Knost | (Seal) |
| W A Champlin | (Seal) | P Saucier | (Seal) |
| Benj Holley | (Seal) | J H Sturgess | (Seal) |
| George Holley | (Seal) | T B Pinckard | (Seal) |
| Rebecca Norberg | (Seal) | B F Fleitus | (Seal) |
| her | | Alexander Reacht | (Seal) |
| Rosaline x Ladner | (Seal) | H Green | (Seal) |
| mark | | Mrs L Mathews | (Seal) |
| Jayne Perillo | (Seal) | Robert Seaton | (Seal) |
| G Dedier | (Seal) | Percival B McCutchon | (Seal) |
| his | | Saml McCutchon | (Seal) |
| L A x Caillavet | (Seal) | J G Selph | (Seal) |
| mark | | Victor Decoudraux | (Seal) |
| S Lafaire | (Seal) | Wm Ashley | (Seal) |
| F Reynoir | (Seal) | H E Brown | (Seal) |
| F Fizaine | (Seal) | Thos S Savage | (Seal) |
| J Wetzel | (Seal) | J A Gammill | (Seal) |
| Jacob Elmer | (Seal) | John Curran | (Seal) |
| Arno Bernard | (Seal) | Benjamin Davis | seal |
| John L Henley | (Seal) | | |
| A Byrenherdt | (Seal) | | |
| F Caillvet | (Seal) | | |
| Mary E McCaleb | (Seal) | | |
| his | | | |
| Augustine x Fayard | (Seal) | | |
| mark | | | |
| Solomon Mills | (Seal) | | |
| James Brown | (Seal) | | |
| Wm B McCutchon | (Seal) | | |
| Jno J Robinson | (Seal) | | |

Cuthbert Bullett	(Seal)	H G Nolan	(Seal)
P H Goodwyn	(Seal)	Wm Barnes	(Seal)
A Blondeau	(Seal)	James Lusk	(Seal)
S A Fisk Executor of		P Pradat	(Seal)
Alvarez Fisk decd	(Seal)	Toledano	(Seal)
Robert Clammau	(Seal)		
J M Egerton	(Seal)		
John Henderson	(Seal)		

The State of Mississippi)
Harrison County)

I L I Davis Clerk of the
Probate Court of said county do certify that the
foregoing instrument of writing was filed in my office
for Record on the 7th day of May A D 1854 and
duly recorded the same day in Book of Records
No 7 pages 123 124 & 125

Given under my hand and
seal of office this 6th day of May
A D 1854

L I Davis Clerk

Victor Ryan
To
Comisky, James
90

Know all men by these presents that we Victor Ryan and
Mari Ladner wife of said Victor Ryan all of the State of
Mississippi and county of Harrison do for and in
consideration of the sum of forty seven dollars and fifty
cents to us in hand paid by James Comisky of the
above State and county the receipt whereof is hereby ackno
wledged have this day granted bargained and sold and
by these presents do grant bargain and sell unto the
said James Comisky his heirs executors and assigns
the following property to wit a Lot of land lying and
being in the Town of Biloxi in said county and having
a front on the north of forty eight feet and running
south between two parallel lines one hundred and eighty
two feet bounded north by the land of Victor Ryan
East by Elvdio Davidson South by John Laurie and
west by Nixon to have and to hold the before mentioned
property with all the rights title interest claim or demand
of us in the premise unto the said James Comisky his heirs
and assigns in fee simple forever and the said Victor
Ryan for himself his heirs and assigns will warrant
and defend the of said premise against all claims
whatsoever unto the said James Comisky his heirs and assigns
forever In testimony whereof we have hereunto set our hands and
seals at Biloxi this 14th day of April A D 1854

his
Victor x Ryan (Seal)
mark
her
Mari x Ryan (Seal)
mark

upon a private examination before me apart from her husband previously acknowledged that she signed sealed and delivered the same as her voluntary act and deed freely and without any fear threats or compulsion of her husband.

Given under my hand and seal this 12th day of July
A.D. One thousand eight hundred and sixty nine.

~~John B. [unclear]~~ (Seal)

The State of Mississippi
Harrison County 3^{ds}.

J. L. Davis Clerk of the Chancery Court of said County and State certify that the annexed instrument of writing and the Certificate of the Acknowledgement thereof was filed in my office for Record on the 30th day of January A.D. 1870 ~~and~~ at 2 o'clock P.M. and duly recorded in the said office on the day of the date hereof in Record of Deeds Book N^o 12 pages 355^a 355^b.

Witness my hand and seal of said Court at Mississippi City this the 2nd day of February A.D. 1872.

(Seal)

~~J. L. Davis~~ Clk.

This Indenture made this 28th day of May in the Year One thousand eight hundred and sixty nine between John L. Bentley Mayor of the Town of Biloxi J. J. Dedic Jacob Elmer and his wife Louisa Arnie Bernard and Adele his wife and George Hunt and Louisa his wife of the Town of Biloxi in the County of Harrison and State of Mississippi of the first part and the New Orleans Mobile and Chattanooga Railroad Company a Corporation of the State of Alabama parties of the second part. "Witnesseth" That the said parties of the first part in consideration of the sum of Three hundred Dollars to them in hand paid by the said parties of the second part the receipt whereof is hereby acknowledged and the said parties of the second part and their successors forever released and discharged from the same by these presents have granted bargained sold aliened remised do sell alien remised release convey and confirm unto the said parties of the second part and to their successors and assigns forever all that price or parcel of land described

as follows. Commencing at the North West corner of the school lot running thence South along Main Street ninety feet thence West parallel with the centre line of the Railroad line about Two hundred and seventy feet thence North ninety feet more or less thence East parallel with main centre line about Two hundred and seventy feet to the place of beginning bounded on the North by property of vendors on the North and Chattahoochee Railroad Company on the South by property known as the Public School lot on the West by property belonging to the heirs of Seaman and Rodrick Seal and on the East by a street known as Main Street. To have and to hold all and singular the above mentioned and described premises together with the appurtenances unto the said parties of the second part their successors and assigns and that they are lawfully seized in fee simple of the lands and premises herein conveyed and that they are free from all incumbrances whatsoever and that they have good right to grant bargain sell and convey the same to the said Railroad Company their successors and assigns and that they will warrant and defend the same against all claims and demands of all persons whatsoever.

and being Hunt and Seal's necessary witnesses

In witness thereof they have hereunto set their hands and seals in the day and year first above written.

Signed sealed and delivered }
 in presence of }
 Revenue Stamp 50^{cts} paid }

John L. Kenley Mayor
 Jacob Elmer
 Louisa B. Elmer
 [Redacted]
 By R. Seal Agt
 [Redacted]
 Adelle Bernard
 [Redacted]
 Louisa Hunt

State of Mississippi }
 Harrison County }
 On this Tenth day of June 1869 personally appeared before me John L. Kenley Mayor of the Town of Biloxi in said County and State Jacob Elmer and Louisa his wife R Seal Agent of Seducer Arne Bernard and Adelle his wife George Hunt and Louisa his wife their wives who severally acknowledged that they signed sealed and delivered the foregoing deed on the day and year therein mentioned as their voluntary act and deed and for the purposes therein expressed. And the said Louisa Hunt Adelle Bernard and Louisa Elmer upon a private examination before me apart from their husbands previously acknowledged that they signed sealed and delivered the same as their voluntary act and deed freely without any fear threats or compulsion of their husbands.

Given under my hand and seal this Tenth day of June A One thousand eight hundred and sixty nine

John L. Kenley Mayor Seal

No. ^X 108 ³⁰⁵

N. C & M - R ' R

2000-10-06-1531

DEED

This Document belongs to the
Secretary's File and must be re-
turned.

2

G. Dedier Ly
H. Seal Agt

Dec 17th 1869

DEED.

2

This Indenture, made this the 17th day of December, in the year one thousand eight hundred and Sixty Nine between J. L. Davis by H Seal duly authorized agent of Miss City in the County of Harrison, and State of Mississippi of the first part, and the **NEW ORLEANS, MOBILE AND CHATTANOOGA RAILROAD COMPANY**, (a corporation of the State of Alabama,) parties of the second part, witnesseth, that the said part y of the first part, in consideration of the sum of one

_____ dollars, to him in hand paid by the said parties of the second part, (the receipt whereof is hereby acknowledged, and the said parties of the second part and their successors forever released and discharged from the same,) by these presents have granted, bargained, sold, aliened, remised, do sell, alien, remise, release, convey and confirm unto the said parties of the second part, and to their successors and assigns forever, all ~~last~~ ^{last} piecemeal parcels of land ~~described~~ ^{as follows:}

First piece situate in the county of Harrison, State of Mississippi, in Section Thirty three, Township seven south and Range nine west and described as follows: commencing at a point on the western boundary of the lands of the party of the first part, fifty feet north and at right angles to the center line of the Rail Road of said Company, as the same is surveyed and located, and running thence easterly and parallel with the said center line, a distance of about eighty three feet to the western boundary of the Public Road, thence northward and along the outer boundary of said Public Road, a distance of about ten feet to a point fifty feet north and at right angles to the said center line, thence easterly and parallel to the said center line a distance of about sixty three feet, thence southward a distance of about ten feet to the point of beginning, and containing about _____ acres of land.

Second piece of parcel, situate in the same county, State, Section, Township and Range as above, and described as follows: Being a strip of land one hundred feet in width and being fifty feet wide upon each side of the center line of the Rail Road of said Company as the same is surveyed and located across said lands, and extending from the western boundary of the lands of the party of the first part, a distance of about eighty feet to the eastern boundary thereof, and containing about _____ acres of land.

to have and to hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part and to their successors and assigns forever.

And the said J. L. Davis gent-as aforesaid for _____ and his heirs executors and administrators, does covenant and promise and agree to and with the parties of the second part, their successors and assigns, that He is lawfully seized in fee simple of the lands and premises herein conveyed, and that they are free from all incumbrances whatsoever, and that good right to grant, bargain, sell and convey the same to the said Railroad Company, their successors and assigns, and that He will warrant and defend the same against all claims and demands of all persons whatsoever.

IN WITNESS WHEREOF He have hereunto set His hands, and seals, in the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

[Signature] L.S.
[Signature] L.S.
 _____ L.S.
 _____ L.S.
 _____ L.S.

STATE OF Mississippi
Harrison COUNTY }

On this the Seventeenth day of December 18 69
personally appeared before me John S. Henry, Mayor of the Town of Biloxi
in said County and State, Rodrick Seal agent of Insured Bidder
his wife, who severally acknowledged that she signed, sealed and delivered the foregoing deed,
on the day and year therein mentioned, as her voluntary act and deed, and for the purposes
therein expressed. And the said _____
upon a private examination before me, apart from her husband, previously acknowledged that she
signed, sealed and delivered the same as her voluntary act and deed, freely without any fear, threats or
compulsion of her husband.

Given under my hand and seal, this the Seventeenth day of December
A. D. one thousand eight hundred and Sixty Nine

J. S. Henry, Mayor Seal

No. 108

N. O&M-R'R

2000-10-06-1531

DEED

This Document belongs to the
Secretary's File and must be re-
turned.

1

*G. Dedier. by
R. Seal. Agt
Nov 21, 1867*

~~108~~ #108

LAND CONTRACT.

J. De dia
by
M. Seal

TO THE
NEW ORLEANS, MOBILE and CHATTANOOGA RAILROAD CO.

Lot

along the Coast in
Town of *Biloxi*
State of *Mississippi*

316

DEED.

1

ARTICLES OF AGREEMENT

Made this 21 day of November 1867, between G. Dejeu of Paris France

of the first part, and the NEW ORLEANS, MOBILE AND CHATTANOOGA RAILROAD COMPANY of Alabama, by J. J. Houston the duly appointed Land Commissioner, and authorized as such to contract for and purchase lands for the said Company, of the second part,

Witnesseth: That the said part of the first part, for the consideration of the sum of one dollar to G. Dejeu in hand paid, the receipt whereof is hereby acknowledged, and the further consideration of the benefits derived from the location of the Railroad of said party of the second part across the lands of the part of the first part, do by these presents hereby agree to contract and sell, and convey by deed of warranty, to the party of the second part a strip, piece or parcel of land, situate in the Town of Biloxi County of Harrison and State of Mississippi being a part of Section T R

and described as follows: being a strip of land beginning at a point on the West boundary of each strip where the survey of the N. O. & C. R. intersects it one hundred feet wide, and extending across the lands of the part of the first part, and lying between parallel lines being fifty feet wide upon each side of the centre line of the Railroad of the party of the second part, as surveyed and located and staked across the lands aforesaid, by the officers of the party of the second part;

and the party of the first part agree to execute and deliver to the party of the second part a warrantee deed for the said land at any time within two years from the date of this instrument whenever required by the party of the second part so to do; provided and upon condition, nevertheless, that the said party of the second part, their successors or assigns, or legal representatives, pay to the party of the first part the full sum of One dollar and build the Road from Mobile to Miss. City - dollars per acre for the amount of land so conveyed aforesaid, in lawful money of the United States; and the party of the second part hereby covenant and agree with the part of the first part, that they will pay to the part of the first part the full sum of One dollar and build the Road as aforesaid dollars per acre, for the full amount of land conveyed to them the party of the second part—upon the execution and delivery of a warrantee deed to them as aforesaid, by the party of the second part, of the lands and premises described aforesaid.

In Witness Whereof they have set their hands and seals the day and year above written.

In presence of

[Signatures of G. Dejeu and J. J. Houston with L.S. seals]

THE NEW ORLEANS, MOBILE AND CHATTANOOGA RAILROAD CO.

By [Signature] Land Commissioner.