

W. P. H. McFaddin, Jr. et al

Vs.

Unknown Heirs of Caroline Sparks et al

In The County Court

of

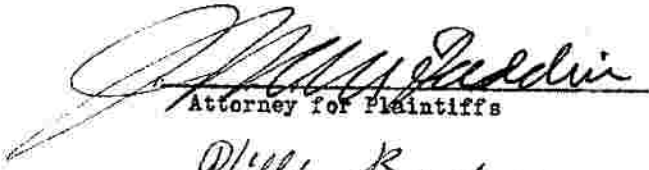
Jefferson County At Law

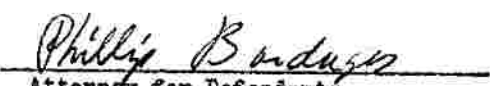
Be it remembered that on this the 30th day of September, A. D., 1952 came on to be heard the above entitled and numbered cause and the following evidence was introduced in said cause, to-wit:

J. L. G. McFaddin, a witness for the plaintiffs testified that the following named deceased persons, to-wit: Caroline Sparks, Edward Sparks, John L. Sparks, William Sparks, Joseph Sparks, Susan Sparks Crawford, Phillip Crawford, James C. Sparks, Lura Sparks Spriggs, James M. Court, Julia A. Court, James F. Court, Lillian Court Smith, Irvin Smith, Francis Court Sparks, Viola Court Sparks, Madison Court, Sarah A. Court, Edna Court, Beulah Court, a Mrs. E. Bordeman and child, are alleged to be buried upon the T. F. Smith homestead tract consisting of 45.7 acres of land, more or less, a part of the J. S. Johnson League in Jefferson County, Texas; that said tract was formerly owned by him and his associates and predecessors in title since 1924 and that he was unaware of the private burial ground thereon; that the property was sold by him and his associates to E. I. du Pont de Nemours & Company, together with other surrounding property for the purpose of erecting an industrial plant thereon, which would employ many persons and add considerably to the industrial development of the community; that after the sale was consummated he was advised that a private burying ground was situated thereon and the above named persons were buried thereon, and it is necessary that the remains of these persons be moved in order that said plant can be erected; that the plaintiffs will remove the same at their expense if granted permission to do so to a public cemetery in Jefferson County; and that they have obtained, in writing, consents from all the known next of kin of the persons buried on the above named tract consenting to the removal of said persons. He then produced such written consents which were exhibited to the Court.

The parties to the above entitled and numbered cause to their attorneys to record hereby agree that the above and foregoing is a full and correct statement of the facts given in evidence in the trial of this cause and that the same constitutes the original statement of facts therein.


WITNESS OUR HANDS this the 30th day of September, A. D., 1952.

  
Attorney for Plaintiffs

  
Attorney for Defendants

The above and foregoing 1 page of typewritten matter has been agreed to by the parties to the above entitled and numbered cause as the original statement of facts herein and has been examined by me and found to be correct is by me approved and signed as the original statement of facts therein.

This the 4th day of October, A. D., 1952.


  
Judge of County Court of Jefferson  
County At Law

W. P. H. McFaddin, Jr. et al	I	In The County Court
Vs.	I	of
Unknown Heirs of Caroline Sparks et al	I	Jefferson County At Law

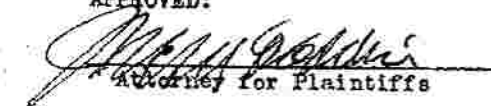
On this the 30th day of September, A. D., 1952 in the above entitled and numbered cause wherein W. P. H. McFaddin, Jr. and J. L. C. McFaddin are plaintiffs, and the unknown heirs of all the following named deceased persons, and of each of them to-wit: Caroline Sparks, Edward Sparks, John L. Sparks, William Sparks, Joseph Sparks, Susan Sparks Crawford, Phillip Crawford, James C. Sparks, Lura Sparks Spriggs, James M. Court, Julia A. Court, James F. Court, Lillian Court Smith, Irvin Smith, Francis Court Sparks, Viola Court Sparks, Madison Court, Sarah A. Court, Edna Court, Beulah Court, a Mrs. E. Bordeman and child, are defendants, came on to be heard the above entitled and numbered cause, and came the plaintiffs by their attorney, but the defendants having been duly cited as required by law, appeared not, and it appearing to the Court that the defendants in this cause have been cited by publication as required by law and that they have not appeared or filed answer herein, Phillip Bordages, an Attorney of this Court, is hereby appointed to defend this suit in behalf of said defendants for each and all of them, and

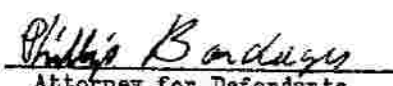
WHEREAS, it appears to the Court, after hearing the evidence that the allegations in plaintiffs' petition herein filed are true, and the plaintiffs have obtained the written consent of all known descendants of the above named deceased persons to the removal of the remains of such persons, and it is necessary that said deceased persons and their remains should be removed, as prayed for by the plaintiffs.

NOW THEREFORE, it is ordered and adjudged by the Court that the plaintiffs, to-wit: W. P. H. McFaddin, Jr. and J. L. C. McFaddin are hereby authorized and empowered, and are hereby granted permission to remove the remains or bodies of the above named deceased persons, to-wit: Caroline Sparks, Edward Sparks, John L. Sparks, William Sparks, Joseph Sparks, Susan Sparks Crawford, Phillip Crawford, James C. Sparks, Lura Sparks Spriggs, James M. Court, Julia A. Court, James F. Court, Lillian Court Smith, Irvin Smith, Francis Court Sparks, Viola Court Sparks, Madison Court, Sarah A. Court, Edna Court, Beulah Court, a Mrs. E. Bordeman and child, from the said private burial ground situated on that certain tract of land in Jefferson County, a part of the J. S. Johnson League consisting of 45.7 acres of land, more or less, and known as the T. F. Smith homestead tract and to remove said remains from said tract to a duly dedicated public cemetery in Jefferson County, Texas, at the expense of plaintiffs.

  
Judge Presiding

APPROVED:

  
Attorney for Plaintiffs

  
Attorney for Defendants

SHERIFF'S RETURN

Came to hand on the 8 day of Aug., A. D. 1952, at 3:15 o'clock P.M.,  
and I executed the within Citation, by publishing the same in the \_\_\_\_\_  
Jefferson County Court News, a newspaper published in the County of  
Jefferson, in the State of Texas,

once in each week for four successive weeks previous to the return day hereof. Said publication was  
made respectively on the 12-19-26 Aug. and 2 days of Sept.,  
A. D. 1952, and a  
printed copy thereof is returned herewith.

C. H. Menger  
Sheriff Jefferson County  
By R. P. Nease Deputy

Mileage, \_\_\_\_\_ Miles, \_\_\_\_\_

FEES—Serving Citation, - - - - \$ 1.25

Total, - - - - \$ 1.25

Aug. 12-19-26-Sept. 2

No. 16187

In the County Court of Jefferson  
County at Law

W. P. H. McFaddin, Jr., et al

VS.

Unknown Heirs of Caroline  
Sparks, et al

CITATION BY PUBLICATION

Issued this 8 day of August  
A. D. 19 52.

FRED G. HILL  
Clerk, County Court,  
Jefferson County at Law  
By Harmon W. McKinzie, Deputy

**FILED**  
SEP 30 1952  
W. P. Nease S. M.

SEP 30 1952

FRED G. HILL  
Clerk, County Court, Jefferson County at Law  
By Harmon W. McKinzie Deputy.

J. L. G. McFaddin, Atty.  
Goodhue Bldg.  
Beaumont, Texas

THE STATE OF TEXAS

TO: The unknown heirs of the following named person, and each of them, to-wit:  
 Caroline Sparks, Edward Sparks, John L. Sparks, William Sparks, Joseph  
 Sparks, Susan Sparks Crawford, Phillip Crawford, James C. Sparks, Lura  
 Sparks Spriggs, James M. Court, Julia A. Court, James F. Court, Lillian  
 Court Smith, Irvin Smith, Francis Court Sparks, Viola Court Sparks, Madison  
 Court, Sarah A. Court, Edna Court, Beulah Court, a Mrs. E. Bordeman and  
 child  
 , Defendant<sup>s</sup> . Greeting:

You are hereby commanded to appear before the Honorable County Court of Jefferson County at Law, Jefferson County, Texas, at the Court House thereof, in Beaumont, Texas, at or before 10 o'clock A. M. of the first Monday next after expiration of forty-two days from the date of the issuance of this citation, same being the 29th day of Sept. A. D., 1952, then and there to answer

Plaintiff's Petition filed in said Court, on the 7 day of August, A. D. 19 52,  
in this cause, numbered 16187 on the docket of said court and styled

W. P. H. McFaddin, Jr., et al

Plaintiffs

vs.

Unknown Heirs of Caroline Sparks, et al

Defendant S

A brief statement of the nature of this suit is as follows, to-wit:

Petition to remove remains of deceased persons from unused private burial ground located within the boundaries of 45.7 acres, more or less out of the J. S. Johnson League in Jefferson County, Texas, known as the T. F. Smith homestead tract, heretofore sold by plaintiffs to E. I. duPont de Nemours & Company for the purpose of erecting thereon an industrial plant.

as is more fully shown by Plaintiff's Petition on file in this suit.

The officer executing this process shall promptly execute the same according to law, and make due return as the law directs. If this citation is not served within ninety days after date of issuance, it shall be returned unserved.

as is more fully shown by Plaintiff's Petition on file in this suit.

The officer executing this process shall promptly execute the same according to law, and make due return as the law directs. If this citation is not served within ninety days after date of issuance, it shall be returned unserved.

Issued and given under my hand and the seal of said court at Beaumont, Texas, this the

8 day of August

A. D., 19 52 .

ATTEST:

FRED G. HILL

Clerk, County Court, Jefferson County at Law

By Warren H. Jenkins, Deputy.

A True Copy I Certify  
C. H. MEYER, Sheriff  
Jefferson County, Texas  
By R. P. [Signature]  
DEPUTY

THE STATE OF TEXAS  
COUNTY OF JEFFERSON

BEFORE ME, The undersigned authority, on this day personally appeared Marialis Carnes Lang, known to me, who being by me duly sworn, on her oath deposes and says that she is the publisher of the Jefferson County Court News, a newspaper published in said county; that a copy of the within and foregoing citation was published once each week for four consecutive weeks in said newspaper such publication being on the following dates:

*Aug. 12-19-26- Sept. 2, 1952*

and a newspaper copy of which is hereto attached.

*Marialis Carnes Lang*

SWORN TO and subscribed before me this the 5 day of \_\_\_\_\_

Sept. A. D., 19 52

*W. W. Battle*  
Notary Public, Jefferson County, Texas

No. 16,187

**CITATION BY PUBLICATION—Either Court  
THE STATE OF TEXAS**

**TO:** The unknown heirs of the following named person, and each of them, to-wit: Caroline Sparks, Edward Sparks, John L. Sparks, William Sparks, Joseph Sparks, Susan Sparks Crawford, Phillip Crawford, James C. Sparks, Lura Sparks Spriggs, James M. Court, Julia A. Court, James F. Court, Lillian Court Smith, Irvin Smith, Francis Court Sparks, Viola Court Sparks, Madison Court, Sarah A. Court, Edna Court, Beulah Court, a Mrs. E. Bordeman and child, Defendants, Greeting:

You are hereby commanded to appear before the Honorable County Court of Jefferson County at Law, Jefferson County, Texas, at the Court House thereof, in Beaumont, Texas, at or before 10 o'clock A. M. of the first Monday next after expiration of forty-two days from the date of the issuance of this citation, same being the 29th day of Sept. A. D., 1952, then and there to answer Plaintiff's Petition filed in said Court on the 7th day of August, A. D., 1952, in this cause, numbered 16,187, on the docket of said court, and styled W. P. H. Mc Paddin, Jr., et al., Plaintiff, vs. Unknown Heirs of Caroline Sparks, et al., Defendants.

A brief statement of the nature of this suit is as follows, to-wit:

Petition to remove remains of deceased persons from unused private burial ground located within the boundaries of 45.7 acres, more or less out of the J. S. Johnson League in Jefferson County, Texas, known as the T. F. Smith homestead tract, heretofore sold by plaintiffs to E. I. duPont de Nemours & Company for the purpose of erecting thereon an industrial plant.

as is more fully shown by Plaintiff's Petition on file in this suit.

The officer executing this process shall promptly execute the same according to law, and make due return as the law directs. If this citation is not served within ninety days after date of issuance, it shall be returned unserved.

Issued and given under my hand and the seal of said court at Beaumont, Texas, this the 8th day of August, A. D., 1952.

**ATTEST:**

**FRED G. HILL, Clerk.**

County Court, Jefferson County at Law

By Warren W. Jenkins, Deputy.

A True Copy I Certify

**C. H. MEYER, Sheriff,**

Jefferson County, Texas

By R. P. Nees, Deputy.

August 12, 19, 26, Sept. 2



To The Honorable ~~JAMES H. McFADDIN~~  
Judge of the County Court of  
Jefferson County, ~~TEXAS~~ at Law,  
Jefferson County, Texas.

NOW come, W. P. H. McFaddin, Jr. and J. L. C. McFaddin, residents of Jefferson County, Texas, and would respectfully show to the Court that they were part owners with associates of a certain tract of land in Jefferson County, a part of the J. S. Johnson League consisting of 45.7 acres of land, more or less, known as the T. F. Smith homestead tract and that said property has been owned by your petitioners and associates and their predecessors in title for many years; that recently they sold said property to E. I. du Pont de Nemours & Company for the purpose of erecting thereon an industrial plant, which plant will employ hundreds of people and will be of great value to Jefferson County.

Unknown to your petitioners there existed upon the above mentioned property an old private burial ground, which burial ground however has not been used in many years and was not dedicated as a public cemetery, and the existence was not known to your petitioners or any of their associates.

Your petitioners have inquired and are informed and believe that the following named persons are buried upon said property, to-wit:  
Caroline Sparks, Edward Sparks, John L. Sparks, William Sparks, Joseph Sparks, Susan Sparks Crawford, Phillip Crawford, James C. Sparks, Lura Sparks Spriggs, James M. Court, Julia A. Court, James F. Court, Lillian Court Smith, Irvin Smith, Francis Court Sparks, Viola Court Sparks, Madison Court, Sarah A. Court, Edna Court, Beulah Court, a Mrs. E. Bordeman and child.

Your petitioners are informed and believe and allege that none of these named persons have a surviving wife or husband living, nor any surviving children living, nor any surviving parents living, nor any surviving brothers or sisters living, and that there are not now living any of the persons of this relationship living, so related to said persons, or anyone of them, from whom consent could be obtained for the removal of the said bodies.

Your petitioners would further show that it is very necessary that the remains of these deceased persons be removed to another location in

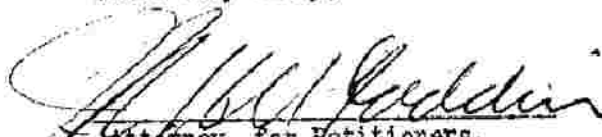


that the location of this private burial plot is in the middle of the property sold to Du Pont as aforesaid, and will prevent the erection of their plant thereupon and hinder the economic progress of our County, and therefore it is of great benefit that the remains of the above deceased persons be removed.

Your petitioners would further show that they have received, and shall present herewith, written consents of the next of kin of the above deceased persons, consenting to the removal of their remains to another plot, as far as they are able to locate same, but they are unable to locate any persons related to the deceased or any of them, in the relationship of parents, children, husband, wife, brothers or sisters, and therefore it is necessary that this Court give it's permission that said remains be removed.

Wherefore, your petitioners requests that this Honorable Court give such notice as may be required by law to the unknown heirs of all of the above named deceased persons and that upon hearing this Honorable Court enter an order granting permission to applicants that the remains of the above mentioned deceased persons may be removed from the property above mentioned to a duly dedicated cemetery suitable for such purpose.

Yours very truly,

  
Attorney, for Petitioners.

Subscribed and sworn to before me this 7th day of August,

A. D., 1952.

  
Notary Public, Jefferson County, Texas

No. 16187

W. P. H. MCFADDIN, JR., ET AL ) IN THE COUNTY COURT AT LAW  
VS ) OF  
UNKNOWN HEIRS OF CAROLINE SPARKS )  
ET AL ) JEFFERSON COUNTY, TEXAS

No. 18399

W. P. H. MCFADDIN, JR., ET AL ) IN THE COUNTY COURT AT LAW  
VS ) OF  
ROBERT S. FRUGIA, ET AL ) JEFFERSON COUNTY, TEXAS

No. 20324

W. P. H. MCFADDIN, JR., ET AL ) IN THE COUNTY COURT AT LAW  
VS ) OF  
COX V. COURTS, ET AL ) JEFFERSON COUNTY, TEXAS

O R D E R

On this the 10 day of August, 1961, came on to be heard the application of the plaintiffs in the above entitled and numbered cause for an order of the court showing that the plaintiffs have complied with the judgments previously entered in said cause, and further showing that the plaintiffs or their successors in interest are entitled to the free and unrestricted use of the land hereinafter described, as set forth in plaintiff's petitions in the above entitled and numbered causes, and,

Came the plaintiffs, in person and through their attorneys of record, and the Court, hearing the evidence in open court, does find that this Court had heretofore declared that private burial grounds situated on that certain tract of land in Jefferson County, Texas, being a part of the J. S. Johnson League, consisting of forty-five and seven-tenths (45.7) acres of land, more or less, and known as the "T. F. Smith Homestead Tract", had been completely

abandoned, and had never been dedicated as a cemetery, and that this Court had heretofore given permission and ordered the remains of any deceased persons located in said tract of land to be removed to perpetual care cemeteries, and that the Court, from the evidence heard, finds that all of the deceased bodies and remains formerly situated in the "T. F. Smith Homestead Tract" described above have been removed and re-interred either in Magnolia Cemetery or Forest Lawn Cemetery in the City of Beaumont, Jefferson County, Texas, both of said cemeteries being perpetual care cemeteries, and that the removal of the deceased remains and the disinterment proceedings were accomplished and conducted with propriety, dignity, and with reverence, and were accomplished and conducted by a licensed mortuary, and

the Court further finding from the evidence that proper and suitable markers are being placed to identify the remains of the deceased persons who have been buried in the "T. F. Smith Homestead Tract", and the Court further finding that not only the remains of the deceased relatives of the above named defendants have been removed, but also the remains of deceased relatives of any other individuals who might have been buried or interred in the above described tract of land have been re-interred and buried either in the Magnolia Cemetery or the Forest Lawn Cemetery in the City of Beaumont, Jefferson County, Texas, and,

The Court further finding from the evidence that due and diligent efforts have been made by ~~the~~ plaintiffs or their counsel, and their successors in the interests of the land involved, to locate and notify any of the heirs of any persons who might be buried or interred in said tract, and that all persons known have been searched out with diligence in an effort to locate all of the heirs or interested persons of any deceased persons buried in said tract,

And the Court finding that the remains of every person buried on said tract of land have been removed therefrom with the permission and under the express order of this Court, it is, accordingly,

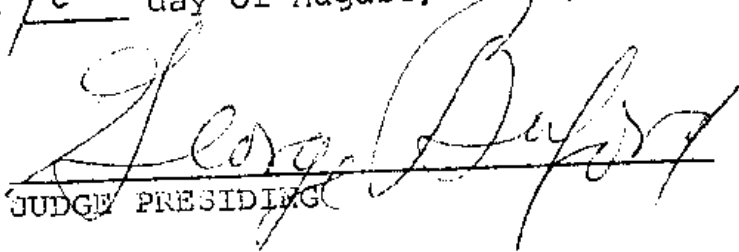
ORDERED, ADJUDGED, and DECREED that the tract of land known as the "T. F. Smith Homestead Tract", situated in Jefferson County, Texas, and being a part of the J. S. Johnson League, consisting of 45.7 acres of land, more or less, formerly occupied as a private burial ground, is and shall be hereafter abandoned and closed pursuant to and in accordance with the best interests of the plaintiffs, the defendants, the general public and the entire citizenry of Jefferson County, Texas.

It is further ORDERED, ADJUDGED, and DECREED that it would be to the best interests of the general public and the entire citizenry of Jefferson County, Texas, to remove from the above described tract of land, known as the "T. F. Smith Homestead Tract", any encumbrances or restrictions, either express or implied, against the use of the premises formerly occupied as a private burial ground, and to allow the fee simple owners of said tract of land the free and unrestricted use of said tract for whatever purpose or purposes they so desire, it is, further,

ORDERED, ADJUDGED, and DECREED that the plaintiffs, their successors and assigns, shall from this date forward have the use of that certain tract of land lying in Jefferson County, Texas, being a part of the J. S. Johnson League, consisting of 45.7 acres, more or less, and known as the "T. F. Smith Homestead Tract", formerly occupied as a private burial ground, and that any restriction or encumbrance, either express or implied, heretofore existing against and on said land by virtue of said private cemetery having been located on it is removed and the fee simple owner of said premises

is hereby authorized and empowered to use such tract of land free and clear of any restrictive covenants or encumbrances placed heretofore on said tract by reason of the private burial ground therein situated heretofore, and said private burial ground described hereinabove is hereby declared abandoned and non-existent.

RENDERED AND ENTERED this 10 day of August, A. D., 1961.

  
JUDGE PRESIDING

