

Georgia. This Indenture made this twenty second day of
October County 3 June in the year of our Lord one thousand eight
hundred and forty four between James H. Kirkpatrick of said
County of the one part and the Georgia Rail Road and Banking
Company of the other part Witnesseth that the said James H.
Kirkpatrick for and in consideration of receiving their contem-
plated Rail Road on and along his land as well as in consid-
eration of the sum of one dollar to him in hand paid at and
before the sealing and delivery of these presents the receipt whereof is
hereby acknowledged hath given granted bargained and sold and
by these presents doth give grant bargain and sell unto the said
Georgia Rail Road & Banking Company and their Successors and
assigns the right of way over which to pass at all times by themselves
directors officers Agents hirelings and servants in any manner they
may think proper and particularly for the purpose of running ending
and establishing thereon a Rail Road with the requisite number of tracks
pursuant to a charter of incorporation passed the twenty first day of
December Eighteen hundred and thirty three and amended at
subsequent Sessions of the General Assembly by conferring Banking
powers and privilege of extending the Road from Madison to
the Southern Terminus of the Western & Atlantic Rail Road
and to this end the limit of said right of way shall extend in
width thirty three yards on each side of the Centre line of the
Road away of the said Road ^{way} when completed and to extend
in length through the whole tract of land owned and claimed by
said J. H. Kirkpatrick situate lying and being in DeKalb County adjoining
lands of Joseph Pitts J. S. Wilson & others and running in such direction
through said tract of land as the said Georgia Rail Road &
Banking Company by their Engineers shall think best suited for
the purpose of locating and establishing their works and construct-
ed with said right of way the said Company shall have the
right to cut down and remove all such trees underwood and
other growth and timber on each side of said road as would by fall-
ing or shading the same injure the Rails or other parts of said Road the said
Georgia Rail Road & Banking Company on their part further agree that the
present location shall be the final location except such changes as
the said J. H. Kirkpatrick may consent to also that the said J. H. Kirkpatrick
shall be entitled to the wood now standing on the right of way
together with all and singular the rights members and appur-
tenances to the said Strip tract or parcel of land being belonging to
in any wise appertaining and more especially the right of way over
the same to have and to hold the same unto the said Georgia Rail Road
& Banking Company their Successors and assigns to their own
proper use benefit and behoof forever in fee simple upon
condition and it is expressly understood that should the said
Rail Road contemplated as aforesaid be not located and estab-
lished on and along said Strip tract or parcel of land described
in the above and foregoing Indenture then said Indenture
is to be wholly null and void and of no effect and the said
James H. Kirkpatrick for his heirs and assigns will
warrant and defend the title thereof unto the Georgia Rail
Road & Banking Company their Successors and assigns against
the claims of all other persons claiming the same.

Whereof the said James H. Kirkpatrick hath hereunto set his hand and
the day and year first above written Signed sealed and delivered in presence
of Joseph Thompson James H. Kirkpatrick
L. P. Grant

Georgia Before me J. B. Wilson a Justice of the peace in and
DeKalb County for said County personally came and appeared the
who being duly sworn depose and saith that the within named
Kirkpatrick executed and delivered the foregoing deed for the purpose
therein mentioned in the presence of Joseph Thompson and this deponent
both of whom subscribed the same as witnesses on the day
of its date sworn to and subscribed before me this nineteenth day
of July A. D. 1874
J. B. Wilson J. P. Grant

Recorded Oct 30th 1874 John C. H.

Georgia DeKalb County This Indenture made this the tenth
day of October in the year of our Lord
One Thousand Eight hundred & forty three between Alexander
Stewart of the County of Murray and State of Georgia
of the one part and John W. Stewart of the County
of DeKalb and State of Georgia of the other part

Witness that the said Alexander Stewart and in consid-
eration of the sum of One hundred and twenty five
dollars to him in hand paid at and before the sealing
and delivery of these presents the receipt whereof is
hereby acknowledged hath granted bargained sold and
conveyed unto the said John W. Stewart his heirs and
assigns all that tract or parcel of land situate
lying and being in the fifthteenth district originally
Murray now DeKalb County part of lot Number eight
Six and part of lot Number ninety five twenty five
acres more or less to have and to hold said tract or parcel
of land unto him the said John W. Stewart his heirs
assigns together with all and singular the rights
members and appurtenances thereof to the same in
any manner belonging to his and their own proper use
benefit and behoof for ever in fee simple unto the
said Alexander Stewart for himself his heirs executors
and administrators the said bargained premises unto the
said John W. Stewart his heirs and assigns well and lawfully
and forever defend the right and title thereof against
themselves and against the claim of all other persons
whatsoever in witness whereof the said Alexander Stewart
hath hereunto set his hand and seal the day and
year above written Signed sealed and delivered in the
presence of

Samuel Avery
Wagner Howard J. P.

Alexander Stewart

Recorded November 1874