

10
166
Georgia. This Indenture made this twenty second day of February in the
Ochlocknee County, Georgia, year of our Lord one thousand eight hundred and forty
four, between John P. Marshall of said County of the one part and the
Georgia Rail Road and Banking company of the other part, Mutual and
that the said J. P. Marshall for and in consideration of summing
their contemplated Rail Road on and a long high land as well as in
consideration of the sum of one dollar to him in hand paid the
receipt of which is hereby well acknowledged hath given granted bar-
gained and sold and by these presents doth give grant bargain and
sell unto the said Georgia Rail Road and 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
servant in any manner they may think proper, and particularly
for the purpose of running erecting 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 the privilege of extending the road from Madison to the Southern
terminus of the Western and Atlantic rail road, and to this
and the limit of said right of way shall extend in width, thirty three
and a third (33 $\frac{1}{3}$) yards on each side of the center line of the road
way of the said Rail Road when completed, and to extend in length
through the whole tract of land owned and claimed by said J. P.
Marshall, situate lying and being in said County adjoining
lands of William G. Thord, Euclides Marshall and Eli Chapman
it being lot no 134 16 district, 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 connected 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 falling on or
shading the same injure the rails or other parts of said road.
It is understood that the company is to make four cattle guards
at convenient points to said company. Together with all and
singular the rights members and appurtenances to the said
strip tract or parcel of land being belonging or in anywise apper-
taining 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 in person
and it is expressly understood that should the said Rail Road
contemplated as aforesaid be not located and established 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 J. P. Marshall for
himself & 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 persons whatsoever. In Witness whereof
said John P. Marshall hath hereunto set his hand and affixed the seal of his
written, Signed Sealed and delivered in presence of
J. Edgar Emerson

Georgia Before me I the Borne a Justice of the peace in and for the
DeKalb County & County aforesaid personally came and appeared
E. D. Sanford who being duly sworn deposeth and saith that the within
named John Pellarbut executed and delivered the foregoing deed
for the purposes therein mentioned in the presence of Edgar Thompson
and this deponent both of whom subscribed the same as witnesses
on the day of its date, to wit to and subscribed before me this
23 day of February, A.D. 1844
Test John M. Borne J.P. E. D. Sanford

Recorded this 11 day of April 1844
John Glen, C.R.

Georgia This Indenture made this twenty third day of March in
DeKalb County the year of our Lord one thousand eight hundred
and forty four Between John McCulloch of said County of the
one part and the Georgia Rail Road and Banking company of the
other part Witnesseth that the said McCulloch for and in consideration
of running their contemplated Rail Road on and along his land as
well as in consideration of the sum of one dollar to him in hand paid
at and before the sealing and delivery of these presents the receipt where
of is hereby acknowledged, hath given grant bargain and sold
and by their presence 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
creating 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 the 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 and a third (33 1/3) yards on
each side of the centre line of the road way of the said Rail Road
when completed and to extend in length through the whole
tract of Land owned and claimed by said McCulloch, situate
lying and being in said County adjoining lands of John
Dwyer & E. Adams King & others and running in such direction
through said tract of land as the said Georgia Rail Road and
Banking company by their Engineers shall think best suited for
the purpose of creating and establishing their works. And conve-
ted 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
falling in or shading the same injure the rails or other parts of
said road, commencing near the N.E. corner and running
through near the middle of the west line, not deviating more
than ten yards from its present location, It being part of lot num-
ber two hundred and forty eight (248) in the fifthth district of
originally Henry and DeKalb County, Georgia with all and sing-
ular the right in and appurtenances to the said strip
of land being belonging or in any way