

Nicholas Pass situate lying and being in DeKalb county adjoining
lands of Jackson on the south, William Goldsmiths East, North by Harlan
and Fanning in such direction through said tract of land as the
Georgia Rail Road & Banking company by their Engineers shall think
best suited for the purpose of ~~meeting~~ ^{meeting} 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 unwarranted
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, The said Nicholas Pass hath also given, granted
bargained and sold, and doth by these presents give grant bargain
and sell unto the Georgia Rail Road and Banking company
their successors and assigns the remaining portion of his land
lying on the west or left side of the Georgia Rail Road going
towards the terminus of the Western & Atlantic Rail Road,
containing by survey seventy acres (70) more or less, together
with all singular the rights, members and appurtenances
to the said strip tract or parcel of land being belonging or 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 and Banking company their successors and
assigns to their own proper use benefit and be hold forever in
fee simple upon condition, and it is expressly understood
that should the said rail road contemplated as aforesaid be
not located and established one and along said strip tract
or parcel of land described in the above and foregoing in-
dentine, then said indenture is to be wholly null and void
and of no effect, And the said Nicholas Pass for his heirs &
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 the said Nicholas Pass hath hereunto set his hand
and seal the day and year first above written Signed, Sealed
and delivered in presence of

Charles S. Turner
Jas. John M. Born &c.

Nicholas Pass
his
mark

Recorded this 16th day of April 1844
John Glen, clk

Georgia DeKalb County
This Indenture made this nineteenth day of December
in the year of our Lord one thousand eight hundred
and forty three Between John H. McBarter of said county of the one part
and the Georgia Rail Road and Banking company of the other part
Witnesseth that the said McBarter for and in consideration of and
their contemplated Rail Road on and along his land as well as
no consideration 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 and Banking company and their
successors and assigns the right of way over which at various
times by themselves directors Officers Agents have

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 & 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 thro-
ugh the whole tract of land owned and claimed by said McChes-
ter lying and being in said county adjoining lands of Hall
Gore & Botton and others and running in such direction through
said tract of land as the said Georgia Rail Road and Banking Compa-
ny, by their Engineers shall think best suited for the purpose of loca-
ting and establishing their works, And connected with said right
of way the said company shall have the right to cut down and remo-
ve all such trees underwood and other growth and timber on each
side of said road as would by falling in, or shading the same in-
jure the rails or other parts of said Road, Together with all and sing-
ular the rights, members and appurtenances to the said strip tract
or parcel of land being belonging or 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 under-
stood 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 John H. McChesler for himself his heirs and assigns will
warrant and defend the title thereof unto the Georgia Rail Road and
Banking company their successors and assigns against the claims
of all persons whatsoever, In Witness whereof the said McChesler
hath hereunto set his hands and seal the day and year first above
written Signed Sealed and delivered in presence of

John H. Swift
S. Edgar Thompson

John H. McChesler

Georgia 3 City of Augusta, Before me John W. Wild Judge
Richmond County 3 of the court of common pleas in and for the city
aforesaid personally came and appeared S. Edgar Thompson who being
duly sworn deposed and said that the within named John H. Mc-
Chesler executed and delivered the foregoing deed for the purposes
therein mentioned in the presence of John H. Swift, and this deponent,
both of whom subscribed the same as witnesses on the day of its date,
Seems to and subscribed before me this nineteenth day of January
A. D. 1844.

John W. Wild Judge
court of common pleas
Augusta Georgia

S. Edgar Thompson

Recorded this the 11. April 1844

John Glenn