

3
Rail Road and Banking company by their Engineers shall then
best suited for the purpose of locating and establishing their
works, and connected with said right of way the said compa-
ny 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, said strip or parcel of land being part
of Lot Number thirty seven in the sixteenth dist of DeKalb County
containing seven acres and one half more or less. Together
with all and singular the rights members and appurtenances
to the said strip tract or parcel of land being siting on 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 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 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 Joseph P. M. Patterson for his heirs and assigns
will warrant and forever 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 where-
of the said Joseph P. M. Patterson hath hereunto set his hand
and seal the day and year first above written, Signed
Sealed, and delivered in presence

37-16
+ Charles Salomon
Jas H Henry J.P.

Joseph P M Patterson

Recorded this the 1st day of April 1844
John Glen, ckr

Georgia DeKalb County } This Indenture made this eighteenth day of January
in the year of our Lord one thousand eight hundred
and forty four, Between Giltleton Jackson of said County
of the one part and the Georgia Rail Road and Banking company
of the other part, Witnesseth that the said Giltleton Jackson 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 deli-
very of these presents, the receipt whereof is hereby acknowledged,
gave 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 to pass at all times by themselves directors
officers agents hirings and servants in any manner they may
think proper and particularly for the purpose of running
erecting and establishing thereon a rail road with the required
number of tracks pursuant to a charter of incorporation passed
the twenty first day of December eighteen hundred and
three and amendments at subsequent sessions of the Georgia
assembly by conferring Banking powers and other powers
intending the trade from Marietta to

of the Western and Atlantic Rail Road, And to this end the
limit of said right of way shall extend in width thirty three
and one third (33 $\frac{1}{3}$) yards on each side of the entire line of the
Road way of the said Rail Road when completed and to extend
in length through the whole tract of land joined and claimed
by the said Littleton Jackson situate lying and being in
DeKalb county adjoining lands of Ross north east, by
Philips, south by Fane, west by Vaughan and running in su-
ch direction through said tract of land as the Georgia
Rail Road and 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. The said
Littleton Jackson hath also given granted bargained & sold
and doth by these presents give grant bargain and sell unto
the Georgia Rail Road and Banking Company and their
successors and assigns the aforementioned strip or parcel
of land containing thirteen and three fourths (13 $\frac{3}{4}$) acres more
or less, To together with all and singular the rights incidents
and appurtenances to the same strip tract or parcel of land
being belonging or in any wise appertaining and more espe-
cially the 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 condi-
tion 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 inclosure then
said inclosure is to be wholly null and void and of no
effect, and the said Littleton Jackson 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 persons whatsoever, In Witnes whereof the said Littleton
Jackson hath hereunto set his hand and seal the day and year
first above written Signed Sealed and delivered in presence of

Charles Latimer

Test John M. Born J.P.

Littleton & Jackson (L.J.)
witness

Recorded this the 7th day of April 1844

John Glen, Clerk

Georgia
DeKalb county
This Indenture made this second day of April
in the year of our Lord one thousand eight hundred
and forty four between Daniel Durham of said county of the one
part and the Georgia Rail Road and Banking company of the other
part Witness that the said Daniel Durham for and in consideration
of the sum of one dollar to him in hand paid
by the said Georgia Rail Road and Banking company