Contract of B.B.B. Ry Co with Montevallo Coal and Transportation Company

The State of Alabama
Shelby County } This Agreement Made and entered into between the Birmingham Blocton and Birmingham Railroad Company party of the first part and the Montevallo Coal and Transportation Company of the second part Witnesseth That for and in consideration of certain covenants and stipulations made and entered into by the party of the second part hereto in certain deed made by the party of the second part hereto to the said party of the first part hereto and having even date herewith by which the said party of the second part hereto granted and conveyed to the said party of the first part hereto a certain portion of the railroad and property of the said party of the second part hereto for the construction of the Railway of the said party of the first part hereto the said Birmingham Blocton & Birmingham Railway Company does for itself and assigns agree that if the said Railway Company will at its own expense maintain at its own expense so long as the coal may be mined thereon the portion of the track of the said party of the second part as at present located and which extends from its point of junction with the track of the said first party hereto westwardly towards the mines of the said party of the second part hereto it being the same or portion of the track excepted and reserved by the said party of the second part hereto in its said conveyance to said railway Company the said party hereto having the right to take up or apply the rails fastenings and other material from said road portion of said mine track to maintained by it or the proceeds thereof for the purpose of maintaining such portion of said track or in case of the change of any portion of said mine track at or near the point of junction with said railway of the first party the material or the irons from the portions so changed may be used by the said party of the first part in constructing such new track but if so used such new track shall be considered as if it were the original track for which it may be substituted and shall be the property of the party of the second part hereto as a part of said mine track

And the said party of the first part agrees that it handle and switch cars off and from the mines of the said party

party of the second part from said mine to the point of junction with the said Railway of the said party of the first part and which are intended for transhipment over the line of the said first party hereto and the said party of the first part further agrees that during the period of nine months from the date hereof the said party of the first part will deliver freight without extra expense to the said party of the second part at the store of the said party of the second part as present located in the manner in which the same is now being done by the East Tennessee Virginia & Georgia Railway Company but does not agree to deliver such freight at said store after the expiration of said nine months it being understood that the said party of the second part will move its store from its present site to a point on the line of the said party of the first part at as early a day as practicable within said time and that when said store shall have been so removed this last stipulation is to cease and determine although said (9) nine months may not have expired In testimony whereof the said party of the first part has caused these presents to be signed by Cary A Wilson its President and by L M Schwan its Secretary and its corporate seal to be hereunto affixed this 15th day of October 1887

Attest
L M Schwan
B B B Ry Sec'y

Bringhurst Blockton & Birmingham Railway Company
Per Cary A Wilson
President

The State of New York } ss
County of New York } Pulaski duly appointed qualified and acting in and for the City County and State of New York hereby certify that L M Schwan whose name is signed to the foregoing conveyance — and is personally known to me and who is known to me to be the secretary of the Bringhurst Blockton and Birmingham Railway Company appeared before me and acknowledged that being informed of the contents of the foregoing instrument he as secretary of said Rail Way Company and the said Rail way Company by him voluntarily

executed the said instrument on the day the same bears date

Given under my hand and seal Official this 18th day of October 1889

(Seal)

E F Sullivan
Notary Public Kings County
Certificate filed in New York Co

State of Alabama
Jefferson County } I J D Chichester a notary Public in and for said County and State hereby certify that Cary A Wilson whose name is signed to the foregoing Conveyance and who is personally known to me and who is also known to me to be the President of the Birmingham Bloch Line & Birmingham Railway Company acknowledged acknowledged before me on this day that being informed of the contents of the foregoing instrument he as President of said Company and said Company by him voluntarily executed the same on the same on the day the same bears date

Given under my hand this 15th day of October 1889

J D Chichester
N.P.

Filed for Record May 17 1890 & Recorded
R W Cobb
Judge of Probate