B.M. R.R.Co. & Helena Coal Mining Co.

Gen. Mgrs. File No. 96,106. 17076.

This Agreement, made and entered into this the 12th day of April 1895 by and between the Birmingham Mineral Railroad Company of the first part, and the Helena Coal Mining Company of Birmingham, County of Jefferson, and State of Alabama, of the second part.

Witnesses, That the Birmingham Mineral Railroad Company agrees and binds itself to furnish the necessary rails and splices for a side track not exceeding four hundred and (450) fifty feet in length, together with the necessary spikes and switch rigging for its construction; ~~and~~ said side track is to be located in Shelby County, State of Alabama, diverging from the main track of the Helena and Beeston Branch of said railroad company, between mile posts 411 and 412, and running in a northeasterly direction, as shown on plat hereto attached and made a part thereof. The second party agrees to do the necessary grading, furnish switch and crossties, and pay actual cost of labor of laying said track, and the cost of spikes, frog, and switch rigging, on completion of the work; and the second party also agrees to pay eight (8%) per cent annual interest, payable semi-annually in advance from the date of completion of the siding, on the value of the rails and splices used in the construction of said siding. The value of the materials for the purpose of this contract is fixed as follows: Rails Twenty-four dollars ($24.00) per ton; Spikes four ($4.00) dollars per keg; Splices forty five ($0.45) cents per joint; Frog Twenty-two ($22.00) dollars; and switch rigging complete, Forty ($40.00) dollars, and all labor and other material found necessary at actual cost in accordance with accounts kept by the said Railroad Company

The said rails, spikes, splices, frog, switch-fixtures and other track materials are the sole and exclusive property of the said railroad company, together with the entire control of same; and the said railroad company hereby reserves the right, and is fully authorized whenever and at any time it shall see proper or deem it necessary, for any reason whatever, and without let or hindrance from the said second party to take up and remove the rails, spikes, splices, frog, and switch fixtures from said side-track.-

In consideration of the construction of the track,

as shown upon the attached plat, the party of second part hereby grants unto the party of the first part a right-of-way ten (10) feet in width, or as much more as may be necessary, on each side of the center line of the track, as laid out and to be constructed, or which may hereafter be constructed over or upon the lands of the Tennessee Coal Iron & Railroad Company, on which the Helena Coal Mining Company hold lease. And is distinctly understood, that said side track shall be maintained and kept in good condition at the expense of said second party and if, at any time, the said railroad Company shall deem it necessary to make any repairs to, or renewals of said side track, the said second party hereby agrees to pay actual cost of the materials used and labor expended for such repairs or renewals according to accounts kept of same by the said railroad Company. The party of the second part also agrees to take care of and keep in order, fill, trim, light, and extinguish the lamp of the switch of said side-track, in accordance with the said railroad Company's rules and regulations.

Birmingham Mineral Railroad Company
by J E Metcalfe
General Manager.

Helena Coal Mining Company
by J S Cohen
President

Attest As to J S Cohen
Henry R Dill,

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State of Alabama } I Henry R. Dill a notary Public
Jefferson County } in and for said County and State
hereby certify that J S Cohen, whose name is signed to the foregoing instrument as President of the Helena Coal Mining Company, and who is known to me and known to me to be such President, acknowledged before me on this day that being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date as, and for the act and deed of said Helena Coal Mining Company.
Given under my hand this 30th day of April 1895
Henry R Dill
Notary Public

Mr J W Redin
A.G. L&N. R.R.
City

Birmingham Ala May 11th 1895

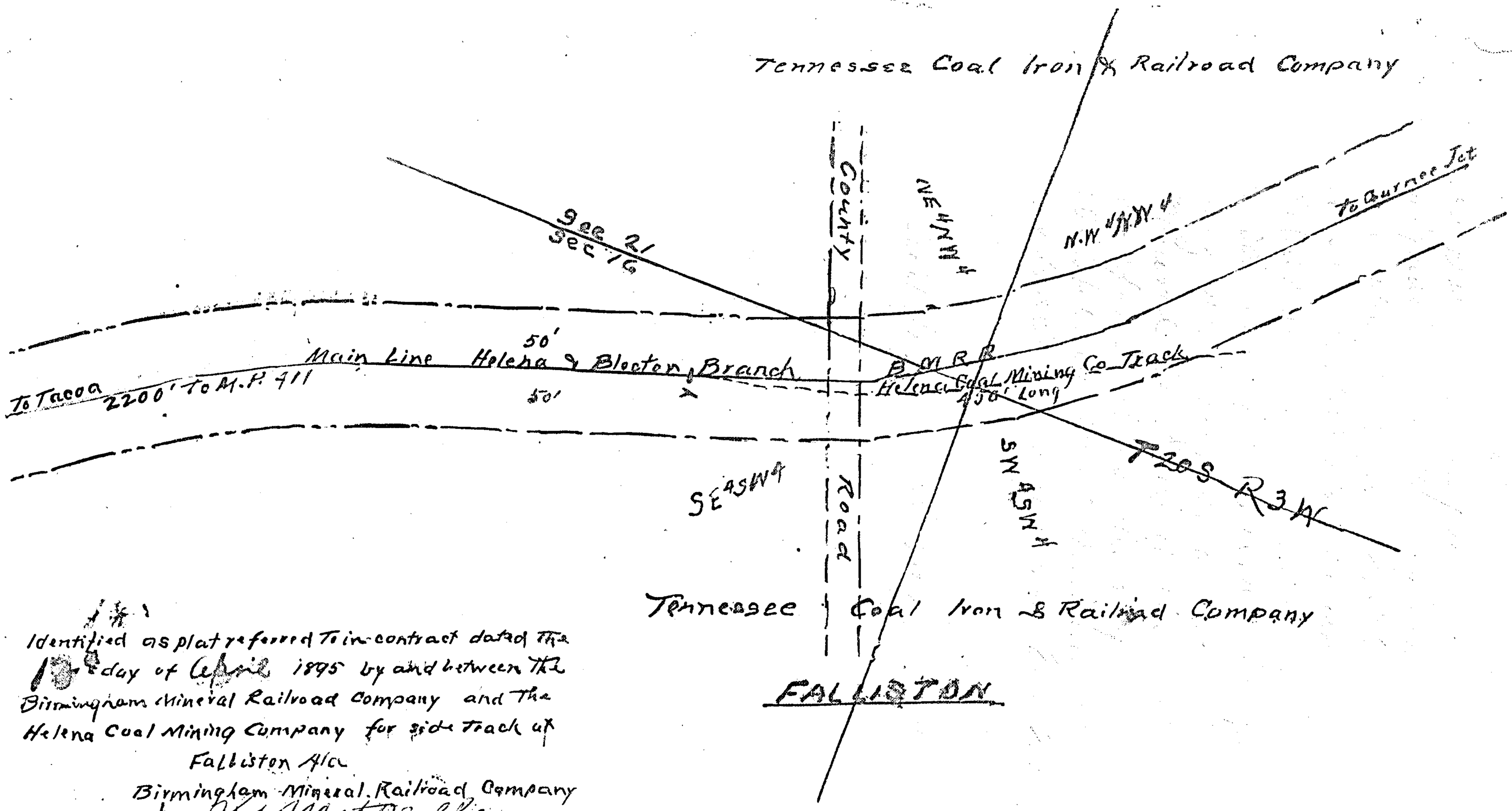
Dear Sir:

Pursuant to your request I had a meeting of the directors of the Helena Coal mining company held on Saturday May 11th for the purpose of ratifying my signature to the agreement for the switch near Talladega on the B M road. The resolution is as follows "Resolved: That the contract heretofore signed by J. D. "Cohen as President of Helena Coal Mining Company "with the L&N. R.R. Co for a switch of not exceed-"ing 450 feet at or near Talladega on the Birmingham "Mineral Road, and the action of J D Cohen as President "as aforesaid is hereby ratified and confirmed by "the Helena Coal Mining Company"

Extracts from minutes May 11th 1895

Yours Truly
J D Cohen

Filed for record May 27th 1895 and recorded
Jno L Luper
Judge of Probate



Identified as plat referred to in contract dated the 13th day of April 1895 by and between the Birmingham Mineral Railroad Company and the Helena Coal Mining Company for side track at Falliston Ala

Birmingham Mineral Railroad Company
by J. S. McCalpe
General Manager

Helena Coal Mining Company
by J. R. Colum
President

Attest:
Geo J. R. Colum
Henry R Dill