

FLOYD CIRCUIT COURT .

M. V. Vaughan, Cynthia Vaughan, Plaintiffs.

:::Against::: Petition.

Chesapeake & Ohio Railway Company, Defendant.

The plaintiffs state they are husband and wife, reside in Floyd County, State of Kentucky, on a tract of land situated on the west side of Big Sandy river in the lower part of the said county, known as a part of the William Burchett land, that a more specific description of it will be given in due time. Said tract of land is worth about two thousand dollars, that the Chesapeake and Ohio Railroad runs between their said land and Big Sandy river. The defendant is an incorporated company, empowered by its charter to own, operate and control a railroad for general traffic, and the carrying of passengers up and down Big Sandy river, that it may sue or be sued in its corporate name, which is "The Chesapeake and Ohio Railway Company."

They say on the 29th day of August, 1902, an incorporated company known as the Big Sandy Railway Company, purchased from the female plaintiff and others who owned the tract of land she now owns, a right of way one hundred feet wide over their said land, and erected a single track railroad on the said right of way, that the said Big Sandy Railway Company covenanted and agreed in the deed for the said right of way with the owners of said land to erect and maintain all necessary crossings over the said road; that said covenant in the said deed is as follows: "Said grantee to erect and maintain the necessary cattle guards