

**MAYSVILLE AND BIG SANDY RAILROAD.**

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**REPORT OF PRELIMINARY SURVEYS,**

BY

**C. B. CHILDE, Civil Engineer;**

**ADDRESS OF COMMISSIONERS;**

AND

**CHARTER of the MAYSVILLE and BIG SANDY  
RAILROAD COMPANY.**



**MAYSVILLE, KY.**

**MAYSVILLE EAGLE OFFICE PRINT.**

**1852.**

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## ENGINEER'S REPORT.

MAYSVILLE, December 29, 1851.

### To the Commissioners of the Maysville and Big Sandy RAILROAD:

GENTLEMEN:

In pursuance of the resolution of the Commissioners, passed the 6th day of October last, a Preliminary Survey has been made, from the City of Maysville to the Virginia State Line near the mouth of the Big Sandy River. Herewith, I have the honor to report the results, accompanied with Maps, Profiles, &c. Previous to commencing the Instrumental Surveys, a reconnoissance was made of the ground between the termini, which exhibited two general routes: These are thus designated:

1st. The "Inland Route," passing through the interior, opposite the great bends of the Ohio River.

2nd. The "River Route" passing immediately through the Ohio Valley; commencing and terminating at a common point and likewise occupying the same ground, for a part of the distance; both of which have been Surveyed, Estimated and Described as follows, viz:

1st. The "*Inland Route*"—Starting at the Lower Landing on the Ohio River and opposite the foot of Wall Street, in Maysville, the line follows the face of the River bank (crossing the Upper Grade) to the corner of Front and Limestone Streets; thence deflecting slightly Northward and passing in a general direction S. 75° E. across Limestone Creek, through East Maysville, it follows the Ohio Valley 5.49 miles to Springdale, near the mouth of Cabin Creek; thence curving abruptly to the South, the line crosses Cabin Creek and follows up the valley of the Creek in a course S. 56° E for 2½ miles. At this point the line encounters a sharp spur, projecting from the highland, known as "Hew's Bluff," requiring a curve of 6° to the North for 1400 feet, with a

ent of 36 feet, mostly in Solid Rock. From the Bluff the line passes in a general direction N. 80°. E. 1½ miles up the Valley of Cabin Creek to the Forks. Thence up the East Fork, in a general direction due East, 7 miles, to its Head, crossing the divide at a depression in the ridge, known as "Everett's Gap," which it passes with a cut of 43 feet (containing about 25,000 cubic yards of Solid Rock Excavation) to the North Fork of Salt Lick. Thence the line passes down upon the North side of the valley of this Fork S. 55° E. 4½ miles, to its junction with the Esculapia Fork. Thence in N E, E. and N E courses it follows for 8½ miles the valley of Salt Lick, passing immediately in the rear of Clarksburg (County Seat of Lewis), to Vanceburg on the Ohio River. This part of the Route, from its divergence from the Ohio valley at Springdale via "Everett's Gap" to Vanceburg, presents an expensive line, averaging a cost of \$19,408 per mile, for Graduation, Masonry and Bridging, interspersed with Curves of short radii and heavy Grades, requiring a maximum of 60 and 70 feet per mile, for 6½ miles, at the "Gap" which it crosses at an elevation of 395 feet above and distant 15½ miles from Maysville.

From Vanceburg the line follows the Ohio valley through Rockport in N. E. and E. courses, 8 miles, to Kinniconick Creek, crossing the Creek 400 feet South of the State Road Ford, and, skirting the high ground, it enters the valley of Montgomery Creek, which it follows upon the South side, with sharp Curves and an ascending Grade of 70 feet per mile, for 5 miles to its source at the County Line Ridge; crossing the Ridge with a Tunnel 2260 feet long, 220 feet below the top, at an elevation 455 feet above, and 43½ miles distant from Maysville, the line enters into the valley of "Big White Oak" Creek; thence with a descending grade of 70 feet per mile for 2½ miles and in a general direction East 9 miles to the valley of Tygert's Creek. Thence crossing the creek and down the valley of Tygert's 1½ miles. Thence the line diverges to the South and passes into the valley of a small tributary known as "Rock Lick Fork," which it follows 1½ miles to its source. Thence crossing the Ridge near the State Road with a Tunnel 960 feet long, to the waters of "Colc's Run; thence in a general direction

E. following the valley of Cole's Run  $4\frac{1}{2}$  miles to the Ohio River a short distance West of Greenup Court House. Thence in S. E. East and S. E. courses, passing up the Ohio Valley, through Greenupsburg, near Amanda Furnace, to the Big Sandy River at Catletsburg.

This Route is 77.97 miles long, with Maximum Grades of 70 feet per mile at each of the Summits, and Curves of 819 feet minimum radii. A cursory examination was made of several minor lines in connection with this route; but it being considered that they would be essentially the same in their general characteristics, and as the time at our disposal did not permit a survey of these lines, it was deferred for the present.

2nd. The "*River Route*"—Beginning at the same point in Maysville with the "*Inland Route*" and identical therewith to Springdale, the line passes up the Ohio valley; crossing Cabin Creek at its mouth, it follows the Bottoms in a N. E. course for  $5\frac{1}{2}$  miles to the East end of "Wilson's Bottom;" thence deflecting South, the line skirts the high ground opposite Manchester, and passes in a general direction N.  $80^{\circ}$  E.  $7\frac{1}{2}$  miles to Concord, running between the Town and the high ground. Thence crossing Sycamore Creek the line follows the River Bluffs  $1\frac{1}{2}$  miles to the bottoms; thence up the valley in a general direction S.  $65^{\circ}$  E. 11 miles, to a point near Vanceburg, intersecting the "*Inland Route*;" thence occupying the same ground with it to Kinniconick Creek; thence the line diverges and runs up the Ohio valley, passing near Quincy in a general direction N.  $42^{\circ}$  E.  $12\frac{1}{2}$  miles to Springville, opposite the City of Portsmouth, and  $51\frac{1}{2}$  miles from Maysville. Thence in a general direction due East  $5\frac{3}{4}$  miles, (crossing Tygert's Creek  $\frac{3}{4}$  of a mile from its mouth upon a Viaduct 196 feet long) to a point opposite the Little Scioto River; thence deflecting to the South and skirting the high ground the line runs S.  $14^{\circ}$  E. 12 miles, nearly straight to a point near the mouth of Cole's Run and connecting with the "*Inland Route*;" thence with it and occupying the same ground 18.94 miles to the Big Sandy river.

This Route is 88.06 miles long, with a Maximum Grade of 15 feet per mile, (and wherever near the Ohio River the grade line is drawn at least  $1\frac{1}{2}$  feet above the highest floods

ever known) and with curves of 2865 feet minimum radii. It is 10.09 miles longer than the "Inland Route" but with a Maximum Grade 430 per cent. less and Minimum Radii 350 per cent. greater than any other route that can be found between Maysville and Big Sandy. These advantages, with that of a cost one third less, and the connection which it affords with the Scioto and Hocking Valley Railroad (now nearly completed) at Portsmouth, more than neutralize the objection to its increased length over the "Inland Route." These facts and the certainty that the route which will produce the largest amount of receipts in Freight and Travel in proportion to its cost, and at the same time admit of greater safety and dispatch in its operations, prove it to be the most valuable.

The following Tables of comparison, exhibiting in detail the characteristics of each Route, will assist you more fully to decide the Route you should adopt.

### TABLE OF CURVES.

<i>Radii in feet.</i>	<i>River Route.</i>	<i>Inland Route.</i>	
	61.23	52.62	Straight Line.
5730	16.94	9.99	
3820	7.02	4.32	
2865	2.87	0.70	} Minimum Radii. } River Route 2865 ft.
1910		3.10	
1432		1.99	
1146		2.56	
955		2.08	} Minimum Radii. } Inland Route 819 ft.
819		0.61	
Distance miles.	88.06	77.97	
Deflections Right,	673 $\frac{3}{4}$ <sup>o</sup>	1654 $\frac{1}{4}$ <sup>o</sup>	} Going East.
Do. Left,	638 $\frac{1}{2}$ <sup>o</sup>	1616 $\frac{1}{4}$ <sup>o</sup>	
Total Curvature,	1309 $\frac{1}{4}$ <sup>o</sup>	3270 $\frac{3}{4}$ <sup>o</sup>	
In favor of River Route,		1961 $\frac{1}{2}$ <sup>o</sup>	

### TABLE OF GRADES.

<i>Inclination per Mile in feet.</i>	<i>River Route. Miles.</i>	<i>Inland Route. Miles.</i>		
<i>Level.</i>	57.56	28.96		
0 to 5 ft. per mile	4.70	4.15		
5 to 10 " " "	8.92	5.70	}	
10 to 15 " " "	16.88	8.07		Maximum Grade
15 to 30 " " "		5.20		River Route 15 feet
30 to 40 " " "		5.85	per milc.	
40 to 60 " " "		4.06		
60 to 70 " " "		15.98	}	
Distance Miles	88.06	77.97		Maximum Grade In- land Route 70 feet per mile.
	<i>Feet.</i>	<i>Feet.</i>		
Rise,	183	918)	}	
Fall,	138	873)		Going East.
Total Rise and Fall,	321	1791		
In favor of River Route, 1470 feet.				
Height of Principal Summit River Route			000 feet.	
Do. " " " Inland "			455 "	
In favor of River Route 455 feet.				
Number of Summits River Route			None.	
" " " Inland Route			3	
In favor of River Route 3.				

## TABLE OF EQUATED DISTANCES.

		<i>River Route.</i>	<i>Inland Route.</i>	
		<i>Miles.</i>	<i>Miles.</i>	
Going East	{	For Curvature,	0.99	2.46
		" Ascending Grades,	9.15	45.90
		Add actual Length,	88.06	77.97
		Total miles,	98.20	126.33
		In favor of the River Route,	28.13 miles.	
Going West,	{	For Curvature,	0.99	2.46
		" Ascending Grades,	6.00	44.55
		Add actual Length,	88.06	77.97
		Total miles,	95.05	124.98
		In favor of River Route,	29.93 miles.	

The cost of Traction with maximum loads will be as 1 is to 2.95 in favor of the River Route.

Time occupied in making trips, at 30 miles per hour, as 1 is to 1.32 in favor of River Route.

Maximum load, with a 24 ton Engine at 10 miles per hour:

<i>River Route.</i>		<i>Inland Route.</i>	
<i>Gross. Net.</i>		<i>Gross. Net.</i>	
<i>Tons.</i>	<i>Tons.</i>	<i>Tons.</i>	<i>Tons.</i>
580½	353	206½	119

In favor of River Route, 374 tons gross; 234 tons net.



## TABLE OF QUANTITIES AND COST.

	River Route.	Inland Route.
Cubic Yards Solid Rock Excavation,	7,880	\$6,529 88
“ “ “	4,570	1,965 37
“ Tunnel “		27,692
“ Foundation “	1,980	3,960 00
“ Earth “	1,952,679	354,361 33
“ Do. Excavation (Found's.)	10,100	3,030 00
“ Viaduct and Arch Masonry,	18,225½	172,816 00
“ Bridge Masonry,		6,084
“ Rip Rap (Protection)	9,124	9,568 00
“ Ballasting (Road Bed)	132,070	33,018 00
Lineal feet Bridge Truss,		579
Feet Board Measure Foundation Timber,	316,000	4,740 00
Rods New Common Road,	2,130	5,325 00
No. Road Crossings and Cattle Guards,	230	9,350 00
Miles Grubbing and Clearing,	11,02	7,714 00
Rods of Fencing,	56,369	84,553 00
<b>Total Cost Graduation, Masonry, &amp;c.,</b>		<b>\$695,930 58</b>
Average per mile,		<b>\$7,902 91</b>
<b>Total Cost, Graduation, Masonry, &amp;c., in favor of River Route, \$594,711 11</b>		
<b>Average per mile in favor of River Route, \$8,050 14</b>		
		<b>\$253,458 84</b>
		<b>84,943 92</b>
		<b>69,230 00</b>
		<b>5,360 00</b>
		<b>564,419 98</b>
		<b>2,130 00</b>
		<b>119,423 50</b>
		<b>44,061 50</b>
		<b>7,520 00</b>
		<b>29,238 75</b>
		<b>15,390 00</b>

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**The Total Cost, completed in the most durable and substantial manner, is as follows, viz:**

### TABLE OF FINAL COST.

	<i>River Route.</i>	<i>Inland Route.</i>
Graduation, Masonry and Bridging,	\$695,930 58	\$1,290,641 69
Track and Superstructure (in- cluding sidings),	92 miles. 603,520 00	82 miles. 537,920 00
Cars and Engines,	146,800 00	146,800 00
Station Buildings and Fixtures,	82,000 00	82,000 00
	1010 acres.	1070 acres.
Do. Ground & Land Damages,	50,000 00	32,000 00
Engineering and Superintendence,	50,000 00	50,000 00
<b>Total Cost,</b>	<b>\$1,628,250 00</b>	<b>\$2,139,361 69</b>
<b>Total Cost in favor of River Route,</b>	<b>\$511,111 11</b>	
<b>Average per mile,</b>	<b>\$18,490 24</b>	<b>\$27,438 27</b>
<b>Average per mile in favor of River Route,</b>	<b>\$8,948 03</b>	

In computing the Cost of your Road, the Estimate is given for a Single Track, and prices sufficient it is believed with honest competition to construct it upon the most lasting and workmanlike plan. Upon the "Inland Route" the estimate for masonry in crossing the large streams in most cases from necessity were made for Abutments and Piers with Wooden Trusses, while upon the "River Route" they have been made for permanent Stone Viaducts throughout. The width of Road Way at Grade upon the different parts of the line is, in Rock Cuts, 16 feet, with Slope 1 in 4; Earth Cuts 20 feet, and upon Embankments 15 feet, Slopes 1½ to 1; in Tunnels 16 feet; Sides vertical for 12 feet, then curving to a point at the top 18½ feet above the Track. The plan of the Superstructure and Track estimated, is, an Iron Rail of the inverted T form, 60 lbs. to the lineal yard resting upon Cross Ties of Locust and White Oak, each 7½ feet long, 6½ by 10 inches, and placed 2 feet 8 inches from centre to centre; under the Joints of the Rails and between the Cross Ties and Ballasting will be Sills 10 feet long, 3 by 10 inches, of the same kind of timber as the Ties. For the fastenings of the Rails Cast Iron Chairs and hook-headed Wrought Iron Spikes will be used. The whole estimated to cost \$6,560 00 per mile, as follows, viz:

**Estimated Cost of one mile of Track and Superstructure.**

94,3 gross tons of Rails delivered at \$45,00	\$4,243 50
9,600 lbs. of Cast Iron Chairs at 3½c.	336 00
4,700 do. Wrought Iron Spikes (hook-heads) at 4¾c.	223 25
2,059 Cross Ties each 7½ feet long 6½ by 10 inches flatted two sides 6½ inches, at 30c.	617 70
12,306 feet board measure Sawed Sills 3 by 10 in- ches (joint blocks) at \$12 00	147 67
Frogs, Switches and Slide Blocks per mile	60 00
Distributing Rails, Chairs, Spikes, Timber, &c., and laying track	931 88
	<hr/>
Total Estimate for one mile	\$6,560 00

**The estimate for Motive Power and Cars is \$146,800, viz:**

4 Passengers Locomotives (18 tons empty) at \$8,500	\$34,000
3 Freight do. (20 " " ) at 9,500	28,500
8 first Class Passenger (60 seats each) Cars at 2,200	17,600
6 second " " Baggage and Mail " at 1,200	7,200
45 eight wheeled Freight (House) " at 700	31,500
20 " " (Platform) " at 550	11,000
30 eight " " (House) " at 350	10,500
25 " Platform, Coal, Iron and Lum- ber Cars at 228	5,700
8 Hand Cars (Repairing Track) at 100	800
	<hr/>
Total Cost of Motive Power and Cars,	\$146,800

The Estimate for Station Buildings is as follows, viz:

**Estimate of Station Buildings:**

Engine House and Turntable at Maysville	\$11,000	
Car, Freight and Passenger Houses at do.	14,000	
Wood Sheds, Water Tanks and Fixtures do.	2,500	
Repair Shops & Stationary Machinery do.	12,000	
		————— \$39,500
Pass'r. & Freight House and Wood Shed at Springdale,	2,500	
Do " " opposite Manchester,	2,000	
Do " " and Wood & Water at Concord,	4,500	
Do " " at Vanceburg,	2,000	
Do " " at Rockport,	2,000	
Do " " and Wood & Water at Kinni'k.	4,500	
Do " " at Quincy,	2,000	
Do " " at Springville,	2,000	
Do " " and Wood & Water at Green-		
upsburg,	4,500	
Do " " at Amanda Furnace,	2,000	
Do " " Wood and Water at Cattlets-		
burg,	\$6,500	
Engine House and Turntable at Catletsburg,	8,000	14,500
		—————
Total Cost of Station Buildings, &c.		\$82,000

The prices of quantities upon which the Estimate is based, include all Centering, Scaffolding, Cement, Cofferdams, &c., necessary in building the Viaduct, Arch and Bridge Masonry. The Earth price is for Excavation only, with an allowance of  $\frac{1}{2}$  of 1 cent. per yard, for each and every 100 feet it may be necessarily hauled from the Excavations to the Embankments. The same allowance is also made for hauling Rock. The allowance for Foundations is probably sufficient to equal the cost of that item. The estimate for Ballasting does not include the entire line: only upon such portions of it as seemed to be destitute of suitable material for a first rate Road Bed, was any allowance made. The price of Bridge Trusses, includes the Plate Iron Roofing, Side Boarding, &c., necessary to preserve them as much as possible from the depreciation to which they are liable. The prices of Fencing, (which is not estimated continuous as there will be partial omissions) altering roads, Farm and

Road Crossings and Cattle Guards, will, without doubt, be enough for those purposes. The estimate for Land and Land Damages may be considered low, but it is believed that the land owners upon the line of your road will, (viewing the importance of the Railroad) release the right of way upon a great portion of it, or for a small remuneration in Stock, allow you a clear track through their lands. The estimate for Station Buildings is made for structures of a size and durability suited to the wants of your road. The estimate for Motive Power and Cars is sufficient for commencing business in the most economical manner; as that increases, a greater number of them will be needed. In view of the important position of your route, I have given you a full and ample estimate for a first Class Road; a Road in every respect equal to the wants of the country and in character with those with which it connects. I know of no one in the Union that can be operated and kept in repair for so little expense. Thus you will have a road averaging less than \$19,000 per mile (including every thing needed to put it in complete working trim) of the very highest order, essentially, straight and level and certain in its operations, (which peculiarly adapts it for successful competition with the River Steamers) the cost per mile of which is far below Eastern Roads, and will compare favorably with Western Lines now in progress. For more special information, your attention is invited to the accompanying Map, Profiles, Estimate Books, &c., that are particularly marked.

Having now put you in possession of the principal facts, relating to the Construction of your Road, I will (though it does not strictly come within the duties of an Engineer) briefly state some of its advantages and connections with other lines.

1st. Its connections with Eastern Cities and the Seaboard. From the Cities of Richmond, Norfolk, Lynchburg, and Washington, various lines are in progress, all tending to a common point (the Eastern Terminus of your road). The Virginia Central Railroad Company has at this time upwards of 100 miles of its road in operation from Richmond, besides an additional portion soon to be opened. The Company have, it is stated, now funds sufficient to

construct it to a point 200 miles from Richmond and over the most difficult part of their line. From Southern Virginia it is contemplated by an efficient and energetic company to construct a road to Guyandotte and Point Pleasant via New River and the Great Kanawha. The James River and Kanawha Canal is now completed 196 miles from Richmond in the same direction. From Washington City a Road is proposed, tapping the Virginia Central. Also, the extension of the Winchester and Potomac Railroad from the Baltimore and Ohio road is in progress.

Thus you will have the advantages of competing Routes to the Eastern markets, which will always ensure you a quick and cheap communication; and Virginia by completing them has before her the whole West and South West, and her Cities may be the great markets for its vast products. The great interests at stake in these various improvements and which have impelled them forward will drive them to completion, leaving no alternative but for them to connect with your road and that speedily. Besides these outlets, there are others crossing the Ohio River at Portsmouth via the Sciota and Hocking Valley and the Cincinnati and Marietta Roads (both under way with every prospect of an early completion) to Baltimore and Washington and other Cities East, over the Parkersburg and Baltimore and Ohio lines, or to Wheeling, thence via the Hempfield and Pennsylvania Central, to Philadelphia. A communication to the Lakes can be had from Portsmouth direct via the Lake Erie and Cleveland and Columbus, or the Mansfield and Sandusky Roads. The sum necessary to prepare your line for the Rails to this point, 51½ miles from Maysville, will not exceed \$390,000.

2nd. Its South Western connections. The Geographical position of your Route (as a glance at the accompanying Map will show) is such, that all lines from Memphis, Nashville and Louisville, seeking the most direct route to Virginia, Baltimore and Philadelphia, must of necessity pass over your line. These routes, of which there is now about 100 miles in operation, and upwards of 400 miles in progress of construction and about being commenced, besides 100 miles more proposed, with every prospect of being soon built; oc-

cupying 100,000 square miles of country, with a population of 2,000,000 persons, and one of the most wealthy and fertile portions of the Union; all have a common interest at stake in the early construction of your road; looking upon your line as the only connecting link, South of the Ohio River, with the Great Eastern Roads before mentioned.

3rd. Its own Local Business. The country traversed by your road is one of the most beautiful and productive, being one continuous line of River Bottoms, whose capacity for the agriculturist is not exceeded, and high ground, rich in Iron Ore, Coal, Slate Stone for roofing, White Limestone which produces fine white lime containing 60 or 70 per cent. of Magnesia; Fire Clay; Free White or Sand Stone; Alum, Copperas, and Limestone for Lime and flux for Furnaces, enough for ages; with an abundance of the finest of Chestnut, Pine, White Oak, Locust, Poplar and other valuable Timbers, which will be needed for Building purposes in the Central Counties of the State, that are nearly destitute of timber and stone.

Upon the Eastern end of your line and within 20 miles of it, in the counties of Lewis, Greenup and Carter, are now in operation no less than 13 Blast Furnaces, which make annually 20,000 tons of Pig Iron. Further inland the mineral is more abundant and of a superior quality; but few are in operation, for the want of facilities of transportation to carry their products to market. The building of your road will develop these Mineral resources, and we can hardly overestimate the value of them, when their rich deposits are placed in an available position. When the importance of saving time and money is considered, you will no doubt have (in view of the delays and imperfections of navigating the Ohio River) an immense traffic. The produce of Central Kentucky will have over your road a speedy connection with Eastern Markets at all times and the business interests of the South West and East will be eager for its completion and will sooner or later force its construction. The limited time in which we have been obliged to Survey and Estimate the route of your proposed road, has prevented the collection of reliable facts upon which to base an Estimate of its probable revenue. I would, therefore, refer

you to the reports of those lines from Maysville to Louisville. You can properly claim their estimated income (and what is now actually paying upon some of them) as the profits for this Road. In the field and office work, I have been ably assisted by Messrs. KIDDER, CHATFIELD and LOUGHREY; it affords me pleasure to acknowledge the faithfulness and alacrity with which they have discharged their respective duties.

Respectfully Submitted,  
**CHARLES B. CHILDE,**  
*Civil Engineer.*



## **TO THE PUBLIC.**

### **General Considerations in favor of the Maysville and Big Sandy Railroad.**

The advocates of this enterprise submit its claims to the consideration of capitalists and the public, on the intrinsic merits of the project.

Without elaboration, some of these will be here presented, to which the earnest attention of the reader is respectfully invited.

The accompanying report, by Charles B. Childe, Civil Engineer, under whose able and efficient personal direction the surveys and estimates were made, presents a professional exhibit of all the important characteristics of the proposed railway, from which and the subjoined statements, the intelligent reader will be enabled to form a correct judgment of its character, capacity, utility and prospects as an artificial facility of transport and travel.

It will be seen, from this report, that, in all the essential elements of a first-class railroad—in its easy grades, its slight curves, its low cost of construction and operation, its permanent durability, its exemption from danger of successful rivalry, and its prospects of lucrative business—the claims of the proposed railroad to professional and practical approbation, are peculiarly impressive. In all the world, there are few railroads of equal length, combining so many important and favorable elements as one of the lines indicated in the accompanying report of surveys. Its grades and curves are so easy and slight as to offer scarcely any appreciable obstruction; the track will be nearly all level and nearly all straight; the materials for construction, sand, gravel, stone and timber, are the best possible, and attainable at the least possible expense; so that it proposes an important public work, constructed and operated at slight comparative cost, and a work, at the same time, as permanent and indestructible as wit of man can make it. It will be seen that the estimates contemplate viaducts of stone over all the streams, throughout, instead of wooden bridges, and that, owing to the accessibility, abundance and cheapness of a first-rate description of this material, (a beautiful sand stone, easily cut, and proof against any pressure or any vicissitudes of climate or weather, of the same kind used in the "Burnet House," Cincinnati,) as well as of other necessary materials, the average cost of construction, per mile, will be considerably less than the cost of inferior roads in the West, the stream crossings of which are constructed of perishable timber. It will be obvious to every one, how comparatively slight will be the expense of operating a road of such durable construction and such easy grades and curves. These are considerations, in reference to the character of the project, of the highest importance.

The inquiry next presents, whether the business on this line will justify the construction of the proposed railway? To determine this, let the facts and considerations subjoined, be candidly weighed by practical business men.

The only doubts on this point rest on the suggestion that the road will run near to, or parallel with the great highway, the Ohio river, and that the population and productions of the country between Maysville and the Big Sandy river, are inadequate in numbers, strength and importance,

to sustain so great a work. The doubts thus suggested will be fairly answered.

With an experience that reaches back to the earliest navigation of the Ohio river, and most especially in view of the impressive experience of the last year, during more than half of which its navigation has been either partially or wholly interrupted, alternately by low water and by ice, all conducing to prove that it is not a safe, permanent and reliable channel of conveyance, it would be trifling with intelligent and practical men, especially in the present age of mighty improvement and progress, to allege that this river affords, or is capable of affording, even to the inhabitants immediately on its banks, adequate facilities for transport and travel. It may be granted that water transportation is most economical for some descriptions of heavy freights, such as iron, salt, lumber, coal, stone, &c., which do not require to be moved with great rapidity at particular seasons or moments; but taking all these out of the calculation, there will be ample business for the proposed railway. The Hudson river and Lake Shore Railroads, not to specify others, which are constructed on the margin of permanently navigable waters, and at far greater cost than will attend this, conclusively demonstrate the necessity of such facilities, even along the line of water courses. They are demanded by economical considerations, looking to the saving of time, of money, of interest, of insurance, and of life; and are therefore necessary in view of the public welfare. If the Ohio were a permanently navigable stream, as it never was and never can be—if the sarcasm of John Randolph, that it is dried up half the year and frozen up the other half, were less an exaggeration than it is—still, public interests would imperiously require this road. But it would be doing injustice to its merits to consider it in such restricted view. It is not a mere scheme of rivalry with the river. It runs near the river, for a part of its route, only because the river, for a part of its course, lies in the general route of the railroad chain of which it is but a link, and because the river valley, for that part of its course, offers the easiest and most eligible ground to run upon. It is a section of a great national thoroughfare, a portion of which, owing to geographical, topographical, and other important considerations, (direction, distance, grades, curves, cost, &c., all taken into view) lies most eligibly near the Ohio river; and it so happens that this portion lies only between Maysville and Big Sandy river. This is but a small part, a mere link of the grand chain,—less than a hundred miles of the thousands of miles of the great system of which it may be justly considered an indispensable element. So that, taking all considerations into view, it is fortunate rather than otherwise, that this road, contemplated even as a distinct enterprise, will run on a route so favorable as that offered in the ravine of the Ohio. It is in view of its connexions, then, besides its local characteristics, that the merits of this road should be canvassed.

To the second ground of doubt, therefore, it is answered, that the present population and productions of the country along the line, though they have not been fairly appreciated hitherto, are not the fit measure, by any means, of the importance and necessity of the proposed road. There are few railways in all the world, the whole business of which is derived along their lines. Nearly all of them draw a valuable, and many of them much the most valuable, portion of their resources, and certainly every one which, like this, is a link in a lengthened chain, from distances far beyond either terminus, and far aside the intermediate line. But the elements of production, of great production and great wealth, and of course of the means of sustaining a great augmentation of population, lie immediately along the line of this road, ample enough to sustain it in the future, considered merely as a local road. The Ohio river

bottoms which it will traverse, are exceedingly fertile; and the hills in the rear have been greatly undervalued even for purposes of husbandry, simply because they are not so productive as the bottoms and the rich lands of the interior. If the hills of Lewis and Greenup counties, just as they now stand, could be plucked up and transported to Massachusetts, the people of that State would rejoice as if the Omnipotent had created a new Eden and made them its favored and happy tenants.

But the actual natural resources of the country along the line, independent of its agricultural capacity, are remarkable for their abundance and superior quality. Its timber and minerals are of incalculable value. It is doubtful whether, considering position, accessibility by land and water to markets, superior quality and low cost, there are such valuable and desirable bodies of timbered lands to be found in the West as skirt the Ohio river in Lewis and Greenup counties—extensive forests of oak, (interspersed with other valuable timber, ash, pine, locust, cedar, &c.) adapted to ship-building and a variety of other economical uses, which may be purchased at most reasonable rates per acre.

The excellence of the iron ore of Greenup, where there are about a dozen furnaces in blast, is attested beyond all cavil by the fact, verified in the commercial prices current, that in Pittsburg, the great Iron mart of the West, the pig-metal of Greenup county commands from three to five dollars per ton more than Pennsylvania metal.

Coal, in great abundance and superior quality, is mined along the line of the road and on the Sandy river; and, immediately on its line, are the most extensive quarries of the finest building stone perhaps in the whole West.

Of other minerals, owing to imperfect scientific explorations hitherto, the state of information is at present too meagre to justify any confident assertion as to their variety, extent or value, though believed by many to be not inconsiderable. But if there were no other natural resources but those already mentioned and known to exist in unsurpassed abundance and quality—the iron, coal, timber and stone—they are of such importance as to justify even much greater investments than are necessary to construct the proposed road, which will prove a powerful auxiliary in developing them.

It is confidently believed that these natural resources, found in such favorable positions on the Ohio, midway between the Atlantic seaboard on the one hand and the extended Southwest on the other, opening the most valuable markets, will necessarily attract capital and labor to them; and that the line of the proposed railway will soon be enlivened by busy industry employed in extensive manufacturing establishments—Forges, Rolling Mills, and Manufactories for Railroad Rails, Locomotives and Cars, Steam Engines, Nails, Carriages, Wagons, Ploughs, Ship-building, &c. &c.; for materials more suitable, excellent and abundant, and positions more favorable, it is believed, cannot be found.

Having thus briefly considered the local aspects of the enterprise, let us next examine its general features.

This road is necessary to give solidity, character and effect to a system of Railroads for Kentucky, in view of promoting the interests and independence of her people; for without it, they will be cut off from the Atlantic markets, or otherwise compelled to reach them by longer and more expensive routes through other States, which would be in effect exacting a tax from them as tribute to their rivals—a tax for facilities less advantageous to them than would be the shorter, cheaper and better ones here proposed through their own State! This view of the alternative is too palpable to be disguised, and it presents, in the perspective, a picture of vassalage for Kentuckians, too galling to their pride, and too ruinous to their interests, to be contemplated with any degree of tolerance.

Considering a railroad from Lexington to the Big Sandy, then, as a necessity for Kentucky, and its future construction as beyond question, the route of it and the time of constructing it, are the real questions of practical interest. The time is now, because it is necessary to give utility and value to the interior railroads of the State; and the route is by *Maysville* for many decisively controlling reasons—because, though geographically it may be some twenty miles longer, it runs through a much more wealthy, populous and productive country on the whole—because, on the whole, this route is of easier grades and curves, and can be constructed and operated at far less expense and traversed in less time with more ease and safety—because Maysville is the most important shipping point in Kentucky above Louisville, and must necessarily be the depot for most of the ascending and descending freights on the Ohio, to and from the interior, not stored at Louisville—because nearly one half of the whole expense of a railway line from Lexington to Big Sandy is already provided for in the means already secured for the Maysville and Lexington road—and because, by this route, choice of modes of transit and choice of routes will be offered, in the extension of the railroad from the Lakes *via* Columbus to Maysville, and in the intersection of the Sciota and Hocking Valley road at Portsmouth, which intersects the great railroad chain from Cincinnati to both Baltimore and Philadelphia, which last are the most direct routes from the interior of Kentucky and Tennessee to Baltimore and all the Atlantic ports north of that city, that can be traversed north of the Ohio river. The reasons thus presented in favor of this route through Kentucky, over any other, are decisive and conclusive, and put out of question all danger of any rival route being constructed very soon, if ever, or if ever, of its successful competition with this.

A railroad between Maysville and Lexington is now in vigorous process of construction, with ample means and credit to insure its completion without delay. From Lexington to Louisville, a railway communication is already completed. From Louisville to Nashville, a road is also in progress, with fair prospects of success. But returning to Lexington, it should be mentioned that a railroad thence to Danville, in the directest line to Nashville, is in progress, and movements are earnestly afoot to extend that line to Nashville; so that a grand chain of railroads from Big Sandy to Nashville, connecting these with the vast ramified system of the South and South-west, running through the very heart of Kentucky, by the most direct and eligible route, may be soon expected to be completed, which may be considered and fitly termed THE GREAT CENTRAL RAILROAD OF KENTUCKY, and part of the grand NATIONAL THROUGHFARE between the great Atlantic cities and the Southwest. And from some eligible point on this great trunk line, a railroad to Knoxville will be projected.

Turn, now, to the Northern and Eastern connexions of the Maysville and Big Sandy road. From Aberdeen, opposite Maysville, a railroad is projected to Hillsborough, only forty miles north, which will intersect the great East and West trunk line from Baltimore and Philadelphia to Cincinnati and St. Louis; and from Hillsborough it will be extended, probably by Chillicothe, to Columbus, where it will not only again intersect a great East and West line, but form a junction with the directest railway communications to the great Lakes of the North; and this will be the shortest connexion between Cleveland, on Lake Erie, and the southern ports of Mobile and New Orleans.

A. Portsmouth, on the Ohio river, at the mouth of the Sciota and the terminus of the Ohio Canal (the other terminus being at Cleveland) the Maysville and Big Sandy road will intersect, as already stated, the Sciota and Hocking Valley road, which in turn intersects the great trunk line

from Cincinnati eastward, and which last forks near Marietta, one branch leading to Philadelphia and the other to Baltimore. A little beyond Greenupsburg, it will also intersect the Ironton road, running northwardly into Ohio. Reaching the Big Sandy, a junction will there be effected with the vast and ramified railroad system of Virginia, one great trunk of which, the Central, is now being vigorously pressed to that destination by that great State. By that system, as it is now progressing, there will be, from the mouth of Greenbrier, on the Kanawha or New river, two railroad lines, of about equal length, thence to Richmond, with prospects of early extensions to York and Norfolk, the three nearest seaports, respectively, to Kentucky. And besides, there will be a water line thence to Richmond, through the great James River Canal, which has already been brought within the valley between the Blue Ridge and the Alleghanies. But by the Virginia Central line, railroad communications from the interior of Kentucky to Alexandria, Washington, Baltimore, Philadelphia, New York and Boston, respectively, will be enjoyed, shorter, and more eligible in view of grades, curves, stream crossings, climates, and other considerations, than can be availed of by any other lines constructed or proposed. These are striking facts, of momentous importance to the railroad system of Kentucky and the Southwest; and the attention of the reader, in this view, is solicited to the table of distances annexed, corroborating the views above, prepared by Mr. Child. Professional and practical men will be impressed by the important considerations suggested by this table of distances, in connexion with other striking features of the general line through Virginia, which will unite the entire seaboard, from Boston to Norfolk, by the most eligible route, with Kentucky, Tennessee, and the great Southwest onward to New Orleans.

Not only is the line through Virginia thus shown to be geographically shorter than any other; but if it were twice as much longer as it is shorter, it would still, owing to natural causes, of controlling influence, prove to be practically the shortest line; for the grades on the whole are easier, and it escapes the unavoidable necessity, to which all competing lines are subjected, of crossing the Ohio river twice. These considerations, apart from the advantage of the actual fact that it is the shortest route, will be found equivalent, probably, when practically estimated, to an additional gain of a hundred miles in favor of the Virginia line. There is not a stream on the Virginia line, which may not be bridged; and one detention in crossing the Ohio river, would be equivalent, perhaps, to fifty miles of running time. These are considerations of gigantic importance to Kentucky; for while the directest and easiest line of communication is thus indicated to all the Atlantic cities from Norfolk to Boston, or even to Halifax, the gates of the whole vast State of Virginia, from which our intercourse has been almost totally cut off by lack of facilities, will be opened with wide and welcome swing to us—and opened in such manner, in view of geographical and other relations, as to give to Kentucky and Virginia, mutually, as manifestly greater advantages in their commercial and social intercourse, than now exist, as are now enjoyed between Northern Ohio and New York, relatively, over other competitors for their trade. The value of this acquisition to both Kentucky and Virginia, which may be almost considered as so much clear gain to both, can hardly be overstated.

Thus, by the insertion of the single link of the Maysville and Big Sandy road, will a grand chain be completed, which will stretch from Boston to New Orleans, and establish the most eligible NATIONAL THOROUGHFARE between those extreme points, and between the several points intermediate, that can be projected.

Considering, then, these great advantages—the certainty and profit of the intercourse between Kentucky and Virginia—the value of the local traffic on the line—the indisputable fact that, even if it were desirable to Kentucky to cross the Ohio anywhere in reaching the seaboard, the route by Maysville and Portsmouth is the shortest and best—and, besides all these great and obvious advantages, that the great national line here proposed is the shortest, quickest, cheapest, easiest in point of grades, and most salubrious and delightful in point of climate and scenery, passing as it will near the great fashionable watering places of Kentucky and Virginia—it is beyond question that the Maysville and Big Sandy Railroad must necessarily secure and enjoy an immense and incalculable amount of passenger travel, pouring between the Atlantic seaboard and the southwest, which, being far the most profitable resource of railroads, will infallibly make its facilities as productive to itself as indispensable to the public, and render its stock both valuable and desirable to capitalists.

These are some of the general considerations, (which might be much amplified and to which many more might be added) commending the Maysville and Big Sandy Railroad to the favor of capitalists and the public. They are submitted with a candor and confidence, which, fearing nothing from investigation and scrutiny, invite both.

On behalf of the Commissioners,

THO. B. STEVENSON,  
A. M. JANUARY,  
C. B. COONS,

*Committee of Commissioners.*

Maysville, February, 1852.

**TABLE OF RAILROAD DISTANCES**

**From LEXINGTON, Kentucky,**

	Miles to Boston.	Miles to New York.	Miles to Philadelphia.	Miles to Baltimore.	Miles to Washington.	Miles to Richmond.	Miles to Norfolk.
1006	786	699	602	562	543	602	602
1084	864	777	680	720	841	961	961
1032	812	725	628	668	789	909	909
1173	953	866	769	729	608	728	728
1050	830	743	736	776	897	1017	1017
1076	856	769	762	809	930	1050	1050
1104	884	797	790	830	951	1071	1071
1078	858	771	764	804	925	1045	1045
1122	902	815	808	948	969	1089	1089
1187	961	1048	1145	1185	1306	1426	1426
1066	1011	1098	1195	1235	1356	1476	1476
1017	962	1049	1146	1186	1307	1427	1427
1131	911	998	1095	1135	1256	1376	1376

- 1 Via Maysville, Big Sandy, Staunton, (Virginia Central Railroad)
- 2 Via Cincinnati, Parkersburg, Cumberland, (Baltimore and Ohio Railroad)
- 3 Via Maysville, Portsmouth, Parkersburg, (shortest route North of the Ohio river)
- 4 Via Maysville, Big Sandy, Lynchburg, (Virginia and Tennessee Railroad)
- 5 Via Cincinnati, Wilmington, Zanesville, Wheeling, (Hempfield and Pennsylvania Central Railroads)
- 6 Via Cincinnati, Columbus, Steubenville, Pittsburg, (Pennsylvania Central Railroad)
- 7 Via Cincinnati, Columbus, Zanesville, Steubenville, Pittsburg, (Pennsylvania Central Railroad)
- 8 Via Cincinnati, Marietta, Wheeling, (Hempfield and Pennsylvania Central Railroads)
- 9 Via Cincinnati, Columbus, Gallion, Pittsburg, (Pennsylvania and Ohio and Pa. Central Railroads)
- 10 Via Cincinnati, Columbus, Cleveland, Dunkirk, (New York and Erie Railroad)
- 11 Via Cincinnati, Columbus, Cleveland, Buffalo, Albany
- 12 Via Maysville, Hillsborough, Columbus, Cleveland, Buffalo, Albany
- 13 Via Maysville, Hillsborough, Columbus, Cleveland, Dunkirk and Albany

- 1 Cincinnati to Richmond, via Jackson, Portsmouth, Big Sandy, Staunton, (Shortest route). . . . . 544
- 2 Cincinnati to Baltimore, via Parkersburg, Cumberland and Baltimore and Ohio Railroad, . . . . . 583
- 3 Nashville to New York via Lexington, Cincinnati, Cleveland, Dunkirk, New York and Erie Railroad, . . . . . 1171
- 4 Nashville to New York via Lexington, Maysville, Wheeling, Philadelphia, . . . . . 1013

Difference in favor Maysville route, 158

## Charter of the Maysville and Big Sandy Railroad Company.

AN ACT to incorporate the Maysville and Big Sandy Railroad Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all persons who shall become stockholders, pursuant to this act, in the company hereby authorized, shall be and are made a body corporate, with perpetual succession, and all powers incident to such a corporation, in law, with powers to sue and be sued, to contract and be contracted with, to have and use a corporate seal, under the name of the "Maysville and Big Sandy railroad company," for the object and purpose, and with full power to construct and maintain a railroad, with all such appendages, fixtures, buildings, and machinery as may be deemed necessary for the use of the same; commencing at or near the said city of Maysville, in Kentucky; thence to the Big Sandy river by such route as may be found practicable, and means raised to construct the same.

Sec. 2. The capital stock of said company shall be one million of dollars, to be increased, if necessary, to complete or furnish the road with lands, depots, sites, machinery, cars, or other necessary appendages or equipments, to make or carry on the business of said company; said stock to be divided into shares of fifty dollars each, and shall be considered personal property.

Sec. 3. That Thomas Y. Payne, Thomas B. Stevenson, Charles B. Coons, A. M. January, and James B. Robinson, of Mason county; Samuel Stevenson, T. J. Walker, Wm. Ireland, and R. Robb, of Lewis county; Charles M. Wilson, John C. Kouns, William Corum, and George Darlington, of Greenup county, shall be commissioners, with power to open books and receive subscriptions of stock in this corporation; and they, or any three of them, may appoint the time and places of opening said books, giving three weeks' notice of such times and places, by written notice set up on the door of each house where such books may be opened, and also printed in some newspaper in general circulation in the several counties aforesaid.

Sec. 4. As soon as one hundred thousand dollars shall have been subscribed to said capital stock, the said commissioners shall advertise an election for a president and five directors to manage the affairs of said company, and, at such election, two of said commissioners shall attend and conduct the same, and each stockholder shall at such election, have one vote for each share of stock he or she may hold, and may vote by proxy; and the persons having the highest number of votes shall be declared elected, notified thereof, and they shall take an oath, before some justice of the peace, faithfully to discharge the duties of their station, severally. The president and directors shall hold their offices for one year, and until others are elected and qualified; and shall have power to fill all vacancies in their board, to appoint a treasurer, secretary, and other agents, engineers, servants, or laborers, necessary to carry out and effect the object of this act.

Sec. 5. That the president and directors shall, in order to enable them to locate, construct, and finish and furnish such railroad, and manage the same after the same is constructed, shall have, and they and their successors are hereby invested with all the powers, rights, and privileges granted to the Maysville and Lexington railroad company in the act incorporating said company, approved March 4, 1850; and they shall, in all things appertaining to the survey, location, ascertaining the damages for lands, or materials used, releases of right of way, the declaring dividends, rates of toll, and all other general provisions of said act, be regulated and governed by the same.

Sec. 6. That the counties of Mason, Lewis, and Greenup shall have power to subscribe stock in the said railroad company, as also, any corporate town in either of said counties, to any amount which may be authorized by a majority of the voters of said counties or towns voting on such proposition



as may be submitted by authority of the directors of said railroad company; and the directors of said railroad company are hereby authorized, at any time, after giving thirty days' notice first posted at the court house door of other public places in said counties or towns, and published in any newspaper in general circulation therein, to take the vote of the citizens thereof on any proposition submitted by them for the subscription of stock in said railroad company, either on the plan of a tax for such purpose, assessed on the taxable property of the county or town, to raise the sum required, or to raise or to raise money to pay interest on the bonds of said county or town, executed in aid of said railroad, or to guaranty the bonds of said railroad company; and the officers empowered by the general laws of this state, shall take such vote in the same manner and under such regulations as the laws prescribe in relation to other elections.

Approved December 18, 1850.

**AN ACT to incorporate the Maysville and Lexington Railroad Company.**

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all persons who shall become stockholders, pursuant to this act, in the company hereby authorized, shall be and are hereby made a body corporate, under the name of "The Maysville and Lexington Railroad Company," with power to construct and maintain a railway, with a double or single track, with such appendages as may be deemed necessary for the convenient use of the same, commencing at any eligible point in or near the city of Maysville, in Mason county, thence by the most practicable route to or near the city of Lexington, and such point therein as may be fixed by said company with the consent of the City Council of Lexington.

Sec. 2. The capital stock of said company shall be one million of dollars, to be increased, if necessary, to complete the road and purchase the necessary, to complete the road and purchase the necessary depots at each end, and along the line of the road; which capital stock shall be divided into shares of fifty dollars each, and be deemed personal property.

Sec. 3. John Armstrong, Hiram T. Pearce, R. Collins, William S. Allen, William V. Morris, A. M. January, Abner Hord, Christian Schultz, T. Y. Payne, A. A. Wadsworth, Marshall Key, Thomas M. Foreman, Samuel B. Poyntz, and Francis T. Hord, of Mason county and Maysville; and G. W. Williams, Garrett Davis, Charles Talbott, of Bourbon county; John Dougherty, Hiram Norton, Wm. Norvell, and J. F. McMillan, of Nicholas county; G. Robertson, John Norton, Henry Bell, Benj. Gratz, M. C. Johnson, and Leslie Combs, of Lexington, shall be Commissioners for receiving subscriptions to the capital stock of the corporation, agreeably to the provisions of this act.

Sec. 4. It shall be the duty of said Commissioners, or any three of them, within twelve months after the passage of this act, to give notice in one or more papers in Maysville, Lexington, Paris, &c., and in such other newspapers as may be deemed proper, once in a week, for three weeks in succession, of the time and place of opening books for the subscription to said stock; and they shall open books at all such places as they may deem fit; at each of all places specified, one or more of said Commissioners shall attend, on the day fixed, and for three or more days successively, and during at least six hours of each day, shall continue to receive subscriptions to the capital stock of said company, from all persons or companies who will subscribe thereto, in conformity with the provisions of this act.

Sec. 5. Each subscriber, at the time he subscribes, shall pay to the said Commissioners, or to their agents appointed to receive such subscription, either in money or a note negotiable and payable at some bank at sixty days date, or longer, at the option of said Commissioners or their agents, the sum of two dollars on every share subscribed by him, and the residue thereof shall be paid in such instalments, and at such times, as may be required by the President and Directors of said company.

Sec. 6. If, at the expiration of the time mentioned in the 4th section of this act, (viz: three days,) it shall appear that one hundred thousand dollars, or more, shall have been subscribed to the capital stock of the corporation, or as soon thereafter as one hundred thousand dollars, or upwards, shall have

been subscribed to the capital stock of said corporation, the books shall be closed.

Sec. 7. As soon as may be, after closing the books, the Commissioners shall give notice of the time and place at which a meeting of the stockholders will be held for the choice of Directors; such notice shall be published in one or more papers of general circulation, as may be along the line or route of said road, and in the papers published in Lexington, Paris, and Maysville. At the time and place appointed for such election, the Commissioners, or three or more of them, shall attend and lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them then present in person, or by proxy, shall, from among the stockholders, elect six Directors, by ballot, to manage the affairs of the company; and these six Directors, or a majority of them, shall have the power of electing a President of said company, either from among the Directors or any other stockholder, and of allowing him such compensation for his services as they may deem proper; and that in said election, and on all other occasions whereon a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share owned by him, her, or it; and every stockholder may, in writing, depute any other person to vote for him, her or it, as his, her or its proxy; and the Commissioners aforesaid, or any three or more of them, shall be judges of the said first election of Directors. All subsequent elections shall be conducted in the manner prescribed by the by-laws of said corporation.

Sec. 8. In all elections by the stockholders, a majority of the shares voted shall determine the choice.

Sec. 9. The Directors shall hold their offices for one year, and until others shall be elected in their stead; they shall appoint a President, as directed in section seven, and some suitable person as Secretary of the corporation; they shall, moreover, appoint all such officers and agents as the convenience of the Company may require.

Sec. 10. The Directors shall have power to cause all necessary examinations and surveys of the route for said railroad to be made; and shall select the route on which said road shall be constructed. But if said Directors, after having selected a route for said railway, find any obstacle to continuing said location, either by the difficult of construction, or procuring right of way at reasonable cost, or whenever a better or cheaper route can be had, they shall have authority to vary the route and change the location.

Sec. 11. The corporation is hereby empowered to purchase, receive, and hold such real estate as may be necessary and convenient in accomplishing the object for which the corporation is granted; and may, by their agents, engineers, and surveyors, enter upon such route, place, or places selected, as aforesaid, by their Directors, as the line whereon to construct said railroad; and it shall be lawful for the said corporation to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of said railroad, and the accommodations requisite to, and appertaining unto them; and may also receive, hold, and take all such voluntary grants and donations of lands and real estate as may be made to said corporation to aid in the construction, maintenance, or accommodation of said road or ways; but all lands or real estate, thus entered upon and used by said corporation, and all earth, timber, stone, gravel, and other materials, needed by said company, shall be purchased of the owners thereof, at a price to be mutually agreed upon between them; and in case of any disagreement of the owner, as to the price of any lands or materials so required for said road, or if the owners are under any disability, in law, from any cause whatever to contract, or are absent from the county, application may be made, either by said owner or by said corporation, to any Judge of circuit court, or any Justice of county court, within which said lands or materials so required, or already appropriated, may be, (specifying the lands or materials,) and, thereupon, said Judge or Justice shall issue his warrant, in writing, directed to the Sheriff of the county, requiring him to summon an inquest of twenty inhabitants of said county, who shall not be stockholders, nor related to the owner of the lands, materials, &c., or in any wise interested, to meet at or near said lands or materials so to be valued, on a day named in said

warrant, not less than five nor more than ten days after issuing the same; and if, at said time and place, any of said jurors summoned do not attend, the said Sheriff shall summon immediately as many jurors as may be necessary, with the jurors in attendance, to furnish a panel of twenty jurors attending; and from them each party, or its, his, her, or their agent, if either be not present in person or by agent, the Sheriff for him, her, or it, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the said Sheriff shall administer to each of them an oath, or affirmation, as the case may be, that they shall justly value the damages which the several owners will sustain by the use or occupation of the lands, or materials, or property required by said company; and said inquest shall reduce their valuation to writing and sign and seal the same; it shall then be returned by said Sheriff to the Clerk of the Circuit Court for said county, and by such Clerk filed in his office, and shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shown; and when confirmed, shall be recorded by said Clerk at the expense of said company; but if set aside, the court may direct another inquisition to be taken, in the same manner above prescribed, and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity or duration of the interest on the same, valued for the company; and such valuation, when paid, or tendered to the owner or owners of said property, or his, her, or their legal representatives, shall entitle the said company to the estate and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners thereof; and if the owner or owners be not found it shall be sufficient if the valuation be deposited in any specie paying Bank to the credit of them, or their proper legal representatives; and every Sheriff and juror acting in the premises shall receive one dollar per day for his services, to be paid on the first inquest by the said company, but upon all second or future inquests, as to the said court may seem just.

Sec. 12. Whenever it shall be necessary for the construction of the railroad to intersect or cross any stream of water, or water course, or any road or highway lying in or across the route of said road, it shall be lawful for the corporation to construct the said railway across or upon the stream, or to cut or cross any such road or highway, and to change the location thereof during the process of the construction of said railway; but the corporation shall restore the stream, or water course, or road or highway, thus intersected, to its former state, or in a sufficient manner not to destroy its usefulness; and shall restore any road at a grade not exceeding the heaviest grade upon said road existing at the present time.

Sec. 13. The said corporation shall have power to locate and construct branch roads from the main route, to any other towns or places in the several counties through or near which said road may pass—not destroying the vested rights of other corporations.

Sec. 14. It shall be lawful for the Directors to require payment of the sums to be subscribed to the capital stock, at such times and in such instalments as they shall see fit; and if instalments remain unpaid for sixty days after the time of payment has elapsed, the Board may collect the same by suit; or shall have power to sell the stock at public auction for instalments then due, (giving twenty days' notice of the time and place of sale, by advertisement in a newspaper in general circulation in the county where such sale is to be made,) and costs of making said sale, and the residue of the price obtained shall be paid over to the former owner.

Sec. 15. That said company may demand and receive for tolls upon, and transportation of goods, produce, or property of any kind whatever, by them along said Railway, any sum not exceeding the following rates: on all goods, merchandise, or property of any description, transported by them, a sum not exceeding one and a half cents per mile, for toll; five cents per ton, per mile, for transportation; and for the transportation of passengers, not exceeding four cents per mile for each passenger.

Sec. 16. If the subscribers to the company hereby created shall not become so far organized as to elect a Board of Directors within two years from the passage of this act, and within eighteen months thereafter, make *bona fide*

contracts for the construction of at least one-sixth of said road, the privileges of said corporation shall cease, and this act be void.

Sec. 17. That any other Railroad Company which has been, or may hereafter be, chartered by law of this State, may join and connect any railroad with the road hereby contemplated, and full right and privilege is hereby reserved to the State, or individuals, or any company incorporated by law of this State, to cross this road; *Provided*, any other railroad connecting with the road hereby provided for shall lead from the main route and diverge therefrom at an angle of twenty degrees or more: *And provided*, that in forming such connection, or in crossing the said road, no injury be done to the works of the company hereby incorporated.

Sec. 18. That any road connecting with the road hereby incorporated, shall have their cars drawn on the said road by the Maysville and Lexington Railroad Company, without delay and without unloading, on such terms as said company may agree upon, and on the payment of the proper tolls, the said Maysville and Lexington Railroad Company furnishing the motive power at a reasonable price.

Sec. 19. That the said President and Directors shall, annually or semi-annually, declare and make such dividend as they may deem proper of the net profits arising from the resources of said company, after deducting the necessary current and probable contingent expenses; and shall divide the same amongst the stockholders of said company, in proportion to their respective shares.

Sec. 20. That when any vacancy shall occur in the Board of Directors of the company, by death, resignation, or other cause, the Board remaining shall have power to fill such vacancy; and the person or persons, so appointed, shall continue in office until the next annual election for Directors of said company.

Sec. 21. That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings, by the President and Directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole subscribed, upon giving public notice for thirty days of the time and place of holding the same, which shall be at some place in Maysville, named in the advertisement; and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call; and if, at any such called meetings, a majority (in value) of the stockholders of said company are not present, in person or by proxy, such meeting shall be adjourned from day to day, without transacting any business, for any time not exceeding three days; and if, within said three days, stockholders having a majority (in value) of the stock subscribed, do not then attend, such meeting shall be dissolved.

Sec. 22. At the regular meeting of the stockholders of said company, it shall be the duty of the President and Directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; and at any called meeting of the stockholders, a majority (in value) of the whole stock subscribed being present, or a majority (in value) of the attending stockholders may require similar statements from the President and Directors, who shall furnish them when so required; and at all general meetings of the stockholders, a majority (in value) of all the stockholders in said company may remove from office the President or any of the Directors of said company, and fill up vacancies thus created, in the same way, and to the same extent, that they could do at their stated annual meetings.

Sec. 23. Every President and Director of said company, before he acts as such, shall swear or affirm, (as the case may be,) before some person authorized to administer oaths, that he will well and truly discharge the duties of his said office to the best of his skill and judgment.

Sec. 24. That if any of the stock created by virtue of this act, shall remain unsubscribed until after the election of the President and Directors, as provided for in the seventh section of this act, the said President and Directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock of said Company which may remain unsubscribed for, or to sell, or to dispose of such unsubscribed stock for the benefit of said Company, for any sum not under its par value; (unless by

consent of a majority (in value) of the stockholders;) and the purchasers or subscribers of said stock shall have all the rights, powers, and privileges of original subscribers, and shall be subject to the same regulations; and if the exigencies of the Company should require the payment on the stock to be made more rapidly than is provided for herein, or should the President and Directors, or a majority of the whole number elected, consider it expedient for the purpose of aiding the stockholders, or hastening the completion of the contemplated road, it shall be lawful for them to borrow, on the credit of said Company, a sum of money not exceeding five hundred thousand dollars, and shall have power to pledge the property of the Company for the payment thereof.

Sec. 25. That the said Maysville and Lexington Railroad Company, so as aforesaid formed, shall have perpetual succession of members; may have a common seal, may sue and be sued, plead and be impleaded, in any court of law or equity; and the President and Directors thereof may make all such rules, regulations, and by-laws, as are necessary or proper for the government of the corporation, or effecting the object for which it is created; *Provided*, such rules, regulations, and by-laws shall not be repugnant to the laws and constitution of this State, or of the United States; and said President and Directors shall let out all contracts for the construction of said road, and for the purchase of materials, cars, engines, &c., and for the erection of all necessary and convenient buildings.

Sec. 26. That if any person or persons shall willfully, by any means whatsoever, injure, impair, or destroy any part of any railroad constructed for said Company under this act, or any of their necessary works, buildings, carriages, vehicles, or machinery of said Company, such person or persons so offending, shall each of them, for every offence, forfeit and pay to the said Company a sum equal to twice the value of the property destroyed or injured, or twice the damages sustained by said Company by reason thereof; which may be recovered in the name of said Company, by action in the Circuit Court of the county wherein the offence shall be committed; and such offender shall also be subject to indictment in said Court, and upon conviction of such offence, shall be punished by imprisonment not less than six months nor more than four years, in the discretion of a jury.

Sec. 27. That the President and Directors of said Company shall cause to be paid into the Treasury of this Commonwealth, a tax of six cents annually, upon each two shares of stock owned and held by any stockholder of said Company, the same to be collected as now, or hereafter may be, provided by law for the collection of the State revenue: *Provided*, that no citizen of this Commonwealth shall be required to list any share he may hold in said road under the equalization law; the tax imposed by this act shall be collected only upon the cost of this road, as the said road is completed and put in use, carrying freight and passengers for pay.

Sec. 28. That the cities of Maysville and Lexington, and the counties of Mason, Nicholas, Bourbon and Fayette, and any other city, county, or corporation, be and they are hereby permitted to hold stock in the corporation created by this act, upon the same terms, on the same conditions, and subject to the same restrictions, with other stockholders: *Provided*, the amount by said several cities, counties, and corporations, separately subscribed, shall not, in any single instance, exceed the following sums: by Maysville, one hundred and fifty thousand dollars; by Lexington, one hundred and fifty thousand dollars; by Maysville and Mason county, jointly, one hundred and fifty thousand dollars; by Nicholas county, one hundred thousand dollars; by Bourbon county, one hundred and fifty thousand dollars; by Fayette county, two hundred thousand dollars; and by any other city, county, or corporation, any sum not exceeding the largest amount aforesaid; and it shall be lawful for the President and Directors of said Company, after giving six weeks notice thereof, by advertisement, in the papers of the said several cities and counties wherein a vote shall be proposed, (or if there be no paper printed in any county in which a vote shall be proposed, then in such paper as may have a general circulation in such county,) upon a day named in said advertisement, to take the sense of the qualified voters of said cities and counties, or any one or more of them, as to the policy of said cities and coun-

ties, or any one or more of them, becoming subscribers to the stock in said Railroad Company, to any amount which may have been proposed in said printed notice, not exceeding the respective sums above specified; and it shall be the duty of the Mayor and Council of each of the cities of Maysville and Lexington, and of the County Courts of the several counties, upon the day named in said printed notice, to open columns in the various precincts of said cities and counties, and take all necessary measures for correctly ascertaining the sense of the qualified voters of their respective cities and counties at the polls thereof as aforesaid; and provided a majority of all the qualified voters of any of said cities or counties, who shall have cast their votes at said election, shall be in favor of the said several subscriptions of stock, as proposed to such city or county, it shall be the duty of the Mayor and Council of every such city, to pass an ordinance, directing the Mayor, on behalf of such city, to subscribe for any amount of stock provided for in said ordinance, not exceeding the sum specified in said printed notice; and it shall be the duty of the County Court of every such county, in like manner, to empower and direct their Clerk to subscribe for the amount of stock authorized by the voters of said county, not exceeding the sum specified in said printed notice; and it shall be lawful for said cities and counties, so authorizing subscriptions to the capital stock of said Company, to raise the amount of their separate subscriptions, as the same shall be called by the President and Directors of said road, by a tax on the real and personal estate of the said several cities and counties subscribing, or by borrowing the amount thereof, payable in the way, and on the terms, the said several Mayors and Councils, and the said several County Courts may deem most advisable; and the interest on all such sums borrowed may be provided for in such manner as to them seems best: *Provided*, that all taxes laid by any city or county to pay the principal and interest (or either) of the amounts borrowed by them, shall be pledged and sacredly appropriated to such purpose and no other: *And provided*, that all sums paid by any citizen of said cities or counties, on account of the several subscriptions of any city or county, or in payment of the interest upon any such subscription, shall entitle him to a certificate for the amount thereof; and when said certificates amount to fifty dollars, shall entitle him to one share in the stock subscribed by his said city or county, for every fifty dollars so held by him: *Provided, further*, that the City Council for the city of Maysville may, at any time after the passage of this act, on giving three weeks notice thereof in the newspapers printed in said city, cause a poll to be opened in the three wards of the city, and the sense of the voters taken as to the propriety of said city subscribing to the capital stock of said road, as provided in this charter; and if a majority of those voting are in favor, it shall be the duty of the Board of Council to subscribe the number of shares provided for in this charter, so soon as books shall be opened.

Approved March 4, 1850.

**AN ACT to Amend the Act entitled "An Act to incorporate the Maysville and Big Sandy Railroad Company." Approved December 18th, 1850.**

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Act entitled "An Act to incorporate the Maysville and Big Sandy Railroad Company," approved December 18th, 1850, is hereby re-enacted from the date of the approval of this act, with the amendments and modifications herein made.

*Sec. 2. Be it further enacted*, That the first Section of said Act incorporating the Maysville and Big Sandy Railroad Company, is hereby so amended, as to authorise the commencement of the Railroad, therein authorised, in or near the City of Maysville, in the discretion of the Board of Directors of said Company.

*Sec. 3. Be it further enacted*, That in addition to the Counties of Mason, Lewis and Greenup, and the Corporate Cities and Towns therein authorised by said act to subscribe Stock in said Railroad Company, any other County, City or Town in the State of Kentucky may subscribe Stock in said Railroad Company on the same terms and conditions, and under the same restrictions.

**Sec. 4.** *Be it further enacted,* That all the General Provisions of the Act, incorporating the Maysville and Lexington Railroad Company, approved March 4th, 1850, and of the Act to amend said Act, approved February 17th, 1851, (so far as the same may be applicable) are hereby incorporated herein and made part of this Act, for the benefit of the Maysville and Big Sandy Railroad Company.

**Sec. 5.** *Be it further enacted,* That if any County, City or Town in the State of Kentucky, shall desire to subscribe Stock in said Maysville and Big Sandy Railroad Company, such County, City or Town shall have the privilege to subscribe Stock therein, either under the provisions of this Act, or under the provisions of the "Act to authorize the County of Fayette and City of Lexington to subscribe Stock in Railroad Companies," approved January 25th, 1851, as the authorities of such County, City or Town may elect.

**Sec. 6.** *Be it further enacted,* That the fourth section of said Act, incorporating the Maysville and Big Sandy Railroad Company, is hereby so amended, that the number of Directors in said Company shall be nine instead of five, to be elected by the Stockholders, as provided in said fourth Section of said Act, at such time and place as the Commissioners named in said Act, or a majority of them may designate by public notice; that the Directors so elected, shall choose a President of the Company, who may either be one of the Directors or any other Stockholder in the Company; that the President and Directors shall constitute the Board of Directors, with full power to direct and control the entire business affairs and concerns of the Company; and that when the President shall be chosen from the number of Directors, five members of the Board of Directors shall be a quorum to transact any business; but if the President shall be chosen from the number of other Stockholders, six members of the Board of Directors shall be required to form a quorum: *Provided,* That this section shall not be construed so as to prohibit a less number of Directors exercising any executory or ministerial functions in carrying out measures previously sanctioned by a quorum or full meeting of the Board of Directors.

**Sec. 7.** *Be it further enacted,* That the said Maysville and Big Sandy Railroad Company may receive grants of land from Congress, and subscriptions of Stock by individuals, Counties, Cities, Towns, Railroad Companies and other Corporations of other States, as well as of the State of Kentucky, in aid of the construction and operation of said Railroad; and may also receive the Bonds of such Corporations and procure their guaranties or endorsement of the bonds of said Railroad Company, issued in aid of the construction and operation of said Railroad, and may negotiate, sell and assign the same, on such terms and conditions as the Board of Directors may deem advantageous to the interest of the Company.

**Sec. 8.** *Be it further enacted,* That whenever any portion of said Railroad shall be completed and in readiness for business, such portion thereof may be put in operation, under authority of the Board of Directors, on such terms, for the use thereof or such rates for transporting passengers or freight thereon, as the Board of Directors may prescribe, not exceeding the maximum rates authorized by the fifteenth Section of the Act incorporating the Maysville and Lexington Railroad Company: *Provided,* they may make Special Contracts for Special Services, on such terms and conditions as the parties thereto may agree upon.

Approved November 25th, 1851.

#### AN ACT to amend the act incorporating the Maysville and Lexington Railroad Company.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of any county, or city council of any city, who shall subscribe stock in said Maysville and Lexington railroad company, under the provisions of an act to which this is an addition, shall be authorized to execute bonds of the county or city, payable to the president and directors of said company, for the amounts severally subscribed by said counties and cities, payable at such times as may be deemed best by said county courts and city councils; and said courts and city councils respectively,

shall have power, and it shall be their duties, severally, to levy and collect upon the real and personal property of said counties and cities, an amount, in money, sufficient annually to pay off the interest on said bonds; which interest shall be levied and collected as other taxes are collected in this state, and by the same collecting officer, under the same penalties, and subject to the same ameracements for neglect of duty, as such collecting officer is subject to for a failure to collect and pay over the state or city revenue.

Sec. 2. That said levy of tax, to raise the interest to become due yearly, shall be made on the real and personal property, as assessed for taxation for state purposes, in each county and city, and if any county court or city council shall, in the discretion given them in the 28th section of the act to which this is an addition, decide to raise the amount or any part thereof, in money, to pay the subscription made to the capital stock of said company, a tax for that purpose may be levied and collected in the same way as provided above in relation to interest; and said courts and city councils, respectively, shall demand bond and security of any sheriff or collecting officer, conditioned for the faithful collecting and paying over said money. The said sheriff or other collecting officer shall be entitled to the same fees and per centage as is allowed for collecting other city or state taxes.

Sec. 3. That the bonds authorized to be executed by the first section of this act, shall be negotiable and transferable by the order of the president and directors of said company; and the indorsement of the president, countersigned by the secretary, shall be the form of transfer; and all certificates given to tax payers, of interest on county or city bonds, shall also be negotiable by the indorsement of the payer of the said tax; and the stock issued upon any such certificates shall not be deducted from the city or county stock; and to produce equality between city, and county, and individual stockholders, the board of directors shall open an interest account with all individual stockholders, and annually, until the road shall be in operation, allow interest to each stockholder on the amount by him paid, and issue a certificate thereof to him, which shall be assignable; and when any holder has such certificates to the amount of fifty dollars, he shall be entitled to a share of stock: *Provided*, said certificates to the tax payer, and to the individual stockholders for interest, shall not bear interest: *And provided further*, that interest shall be charged against the individual stockholder who fails to pay the calls upon his subscription. Approved February 17, 1851.

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**AN ACT to authorize the county of Fayette and City of Lexington to subscribe stock in Railroad Companies.**

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever any company, incorporated to construct a railroad on which the city of Lexington shall be a point, shall request the county court of Fayette county to subscribe, either absolutely or upon specified conditions, the bonds of said county, for any portion of the capital stock of such company, not exceeding two hundred thousand dollars in amount, the county court shall, within sixty days thereafter, on a day to be by it appointed, cause a vote of the people of the county to be taken at the several election precincts in the county, and in the city of Lexington, upon the question whether or not the court shall subscribe the proposed amount of stock; or, if the request shall be for a conditional subscription, whether or not the court shall subscribe the stock on the proposed conditions; and if, before such vote is taken, the company making the request shall deem it advisable to postpone said vote to any other day, and if, upon motion, the county court shall approve said postponement, the said vote may be so postponed, due notice being given thereof in the newspapers of the county: *Provided*, that no company shall have authority, by this act, to make more than two requests of the county court of Fayette county, nor shall more than two votes be had upon any one road: *Provided, further*, that the conditions upon which the subscription may be asked shall not in any manner propose to change, alter, or affect any of the provisions of the charter of the company asking the subscription.



Sec. 2. That when the county court shall fix the day for taking any such vote as is above provided for, it shall appoint the judges and other officers necessary to conduct the election, and the return thereof shall be made to the clerk of the county court within ten days after the same shall be held.

Sec. 3. That at its next term the court shall order the vote for and against the subscription to be entered on its record; and if a majority of the votes cast shall appear to be in favor of the subscription, the court shall order its clerk to make it forthwith, in the name of the county, and in accordance with the vote.

Sec. 4. That when any such subscription shall be made, the bonds shall be executed, under the seal of the county court, signed by the presiding judge thereof, and countersigned by the clerk. They shall be negotiable and payable to the railroad company for whose stock they shall be subscribed, in the city of New York, thirty years after date, and shall bear interest from date at the rate of six per cent. per annum.

Sec. 5. That the times at which said bonds shall be issued shall be fixed in the request of the railroad company to the county court, except that not more than half the amount of bonds subscribed to any company shall be issued to it in one year.

Sec. 6. That after any such subscription shall be made, the commissioners of tax for the county of Fayette shall distinguish, in their tax lists, between the property listed, both real and personal, which is most usually kept in said county, and that which lies or is most usually kept in any other county.

Sec. 7. That, until the dividends on the stock subscribed for shall be sufficient to pay the interest on the bonds above mentioned, the county court shall levy a tax on the property, both real and personal, as listed for state purposes, which shall lie or be most usually kept in said county, sufficient, after making a reasonable allowance for delinquencies, to pay said interest, or such part thereof as such dividends shall be at any time insufficient to pay; and said levy shall include the amount given in under the equalization law.

Sec. 8. That within twenty days after the election of the county judge and justices of the peace, under the new constitution, if any such tax as is above provided for shall have been levied, and if no such tax shall have been by that time levied, then within twenty days after any such shall be levied, the presiding judge of the county court shall summon the justices of the peace of the county to meet together, on a day to be by him appointed, to elect three persons, who shall be called the commissioners of the sinking fund of Fayette county. One of said commissioners shall hold his office for one year, another for two years, and another for three years, the term of each to be decided by lot. And annually, after the first election, the justices of the peace shall reassemble and elect a commissioner to fill the place of the one whose term shall then expire, and such commissioner shall serve for three years.

Sec. 9. That said commissioners shall annually appoint one of their number treasurer; and such treasurer, before he receives any moneys under the provisions of this act, shall execute bond with surety, to be approved by the county court, in double the sum which shall be expected to be collected during the year then to ensue, under the provisions of this act, payable to the county of Fayette, and conditioned to account for and pay over, on the order of said commissioners, all funds which shall come into his hands under the provisions of this act; and said treasurer shall be allowed for his services not exceeding one per cent. of all moneys which he shall receive and pay over.

Sec. 10. That the sheriff of Fayette county shall collect all taxes levied under the authority of this act; and, for that purpose, he shall have the same powers of distraining, advertising, and selling personal estate and slaves

which he has in the collection of the state revenue; and when he shall be unable to find any personal estate or slaves liable to the tax of any individual, he may levy on his real estate, and sell the same under the rules and regulations prescribed for the sale of real estate under executions. But the owner of any real estate, so sold, who shall not have consented in writing, to the sale, shall have five years to redeem the same, upon the payment of the purchase money and ten per cent. interest per annum, with all taxes and levies which shall have accrued subsequently to the sale; and any such owner who shall have so consented, in writing, shall have one year to redeem, upon the same terms.

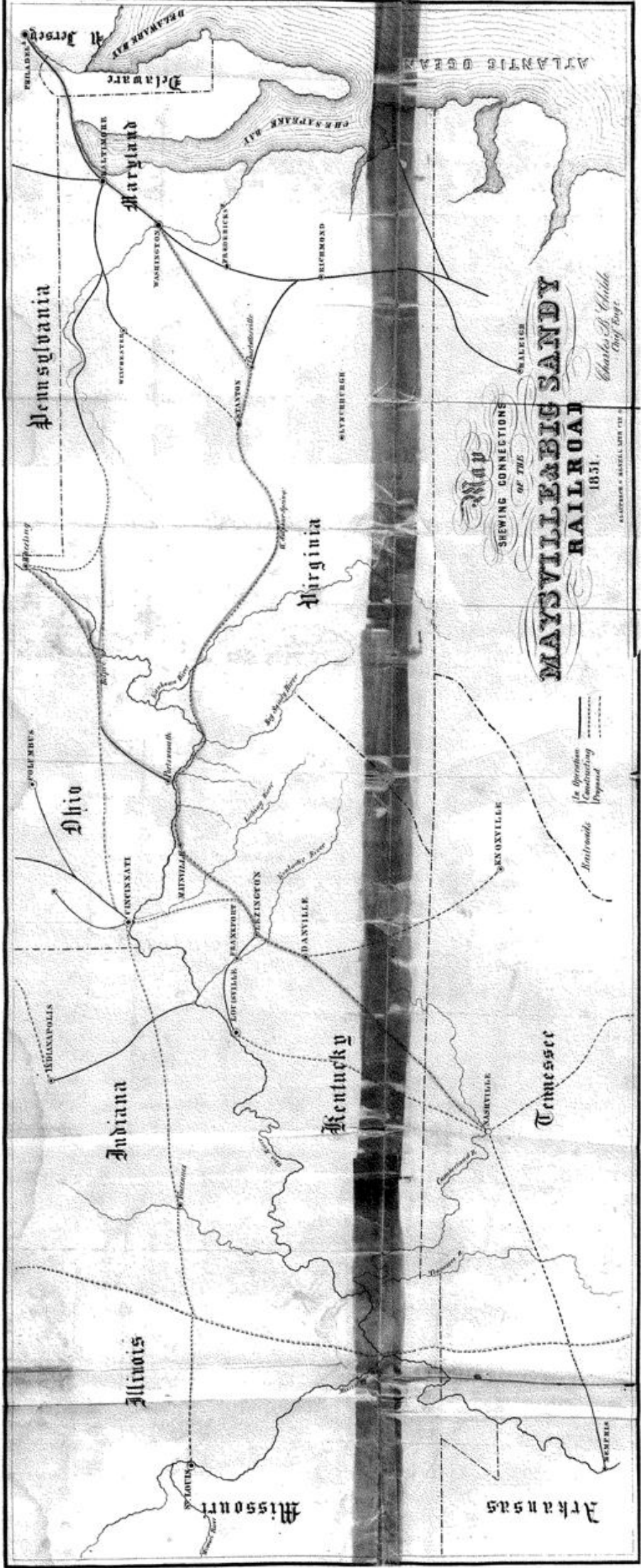
Sec. 11. The sheriff shall, from time to time, pay over said taxes to the treasurer of the said sinking fund commissioners as he shall collect the same, under the penalties prescribed by law for failing to pay over the state revenue, and take duplicate receipts therefor, one of which he shall lodge with the clerk of the county court; and he shall be allowed for his services two per cent. of all moneys collected and paid over.

Sec. 12. That the commissioners of the sinking fund of Fayette county shall see that the sheriff collects and pays over, according to law, the taxes herein directed to be levied, and shall institute legal proceedings against him in case of failure. They shall appropriate such taxes to the payment, at the city of New York, of the interest on the bonds herein directed to be issued. They shall cast the votes to which the county of Fayette shall be entitled in any railroad company, by reason of its stock subscribed under the provisions of this act. They shall receive the dividends upon all such stock, and apply them first to the payment of the interest on the county bonds, and when a surplus shall accrue after the payment of such interest, they shall apply it to the purchase of such bonds, if they can be purchased at par; and if that cannot be done, they shall invest such surplus in some safe and profitable manner, and in such manner that when it shall, at any time, be wanted for purchase or payment of the county bonds, it can be speedily and readily converted into cash for that purpose.

Sec. 13. All dividends which shall be received upon any railroad stock which shall be owned by the county of Fayette, are hereby sacredly set apart as a sinking fund, to be only used as above provided, for the payment of the principal and interest of bonds which shall be issued by the county of Fayette, under the provisions of this act.

Sec. 14. That the said sinking fund commissioners shall keep a record of all their proceedings and doings; and their treasurer shall keep strict accounts of all moneys which shall be received or paid over by him, and shall annually, before the expiration of his term, settle the same in the Fayette county court.

Approved January 25, 1851.



Map  
 SHOWING CONNECTIONS  
 OF THE  
**MAYSVILLE & BIG SANDY**  
**RAILROAD**  
 1851.

*Charles B. Childs*  
 Chief Eng.

— In Operation  
 - - - Constructing  
 . . . Proposed

Southwicks

ALBANY & MASSACHUSETTS