

ARTICLES OF AGREEMENT

Made and concluded this twenty-eighth day of September, in the year 1838, between M. Duval of the one part, and the Eastern Shore Rail Road Company, by Thomas Emory their president of the other part; whereby it is covenanted and agreed as follows, viz:

1st. The said M. Duval contractor, hereby covenants and agrees to form and prepare, in a thorough and workmanlike manner, agreeably to the directions of the engineer of said corporation, a clear and open road way on the line of said rail road, as delineated on the plans and profiles thereof, and staked out on the ground; from a stake marked No. — on the land of the Wilmington and Baltimore rail road company, at Elkton in the county of Cecil, to another stake marked No. — on Fishing Point at Somer's cove, on the Little Anamessix in Somerset county, being one hundred and eighteen miles or thereabouts, of linear distance, which roadway is to conform, in its direction from and inclinations to said plans and profiles, or to such notes of surveys and levels as may be furnished.

2. The width of said roadway is to be fourteen feet at least, at the bottom of the excavation, and at the top of the embankment, both of which shall conform longitudinally to the planes whether horizontal or inclined, established throughout the sections, and the roadway shall be level transversely throughout. In the excavations or cuttings there shall be a width of three feet on each side of the road way for drains, and the side slopes will be continued one foot below the graded surface forming a ditch on each side of the road way three feet wide at top and one foot wide at bottom, whenever the grade is level these side drains shall have a fall from the centre of the excavation each way of one in six hundred; and in such cases the width of the drain shall increase with increase of depth. At the termination of the cut this drain will be led off so as to fall into the ditch made to form embankments, in such a manner as not to endanger the foot of the embankments by washing. There shall also be formed along the top of the slopes of the excavations catch water drains wherever the ground slopes towards the road; these drains shall be fifteen inches in depth and thirty inches in width; they shall nowhere approach within four feet of the edge of the slopes and the soil which may be removed in forming them shall be carefully spread along the slopes, side cuts shall be made from these drains exteriorly wherever such are necessary to relieve them of water.

3. The outer slopes of both excavations and embankments shall have a true and uniform inclination of one and a half feet horizontal to one foot perpendicular; they shall be neatly trimmed and dressed so as to present to the eye a fair outline, conforming