

degrees west fifty eight and a half perches, to the beginning containing thirty three acres and one rood of land, more or less, including within said bounds eleven and one eighth acres of land heretofore conveyed, by said James Forney & Abba R. Forney, to Samuel Birely which is thus excepted.

Witness our hands and seals. James Forney (Seal)

Witness: Jno S. Repp

Abba R. Forney (Seal)

Which is thus endorsed.

State of Maryland, Frederick County, to wit:-

I hereby certify that on this twentieth day of March in the year Eighteen hundred and sixty seven, before me the subscriber a Justice of the Peace of the State of Maryland, in and for Frederick County, personally appeared James Forney and Abba R. Forney his wife, and did each acknowledge the foregoing deed to be their respective act.

Jno S. Repp

State of Maryland, Frederick County, to wit:-

I hereby certify that the foregoing Copy of Deed from James F. Forney and Abby Rebecca Forney his wife, to David Birely is true as taken from Liber D.S.B. No. 1, at folio 368 & one of the land records of Frederick County, Md.



In witness whereof I hereunto subscribe my name and affix the seal this of the Circuit Court this 22nd day of December A.D. 1916, at Frederick Md.

Eli G. Haugh Clerk

Filed Dec. 23rd, 1916.

of the Circuit Court for Frederick County, Md.

EXHIBIT NO "5"

At the request of the Fred'k & Pa. R.R. Co. the following Deed was received May 11th, 1870. (Place of Stamps)

This Deed made this twenty fifth day of October in the year One thousand Eight hundred and sixty nine between David Birely of Frederick County, in the State of Maryland, of the one part and the Frederick and Pennsylvania line Rail Road Company a Corporation duly incorporated under the Act of the General Assembly of Maryland, of the Other part, Witnesseth that the said part of the first part hereto had and in consideration of the sum of one hundred & fifty dollars, Current and three shares of stock doth grant unto the said party of the second part hereto, all that piece or parcel of ground in Frederick County, in the State of Maryland, which is contained within the metes and bounds following, that is to say, Beginning for the same at a point on the center line of the Road bed of the Road, which the said Frederick & Pennsylvania line Rail Road Company, is authorized to build under and by virtue of the Act of the General Assembly of Maryland passed on the Nineteenth day of March in the year Eighteen hundred and sixty seven Chapter 298, and entitled an Act to Incorporate "the Pennsylvania line Rail Road, Company" as the said road is now located, through the land of the said David Birely and on the boundary line of the said David Birely and extending from said point, on the center line of the said Road Bed, as the same would be, as aforesaid thirty three feet in each direction at right angles, to the said center line and extending in addition thereto, one foot and a half horizontally for every one vertical foot of an embankment, and one foot horizontally for every vertical foot of any cut, through the said land--the said distance to be calculated from a slope drawn on each side, of said center line at a point thirty three feet from the center line and running from each of said line of sixty six wide, with the addition hereinbefore referred to by parallel or varying lines on level with the road bed, and sixty six feet apart, with the varying additions for slopes or excavations and embankments through the land of the said David Birely, it being the intention of this deed to grant, to the said Frederick and Pennsylvania line Railroad, Company, land to the width of thirty feet on each side of the Center line, of the said road bed, as the same would be when built, with the necessary additions aforesaid through the entire land of the said David Birely in Frederick County aforesaid, being three