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Before the
Surface Transportation Board
Finance Docket No. 34484

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Public Record



**JAMES RIFFIN d/b/a THE NORTHERN CENTRAL RAILROAD-
ACQUISITION AND OPERATION EXEMPTION - LINES OF RAILROAD IN
YORK COUNTY, PENNSYLVANIA AND BALTIMORE COUNTY, MARYLAND**

**RIFFIN'S ANSWER TO
PETITION OF THE STATE OF MARYLAND
TO REVOKE THE VERIFIED NOTICE OF EXEMPTION**

1. On April 2, 2004 a Mr. Spitulrik filed a "Petition of the State of Maryland to Revoke the Verified Notice of Exemption" ("Petition") which James Riffin d/b/a The Northern Central Railroad ("Riffin") filed on March 8, 2004. What follows is Riffin's Answer to that Petition to Revoke.

I. THE PETITION SHOULD BE DISMISSED

2. The State of Maryland ("Petitioner") may only be represented by its Attorney General, Mr. Joseph Curran, or by one of its Assistant Attorney Generals. The Petition was filed by a Mr. Charles A. Spitulrik, who did not represent himself as being a Maryland Assistant Attorney General. Mr. Spitulrik did not provide any documentation to indicate an authorized official of the State of Maryland hired him, nor does his Petition indicate what Maryland agency / entity he represents. Since Mr. Spitulrik did not provide documentation to indicate he actually has authority to represent the State of Maryland, it cannot be said that he actually has the authority to represent the State of Maryland in this matter.

3. The cover letter accompanying the Petition did not indicate the requisite filing fee was appended to the Petition, nor was a Request for Waiver of Fees submitted with the Petition. If the requisite filing fee was not paid, then the Petition should be dismissed.

4. WHEREFORE, for the above reasons, Riffin would move Mr. Spitulrik's Petition be Dismissed.

II. Expedited Handling is Requested.

Petitioner has requested its Petition be handled in an expedited manner. Given the uncertainty that this Petition places on Riffin's Verified Notice of Exemption ("NOE"), Riffin would also respectfully request the Board consider that Petition and Riffin's Answer to that Petition, in an expedited manner.

III. THE PETITION SHOULD BE DENIED.

5. If it is determined that Mr. Spitulrik actually has the authority to represent the State of Maryland in this matter, and if Mr. Spitulrik has paid the requisite filing fee, then the Petition should be denied for the following reasons:

A. Applicable Law

6. The Petition correctly stated that if a notice of exemption contains false or misleading information, it is void *ab initio* and may be revoked. The Petition also correctly stated the party seeking revocation has the burden of proving the notice of exemption contains false or misleading information.

B. Petitioner's Allegations

7. Petitioner has **not** alleged Mr. Riffin's NOE contains a false statement. Petitioner has alleged the NOE contains the following misleading information:

1. The NOE creates the impression that Riffin will purchase or otherwise acquire an interest in the Baltimore County, Maryland lines.
2. If Riffin's proposed interchange with the Genesee and Wyoming Railroad is contingent on or relies upon Riffin acquiring the Baltimore County, Maryland lines, then that proposed interchange relationship is misleading.
3. Riffin's proposal to commence acquisition of the Baltimore County lines within 90 days from the date the NOE was filed, is misleading.

8. Petitioner argues Riffin's proposal to acquire the Baltimore County lines is misleading because Riffin has failed to demonstrate that he can legally obtain title to the Baltimore County lines. In furtherance of this argument, Petitioner made the unsubstantiated statement that the State of Maryland owns these lines, and that the State of Maryland has no intention of providing Riffin with any legal interest in these lines.

C. Acquisition Procedure

9. While the Board's rules do not prohibit an applicant from having discussions with a prospective transferor regarding the prospective transfer of the transferor's rights in a rail line to an applicant, it is Riffin's understanding that an applicant must first seek, then obtain permission from the Board to acquire a railroad line, before an applicant may actually take title to the rail line. After the Board grants permission to acquire a railroad line, the applicant then may consummate the actual transfer of the line from the transferor to the applicant. If an applicant were to consummate the actual transfer of a line from the transferor to the applicant **prior** to receiving the Board's approval, then the applicant would be required to submit a **retroactive** NOE to the Board. If Riffin's understanding of the Board's rules is correct, then Petitioner's argument that Riffin's NOE should be revoked because Riffin, prior to filing his NOE, did not have a binding contract to effect transfer of the lines to Riffin, is baseless.

D. Genesee and Wyoming Railroad Interchange

10. Riffin proposes to interchange with the Genesee and Wyoming Railroad at or near MP 56, Grantley, which is near the city of York, Pennsylvania, some 30.8 miles from the most northern Baltimore County line Riffin proposes to acquire (MP 25.2, Blue Mount Quarry), and some 20.9 miles north of the Maryland / Pennsylvania border. Therefore, Riffin's proposed interchange with the Genesee and Wyoming Railroad is not contingent upon the acquisition of any of the Baltimore County, Maryland lines.

E. Unsubstantiated claims regarding ownership of the Baltimore County lines.

11. Petitioner made the unsubstantiated claim that the State of Maryland owns the Baltimore County lines which Riffin proposes to acquire. Since Petitioner has the burden of proving all of its allegations, and since a statement unsupported by any documentation in support of that allegation does not constitute "proof," Petitioner has failed to meet its burden of proof. Therefore, Petitioner's Petition must be denied.

F. Ownership of the Baltimore County lines.

F-1: Information to be provided to the Board.

12. Petitioner argued Riffin failed to submit to the Board any evidence as to who owns the Baltimore County lines. The Board's rules state a NOE must state who the transferor will be. This information was provided to the Board on March 11, 2004. The Board's rules do not state deeds, other documents, and legal opinions attesting to the transferor's legal interest in the right-of-way, must also be filed with the NOE. However, in light of Petitioner's concerns regarding this issue, Riffin offers the following regarding ownership of the Baltimore County lines. (This information was provided to Ron Franks, Secretary of the Maryland Department of Natural Resources, on May 28, 2003, and to Robert Smith, Director of the Maryland Transit Administration, on May 30, 2003. Therefore, Petitioner cannot argue the Petitioner was unaware of the information that follows, and that therefore Petitioner was somehow misled by the absence of this information from Riffin's NOE. In addition, after reading what follows, it will become abundantly clear that Petitioner's statement that Maryland owns the Baltimore County lines which are the subject of the NOE, is highly misleading.)

F-2: History of the Baltimore County rights-of-way

13. The Baltimore and Susquahanna Railroad company ("BSRR") got its charter on February 13, 1828. It acquired all of its Baltimore City line to Maryland Line right-of-way via condemnation proceedings. All of the condemnation proceedings were for the "use and occupancy for railroad purposes." None of the condemnation proceedings gave the BSRR fee simple title to the right-of-way. (Riffin has in his possession a certified copy of all of these condemnation deeds. Attached to this Answer, is a copy of the deeds from the following

individuals: Francis F.D. Taylor, T. Gist Cockey, William Jessop, George Jessop and Mr. Matthews. The BSRR did not bother to formally take Peter Cockey's land. It just started using it.)

14. In 1854 the BSRR merged with three Pennsylvania railroads, to form the Northern Central Railroad ("NCRR"). In 1911, the Pennsylvania Railroad leased all of the assets and lines of the NCRR for a period of 999 years. The Pennsylvania Railroad merged with the New York Central Railroad, to become the Penn Central Transportation Company. April 1, 1976, all of the assets of the Pennsylvania Railroad and The Northern Central Railroad were transferred, via bankruptcy court, to the Consolidated Rail Corporation ("Conrail").

15. On June 22, 1972, the waters from hurricane Agnes washed out the railroad bridge over Beaver Dam Run (in Cockeysville, Maryland) and much of the track from Beaver Dam Run to York, Pennsylvania. On September 11, 1972, the Penn Central filed a Notice of Abandonment with the Interstate Commerce Commission, to abandon that portion of its line from Beaver Dam Run to Hyde Station [a little south of York, Pennsylvania (MP 54.6)]. This abandonment was finalized by the ICC in 1976.

16. Sometime circa 1988, a decision was made to remove the railroad bridge (MP 14.84) (see footnote a) which carried the NCRR tracks over York Road in Cockeysville, Maryland. Circa 1990, this railroad bridge, and the tracks and ties from a point approximately 300 feet south of York Road (MP 14.7), to a point on the south side of Beaver Dam Run (MP 15.1), were removed. These acts constituted further abandonment of the line from the south side of York Road (MP 14.7) to Western Run (MP 15.4).

17. Circa April, 2003, employees of the Maryland Transit Administration permanently removed the rails near MP 14.5, making passage from that point north impossible, thereby further abandoning the line from MP 14.5 to MP 14.7.

Footnote a: All mileposts along the Cockeysville - Ashland portion of the right-of-way are referenced to an undergrade stone arch bridge, located at sta. 749 + 58, approximately 79 feet south of the south side of Warren Road, and to a 36-inch cast iron pipe 36 feet long, located at sta. 759 + 14, located approximately 956 feet north of the undergrade stone arch bridge. The stone arch bridge is identified as bridge number 13, located at MP 14.16, sta. no. 749 + 58, as shown on valuation map V1-15, station 739 + 41 to 792 + 21, dated June 30, 1916.

18. The line from a point south of MP 14.5, to MP 14.7, has not been used for rail purposes since 1990.

19. The Maryland Mass Transit Administration ("MTA") uses the former Northern Central right-of-way from MP 14.18 (north side of Warren Road, Cockeysville, Maryland) south to Baltimore City, for its commuter light-rail operation. The Norfolk Southern railroad ("NS") has freight operating rights over this same portion of the right-of-way. The MTA plans to double-track this portion of the right-of-way, beginning in October, 2004. The MTA and NS have a common goal: to eliminate freight service over this portion of the right-of-way. Substantial financial incentives have been offered to the three shippers who currently use this right-of-way, in order to persuade them to permanently utilize alternate modes of transportation (trucks). In addition to the financial incentives being offered, the MTA has made it known that it plans to completely shut-down this rail corridor for a period of at least six months, while the double-tracking work is being done. During this period of time, no rail shipments would be permitted. The un-stated assumption is that during this period of time, the shippers will be forced to seek alternate modes of transportation, and that once the double-tracking work has been completed, they will no longer have a need for rail service. (They will have become acclimated to utilizing truck services.) The MTA plans to eliminate all siding-switches to these shippers. Once this double-tracking project has been completed, the former Northern Central rail corridor from MP 14.18 (Warren Road) northward, will no longer be utilized for rail service.

20. The Norfolk Southern corporation desires to abandon its use of the former Northern Central rail corridor, beginning circa October, 2004. This rail corridor is considered to be industrial track. As such, under the auspices of 49 U.S.C. 10906, this abandonment may be (quietly) done without the approval of the Board.

F-3: Maryland law regarding railroad easements.

21. In *Miceli v. Foley*, 83 Md. App. 541 at 570 (1990) the court stated:

"Absent an express intention to convey a fee, a grant of a right of way to a railroad is generally considered to be an easement."

22. "The cesser of the use, coupled with any act clearly indicative of an intention to abandon the right, would have the same effect as an express release of the easement, without any reference whatever to time." *Vogler v. Geiss*, 54 Md. 410. Quoted in *Canton Co. Vs. Baltimore & O. R. Co.*, 99 Md. 202 at 218 (1904).

23. The right and title of the condemnor to the property so acquired are dependent on the use of the property for the public purposes for which it was condemned, and when such public use is abandoned, the right to hold the easement ceases and the property reverts to its original owner, giving the owner of the fee the right to recover the property or to re-enter and to use it just as though it had never been condemned. *Canton Co. V. Baltimore & O. R. Co.*, *supra*; *Maryland & P.R. co. V. Mercantile-Safe Deposit & Trust Co.*, 224 Md. 34 (1960).

24. In *Maryland & P.R. co. V. Mercantile-Safe Deposit & Trust Co.*, *supra*, at 39 (1960), the court stated:

"The next question is whether the removal of the rails and ties from the easement constituted an abandonment of it. We think it did."

25. The grantee in a quit-claim deed acquires no rights to a right-of-way which was previously abandoned by a railroad. *Miceli v. Foley*, *supra* at 572.

F-4: Maryland's claim to the right-of-way.

26. On October 29, 1980, the Penn Central and NCRB granted to the State of Maryland to the Use of the Department of Natural Resources, **via a quit claim deed**, all right, title and interest they had to the former NCRB right-of-way, from the south side of Western Run to the Maryland / Pennsylvania Line. Unfortunately for the State of Maryland, under Maryland law, title to this portion of the right-of-way had reverted back to its original owners in September of 1972, when the railroad filed its petition to abandon this portion of its right-of-way. And per *Miceli v. Foley* (see ¶ 25 *supra*), the grantee in a quit-claim deed acquires no rights to a right-of-way which was previously abandoned by a railroad.

27. On May 1, 1990, the Consolidated Rail Corporation granted to the Maryland Mass

Transit Administration, **via a quit claim deed**, all right, title and interest they had to the former NCRR right-of-way, from the south side of Western Run to the Baltimore City line.

Unfortunately for the Mass Transit Administration, under Maryland law, title to the portion of the right-of-way between MP 14.7 (York Road) and MP 15.4 (Western Run) had reverted back to its original owners in 1988, when the decision was made to abandon this portion of the right-of-way, and to remove the railroad bridge over York Road. And per *Miceli v. Foley* (see ¶ 25 *supra*), the grantee in a quit-claim deed acquires no rights to a right-of-way which was previously abandoned by a railroad.

28. Circa April, 2003, the Maryland Mass Transit Administration abandoned (when it removed the rails from the right-of-way. See *Maryland & P.R. co. V. Mercantile-Safe Deposit & Trust Co.*, ¶ 24 *supra*.) an additional portion of the right-of-way (from MP 14.5 to MP 14.7), thereby causing title to this portion of the right-of-way to revert back to the original owners.

29. Circa October, 2004, the Norfolk Southern corporation plans to abandon its use of the former Northern Central right-of-way, from the Baltimore City line to MP 14.5. Norfolk Southern is the only railroad utilizing the former Northern Central right-of-way from MP 14.18 to MP 14.5. When this abandonment occurs, title to the portion of the right-of-way which lies between MP 14.18 and 14.5 will automatically revert back to the original owners of this right-of-way (Francis F.D. Taylor, Peter F. Cockey, T. Gist Cockey). See ¶¶ 22 and 23 *supra*.

G. Riffin's right to acquire the right-of-way.

30. Relevant portions of the Maryland Public Utility Companies Article follow:

“§9-301. “Maryland railroad company” defined.

In this subtitle, “Maryland railroad company” means a railroad company organized under the laws of this State.”

“§ 1-101. Definitions.

(d) *Company*. – “Company”, as a designation for a type of enterprise, includes a person that owns a company individually or as an agent, trustee, or receiver of a

company.

(l) *Own*. -- “Own” includes own, operate, lease to or from, manage, or control.”

(m) *Person*. “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.”

“§5-405. Railroad companies – In general.

“(a) *Agreement with owner*. -- A railroad company or its authorized agent may agree with the owner to purchase, use, occupy, or divert the owner’s land, earth, gravel, stone, timber, streams, materials, or improvements that the company wants for the proper construction or repair of the railroad company’s roads or works.

(b) *Power to condemn*. -- The company may acquire the property by condemnation under Title 12 of the Real Property Article if:

(1) the company cannot agree with the owner of the property.”

“§5-407. Same - Public way.

(a) *Agreement with owner*. -- A railroad company and the municipal corporation, public officer, or public authority that owns or has control of any road, street, alley, or other public way or ground necessary to locate any part of the railroad may agree on the manner, terms, and conditions allowing the railroad company to use or occupy the road, street, alley, or other public way or ground.

(b) *Action for condemnation*. If the parties are unable to agree and the railroad company needs to use or occupy the road, street, alley, or other public way or ground, the railroad company may acquire the property by condemnation in accordance with Title 12 of the Real property Article.”

“§9-307. Abandonment by unfinished railroad.

If the right-of-way or location of any part of an unfinished railroad remains unused for railroad purposes for 10 years or longer, the right-of-way or location is deemed abandoned and may be purchased or condemned by a railroad company under Title 5, Subtitle 4 of this article and Title 12 of the Real Property Article.”

This statute is derived from the Act of 1890, ch. 220, which was entitled an Act “providing for the use of any other railroad company of the abandoned or unused rights of way or location of railroad companies.”

31. **“Maryland Rule 2-122. Process – Service–In rem or quasi in rem.**

(a) *Service by posting or publication.* In an in rem or quasi in rem action when the plaintiff has shown by affidavit that the whereabouts of the defendant are unknown and that reasonable efforts have been made in good faith to locate the defendant, the court may order service by the mailing of a notice to the defendant’s last known address and:

(1) by the posting of the notice by the sheriff at the courthouse door or on a bulletin board within its immediate vicinity, or

(2) by publishing the notice at least once a week in each of three successive weeks in one or more newspapers of general circulation published in the county in which the action is pending, or

(3) in an action in which the rights relating to land including leasehold interests are involved, by the posting of the notice by the sheriff in a conspicuous place on the land.

Additionally, the court may order any other means of notice that it deems appropriate in the circumstances.”

32. The above Maryland statutes make it abundantly clear that if a Maryland railroad company desires to use a parcel or public ground for its right-of-way, that Maryland railroad company may, if necessary, acquire the parcel via condemnation. Also, if a railroad fails to use its right-of-way for a period of 10 years, another Maryland railroad company may take, via condemnation, that unused right-of-way.

33. Riffin is a Maryland railroad company. This Maryland railroad company was organized under the laws of Maryland on February 1, 2003. Since Riffin is a Maryland railroad

company, Maryland's laws specifically give Riffin the right to acquire land that he "determines is convenient or necessary for the site of the railroad . . . by . . . condemnation." Therefore, Petitioner's argument that Riffin cannot obtain the Baltimore County rights-of-way mentioned in his NOE, is baseless. Likewise, even if Maryland were to be found to have some property interest in a portion of the Baltimore County rights-of-way, and even if Maryland would not willingly grant Riffin any interest in those rights-of-way, this would still not bar Riffin from acquiring those rights-of-way, for §5-407 of the Maryland Public Utility Companies Article specifically states a Maryland railroad company may take ". . . public way or ground."

34. Condemnation of land is an *in rem* proceeding. Maryland Rule 2-122 specifically states that when a defendant cannot be located (such as the heirs of Francis F.D. Taylor, Peter Cockey, T. Gist Cockey, George Jessop and William Jessop), service on those heirs may be made by posting the property being taken, by publication in a local newspaper, or by posting a notice at the courthouse. Once the Board grants Riffin permission to acquire the Baltimore County rights-of-way, Riffin proposes to file in the Circuit Court for Baltimore County, an inquisition wherein he proposes to take, via condemnation, all of the rights those heirs of the original owners may possess. Service on those heirs, may be made via posting on the property, publication in a local newspaper, or posting at the courthouse. Consequently, Petitioner's argument that Riffin cannot acquire the property interests of those heirs, is also baseless.

CONCLUSION

Petitioner has argued Riffin's NOE gives the impression that Riffin will purchase or otherwise acquire an interest in the Baltimore County, Maryland lines. Petitioner then argues Maryland owns those lines, and that Maryland will refuse to grant Riffin any interest in those lines. Riffin has established that under Maryland law, Maryland does not have title to those lines (the heirs of the original owners have title to those lines). Riffin has also documented that even if Maryland did have title to those lines, and even if Maryland or the heirs of the original owners would not willingly grant Riffin any interest in those lines, that would not prevent Riffin from acquiring those lines, for Maryland's laws explicitly grant Riffin the right to acquire those lines via condemnation from whomever owns them, even if those lines are publicly owned parcels. Therefore, based on the information Riffin currently possesses, it would appear the likelihood

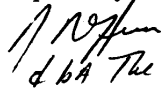
Riffin will acquire those Baltimore County lines, is much greater than a mere impression. If the Board grants Riffin permission to acquire these lines, then the likelihood Riffin will in fact acquire these lines may be approaching certainty. And as such, the statements made by Riffin would more appropriately be labeled "understatements," rather than "misleading."

Riffin's proposed interchange with the Genesee and Wyoming railroad in York, Pennsylvania, is not contingent on Riffin acquiring any Baltimore County lines, and therefore is not misleading.

Given the amount of preparation Riffin has already put into this endeavor, it would not be a misleading statement for Riffin to state that he proposes to commence his inquisition proceedings for the Baltimore County lines within 90 days after he filed his NOE.

THEREFORE, for the reasons enumerated above, Riffin would request the Board DENY Petitioner's "Petition of the State of Maryland to Revoke the Verified Notice of Exemption" filed by Riffin on March 8, 2004, and for such other and further relief as may be appropriate.

Respectfully submitted,


d/b/a The Northern Central Railroad

James Riffin d/b/a The Northern Central Railroad

CERTIFICATE OF SERVICE

I hereby certify, that on this 6th day of April, 2004, a copy of the foregoing "Riffin's Answer to Petition of the State of Maryland to Revoke the Verified Notice of Exemption," was mailed, postage prepaid, to Charles A. Spitulnik, of McLeod, Watkinson & Miller, Suite 800, One Massachusetts Avenue, NW, Washington, DC 20001, counsel for the State of Maryland.


James Riffin

The Story of the
**NORTHERN
CENTRAL
RAILWAY**

From Baltimore to Lake Ontario

By Robert L. Gunnarsson

EXHIBIT
ONE

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Sykesville, Maryland 21784**



many areas they had overlapping lines and services. Merger eliminated the need for many of these lines. In the northern portion of the old NC territory, for example, a New York Central line also extended from Williamsport north to Watkins Glen and other upstate New York points; it roughly covered the same area as the Northern Central's Canandaigua route, but followed easier grades. Although Penn Central was slow to abandon redundant lines outright, it began to reroute traffic. Since upstate New York was heavily "New York Central territory," with extensive main line trackage and services, much of the PRR/NC business was fed through former New York Central lines in the area.

Then on June 21, 1970 Penn Central collapsed into what turned out to be a hopeless bankruptcy. With no funds to sustain marginal operations, it simply let them disintegrate in place, discouraging what business remained. The Baltimore-York section of the Northern Central became a prime example. By 1971 freight traffic on the line had dropped significantly. Penn Central operated a freight train from Baltimore to Parkton only on Wednesdays. Another switcher worked south from York into New Freedom on Tuesdays, Fridays, and occasionally on Saturday. That year only 498 carloads were handled along the south end and over half of those, 263 cars, came from or went to the Stewartstown Railroad at New Freedom. Only one passenger train was left on the line at that time, but it was taken off May 1, 1971. Managers quietly planned to "embargo and abandon" the Cockeysville-New Freedom section. The line was clearly dying.

Agnes The next blow came from nature. On June 23, 1972 Tropical Storm Agnes inundated Maryland and Pennsylvania with one of the century's worst rainstorms. Severe flooding destroyed several major bridges and large sections of track and roadbed. In both states the damage was significant.

The trackbed and many bridges along Gunpowder Falls in Baltimore County were severely damaged. In York County major bridges spanning the Codorus Creek at Reynolds Mill (the "twin arch") and Hanover Junction were totally destroyed. Smaller structures all along the line between Cockeysville and York were severely damaged by the flood. The west end of the York-Frederick branch also was severed by the destruction of the Monocacy River bridge outside Frederick.

Along the Williamsport-Elmira section similar damage occurred. A major bridge crossing Lycoming Creek at Hepburnville, 12 miles north of Williamsport, was destroyed. In addition, the storm caused extensive damage to major sections of the trackbed and destroyed numerous small bridges.

The cost estimates to repair the damage climbed into the millions of dollars, money that Penn Central could not and would not appropriate.

The widespread destruction made any abandonment legalities academic. Service simply was not resumed between York and Cockeysville, Maryland (outside Baltimore), nor on the section between Williamsport and Elmira.

Soon after the disaster the merchants and businessmen who had a vested interest in the line began pressuring political leaders, government agencies, and railroad executives, demanding rebuilding. They argued that without rail service, the remaining industries would either be forced to depend entirely on higher-cost motor carriers or perish. In Maryland the Campbell quarry at Texas, the Baker Quarry at Blue Mount, and the Federal Paper Company at White Hall all joined the struggle to get the line open. Both the Summers Canning Factory and the Weyerhaeuser Lumber Company at New Freedom switched to truck, but lobbied legislators to get the rail line restored. A determined effort by the owners of the now-isolated Stewartstown Railroad was met with continued resistance from Penn Central executives. The little "farmers railroad," dependent on the Northern Central connection at New Freedom, also had to suspend service. Penn Central, however, adamantly refused to repair anything but the Baltimore to Cockeysville segment, which had suffered only minor damage and served the only significantly large customers. The Maryland Public Service Commission ordered Penn Central to restore the line into York, but the railroad appealed the order.

On the northern section of the old NC, the owners of both the Troy Machine Works and the Canton Wood Mill pressed for the rebuilding of the line north of Williamsport.

Although the fate of the Maryland section of the Cockeysville-York line seemed sealed, the portion in Pennsylvania turned into a long-running political struggle which, ultimately, was successful. On September 25, 1972 the United States District Court at Lewisburg, Pennsylvania heard Penn Central's appeal of the Public Utilities Commission order. Judge Malcolm Muir refused to halt Penn Central's abandonment plans. The ruling, in effect, gave the railroad the right to ask the Interstate Commerce Commission (ICC) to allow for total abandonment. Penn Central immediately filed for ICC approval.

The first ICC abandonment hearing was held March 19-22, 1973, presided over by Administrative Law Judge Robert M. Glennon. To the chagrin of the railroad and the delight of its customers, he recommended against abandoning the line. Baltimore County officials had been conspicuously absent from the hearing. As a result, the owners of the Stewartstown Railroad implied that Penn Central restored the Baltimore-Cockeysville segment in exchange

for an agreement that Baltimore County would not oppose abandonment of the balance of the line. Frederick L. Dewberry, the chairman of the Baltimore County Industrial Development Commission, determined that the line was neither essential for the economic development of Baltimore County nor was it needed as a mass transit route. Pennsylvania, on the other hand, wanted the line opened for both industrial development and for possible commuter service.

Without support from Maryland, the Pennsylvania Department of Transportation acted on its own, and on June 27, 1973 quietly purchased the York to New Freedom section of the line for \$85,000. It had been a courageous act. The line was destroyed at several locations, spiraling inflation was dramatically increasing the repair costs, and any industrial or passenger use remained questionable. However, the Stewartstown Railroad, which was not damaged by the storm, along with several industries in New Freedom, needed rail service.

After the second ICC hearing on July 16, 1973 the examiners still refused to allow the Penn Central to abandon the line from Cockeysville to the Maryland line. But the question now had become even more academic.

By that year, the next traumatic event had occurred — virtually every major northeastern railroad had followed Penn Central into bankruptcy. The victims included the Reading, the Erie Lackawanna (a previous merger of the Erie and the Delaware, Lackawanna & Western), the Lehigh Valley, and the Jersey Central. The Penn Central disaster already had begun a significant shift in political thinking on public railroad policy; the demise of the other railroads intensified the crisis. Belatedly, it was finally realized that radical surgery and government support both were needed to preserve some semblance of a strong eastern rail system.

A complex set of federal laws emerged which had the effect of simultaneously consolidating all the bankrupt railroads into one entity — most familiarly known as Conrail — and also permitting the abandonment or subsidy of low-density lines. Extensive studies were made to determine which lines would be absorbed by the future Conrail and which would be excluded. Any lines excluded could be automatically abandoned outright or, if state or local governments wished, could be subsidized and operated independently. Of the Northern Central lines, Conrail would assume operation only of the short Baltimore-Cockeysville branch, the still-viable main line trackage from York to Harrisburg and Harrisburg to Williamsport, and the section in New York State between Elmira and Sodus Point. Conrail had no responsibility for the Cockeysville-York and Williamsport-Elmira portions.

During the pre-Conrail planning process efforts had been made to preserve the Cockeysville-York line in its

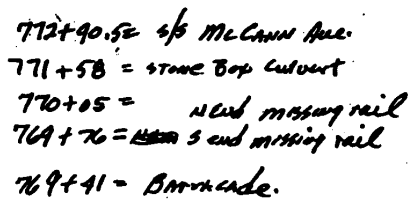
entirety. But at a June 3, 1975 meeting the United States Railway Administration (USRA) admitted to all parties that the prospects for renewal looked grave. The federal rail planning agency implied that because the Pennsylvania Department of Transportation owned the section between New Freedom and York, and the line north of Cockeysville had no viable source of revenue, it could no longer support keeping the Maryland portion. Then, later in June 1975, the Pennsylvania Department of Transportation sent a final letter to the USRA urging reestablishment of the line from Cockeysville to York. It argued that a through route was vital to economic growth of southern York County. It was the final effort to save the line as a through route to Baltimore.

However, the people and businesses along the line continued to fight for the reestablishment of rail service. Old-fashioned boosterism was used to gain political support. In the summer of 1975 Maryland Congressman Clarence Long supported the project and attempted to get the rail line rebuilt. It, too, was a futile effort. The ICC approved abandonment of the line between Cockeysville and the Pennsylvania state line in 1975, and the rail was removed late in 1975 and early 1976.

Conrail officially came into being April 1, 1976, absorbing Penn Central and the other bankrupt lines. As planned, it purchased the Northern Central's lines between Baltimore and Cockeysville, York and Williamsport, and Elmira and Sodus Point. At the same time, the Maryland & Pennsylvania Railroad (which by then had abandoned most of its own lines) took over operation of the York-Frederick branch and the Northern Central main line through the center of York. The York-Frederick line later was partly dismembered; the M & P retained the York-Hanover section, the line between Hanover and Taneytown, Maryland was abandoned, and the newly formed Maryland Midland Railway assumed operation of the west end between Taneytown and Walkersville, Maryland. As of 1991 the entry to Frederick has not been restored.

As an odd by-product of Conrail's creation, the medium-sized Delaware & Hudson Railway was doubled in size in order to provide railroad competition in some territories where Conrail otherwise would have a monopoly. As part of this expansion the D & H extended its operations southeast from Wilkes-Barre, Pennsylvania to Potomac Yard, outside Washington, D. C. To accomplish this it bought the former PRR line between Wilkes-Barre and Sunbury, once a major Northern Central connection, and used trackage rights over the old Northern Central main line between Sunbury and Harrisburg/Enola. This operation also started April 1, 1976. The D & H's 1988 bankruptcy caused a major rerouting and the Enola service subsequently became erratic, but it may revive with the D & H now owned by the Canadian Pacific Railway.

2



V1-15

YORK ROAD

114.30 E 89° (120°)

EXHIBIT

3

PETER LOCKEY
E

FRANKS F.D.
TAYLOR

1975.7' @ 600' W York Rd 3
44' W NEAR R/W

(LAWYER'S SIGNATURE)

PETER F. COCKEY TRACER
AUG 21, 1832 CHANCEROR DECREE
FROM JOSHUA F. COCKEY, DECEASED
MARCH 8, 1837: DECEASED TO JOSHUA F. COCKEY
BY WILL.

ENT. T. COCKEY

W 100' 00" 00" (100.00')

100.00' 00" 00"

FRANKS F.D. TAYLOR

(LAWYER'S SIGNATURE)

W 100' 00" 00" (100.00')

SCALE: 1"=200'

← N

Edward M. W. (2nd)

signed sealed and delivered in the presence of John B. Pottinger William Macfield.
State of Maryland City of Baltimore do hereby certify that
on this twentieth day of November Eighteen hundred and thirty five before the within
said Justice of the peace in and for the City of Baltimore aforesaid personally appeared
David Reeves party to the foregoing indenture or instrument of writing and acknowledged
the same to be his act and deed. And it is also hereby certified that on the day and year aforesaid
said personally appeared Prudence Reeves the wife of the said David Reeves who in our
presence but out of the presence and hearing of her said husband signed and sealed the
foregoing indenture or instrument of writing and acknowledged the same to be her act and
deed. And the said Prudence having by us privately examined out of the presence of hearing
of her said husband declared and said that she saw her act and acknowledged the same
freely and voluntarily and without being induced to do so by fear or threats of violence
by her husband or fear of his displeasure and we do hereby further certify that of our
own knowledge we are satisfied that David Reeves and Prudence his wife have been
advised and acknowledged the foregoing indenture or instrument of writing are the persons named
and described as and professing to be parties therein. In testimony whereof we have
hereunto subscribed our names on the day and year aforesaid.

Exhibit

A

GIST T.
COCKEY

Remains to be recorded the 10th day of November 1835. John B. Pottinger William Macfield
to be recorded the 10th day of November 1835. John B. Pottinger William Macfield

Be it remembered that heretofore to wit on the twentieth day
of full day in the year of our Lord one thousand eight hundred
and thirty five Henry Sanderson Esquire Sheriff of Baltimore
County in pursuance of the act of Assembly in such (see made)
and provided returned to the Clerk of Baltimore County Court
Road Company. The following warrant, requisition and return to wit.
Maryland Baltimore County to wit. To Henry Sanderson Esq. Sheriff of said County
Whereas application has been made to me a Justice of the peace of said State in and for said
County by the President and Directors of the Baltimore and Annapolis Rail Road Com-
pany stating that the said Company cannot agree with Gist T. Cockey a minor under
the age of twenty one years for the purchase or use and occupation of a certain tract or
parcel of land lying in said County belonging to the said Gist T. Cockey and contained
within the following metes and bounds courses and distances to wit Beginning for the
same at a point in the division line between the said Gist T. Cockey and a certain
John B. Cockey at a near a stake driven in the ground marked 776 and running thence
to stake 775 776 777 778 779 780 781 and thence in a direct line towards a stake driven
in the ground in the lot of a certain William Davis marked 782 to the boundary line
of the said Gist T. Cockey and the said stake standing in the line of the Center of
the said Road laid out through the said lands half six feet in width and seven
feet and fifty seven feet in length and which said tract is wanted by the said
Company for the construction of a rail road from the City of Baltimore towards the head
of the said range and in conformity to the provisions of an act of Assembly passed

at December session Eighteen Hundred and twenty four before the
Baltimore Superior Court (Race Road) Company and others vs. the
jurisdiction of the said act and application a formal process by summons and return of process
a jury of twenty inhabitants of said County and related to said parties and the damages
to meet at 10 o'clock at the Court House in Baltimore on the fifth day of July 1836 at which
thereof at 11 o'clock the Court failed to meet and this shall be your return and the damages
Witness my hand and seal this 23rd day of June 1836. Matthew S. ...
I hereby certify and return that by authority and in pursuance of the said act of the General Assembly
I have directed the following persons to be sworn as a jury to try the damages
J. P. Jones, Andrew G. ... William Young, John ...
Hall Jacob, Harrison John, ...
Blythe, William, ...
of twenty inhabitants of said County and related to the parties named in the writ of process
in any way authorized to meet at Baltimore on the fifth day of July 1836 at which
at 11 o'clock at which time and place did appear the Jurors aforesaid excepting the Jurors
Jurors aforesaid who excepted John M. Campbell, attorney for the Race Road Company, did
off four of the Jurors names and ordered the Jurors to be sworn and the Jurors
levelled Jurors remaining to act as a Jury of nineteen of damages to be paid to the
James M. ...
William ...
before the said Jurors promised to act as a Jury of nineteen of damages to be paid to the
oath or affirmation (as they respectively swore or affirmed) that they were true and
sincerely and truly declare and affirm) that they were true and sincerely and truly
get which list of damages to be paid to the Race Road Company by the said
red by the Baltimore and Chesapeake Bay Bridge and Road Company and the
from the City of Baltimore to the Chesapeake Bay Bridge and Road Company and the
said Jury the list of damages to be paid to the Race Road Company and the
estimate of damages the benefits resulting to the Race Road Company and the
such Race Road, over said property and the damages to be paid to the
the said Jury damages the damages to be paid to the Race Road Company and the
in manner and form as by the arguments of the damages to be paid to the
made part of the return of the damages to be paid to the Race Road Company and the
to the said Jury damages the damages to be paid to the Race Road Company and the
entitled to the damages to be paid to the Race Road Company and the

Witness my hand and seal this 23rd day of June 1836.
Matthew S. ...
John ...
Baltimore ...
Witness my hand and seal this 23rd day of June 1836.
Matthew S. ...

to value the damages which said Leakey will sustain by the use and occupation of that piece of land or tract of land owned by the said Leakey situated in said County being part of a tract called or known as "Union" and contained within the following metes and bounds comes and distances to wit: Beginning for the same at a point South 58 degrees East distant 50 feet from a marked stone and running thence North 29 1/2 degrees East 848 feet 7 inches to the division line between the lands of the said Leakey and William Joseph the said comes being in the center of a space laid out for a Rail Road to be of the width of thirty six feet that is to say thirty three feet on each side of said comes, which said piece of land or tract so wanted by the Baltimore and Annapolis Rail Road Company for the construction of a Rail Road from the City of Baltimore to some suitable point or points on the Annapolis River upon their oath to say that they value the damages which the said Leakey will sustain by the use and occupation aforesaid at the sum of one hundred and forty dollars in testimony whereof we the subscribers being the Jurors aforesaid have hereunto set our hands and seals on the day and year first above written.

John H. Smith	Jas. Harrison
Selett. Kautshis	William Parks
Wm F. Price	Edw. Hall
Andrew Hall	J. Hermann Jnr
William Young	John Kautshis
John Jones	Paul Buchanan

I do hereby certify and return to the Clerk of Baltimore County the within Jurisdiction taken before me on the oath of the Jurors within named as herein set forth and reduced to writing and signed and sealed by the said Jurors in my presence, specially to the direction of the act of Assembly entitled "An act to incorporate the Baltimore and Annapolis Rail Road Company."

Henry S. Davidson
 Sheriff of Baltimore County

And afterwards at the November Term of said Court held on the twenty eighth day of November the above said one thousand eight hundred and thirty six in and for the County of Baltimore the Baltimore and Annapolis Rail Road Company by James H. Thompson its attorney and the said Leakey by John Smith its attorney and thereupon on motion of the Baltimore and Annapolis Rail Road Company its attorney allowed with the consent of the said Leakey by this Court the following order of Confirmation to wit:

That the Baltimore and Annapolis Rail Road Company be and lawfully may take and occupy the said piece of land or tract of land owned by the said Leakey situated in said County being part of a tract called or known as "Union" and contained within the following metes and bounds comes and distances to wit: Beginning for the same at a point South 58 degrees East distant 50 feet from a marked stone and running thence North 29 1/2 degrees East 848 feet 7 inches to the division line between the lands of the said Leakey and William Joseph the said comes being in the center of a space laid out for a Rail Road to be of the width of thirty six feet that is to say thirty three feet on each side of said comes, which said piece of land or tract so wanted by the Baltimore and Annapolis Rail Road Company for the construction of a Rail Road from the City of Baltimore to some suitable point or points on the Annapolis River upon their oath to say that they value the damages which the said Leakey will sustain by the use and occupation aforesaid at the sum of one hundred and forty dollars in testimony whereof we the subscribers being the Jurors aforesaid have hereunto set our hands and seals on the day and year first above written.

measured west 79 feet to the division line between the land of the said John Anderson and of his & devisees of Shadrach Green the said course being in the center of a space laid out for a road to be of the width of sixty feet that is to say thirty three feet on each side of said course which said piece or parcel or tract is wanted by the Baltimore and Annapolis Rail Road Company for the construction of a rail road from the City of Baltimore to some suitable point or points on the Annapolis River upon their oaths do say that they value the damages which the said will sustain by the use and occupation aforesaid at the sum of Two hundred and eighty five dollars (\$285). In testimony whereof the subscribers being the jurors aforesaid have hereunto set our hands and seals on the day and year first above written.

Exhibit
5
WILLIAM
JESSOP

Wm F Jones	(Seal)	John Lytle	(Seal)
Joshua Ketchum	(Seal)	John Hall	(Seal)
Samuel Ketchum	(Seal)	Sam'l G. Hyde	(Seal)
Ed Buchanan	(Seal)	William Young	(Seal)
Wm Parkinson	(Seal)	John Jones	(Seal)
Joseph Parling	(Seal)	Harry M Chambers	(Seal)

I do hereby certify and return to the Clerk of Baltimore County the within inquisition taken before me on the oaths of the jurors within named as herein set forth & returned to writing and signed and sealed by the said jurors in my presence agreeably to the direction of the act of Assembly entitled 'An act to incorporate the Baltimore and Annapolis Rail Road Company.'

Henry J. Anderson.

Sheriff of Baltimore County.

And afterwards at the November Term of said Court to wit on the Twenty Eighth day of November in the year of our Lord one thousand eight hundred and thirty six came into the County Court here the Baltimore and Annapolis Rail Road Company by James M Campbell, its attorney, and the said John Anderson by John Northrup, his attorney And thereupon on motion of the Baltimore and Annapolis Rail Road Company by its attorney with the consent of the said John Anderson by his said attorney, the Court passed the following order of Confirmation to wit.

November Term 1836 Ordered this 28th day of November 1836 By Baltimore County Court that the foregoing inquisition be confirmed no cause to the contrary having been shown.

John Perrenance

John H. Hill, Clerk.

Be it remembered that herefore to wit on the Twentieth day of May in the year of our Lord one thousand eight hundred and thirty six Henry J. Anderson Sheriff of Baltimore County in pursuance of the act of Assembly in such case made and provided returned to the Clerk of Baltimore County Court the following warrant inquisition and return to wit (Henry J. Anderson Sheriff of Baltimore County) to wit Henry J. Anderson Sheriff of Baltimore County.

pieces of said State in and for said County by the President and directors of the Baltimore and Annapolis Rail Road Company stating that the said Company cannot agree with William Jessop for the purchase or use and occupation of a certain tract or parcel of land lying in said County belonging to the said William Jessop and contained within the following (metes and bounds) courses and distances to wit. Beginning for the first tract at a point on a division line between said William Jessop and a certain lot of Thomas Cockay at or near a stake driven in the ground marked 782 and running thence to stakes marked 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797 and thence in a direct line towards a stake driven in the ground on the ground in the land of a certain George Jessop marked 798 to the boundary line of the said William Jessop's lands. The said stakes standing in the line of the Centre of a rail road laid out through the said land, sixty feet in width and fifteen hundred & forty feet in length. And Beginning for the second tract at a point on a division line between said William & George Jessop at or near a stake driven in the ground marked 813 and running thence to stakes marked 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837 and thence in a direct line towards a stake driven in the ground on the land of a certain William Jessop marked 838 to the boundary line of the said William Jessop's land. The said stakes standing in the line of the Centre of a rail road laid out through the said land, sixty feet in width and two thousand four hundred & sixty five feet in length, and which said tract is wanted by the said Company for the construction of a rail road from the City of Baltimore towards the Annapolis river under and in conformity to the provisions of an act of the Assembly passed at Annapolis session eighteen hundred and twenty seven entitled "An act to incorporate the Baltimore and Annapolis Rail Road Company." Now therefore I the said Justice under and by virtue of the said act and application aforesaid do hereby authorize and Command You to summon a Jury of twenty inhabitants of said County not related to said parties nor in any way interested to meet at Caleb Hunt's Tavern York Township on the fifth day of May next ensuing the date hereof at 11 o'clock A.M. having failed to do this shall be your warrant and authority therefor. Witness my hand and seal this 22^d day of April 1836.

Matthew Murray. *(Seal)*

I do hereby certify and return that by authority and in pursuance of the commands of the within warrant I have directed I summoned Joshua Hatching William F. Pearce Robert Hatching John Lyble Edward Hall William Rank Andrew Hall Samuel Ly. Heydall William Young Thomas Pearce & Henry W. Chambers Larkin H. Smith Joseph H. Rank William Pinkney William Ly. Howard Daniel Reesley Charles Blythe William Malone Benjamin C. Hoff and William Phillips being a jury of twenty inhabitants of said County not related to the within named parties or either of them nor in any way interested to meet at Caleb Hunt's Tavern York Township on the fifth day of May 1836 at 11 o'clock A.M. at which time appeared the Jurors aforesaid named Henry all the Jurors aforesaid and Joshua Hatching & William F. Pearce attorneys for the Rail Road Company & Larkin H. Smith & Joseph H. Rank attorneys for the Jurors names and William F. Hall & George H. Rank attorneys for William F. Hall & George H. Rank & four other of the Jurors names and the twelve Jurors remaining to be sworn to the inquest of damages to wit Joshua Hatching William F. Pearce Robert Hatching John Lyble Edward Hall William Rank Andrew Hall Samuel Ly. Heydall William Young Thomas Pearce & Henry W. Chambers Larkin H. Smith Joseph H. Rank William Pinkney William Ly. Howard Daniel Reesley Charles Blythe William Malone Benjamin C. Hoff and William Phillips.

being the jurors afore said have hitherto set our hands and seals on the day and year first above written

Joshua Hutchins		William Young	
Wm H. Hove		Samuel Hodge	
Samuel Hutchins		Henry W. Chambers	
John Lyall		Larkin H. Smith	
Edw. Hall			
William Ruoff		Thomas Pearce	

I do hereby certify and return to the Clerk of Baltimore County the within suggestion taken before me on the oath of the jurors within named as herein set forth and returned to writing & signed and sealed by the said jurors in my presence agreeably to the directions of the act of assembly entitled "an act to incorporate the Baltimore and Annapolis rail road Company"

Henry J. Sanderson.
 Sheriff of Baltimore County

And afterwards at the November Term of said Court to wit on the twenty eighth day of November in the year of our Lord one thousand eight hundred and thirty five came into the County Court here the Baltimore and Annapolis Rail Road Company by James M. Campbell Esquire its attorney and the said William Jessup by John Scott Esquire his attorney and thereupon on motion on the Baltimore and Annapolis Rail Road Company by its attorney aforesaid with the consent of the said William Jessup by his said attorney, the Court passed the following order of confirmation to wit

November Term 1835. Ordered this 28th day of November 1835 by Baltimore County Court that the foregoing suggestion be confirmed as caused to the contrary having been shown.

Edw. Torrance

Test Tho. Hall. Ck.

Joshua F. C. Talbot { He remembered that he had for to wit on the twentieth day of
 Condemnation of part of { May in the year of our Lord one thousand eight hundred and
 his land for the use of { thirty five Henry J. Sanderson Esquire Sheriff of Baltimore
 the Baltimore and { County in pursuance of the act of assembly in such case
 Annapolis Rail { mass and provided returned to the Clerk of Baltimore County
 Road Company { Court the following warrant suggestion and return to wit
 Maryland Baltimore County to wit Henry J. Sanderson Esq Sheriff of said County
 Whereas application has been made to me a Justice of the peace of said State in and
 for said County by the President and Directors of the Baltimore and Annapolis Rail
 Road Company stating that the said Company cannot agree with Joshua F. C. Talbot
 for the purchase or use and occupation of a certain tract or parcel of land lying in
 said County belonging to the said Joshua F. C. Talbot and contained within the following
 metes and bound corners and distances to wit Beginning for the same at a point
 on a division line between said Joshua F. C. Talbot and a certain Tract of land
 at or near a stake driven in the ground marked 612 and running thence to the
 613, 614, 615, 616, 617, 618 and thence in a direct line towards a stake driven in the
 ground in the land of a certain Thomas D. Cockey marked up to the
 after the said Joshua F. C. Talbot's land the said stake driven in the ground

Matthew Murray. 

Sherriff of Baltimore County

Mrs. Eastman, wife of one of our members being the Surgeon of
 saids have heretofore, made and made and made and made and made and made
 John Hargreave (1822) Patrick Hargreave (1822) Thomas Hargreave (1822)
 John Hargreave (1822) Thomas Hargreave (1822) Thomas Hargreave (1822)
 Samuel Worthington (1822) Thomas Hargreave (1822) Thomas Hargreave (1822)
 Joshua Hargreave (1822) Samuel Hargreave (1822) Thomas Hargreave (1822)

EXHIBIT
7
THOMAS
MATTHEW:

Lt. Thos. Campbell, for Company
 Sgt. Wm. Buchanan for the Greys

In Baltimore County Court. 7 Nov 1837

Vest. Thomas Hall, clk.

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Dimensions: 2530 x 4054 pixels

It being the intention of the Baltimore and Annapolis Railroad Company to construct a railroad from Baltimore to Annapolis, and the said company having obtained from the Board of Public Works a license to use and occupy a portion of the lands lying in said county belonging to the said Thomas Matthews and contained within the following metes and bounds courses and distances to wit: Beginning for the same at a point in a division line between said Thomas Matthews and a certain William Matthews at or near a stake driven in the ground marked 1082 and running thence to stakes 1082, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102 and thence in a direct line towards a stake driven in the ground in the land of a certain John Thwaites deceased marked 1103 to the boundary line of said Thomas Matthews lands. The said stakes standing in the line of the center of a rail road laid out through the said lands eighty feet in width and two thousand and eighty-eight feet in length, and which said track is wanted by the said company for the construction of a rail road from the City of Baltimore towards the Susquehanna river, under and in conformity to the provisions of an act of Assembly passed at December Session, Eighteen hundred and twenty seven, entitled, "An Act to incorporate the Baltimore and Susquehanna Rail Road Company." Now therefore I the said Justice under and by virtue of the said act and application aforesaid do hereby authorize and command you to summon a Jury of twenty Inhabitants of said County, not related to said parties nor in any way interested, to meet at Caleb Hunt's Tavern York Turnpike on the fifth day of May next ensuing, the date hereof, at 11 O'clock A.M. Wherein fail not, and this shall be your warrant and authority therefor. Witness my hand and seal this 22^d day of April 1836.

Matthew Murray (Jr.)

I hereby certify and return that by authority and in pursuance of the commands of the within warrant to me directed, I summoned Larkin H. Smith, Henry W. Chambers, John Jones, William Young, George Morrison, Samuel S. Hyde, Andrew Hall, William Rush, John Noble, Joseph Barling, William Pinkney, William Wilson, Charles B. Corneah, Daniel Bailey, Edward Buchanan, Sarah Hutchins, William S. Howard, Joshua Hutchins & William F. Pierce and Edward Hall being a Jury of twenty Inhabitants of said County, not related to the within named parties or either of them nor in any way interested, to meet at Caleb Hunt's York Turnpike on the fifth day of May 1836 at 11 O'clock, at which time and place did appear — being all the aforesaid Jurors. Whereupon John McLaughlin Esq. Attorney for the Rail Road Company struck off four of the Jurors names and Thomas Matthews struck off four other of the Jurors names and the twelve Jurors remaining to act as a Jury of Disquest of damages to wit: Larkin H. Smith, William Rush, William Wilson, Joshua Hutchins &

...the said Thomas Matthews, who having been summoned by said Sheriff, and sworn justly and impartially to value the damages which Thomas Matthews will sustain by the use and occupation of those pieces or tracts of land owned by the said Thomas Matthews situated in said County, being parts of 2 tracts called or known as Cranwell Park and Taylor Terrace part of lot N. 2. and contained within the following notes and bounds courses and distances to wit: Beginning for the same at a point 55 feet nine inches north 84 degrees west from a blazed Hickory tree and proceeding thence north 24 degrees 55 minutes east 56 feet north 82 degrees fifty eight minutes east 100 feet north 38 degrees 58 minutes east 100 feet north 46 degrees fifty eight minutes east 100 feet north 58 degrees 58 minutes east 100 feet north 66 degrees 58 minutes east 100 feet north 82 degrees eight minutes east 100 feet north 88 degrees 58 minutes east 100 feet north 87 degrees 38 minutes east 100 feet to the other division long between the land of said Thomas Matthews and a tract or parcel of land lately belonging to John Hunter deceased, the said courses being in the center of

Henry B. Anderson, Sheriff of Baltimore County (Sd)

Maryland, Baltimore County. An Inquisition taken at the said County, on the fifth day of May in the year eighteen hundred and thirty six before Henry B. Anderson, Sheriff of the said County, on the oath of John B. Smith, William Smith, William Wilson, John Pentolius, Edward Buchanan and William Young, Daniel Penley, William B. Howard, John Noble, William F. Thacker and John C. Hutchins, Charles B. & Corneal who having been summoned by said Sheriff, and sworn justly and impartially to value the damages which Thomas Matthews will sustain by the use and occupation of those pieces or tracts of land owned by the said Thomas Matthews situated in said County, being parts of 2 tracts called or known as Cranwell Park and Taylor Terrace part of lot N. 2. and contained within the following notes and bounds courses and distances to wit: Beginning for the same at a point 55 feet nine inches north 84 degrees west from a blazed Hickory tree and proceeding thence north 24 degrees 55 minutes east 56 feet north 82 degrees fifty eight minutes east 100 feet north 38 degrees 58 minutes east 100 feet north 46 degrees fifty eight minutes east 100 feet north 58 degrees 58 minutes east 100 feet north 66 degrees 58 minutes east 100 feet north 82 degrees eight minutes east 100 feet north 88 degrees 58 minutes east 100 feet north 87 degrees 38 minutes east 100 feet to the other division long between the land of said Thomas Matthews and a tract or parcel of land lately belonging to John Hunter deceased, the said courses being in the center of