

No. 4191. + 4198. Equity

Order of W. Swind Cross
to enter his Appearance
for the Continental Trust Co.

Filed Oct. 5. 1907.

W. IRVINE CROSS,
ATTORNEY AT LAW,
MARYLAND TRUST BUILDING,
BALTIMORE.

LAW DEPARTMENT,
B. & O. R. R. CO.

BALTIMORE, October 3, 1907.

George B. Oswald, Esq.,
Clerk, Circuit Court,
Hagerstown, Md.

Dear Sir:

Enclosed herewith please find my appearance as
attorney for The Continental Trust Company, to be filed in
the case of George S. Brown et al., Trustees, vs. The Chesapeake and Ohio Canal Company et al.

Very truly yours,

W. Irvine Cross.
W.

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

x-----x		
George S. Brown et al., Trustees,	:	Nos.4191 and
	:	4198.
vs.	:	
	:	Consolidated
The Chesapeake and Ohio Canal Company et al.	:	Causes.
x-----x		

Mr. Clerk:

Please enter my appearance for The Continental Trust Company in the above-entitled case.

Attorney for

The Continental Trust Co.

nos. 4191 + 4198 Eq. Condi-
dated.

Petition of Surviving Trustees for
permission to bring eject-
ment suits against various
parties + order of Court thereon.

Filed May 20th 1908

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

X-----X
George S. Brown et al. : Nos. 4191 and
vs. : 4198.
The Chesapeake and Ohio Canal Company et al. : Equity.
: Consolidated
: Causes.
X-----X

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The petition of Joseph Bryan and Hugh L. Bond, Jr., Surviving Trustees, respectfully represents:

First: That certain persons hereinafter named have seized and taken possession of certain land lying within the limits of the City of Cumberland, Allegany County, State of Maryland, which said land is the property of The Chesapeake and Ohio Canal Company.

Second: That these Trustees - Petitioners are desirous of regaining possession of this land and of bringing suits in ejection against the various parties herein named, viz: Sylvester K. Ringler and wife, George H. Myers and wife, Mary C. Johnson, Margaret Murray, John F. Murray and Margaret Murray, his wife, The Cumberland Improvement and Investment Company, a corporation of the State of Maryland, Sarah C. Riley, Owen Riley and the Mayor and City Council of the City of Cumberland.

Wherefore, These Trustees - Petitioners pray:

1 - That an order be entered herein permitting them to bring suits in ejection against the parties above named for the purpose of regaining possession of the land rightfully the property of The Chesapeake and Ohio Canal Company.

2- That these Trustees - Petitioners may have such other and further relief as their case may require, and to equity may seem mete.

J. R. Murray

Hugh V. Bonds

Surviving Trustees.

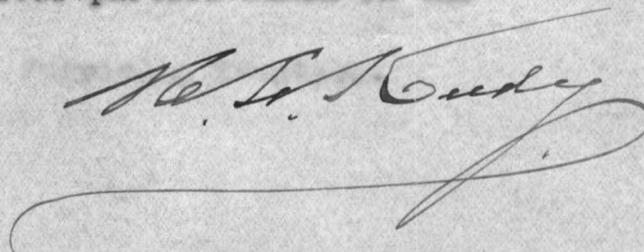
Laud Keedy

Solicitors for Petitioners.

W. S. & B. PARACON LINE
MADE IN U.S.A.

Ordered this 20th day of May, 1908,
by the Circuit Court for Washington County, that Joseph
Bryan and Hugh L. Bond, Jr., Surviving Trustees, be and
they are hereby authorized and empowered to bring suits
in ejectment against the various parties named in the
aforegoing petition.

:



W. S. & B. PARAGON LINEN

MADE IN U.S.A.

No. 419124198 Equity
In The Circuit
Court for Washing-
ton County.

George S. Brown
et al., Trustees,

vs.

The Chesapeake
& Ohio Canal
Company et al.

Report of Surviving
Trustees.

Filed June 4 1908

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

x-----x		
George S. Brown et al	:	Nos. 4191 and
Trustees,	:	4198.
vs.	:	Consolidated
	:	Causes.
The Chesapeake and Ohio Canal Company et al.	:	
x-----x		

REPORT OF JOSEPH BRYAN AND HUGH L. BOND, JR., SURVIVING TRUSTEES.

To the Honorable, the Judges of the Circuit Court for Washington County:

In accordance with decree of this Court entered on the twenty-seventh day of December, 1905, the undersigned, Surviving Trustees, respectfully report to the Court their receipts and disbursements for the year ended December thirty-first, 1907, as such Surviving Trustees, and file herewith and make part hereof the following statements and accounts:

1. Statements of receipts and disbursements for the year ended December 31, 1907.
2. Statement of profit and loss account, December 31, 1907.
3. Balance sheet, December 31, 1907.

Respectfully submitted.

Joseph Bryan
Hugh L. Bond Jr.
Surviving Trustees.

TRUSTEES - CHESAPEAKE AND OHIO CANAL COMPANY.

RECEIPTS AND DISBURSEMENTS FOR YEAR ENDED DECEMBER 31, 1907.

Balance Jan. 1, 1907. \$6,472.97

Receipts:

Earnings	\$80,661.42		
Guaranteed			
Revenue	<u>19,505.11</u>	\$100,166.53	
Unclaimed Wages		<u>64.41</u>	100,230.94
			<u>106,703.91</u>

Disbursements:

Operating Expenses		<u>100,166.53</u>	
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Balance \$6,537.38

TRUSTEES - CHESAPEAKE AND OHIO CANAL COMPANY.
STATEMENT OF PROFIT AND LOSS ACCOUNT, DECEMBER 31, 1907.

Balance at credit, December 31, 1906, \$6,472.97

Earnings:-

From operation, year ended Dec. 31, 1907.

Tolls,	\$106,727.29	
Less Drawbacks,	42,301.37	
	64,425.92	
Rents - Water	10,155.84	
" Houses & Lands	4,010.95	
Miscellaneous earnings	2,048.71	
Fines	20.00	
Total Earnings	80,661.42	

Expenses:-

For year ended Dec. 31, 1907

Operating Expenses	100,166.53
Loss from operation for year	19,505.11

Earnings:-

From Guaranteed Revenue	19,505.11
Unclaimed wages redeposited	64.41
Surplus, December 31, 1907,	6,537.38

TRUSTEES- CHESAPEAKE AND OHIO CANAL COMPANY.

BALANCE SHEET.

December 31, 1907.

Assets,-

Bonds of 1878 acquired,		\$260,000.00
Farmers' and Merchants' National Bank, Baltimore,		858.78

Current Assets,-

C. & O. Transportation Co.,	\$6,451.17	
Individuals and Companies,	9,260.62	
	<u>15,711.79</u>	<u>15,711.79</u>

Total Assets,		\$276,570.57
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Liabilities,-

B. & O. R. R. Co.,		
a/c Principal of bonds of 1878,	\$260,000.00	
a/c Outstanding coupons,-		
Bonds of 1878,	750.00	
a/c Interest on outstanding		
coupons,- Bonds of 1878,	108.78	
	<u>\$260,858.78</u>	

Current Liabilities,-

Accounts payable,	<u>9,174.41</u>	
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Total Liabilities,		<u>\$270,033.19</u>
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Profit and Loss,		\$6,537.38
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Note.- As appears by supplemental report of Joseph Bryan and Hugh L. Bond, Jr., Surviving Trustees, filed simultaneously with this report, interest on said \$260,000 of the bonds secured by the mortgage of May 15, 1878, has been paid up to July 21, 1907.

*In the Circuit Court
for Washington
County*

*George S. Brown et al.,
Trustees,*

vs.

*The Chesapeake ^{and} Ohio
Canal Company
et al.*

*Supplemental Report
of Surviving
Trustees.*

Filed June 4th 1908—

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

x-----x
George S. Brown et al., : Nos. 4191 and
Trustees, : 4198. Consoli-
v. : dated Causes.
: :
The Chesapeake and Ohio Canal Company et al. :
x-----x

SUPPLEMENTAL REPORT OF JOSEPH BRYAN AND HUGH L. BOND, JR.,
SURVIVING TRUSTEES.

To the Honorable, the Judges of the Circuit Court for Washington
County:

The supplemental report of Joseph Bryan and Hugh L.
Bond, Jr., Surviving Trustees, respectfully shows:

That these Trustees have received the sum of Twenty-
three Thousand Two Hundred and ^{one} ~~Three~~ Dollars and ^{Fifty-three} ~~Eighty-eight~~
Cents (\$23,201.⁵³) from the sale of land in the District of
Columbia under decree of the Supreme Court of said District,
dated May 28, 1897.

That these Trustees have applied \$23,183.33 of said
sum to the payment of interest on \$260,000 of the bonds secured
by the mortgage of May 15, 1878, from January 26, 1906, to
July 21, 1907, leaving a balance in their hands of \$^{18.20} ~~35.00~~.

Respectfully submitted.

Joseph Bryan
Hugh L. Bond Jr.
Surviving Trustees.

No 4191, 4198 Equity

In the
Circuit Court for
Washington County

George T. Brown,
et al.

vs
Chesapeake and Ohio
Canal Company,
et al.

Petition of Geo. A. Colton
and Herbert K. Preston,
Trustees.

Filed November 7th 1908

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

x-----x

George S. Brown et al.

vs..

The Chesapeake and Ohio Canal Company et al.

x-----x

Nos. 4191 and
4198.

Equity.
Consolidated
Causes.

To the Honorable, the Judges of the Circuit Court for
Washington County, sitting as a Court of
Equity:

The petition of George A. Colston and Herbert R.
Preston respectfully shows:

That they have been duly appointed Trustees in
accordance with the mortgage executed by The Chesapeake and
Ohio Canal Company on June 5, 1848, by the remaining Trustees,
to fill two of the vacancies caused by the resignation of
Bradley S. Johnson and the death of Henry H. Keedy and John
K. Cowen, who were Trustees under said mortgage and com-
plainants in this cause; that they file herewith as a part
of this petition the certificate of their appointment; that
they have accepted the trust and pray your Honors to pass an
order admitting them as complainants in this cause; that
Joseph Bryan, John K. Cowen and Hugh L. Bond, Jr., as Trustees,
heretofore filed their bond in this cause, dated September
30, 1896, with the American Bonding and Trust Company of
Baltimore City (now called the American Bonding Company of
Baltimore, as surety); that the condition of said bond is as
follows:

"Now, the condition of this obligation is such that
if the above bounden Joseph Bryan, John K. Cowen and Hugh L.

Bond, Jr., the survivors or survivor# of them, or their successors in office as Trustees under the said mortgage of June 5, 1848, shall well and faithfully do and perform their duties and obligations as Trustees under the orders and decrees heretofore entered in said cause, or any future order or decree therein, then this obligation to be void, otherwise to remain in full force and virtue in law;"

That your petitioners are such successors and that, therefore, no new bond is necessary to be filed by them; that your petitioners, however, file herewith the assent of the present Trustees and the assent of said surety that said bond of September 30, 1896, shall apply to and cover any failure on the part of the present Trustees well and faithfully to do and perform their duties and obligations as Trustees under the orders and decrees heretofore entered in this cause, or any future order or decree herein;

And your petitioners, therefore, pray that no new bond be required;

And your petitioners will ever pray, etc.

George A. Coe
Herbert R. Preston
Trustees-Petitioners.

State of Maryland,

Baltimore City, to wit:

I hereby certify that on this *sixth* day
of *November*, in the year 1908, before me, the subscriber,
a notary public of the State of Maryland in and for Bal-
timore City aforesaid, personally appeared Herbert R.
Preston, one of the within named petitioners, and made
oath in due form of law that the matters and things stated in
said petition are true to the best of his knowledge and
belief.

Witness my hand and notarial seal the day and
year aforesaid.

:
:

Geo. W. Haulenbert,
Notary Public.
My commission expires
May 1, 1910.

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

X-----X

George S. Brown et al.

vs.

The Chesapeake and Ohio Canal Company et al.

X-----X

Nos. 4191 and
4198.

Equity.
Consolidated
Causes.

IT IS AGREED that the word "successors" in the condition of the bond heretofore filed in this cause, dated September 30th, 1896, shall include George A. Colston and Herbert R. Preston, and that said bond shall apply to, cover and be security for any failure on the part of Joseph Bryan, Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston well and faithfully to do and perform their duties and obligations as Trustees under the orders and decrees heretofore entered in this cause, or any future order or decree therein, to the same extent as if the said bond were executed by the said George A. Colston and Herbert R. Preston as Trustees together with the Trustees therein named.

AMERICAN BONDING COMPANY OF BALTIMORE.

by

Attest: [Signature]
Assistant Secretary.

George L. Rodcliff
Second Vice-President

Test: [Signature]

[Signature] (SEAL)

Test: Charles R. Webber

Hugh L. Bond Jr. (SEAL)

Test: Charles R. Webber

George A. Colston (SEAL)

Test: Charles R. Webber

Herbert R. Preston (SEAL)

Test: _____

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

X-----X

George S. Brown et al.

Nos. 4191 and
4198.

vs.

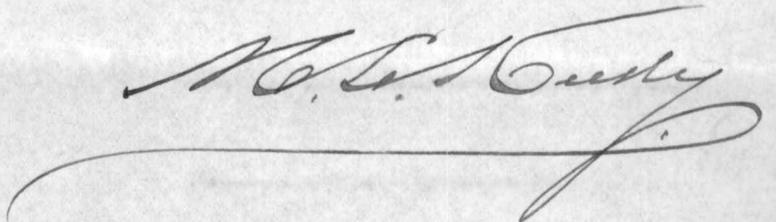
Equity.
Consolidated
Causes.

The Chesapeake and Ohio Canal Company et al.

X-----X

On the foregoing petition, it is, by the Circuit Court for Washington County, ORDERED, this *Seventh* day of *November*, 1908, that George A. Colston and Herbert R. Preston, be and they are hereby admitted as parties complainant in this cause.

And it appearing that the condition in the bond heretofore filed in this cause dated September 30, 1896, is correctly set forth in said petition; and it appearing also that the present Trustees have filed their assent and the assent of the surety in said bond, that said bond of September 30, 1896, shall apply to and cover any failure on the part of the present Trustees well and faithfully to do and perform their duties and obligations as Trustees under the orders and decrees heretofore entered in this cause, or any future order or decree, it is further ordered that no new bond is necessary.



X X

KNOW ALL MEN BY THESE PRESENTS, Whereas, the Chesapeake and Ohio Canal Company, under and by virtue and authority of an Act of the General Assembly of the State of Maryland passed on the tenth day of March, being Chapter 281 of the Acts of 1844, did on the fifth day of June, A. D. 1848, execute a Mortgage of the tolls and revenues of the said Company to Phineas Janney, W. W. Corcoran, Horatio Allen, David Henshaw and George Morey, as Trustees, to secure the payment of certain bonds in said Mortgage described; and

WHEREAS, by the terms of the said Mortgage, it is provided that "Whenever any of the Trustees herein named as Grantee shall resign or die, or whenever a vacancy in the trust shall occur from any cause, the remaining Trustees shall fill such vacancy by the appointment of some person from among the bondholders, and when they have made a certificate thereof, or endorsed the fact upon this Indenture, the appointee shall be a party thereto in the same manner and shall hold the same power and rights as if he had been named therein as party thereto"; and

WHEREAS, vacancies have occurred in the Trust from time to time, which have been filled by the surviving Trustees in the execution of the power conferred on them in the said Mortgage; and

WHEREAS, Bradley S. Johnson having resigned, and Henry H. Keedy and John K. Cowen having died, Joseph Bryan and Hugh L. Bond, Jr. are now the surviving Trustees, who have been appointed under the power in said Mortgage to fill vacancies in said Trust.

NOW, THEREFORE, under, by virtue of, and in the execution of the powers vested in the said surviving Trustees by said Mortgage to fill all vacancies in the said Trust, the undersigned surviving Trustees do hereby appoint George A. Colston, of Baltimore, Maryland, who owns bonds issued under the said Act of Assembly and secured by said Mortgage, and Herbert R. Preston, of Baltimore, Maryland, who owns bonds issued under the said Act of Assembly and secured by said Mortgage, to be Trustees to fill two of the vacancies now existing in the said Trust, and to hold and exercise all the powers, rights and duties created, granted and vested in the original Trustees and their successors by the said Mortgage."

IN WITNESS WHEREOF, we, the said Joseph Bryan and Hugh L. Bond, Jr., have made and executed this certificate this *ninth* day of *March*, A. D. 1908, and have set our hands and seals thereto, and the said George A. Colston and Herbert R. Preston, as evidence of their acceptance of appointment as such Trustees, have set their hands and seals thereto.

Test as to Joseph Bryan, Esq.,

J. L. Shippen, Jr.

Joseph Bryan

(SEAL)
Trustee.

Test as to Hugh L. Bond, Jr., Esq.,

Geo. W. Hauleuberk

Hugh L. Bond Jr.

(SEAL)
Trustee.

Test as to George A. Colston, Esq.,

Keyward Hayes

George A. Colston

(SEAL)

Test as to Herbert R. Preston, Esq.,

Charles R. Hubber

Herbert R. Preston

(SEAL)

STATE OF *Virginia* }
City of Richmond } TO WIT:-

I HEREBY CERTIFY, that on this *6th* day of *April*, 1908,

before me, the subscriber, a Notary Public of the State aforesaid, in and for the ~~County~~ ^{City} aforesaid, personally appeared Joseph Bryan and acknowledged the foregoing Indenture to be his act and deed.

GIVEN under my hand and Notarial seal this *6th* day of *April*, 1908.

J. J. W. Curtis
My Commission expires May 27, 1911 Notary Public.

STATE OF MARYLAND, }
BALTIMORE CITY, } TO WIT:-

I HEREBY CERTIFY, that on this *ninth* day of *March*, 1908,

before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Hugh L. Bond, Jr., and acknowledged the foregoing Indenture to be his act and deed.

GIVEN under my hand and Notarial seal this *ninth* day of *March*, 1908.

Geo. W. Hauleuberk

Notary Public.

My Commission expires May 1, 1910

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

GEORGE S. BROWN ET AL.

NOS. 4191 and 4198,
Equity.

VS.

THE CHESAPEAKE AND OHIO CANAL COMPANY ET AL.

CONSOLIDATED CAUSES.

To the Honorable, the Judges of the Circuit Court for
Washington County, sitting as a Court of Equity:

The petition of George A. Colston and Herbert R. Preston
respectfully shows:

That they have been duly appointed Trustees in accordance
with the mortgage executed by The Chesapeake and Ohio Canal Company
on June 5, 1848, by the remaining Trustees, to fill two of the
vacancies caused by the resignation of Bradley S. Johnson and the
death of Henry H. Keedy and John K. Cowen, who were Trustees under
said mortgage and complainants in this cause; that they file here-
with as a part of this petition the certificate of their appoint-
ment; that they have accepted the trust and pray your Honors to pass
an order admitting them as complainants in this cause; that Joseph
Bryan, John K. Cowen and Hugh L. Bond, Jr., as Trustees, heretofore
filed their bond in this cause, dated September 30, 1896, with the
American Bonding and Trust Company of Baltimore City (now called the
American Bonding Company of Baltimore, as surety); that the condition
of said bond is as follows:

"Now, the condition of this obligation is such that if the
above bounden Joseph Bryan, John K. Cowen and Hugh L. Bond, Jr., the
survivors or survivor of them, or their successors in office as
Trustees under the said mortgage of June 5, 1848, shall well and
faithfully do and perform their duties and obligations as Trustees
under the orders and decrees heretofore entered in said cause, or any
future order or decree therein, then this obligation to be void,

otherwise to remain in full force and virtue in law;"

That your petitioners are such successors and that, therefore, no new bond is necessary to be filed by them; that your petitioners, however, file herewith the assent of the present Trustees and the assent of said surety that said bond of September 30, 1896, shall apply to and cover any failure on the part of the present Trustees well and faithfully to do and perform their duties and obligations as Trustees under the orders and decrees heretofore entered in this cause, or any future order or decree herein;

And your petitioners, therefore, pray that no new bond be required;

And your petitioners will ever pray, etc.

GEORGE A. COLSTON

HERBERT R. PRESTON

Trustees-Petitioners.

STATE OF MARYLAND, BALTIMORE CITY, to wit:

I hereby certify that on this sixth day of November, in the year 1908, before me, the subscriber, a notary public of the State of Maryland in and for Baltimore City aforesaid, personally appeared Herbert R. Preston, one of the within named petitioners, and made oath in due form of law that the matters and things stated in said petition are true to the best of his knowledge and belief.

Witness my hand and notarial seal the day and year aforesaid.

GEO. W. HAULENBEEK,

Notary Public.

My Commission expires May 1, 1910.

(N.P. SEAL)

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

George S. Brown et al.

Nos. 4191 and 4198.

Equity.

The Chesapeake and Ohio Canal Company et al.

Consolidated Causes.

IT IS AGREED that the word "successors" in the condition of the bond heretofore filed in this cause, dated September 30th, 1896, shall include George A. Colston and Herbert R. Preston, and that said bond shall apply to, cover and be security for any failure on the part of Joseph Bryan, Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston well and faithfully to do and perform their duties and obligations as Trustees under the orders and decrees heretofore entered in this cause, or any future order or decree therein, to the same extent as if the said bond were executed by the said George A. Colston and Herbert R. Preston as Trustees together with the Trustees therein named.

(CORP. SEAL)

AMERICAN BONDING COMPANY OF BALTIMORE

Attest: E. E. Kobb,
Assistant Secretary.

By George L. Radcliffe,
Second Vice-President.

Test: W. W. Pool

Jos. Bryan (SEAL)

Test: Charles R. Webber

Hugh L. Bond, Jr. (SEAL)

Test: Charles R. Webber

George A. Colston (SEAL)

Test: Charles R. Webber

Herbert R. Preston (SEAL)

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

George S. Brown et al,

Nos. 4191 and 4198.

Vs.

Equity.

The Chesapeake and Ohio Canal Company et al.

Consolidated Causes.

On the foregoing petition, it is, by the Circuit Court for Washington County, ORDERED, this seventh day of November, 1908, that George A. Colston and Herbert R. Preston, be and they are hereby admitted as parties complainant in this cause.

And it appearing that the condition in the bond heretofore filed in this cause dated September 30, 1896, is correctly set forth in said petition; and it appearing also that the present Trustees have filed their assent and the assent of the surety in said bond, that said bond of September 30, 1896, shall apply to and cover any failure on the part of the present Trustees well and faithfully to do and perform their duties and obligations as Trustees under the orders and decrees heretofore entered in this cause, or any future order or decree, it is further ordered that no new bond is necessary.

M. L. KEEDY.

KNOW ALL MEN BY THESE PRESENTS, Whereas, the Chesapeake and Ohio Canal Company, under and by virtue and authority of an Act of the General Assembly of the State of Maryland passed on the tenth day of March, being Chapter 281 of the Acts of 1844, did on the fifth day of June, A. D. 1848, execute a Mortgage of the tolls and revenues of the said Company to Phineas Janney, W. W. Corcoran, Horatio Allen, David Henshaw and George Morey, as Trustees, to secure the payment of certain bonds in said Mortgage described; and

WHEREAS, by the terms of the said Mortgage, it is provided that "Whenever any of the Trustees herein named as Grantee shall resign or die, or whenever a vacancy in the trust shall occur from any cause, the remaining Trustees shall fill such vacancy by the appointment of some person from among the bondholders, and when they have made a certificate thereof, or endorsed the fact upon this Indenture, the appointee shall be a party thereto in the same manner and shall hold the same power and rights as if he had been named therein as party thereto"; and

WHEREAS, vacancies have occurred in the Trust from time to time, which have been filled by the surviving Trustees in the execution of the power conferred on them in the said Mortgage; and

WHEREAS, Bradley S. Johnson having resigned, and Henry H. Keedy and John K. Cowen having died, Joseph Bryan and Hugh L. Bond, Jr. are now the surviving Trustees, who have been appointed under the power in said Mortgage to fill vacancies in said Trust.

NOW, THEREFORE, under, by virtue of, and in the execution of the powers vested in the said surviving Trustees by said Mortgage to fill all vacancies in the said Trust, the undersigned surviving Trustees do hereby appoint Gerge A. Colston, of Baltimore, Maryland, who owns bonds issued under the said Act of Assembly and secured by said Mortgage, and Herbert R. Preston, of Baltimore, Maryland, who owns bonds issued under the said Act of Assembly and secured by said Mortgage, to be Trustees to fill two of the vacancies now existing

in the said Trust, and to hold and exercise all the powers, rights and duties created, granted and vested in the original Trustees and their successors by the said Mortgage.

IN WITNESS WHEREOF, we, the said Joseph Bryan and Hugh L. Bond, Jr., have made and executed this certificate this ninth day of March, A. D. 1908, and have set our hands and seals thereto, and the said George A. Colston and Herbert R. Preston, as evidence of their acceptance of appointment as such Trustees, have set their hands and seals thereto.

Test as to Joseph Bryan, Esq.,
J. L. Phippen, Jr.

JOS. BRYAN (SEAL)
Trustee

Test as to Hugh L. Bond, Jr., Esq.,
Geo. W. Haulenbeek

HUGH L. BOND, Jr. (SEAL)
Trustee

Test as to George A. Colston, Esq.,
Heyward E. Boyce

GEORGE A. COLSTON (SEAL)

Test as to Herbert R. Preston, Esq.,
Charles R. Webber.

HERBERT R. PRESTON (SEAL)

STATE OF VIRGINIA, CITY OF RICHMOND, TO WIT:-

I HEREBY CERTIFY, that on this 6th day of April, 1908, before me, the subscriber, a Notary Public of the State aforesaid, in and for the City aforesaid, personally appeared Joseph Bryan and acknowledged the foregoing Indenture to be his act and deed.

GIVEN under my hand and Notarial seal this 6th day of April, 1908.

(N.P.SEAL)

J. T. W. CURTIS, Notary Public.

My Commission expires May 25, 1911.

STATE OF MARYLAND, BALTIMORE CITY, TO WIT:-

I HEREBY CERTIFY, that on this ninth day of March, 1908, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Hugh L. Bond, Jr., and acknowledged the foregoing Indenture to be his act and deed.

GIVEN under my hand and Notarial seal this ninth day of March, 1908.
(N.P.SEAL)

GEO. W. HAULENBEEK, Notary Public
My Commission expires May 1, 1910.

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

GEORGE S. BROWN ET AL.

NOS. 4191 and 4198,
Equity.

VS.

THE CHESAPEAKE AND OHIO CANAL COMPANY ET AL.

CONSOLIDATED CAUSES.

To the Honorable, the Judges of the Circuit Court for
Washington County, sitting as a Court of Equity:

The petition of George A. Colston and Herbert R. Preston
respectfully shows:

That they have been duly appointed Trustees in accordance
with the mortgage executed by The Chesapeake and Ohio Canal Company
on June 5, 1848, by the remaining Trustees, to fill two of the
vacancies caused by the resignation of Bradley S. Johnson and the
death of Henry H. Keedy and John K. Cowen, who were Trustees under
said mortgage and complainants in this cause; that they file here-
with as a part of this petition the certificate of their appoint-
ment; that they have accepted the trust and pray your Honors to pass
an order admitting them as complainants in this cause; that Joseph
Bryan, John K. Cowen and Hugh L. Bond, Jr., as Trustees, heretofore
filed their bond in this cause, dated September 30, 1896, with the
American Bonding and Trust Company of Baltimore City (now called the
American Bonding Company of Baltimore, as surety); that the condition
of said bond is as follows:

"Now, the condition of this obligation is such that if the
above bounden Joseph Bryan, John K. Cowen and Hugh L. Bond, Jr., the
survivors or survivor of them, or their successors in office as
Trustees under the said mortgage of June 5, 1848, shall well and
faithfully do and perform their duties and obligations as Trustees
under the orders and decrees heretofore entered in said cause, or any
future order or decree therein, then this obligation to be void,

otherwise to remain in full force and virtue in law;"

That your petitioners are such successors and that, therefore, no new bond is necessary to be filed by them; that your petitioners, however, file herewith the assent of the present Trustees and the assent of said surety that said bond of September 30, 1896, shall apply to and cover any failure on the part of the present Trustees well and faithfully to do and perform their duties and obligations as Trustees under the orders and decrees heretofore entered in this cause, or any future order or decree herein;

And your petitioners, therefore, pray that no new bond be required;

And your petitioners will ever pray, etc.

GEORGE A. COLSTON

HERBERT R. PRESTON

Trustees-Petitioners.

STATE OF MARYLAND, BALTIMORE CITY, to wit:

I hereby certify that on this sixth day of November, in the year 1908, before me, the subscriber, a notary public of the State of Maryland in and for Baltimore City aforesaid, personally appeared Herbert R. Preston, one of the within named petitioners, and made oath in due form of law that the matters and things stated in said petition are true to the best of his knowledge and belief.

Witness my hand and notarial seal the day and year aforesaid.

GEO. W. HAULENBEEK,

Notary Public.

(N.P. SEAL)

My Commission expires May 1, 1910.

BALTIMORE
OFFICE SUPPLY CO.

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

George S. Brown et al.

Nos. 4191 and 4198.

Equity.

The Chesapeake and Ohio Canal Company et al.

Consolidated Causes.

IT IS AGREED that the word "successors" in the condition of the bond heretofore filed in this cause, dated September 30th, 1896, shall include George A. Colston and Herbert R. Preston, and that said bond shall apply to, cover and be security for any failure on the part of Joseph Bryan, Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston well and faithfully to do and perform their duties and obligations as Trustees under the orders and decrees heretofore entered in this cause, or any future order or decree therein, to the same extent as if the said bond were executed by the said George A. Colston and Herbert R. Preston as Trustees together with the Trustees therein named.

(CORP. SEAL)

AMERICAN BONDING COMPANY OF BALTIMORE

Attest: E. E. Kobb,
Assistant Secretary.

By George L. Radcliffe,
Second Vice-President.

Test: W. W. Pool

Jos. Bryan (SEAL)

Test: Charles R. Webber

Hugh L. Bond, Jr. (SEAL)

Test: Charles R. Webber

George A. Colston (SEAL)

Test: Charles R. Webber

Herbert R. Preston (SEAL)

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

George S. Brown et al,

Nos. 4191 and 4198.

Vs.

Equity.

The Chesapeake and Ohio Canal Company et al.

Consolidated Causes.

On the foregoing petition, it is, by the Circuit Court for Washington County, ORDERED, this seventh day of November, 1908, that George A. Colston and Herbert R. Preston, be and they are hereby admitted as parties complainant in this cause.

And it appearing that the condition in the bond heretofore filed in this cause dated September 30, 1896, is correctly set forth in said petition; and it appearing also that the present Trustees have filed their assent and the assent of the surety in said bond, that said bond of September 30, 1896, shall apply to and cover any failure on the part of the present Trustees well and faithfully to do and perform their duties and obligations as Trustees under the orders and decrees heretofore entered in this cause, or any future order or decree, it is further ordered that no new bond is necessary.

M. L. KEEDY.

OFFICE SUPPLY CO
BALTIMORE

KNOW ALL MEN BY THESE PRESENTS, Whereas, the Chesapeake and Ohio Canal Company, under and by virtue and authority of an Act of the General Assembly of the State of Maryland passed on the tenth day of March, being Chapter 281 of the Acts of 1844, did on the fifth day of June, A. D. 1848, execute a Mortgage of the tolls and revenues of the said Company to Phineas Janney, W. W. Corcoran, Horatio Allen, David Henshaw and George Morey, as Trustees, to secure the payment of certain bonds in said Mortgage described; and

WHEREAS, by the terms of the said Mortgage, it is provided that "Whenever any of the Trustees herein named as Grantee shall resign or die, or whenever a vacancy in the trust shall occur from any cause, the remaining Trustees shall fill such vacancy by the appointment of some person from among the bondholders, and when they have made a certificate thereof, or endorsed the fact upon this Indenture, the appointee shall be a party thereto in the same manner and shall hold the same power and rights as if he had been named therein as party thereto"; and

WHEREAS, vacancies have occurred in the Trust from time to time, which have been filled by the surviving Trustees in the execution of the power conferred on them in the said Mortgage; and

WHEREAS, Bradley S. Johnson having resigned, and Henry H. Keedy and John K. Cowen having died, Joseph Bryan and Hugh L. Bond, Jr. are now the surviving Trustees, who have been appointed under the power in said Mortgage to fill vacancies in said Trust.

NOW, THEREFORE, under, by virtue of, and in the execution of the powers vested in the said surviving Trustees by said Mortgage to fill all vacancies in the said Trust, the undersigned surviving Trustees do hereby appoint Gerge A. Colston, of Baltimore, Maryland, who owns bonds issued under the said Act of Assembly and secured by said Mortgage, and Herbert R. Preston, of Baltimore, Maryland, who owns bonds issued under the said Act of Assembly and secured by said Mortgage, to be Trustees to fill two of the vacancies now existing

BALTIMORE

in the said Trust, and to hold and exercise all the powers, rights and duties created, granted and vested in the original Trustees and their successors by the said Mortgage.

IN WITNESS WHEREOF, we, the said Joseph Bryan and Hugh L. Bond, Jr., have made and executed this certificate this ninth day of March, A. D. 1908, and have set our hands and seals thereto, and the said George A. Colston and Herbert R. Preston, as evidence of their acceptance of appointment as such Trustees, have set their hands and seals thereto.

Test as to Joseph Bryan, Esq.,
J. L. Phippen, Jr.

JOS. BRYAN (SEAL)
Trustee

Test as to Hugh L. Bond, Jr., Esq.,
Geo. W. Haulenbeek

HUGH L. BOND, Jr. (SEAL)
Trustee

Test as to George A. Colston, Esq.,
Heyward E. Boyce

GEORGE A. COLSTON (SEAL)

Test as to Herbert R. Preston, Esq.,
Charles R. Webber.

HERBERT R. PRESTON (SEAL)

STATE OF VIRGINIA, CITY OF RICHMOND, TO WIT:-

I HEREBY CERTIFY, that on this 6th day of April, 1908, before me, the subscriber, a Notary Public of the State aforesaid, in and for the City aforesaid, personally appeared Joseph Bryan and acknowledged the foregoing Indenture to be his act and deed.

GIVEN under my hand and Notarial seal this 6th day of April, 1908.

(N.P.SEAL)

J. T. W. CURTIS, Notary Public.

My Commission expires May 25, 1911.

STATE OF MARYLAND, BALTIMORE CITY, TO WIT:-

I HEREBY CERTIFY, that on this ninth day of March, 1908, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Hugh L. Bond, Jr., and acknowledged the foregoing Indenture to be his act and deed.

GIVEN under my hand and Notarial seal this ninth day of March, 1908.
(N.P.SEAL)

GEO. W. HAULENBEEK, Notary Public
My Commission expires May 1, 1910.

In the Circuit Court
for Washington
County.

George S. Brown
et al.
Trustees,

v.
The Chesapeake and
Ohio Canal Company
et al.

Petition,
Affidavit
and
Order.

Reithor.
Filed March 31. 1909
Order of Court

Filed June 10. 1909

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

George S. Brown et al., :
Trustees, : Nos. 4191 and 4198.
vs. : Consolidated Causes.
: :
The Chesapeake and Ohio Canal Company et al. :

PETITION OF HUGH L. BOND, JR., GEORGE A COLSTON
AND HERBERT R. PRESTON, SURVIVING TRUSTEES.

To the Honorable, the Judges of the Circuit Court for
Washington County:

The petition of Hugh L. Bond, Jr., George A. Colston
and Herbert R. Preston, Surviving Trustees, respectfully shows:

That by order entered the twenty-eighth day of Novem-
ber, 1890, this Court directed Robert Bridges, Richard D. Johnson,
and Joseph D. Baker, receivers of the property and rights of The
Chesapeake and Ohio Canal Company, appointed under order of said
Court entered the third day of March, 1890, to deliver to the then
Trustees under the mortgage of June 5, 1848, possession of said
canal and all the property of said Canal Company of which they were
then in charge, as provided in the decree of this Court entered
on the second day of October, 1890;

That your petitioners are now advised by said Joseph
D. Baker, the sole survivor of said receivers, that there is
standing on the books of the Citizens' National Bank of Freder-
ick, Frederick, Maryland, of which he is president, to the credit
of said receivers, a balance of \$280.48, which was not turned
over to the Trustees in accordance with said order of November
28, 1890;

WHEREFORE, your petitioners pray that an order may be entered herein directing said Joseph D. Baker to turn over to your petitioners, in accordance with said order of November 28, 1890, the sum of \$280.48, now on deposit in said Citizens' National Bank of Frederick, Frederick, Maryland.

And your petitioners will ever pray, etc.

Hugh V. Bond Jr.
George A. Costrin.
Herbert R. Prentiss
Surviving Trustees-Petitioners.

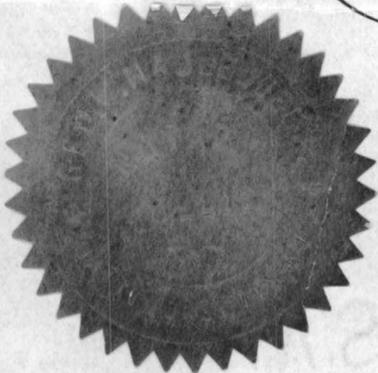
Lane & Keedy Atty's.

State of Maryland, :
: to wit:
Baltimore City, :

I hereby certify that on this *twenty ninth*
day of *March*, 1909, before me, the sub-
scriber, a Notary Public of the State of Maryland
in and for Baltimore City aforesaid, personally
appeared Hugh L. Bond, Jr., and made oath in due
form of law that he is one of the Surviving
Trustees-Petitioners named in the foregoing petition;
that he knows the contents thereof; and that the
matters and facts therein stated are true.

Witness my hand and notarial seal the day
and year aforesaid.

Geo. W. Haulenbort,
Notary Public,
my commission
expires May 1, 1910.



W. S. & B. PARAGON LINEN
MADE IN U. S. A.

ORDERED, this *Tenth* day of *June*, 1909, by the
Circuit Court for Washington County, that Joseph D. Baker,
as survivor of the receivers of the property and rights
of The Chesapeake and Ohio Canal Company, turn over to
the Surviving Trustees-Petitioners named in the foregoing
petition, the sum of \$280.48, now on deposit in the Cit-
izens' National Bank of Frederick, Frederick, Maryland.

*with interest thereon, at legal rate, from
January 1st 1891 until paid.*

W. S. & B. Paragon

W. S. & B. PARAGON LINEN

MADE IN U. S. A.

No. 4191 & 4198² p.

Consolidated cases.

Report of the
Trustees of the
C. & O. Canal
for 1908

Filed May 16, 1910.

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

X-----X		
George S. Brown et al.,	:	
Trustees,	:	
	:	
vs.	:	Nos. 4191 and 4198
	:	Consolidated
	:	Causes.
The Chesapeake and Ohio Canal Company	:	
et al.	:	
X-----X		

Report of Hugh L. Bond, Jr., George A. Colston
and Herbert R. Preston, Trustees.

To the Honorable, the Judges of the Circuit Court for
Washington County:

In accordance with decree of this Court entered on the
twenty-seventh day of December, 1905, the undersigned, Trustees,
respectfully report to the Court their receipts and disburse-
ments for the year ended December thirty-first, 1908, as such
Trustees, and file herewith and make part hereof the following
statements and accounts:

1. Statements of receipts and disbursements
for the year ended December 31, 1908.
2. Statement of profit and loss account,
December 31, 1908.
3. Balance sheet, December 31, 1908.

Respectfully submitted.

Hugh L. Bond, Jr.
George A. Colston.
Herbert R. Preston
Trustees.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

RECEIPTS AND DISBURSEMENTS FOR YEAR ENDED DECEMBER 31, 1908.

---o---

Balance January 1, 1908, \$ 6,537.38

Receipts:-

Earnings,	\$ 77,767.93	
Guaranteed revenue,	41,749.03	
Unclaimed wages,	<u>27.46</u>	<u>119,544.42</u>
Total,		\$126,081.80

Disbursements:-

Operating expenses,	<u>119,516.96</u>
Balance,	\$ 6,564.84

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

PROFIT AND LOSS ACCOUNT DECEMBER 31, 1908.

---o---

Balance January 1, 1908, \$6,537.38

Earnings:-

Tolls,	\$104,554.11
Less drawbacks,	42,459.95
	<u>62,094.16</u>
Fines,	25.00
Rents - water,	10,770.00
Rents - houses and lands,	4,655.25
Miscellaneous earnings,	<u>223.52</u>
Total earnings,	\$ 77,767.93

Expenses:-

Operating expenses,	<u>119,516.96</u>
Loss from operation for year,	41,749.03

From guaranteed revenue, \$ 41,749.03

Unclaimed wages redeposited, 27.46

Surplus, December 31, 1908, \$6,564.84

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

BALANCE SHEET FOR YEAR ENDED DECEMBER 31, 1908.

---o---

BONDS OF 1878.

Assets:-

Bonds of 1878 acquired,	\$260,000.00	
Farmers' & Merchants' Bank, Baltimore, to meet out- standing coupons and in- terest as per Court's orders,	858.78	
Interest accrued from July 21, 1907, to December 31, 1908,	22,100.00	
Balance in hands of Trustees reported June 4, 1908,	18.20	<u>\$282,976.98</u>

Liabilities:-

Purchase money unpaid, Bonds of 1878,	\$260,000.00	
Outstanding coupons, Bonds of 1878,	750.00	
Interest on outstanding coupons, Bonds of 1878,	108.78	
Interest accrued on unpaid purchase money, July 21, 1907, to December 31, 1908,	22,100.00	
Balance in hands of Trustees reported June 4, 1908,	18.20	<u>\$282,976.98</u>

OPERATING BALANCES.

Current Assets:-

Cash,	821.85	
Individuals & Companies,	4,298.76	
General interest and discount,	9,799.28	<u>\$ 14,919.89</u>

Current Liabilities:-

Accounts payable,	7,255.97	
Chesapeake & Ohio Transportation Co.,	1,099.08	<u>8,355.05</u>
Profit and Loss,		<u>\$6,564.84</u>

No. 4191 + 4198 Eq.
Consolidation case.

Trustees report of
date of death of
Joseph Bryan, a
Trustee.

Filed May 23. 1910.

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

George S. Brown et al.,
Trustees,

vs.

The Chesapeake and Ohio Canal Company et al.:

Nos. 4191 and 4198.
Consolidated Causes.

To the Honorable, the Judges of the Circuit Court for
Washington County:

The undersigned respectfully report to the Court that
their co-trustee, Mr. Joseph Bryan, died on November 20, 1908,
leaving them surviving trustees for The Chesapeake and Ohio
Canal Company.

Respectfully submitted.

Wm. H. Bond Jr.
George A. Coe
Herbert R. Preston
Surviving Trustees.

No. 4191 + 4198 Eq.

Report of Trustees
for year 1909.

Filed May 23, 1910.

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

x-----x	:	
	:	
George S. Brown et al.,	:	
Trustees,	:	Nos. 4191 and 4198
vs.	:	Consolidated
	:	Causes.
The Chesapeake & Ohio Canal Company et al.	:	
x-----x	x	

Report of Hugh L. Bond, Jr., George A. Colston
and Herbert R. Preston, Trustees.

To the Honorable, the Judges of the Circuit Court for
Washington County:

In accordance with decree of this Court entered on the
twenty-seventh day of December, 1905, the undersigned, Trustees,
respectfully report to the Court their receipts and disburse-
ments for the year ended December thirty-first, 1909, as such
Trustees, and file herewith and make part hereof the following
statements and accounts:

1. Statements of receipts and disbursements
for the year ended December 31, 1909.
2. Statement of profit and loss account,
December 31, 1909.
3. Balance sheet, December 31, 1909.

Respectfully submitted.

Hugh L. Bond Jr.
George A. Colston.

Herbert R. Preston

Trustees.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

RECEIPTS AND DISBURSEMENTS FOR YEAR ENDED DECEMBER 31, 1909.

---o---

Balance January 1, 1909, \$ 6,564.84

Receipts:-

Earnings,	\$76,359.24	
Guaranteed revenue,	<u>31,253.98</u>	<u>107,613.22</u>
Total		114,178.06

Disbursements:-

Operating expenses,		<u>107,613.22</u>
Balance		\$ 6,564.84

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

PROFIT AND LOSS ACCOUNT DECEMBER 31, 1909.

Balance, January 1, 1909,

\$6,564.84

Earnings:

Tolls,	99,724.13
Less drawbacks,	40,618.47
	<u>59,105.66</u>
Fines,	27.50
Rents, water,	12,649.17
Rents, houses and lands,	<u>4,576.91</u>

Total earnings,

76,359.24

Expenses:

Operating expenses,

107,613.22

Loss from operation for year 31,253.98

From guaranteed revenue,

31,253.98

Surplus, December 31, 1909

\$6,564.84

TRUSTEES + THE CHESAPEAKE AND OHIO CANAL COMPANY.

BALANCE SHEET FOR YEAR ENDED DECEMBER 31, 1909.

---0---

BONDS OF 1878.

Assets:-

Bonds of 1878 acquired,	\$260,000.00	
Farmers' & Merchants' Bank, Baltimore, to meet outstanding coupons and in- terest as per court's orders,	858.78	
Interest accrued from January 1, 1909, to December 31, 1909,	<u>15,600.00</u>	\$276,458.78

Liabilities:-

Purchase money unpaid, Bonds of 1878,	\$260,000.00	
Outstanding coupons, Bonds of 1878,	750.00	
Interest on outstanding coupons, Bonds of 1878,	108.78	
Interest accrued on unpaid purchase money, January 1, 1909, to Dec- ember 31, 1909.	<u>15,600.00</u>	\$276,458.78

OPERATING BALANCE.

Current Assets:-

Cash,	\$ 4,313.42	
Individuals & Companies,	5,508.99	
C. & O. Transportation Co.	<u>5,454.18</u>	\$15,276.59

Current Liabilities:

Accounts payable,	\$ 8,608.41	
Individuals & Companies,	<u>103.34</u>	8,711.75

Balance December 31, 1909, \$ 6,564.84

Nos. 4191 + 4198² V.

Consolidated

(V)

Special Report on

Petition of

Hugh L. Bond Jr

Geo. A. Colston

Herbert H. Weston

Surviving Trustees.

vs. 3 Exhibits.

Filed June 2nd 1910

George S. Brown, et al.,	)	IN THE CIRCUIT
Trustees,	)	COURT FOR WASHINGTON
	)	COUNTY -
vs	)	Nos. 4191 and 4198.
	)	Consolidated Causes.
The Chesapeake and Ohio Canal Company, et al.)	
)	

SPECIAL REPORT AND PETITION OF
HUGH L. BOND, Jr.,
GEORGE A. COLSTON, and
HERBERT R. PRESTON,
SURVIVING TRUSTEES.

To the Honorable, the Judges of the Circuit Court for
Washington County, in equity:

These trustees-petitioners respectfully show:-

FIRST. That they are the surviving trustees substituted and appointed under the mortgage made by The Chesapeake and Ohio Canal Company dated June 5th, 1848, to secure the bonds of said company authorized by and issued under the Acts of the General Assembly of Maryland of 1844, Chapter 281, and are also the surviving trustees substituted and appointed under the mortgage made by said company dated May 15th, 1878, to secure the bonds of said company authorized by and issued under the Acts of the General Assembly of Maryland of 1878, Chapter 58. These trustees-petitioners respectfully refer to the copies of said mortgages filed in the proceedings in this cause and to the decrees and orders of court and other proceedings in this cause, for a complete showing of their interests, rights, powers and legal status in respect of The Chesapeake and Ohio Canal Company and its property.

SECOND. That The Chesapeake and Ohio Canal Company is the owner of certain land in the City of Cumberland lying between the Main Basin of the canal and the Baltimore and Ohio Railroad, a part of which was acquired from William Walsh and others by deed dated May 25th, 1870, and recorded in Liber H. R. 32, folio 39, etc., and

a part of which was acquired from William Walsh and others by deed dated July 1st, 1878, and recorded in Liber T. K. 51, folio 231, etc. This land was formerly used for the delivery of coal, and a coal wharf was constructed over the basin. By reason of the change in the point of delivery of coal, the part of this property hereinafter described and the wharf have ceased to be used by the Canal Company. In the year 1896 The Baltimore and Ohio Railroad Company constructed connecting tracks between its railroad and the Piedmont and Cumberland Railroad across said land and said wharf, and in 1900 constructed a new connection between its tracks and the connecting tracks above referred to south of the tracks first constructed, thus forming a wye. It was understood and agreed at the time these tracks were constructed that The Baltimore and Ohio Railroad Company would later purchase the land upon which these tracks were constructed and the land lying within the wye. In pursuance of this understanding, The Baltimore and Ohio Railroad Company has now offered to purchase said land and pay therefor at the rate of thirty cents per square foot. In order that the Canal Company should not be left with irregular and inaccessible parcels of land, the Railroad Company has agreed to purchase and the Trustees have agreed to recommend the sale of the parcel of land shown upon the map hereto attached and marked "Petitioners' Exhibit A". Said land contains about 167,915 square feet, and is thus described:-

BEGINNING at a point on the western boundary of the Baltimore and Ohio Railroad, said point being at or near the end of 147 feet, on the 5th line of the condemnation of that company through the lands of David Shriver, said beginning point being as described in the deed from Walsh and McKaig to the Canal Company, ten feet northward of the switch stand of the track to the Canal wharf; and running thence, reversing said condemnation lines corrected to their calls, referring the ends of the several lines to their distances from the centre line of the said Railroad; thence South 29 degrees, 06 minutes west 147

feet; thence South 33 degrees 30 minutes west 400 feet; thence South 33 degrees 30 minutes west 200 feet; thence South 36 degrees 15 minutes west 400 feet; thence South 37 degrees 15 minutes west 306 feet to the beginning of said condemnation survey through David Shriver and Michael Fisher; thence with said line reversed with an allowance of 4 degrees 3 minutes for magnetic variation; thence North 27 degrees 57 minutes west 5 feet to the southeast corner of Benjamin Renske's (now Johnson's Milling Company) lot; thence with the lines of said lot corrected North 38 degrees 48 minutes east 121 feet; thence North 59 degrees 15 minutes west 11, 1/2 feet to the southeast corner of the lot formerly owned by Samuel Milford, now by R. D. Johnson Milling Company; thence North 32 degrees East 120 feet; thence North 33 degrees East 253 feet to the southeast corner of a lot formerly held by Paynter; thence with said lot North 29 degrees 15 minutes east 62 feet to the southeast corner of John T. Dixon's lot; and with the lines of said lot North 36, 3/4 degrees East 31 feet; thence North 70 degrees 49 minutes west 150 feet to Wineow Street, and with said street North 17 degrees 19 minutes east 114 feet to the southwest corner of the retaining wall at the old wharf; thence North 25, 1/2 degrees East 39, 4/10 feet to an iron bar; thence North 64 degrees 30 minutes west 370 feet to a stake at the southeast corner of the land condemned by the Piedmont and Cumberland Railroad Company, a record of which proceedings is in Judgment Record No. 26, folio 55; thence with that land North 28 degrees East 31 feet to the northeast corner thereof; thence still with said land North 59 degrees 35 minutes west 127 feet to the end of 44 feet on the 19th line of the first piece of land described in the deed from William Walsh and Thomas I. McKaig to the Chesapeake and Ohio Canal Company dated July 1st, 1878, and running thence with the lines thereof South 72 degrees 40 minutes east 218 feet to the northwest corner of Charles W. Embrey's store building; thence South 86 degrees 50 minutes east 269, 8/10 feet to the southwest corner of

the W. T. and B. Coulehan lot; thence with the lines of the Coulehan lot as found South 84 degrees 52 minutes east 215 feet; thence with a curve of about 525 feet radius Northeastwardly (to left), thence North 64 degrees 50 minutes east 52,5/10 feet; thence North 59 degrees 05 minutes east 52,5/10 feet; thence North 53 degrees 20 minutes east 52,5/10 feet; thence North 36 degrees 23 minutes east 342,5/10 feet; thence South 62 degrees 54 minutes east 7 feet to the western limits of the Baltimore and Ohio Railroad and the place of beginning.

THIRD. Lying North of the property above described is a parcel of land which would be separated from the Canal Company's other lands by a sale to the Railroad Company, and this parcel of land adjoins the property of The Footers Dye Works of Cumberland, Md. Said company has offered to purchase this parcel of land for Thirty Thousand Dollars (\$30,000). Said parcel of land contains approximately 98,000 square feet, and is described as follows:-

BEGINNING at the intersection of the 20th line of the first parcel of land conveyed by Walsh and McKaig to the Canal Company on July 1st, 1878, with the 5th line of the parcel of land conveyed by them to said company by deed dated May 25th, 1870, said beginning point being now marked with a concrete stone standing South 86 degrees 50 minutes east 44,4/10 feet from the northwest corner of the frame building formerly Charles W. Embrey's storehouse; and running thence, reversing said 5th line with an allowance of 1 degree 21 minutes for magnetic variation, North 8 degrees 21 minutes east 355,4/10 feet to the end of 20 feet on said 5th line, it being also the end of the 7th line of the second piece conveyed by deed dated July 1st, 1878; thence with the 8th line, corrected by an allowance of 1 degree 30 minutes for magnetic variations to its call, South 67 degrees 15 minutes west 355,4/10 feet to its intersection with the 9th line of the conveyance from Thomas Beall to James Scott at the end of 26,8/10 feet on that line; thence with said 9th line and part

of the 8th line reversed, with an allowance of 4 degrees 18 minutes for magnetic variation, North 7 degrees 48 minutes east 26,8/10 feet to the intersection of the 3rd line of the conveyance from Andrew Steward and others to Dr. J. J. Bruce, prolonged then with said prolonged line reversed, with an allowance of 1 degree 31 minutes magnetic variation, North 33 degrees 18 minutes east 50,26/100 feet; thence North 67 degrees 15 minutes east 87,7/10 feet; thence North 67 degrees 15 minutes east 198 feet to the end of the second line of said conveyance from Steward et al. to J. J. Bruce, and to the beginning of the second piece conveyed July 1st, 1878, by Walsh and McKaig; thence with the lines of said second piece, corrected to its calls, North 65 degrees 46 minutes east 406 feet to the west side of Mechanic Street and 15 feet northward of the centre line of the arch of the brick bridge; thence with the west side of Mechanic Street, South 34 degrees 30 minutes east 30 feet; thence South 65 degrees 46 minutes west 167 feet; thence with a curve to the left of 66 feet radius, a distance of 69 feet; thence South 35 degrees 48 minutes west 66,7/10 feet; thence South 2 degrees 27 minutes east 17,5/10 feet to the end of the third line of the deed of Walsh and McKaig to the Canal Company dated May 25th, 1870; thence reversing said 3rd line South 4 degrees west 371 feet; thence reversing part of the 2nd line South 15 degrees 36 minutes west 34,1/10 feet to its intersection by a line drawn North 86 degrees 51 minutes west from the southward corner of W. and B. Coulehan's lot; thence North 86 degrees 50 minutes west 181 feet to the beginning.

A map is herewith filed marked "Petitioners' Exhibit B", upon which is shown the land proposed to be sold to The Footers Dye Works of Cumberland, Md.

FOURTH. As your petitioners have considered for some time past that the land above described would never be used again for a basin and delivery wharf for coal or other freight, and that the interests

of the Canal Company would be best served by having it filled in so that it could be sold for building purposes, they have permitted persons having material to dispose of to fill in this part of the basin, and it has now become, to a large extent, filled in, and the wharf, which was formerly used as a coal delivery wharf, has not been kept in repair and is no longer in condition for use.

Your petitioners are advised that The Baltimore and Ohio Railroad Company has the right to acquire the land proposed to be sold to it, or so much thereof as is necessary for its use, by condemnation, as said land is not required by the Canal Company for its use. The understanding with said Railroad Company when its tracks were constructed upon said land was that said Railroad Company would purchase the same when requested to do so, and that the Trustees would recommend the sale thereof. Your petitioners believe that the price offered by said Railroad Company is the full value of the property, and that, by reason of the location and irregular shape of the property, it could not be sold advantageously at public sale.

FIFTH. The property which The Footers Dye Works of Cumberland, Md. has offered to purchase for Thirty Thousand Dollars (\$30,000) adjoins the land of said company upon which is constructed its dye works, and is especially valuable to said company as affording it land upon which its works can be extended, and giving it access to its present works. For this reason, the property is more valuable to said company than to any other purchaser, and your petitioners believe the price which said company has offered to pay is a greater price than would be obtained from any other purchaser or at public sale. The prices offered by The Footers Dye Works of Cumberland, Md. and the Railroad Company are upon substantially the same basis per square foot.

SIXTH. Your petitioners have received an offer from Isaac Hirsch to purchase for Three Thousand Dollars (\$3,000) a parcel of land containing about 3,781 square feet, which is thus described:-

BEGINNING at an iron bar planted at the end of 31,1/2 feet on the 6th line of the condemnation of the Piedmont and Cumberland Railroad Company vs Chesapeake and Ohio Canal Company, date of inquisition being December 30th, 1886, and a record of the proceedings in said case being in Judgment Record No. 26, folio 81, and South 27,1/4 degrees West 80,7/10 feet from the East corner of the North abutment of the Western Maryland Railroad Bridge about 260 feet South of Central Station, and running thence with said 6th line South 61 degrees West 65,1/2 feet; thence South 11 degrees 10 minutes West 54,1/2 feet; thence South 78 degrees 50 minutes east 50 feet; thence North 11 degrees 50 minutes East 96,3/4 feet to the beginning. The foregoing description is referred to the Magnetic Meridian for the year 1896. A map is herewith filed marked "Petitioners' Exhibit C", upon which is shown the land proposed to be sold to said Hirsch.

Your petitioners believe that said property is no longer required for use by the Canal Company and that said property should be sold, and that the price offered therefor by said Hirsch is the full value of said property and is as much as could be obtained from any other purchaser or at public sale.

Your petitioners, therefore, pray that the Court, by proper order to be entered in this cause, appoint a Trustee or Trustees with authority to make private sales of said three parcels of land subject to approval and ratification by the Court, and that said Trustee or Trustees shall report such private sales to the Court for its approval and ratification, to the end that, after due notice to all parties published under the rules of this court, said sales may be finally approved and ratified, and that, upon such approval and ratification, said Trustee or Trustees may make and execute proper deeds for said parcels of land vesting in each of the purchasers such title thereto as is vested in said Canal Company free and clear of the lien of the mortgage of said Canal Company of May 15th, 1878, and the mortgage of said company of June 5th, 1848, and

that said deeds when so made, executed and delivered shall be binding forever upon each and all of the parties to this cause and their privies, and upon each and all of the holders of the bonds issued under said mortgage of May 15th, 1878, and under said mortgage of June 5th, 1848, and upon your petitioners representing as Trustees each of said classes of bondholders, and upon said Canal Company and all persons claiming under it, and that, upon the execution and delivery of said deeds, the purchase money shall be paid over to your petitioners as Trustees, to be held as a part of the trust estate, and paid out and distributed by them as this Court may authorize and direct.

And your petitioners will ever pray, etc.

Hugh S. Bond Jr.
George A. Coeaton
Herbert R. Preston

Law & Keedy
Solicitors

STATE OF MARYLAND,)
) TO WIT:-
CITY OF BALTIMORE,)

I HEREBY CERTIFY, that on this 4th day of May, 1910, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Herbert R. Preston and made oath in due form of law that the matters and facts stated in the foregoing petition are true to the best of his knowledge, information and belief.

Geo W Haulebrook,
Notary Public.

nos. 4191 + 4198 Equity

"Exhibit Agreement
between Trustees
and Western Maryland
Railway Company".

Filed June ¹⁵ 12-1912

Copy.

THIS AGREEMENT, made this *28th* day of *May*, 1912, between Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Trustees of the Chesapeake and Ohio Canal, hereinafter called Trustees, parties of the first part, and The Western Maryland Railway Company, hereinafter called the Railway Company, party of the second part.

WHEREAS, there is pending in the Circuit Court for Washington County an Equity case entitled "George S. Brown, et al., Trustees, versus the Chesapeake and Ohio Canal Company, et al., Nos. 4191 and 4198 Equity, Consolidated causes", by reference to the proceedings in which case the character of said Trusteeship will fully appear; and

WHEREAS, said Railway Company has offered to purchase the land and easements hereinafter described, and said Trustees have agreed to report said offer to said Court with the recommendation that it be accepted by said Court, and that such further proceedings be had in said case as said Court shall direct, to vest a good and satisfactory title to said land and easements in said Railway Company.

NOW, THEREFORE, the parties hereto have agreed as follows:-

Said Trustees agree forthwith to recommend to said Court that the land and easements hereinafter described be sold to said Railway Company upon the terms hereinafter set out for the sum of \$151,500.00 for said land and easements, and \$16,000.00 in addition thereto as reimbursement for the cost of removing and reconstructing the improvements now upon the property to be sold, and said Railway Company agrees that in case said Court shall accept said offer and by proper

proceedings cause a good and sufficient title to said land and easements to be vested in said Railway Company, that it will pay in cash, upon the execution and delivery to it of a proper deed, the sum of \$151,500.00 for said land and easements, and the additional sum of \$16,000.00 as reimbursement for the cost of removing and reconstructing said improvements.

The land hereby agreed to be purchased being situated South of Baltimore Street, West of Mechanic Street, and East of Will's Creek, in the City of Cumberland, Allegany County, State of Maryland, and known as the "Boat Yard", and being particularly described as follows:-

BEGINNING at the end of the 37th line of a tract of land called "Walnut Bottom", as located by Thomas F. White, County Surveyor, it being also the beginning of another tract of land called "The First Chance", and also the end of the third line of that lot or parcel of land described in the condemnation proceedings of the Chesapeake and Ohio Canal Company vs. Thomas I. McKaig, Trustee, and R. S. McKaig, Lessee, date of Inquisition being January 4th, 1868, and a record of said proceedings in said case being in Judgment Record No. 12, Folios 68, etc., in the office of the Clerk of the Circuit Court for Allegany County, and running thence with the fourth line of said lot condemned for the use of said Canal Company, North 11 degrees East 249 feet to the third line of another lot or parcel of land described in the condemnation proceedings of the Chesapeake and Ohio Canal Company vs Thomas I. McKaig, Trustee, date of Inquisition being January 4th, 1868, and recorded as aforesaid in Judgment

Record No. 12, Folios 51, etc., and running thence with said third line, North 76 degrees East 19 feet to the end thereof, thence with the fourth line North 2 degrees 53 minutes West $270\frac{6}{10}$ feet to the beginning of said land and to the end of the third line of that lot or parcel of land described in the condemnation proceedings of the Chesapeake and Ohio Canal Company vs. Jacob A. Earlougher, date of Inquisition being January 4, 1868, and recorded as aforesaid in Judgment Record No. 12, Folios 53, etc., and running thence with the fourth line thereof, North 1 degree 53 minutes West 71 feet to the beginning thereof, and to the end of the first line of that lot or parcel of land described in the condemnation proceedings of the Piedmont and Cumberland Railway Company vs. Chesapeake and Ohio Canal Company, the date of the Inquisition being December 30, 1886, and recorded as aforesaid in Judgment Record No. 26, Folio 81, and running thence with the second, third, fourth, fifth and part of the sixth lines thereof South 5 degrees 40 minutes West 75 feet, South 0 degrees 55 minutes west 163 feet, still South 0 degrees 55 minutes west 20 feet, North 28 degrees west 131 feet, South 60 degrees West $31\frac{1}{2}$ feet to the beginning of that lot or parcel of land which was conveyed by J. Clarence Lane, Trustee, to Isaac Hirsch, by deed dated August 2, 1910, and recorded in Liber No. 106, Folio 511, one of the Land Records of said County, and running thence reversing the fourth, third and second lines thereof, South 11 degrees 50 minutes west $96\frac{3}{4}$ feet, North 78 degrees 50 minutes west 50 feet, North 11 degrees 10 minutes East $54\frac{1}{2}$ feet to the said sixth line of the Pied-

mont and Cumberland Railway Company's condemnation, and with it South 60 degrees West 46 feet to Will's Creek, then down said Creek, South 12 degrees West 377 feet to intersect a line drawn parallel to and 30 feet northerly from the face of the north wall of the feeder lock, then with said line and its prolongation, South 82 degrees 35 minutes East 239 feet to a line parallel to and 83 feet easterly from the centre line of the Chesapeake and Ohio Canal, it being the division line between the land of The Chesapeake and Ohio Canal Company and that of the Consolidation Coal Company, then with said line North 4 degrees East 22 feet to the line of the old division wall between the Shriver and Falls' land, then with said line South 72 degrees 30 minutes west 10 feet to the beginning. Containing $1 \frac{95}{100}$ acres of land more or less.

Said lands so hereby purchased by the Railway Company being all the lands now owned by the Chesapeake and Ohio Canal Company, within the following boundaries, viz: On the South by a line drawn parallel to and distant Thirty (30) feet northerly from the North wall of the feeder lock of said canal; on the North by Baltimore Street; on the East by South Mechanic Street, and on the West by Will's Creek, in Cumberland, Maryland, whether specifically included within the above particular description by metes and bounds, or not so included.

The foregoing description being made from a re-location of a survey made by Thomas Leiper Patterson in the year 1896 and the courses are referred to the magnetic meridian of that year.

There shall be reserved to the first parties the right to remove such of the improvements upon said land agreed to be sold as said first parties may desire to remove, said removal to be made before July 1, 1912, unless prevented by unforeseen causes.

The easements hereby agreed to be purchased and the terms upon which said easements are to be granted are as follows:-

The right to construct, maintain and operate its railroad of two or more tracks in perpetuity from the southern boundary of the land hereby agreed to be purchased, above described, over the feed lock and lift lock of said Canal Company and over the land of said Canal Company and the Potomac River, upon a location, the centre line of which shall be as follows:- Beginning at the southern boundary of the land hereby agreed to be purchased and running thence with a ten (10) degree curve to the right crossing the northern wall of said feeder lock at a distance of 61.7 feet, measured along the face of said wall from the face of the river wall thereof, and crossing the southern wall of the lift lock at a distance of 51.8 feet, measured along the face of said wall from the face of the river wall thereof, and continuing with the same curvature across and over the Potomac River to a point about 60 feet beyond the dam, and continuing thence still over and across said river by a tangent to the West Virginia shore, and to, over and upon the Canal Company's property, there situate in said State, and also the right to construct and maintain abutments and piers for its bridge or bridges over the feeder lock and lift lock, and abutments and piers for its bridge over the Poto-

mac River, as shown upon the plat hereinafter referred to; provided that, in the construction of said railroad from the southern boundary of the land hereby agreed to be purchased to the face of the northerly river abutment, to be constructed by the Railway Company, said Railway Company shall not occupy more than 20 feet on either side of said centre line, except the land necessary for the construction of the abutments and piers of its bridge or bridges over said Feeder lock and lift lock and its river abutment, which abutments may be extended as shown upon the plat hereinafter referred to, but may occupy 30 feet on either side of said centre line, from thence on, across and over said river, to and upon said Canal land, in West Virginia, and provided further that said railroad shall be constructed over said feeder lock and lift lock so as not to interfere with the maintenance and operation of said locks as now constructed and operated. The Railway Company shall construct its abutments or other supports for its bridge or bridges over said feeder lock and lift lock at least two feet back of the face of each wall of each of said locks, and provide a foot-way along each wall under said bridges with a vertical clearance of not less than 6 feet 6 inches between said foot-way and the lowest part of the superstructure of said bridges. The Railway Company may lower the lock walls sufficiently to provide this clearance, and shall provide stone or concrete steps so as to reach the other parts of the walls. The Railway Company shall also provide a foot-way across its railroad South of the lift lock, to enable persons having business at said

MADE IN U.S.A.

locks to reach the river side of the Canal property.

The Railway Company proposes to fill in that portion of the Canal basin lying within the boundaries of the land herein agreed to be conveyed and hereby agrees to protect the southerly edge of said fill by means of rip rap or stone slope wall to prevent erosion of said fill by the water entering the Canal through the ~~feder~~ lock.

The Railway Company agrees, at its own expense, to rip rap with large stone the guard bank of the Canal between the river abutment of its proposed bridge and the easterly abutment of the dam across the Potomac River, and to extend said rip rap for a distance of at least one hundred and fifty (150) feet below the dam.

A plat is hereto attached and made a part hereof upon which is shown the land hereby agreed to be purchased enclosed in red lines, and the centre line of said railroad to be constructed, and the location and approximate dimensions of the abutments and piers for said bridges.

IN TESTIMONY WHEREOF, said Trustees and said Railway Company have caused this agreement to be executed in duplicate the date and year aforesaid.

(Signed) Herbert R. Preston
(Signed) George A. Colston

Trustees.

Seal

THE WESTERN MARYLAND RAILWAY COMPANY

BY (Signed) A. Robertson
President.

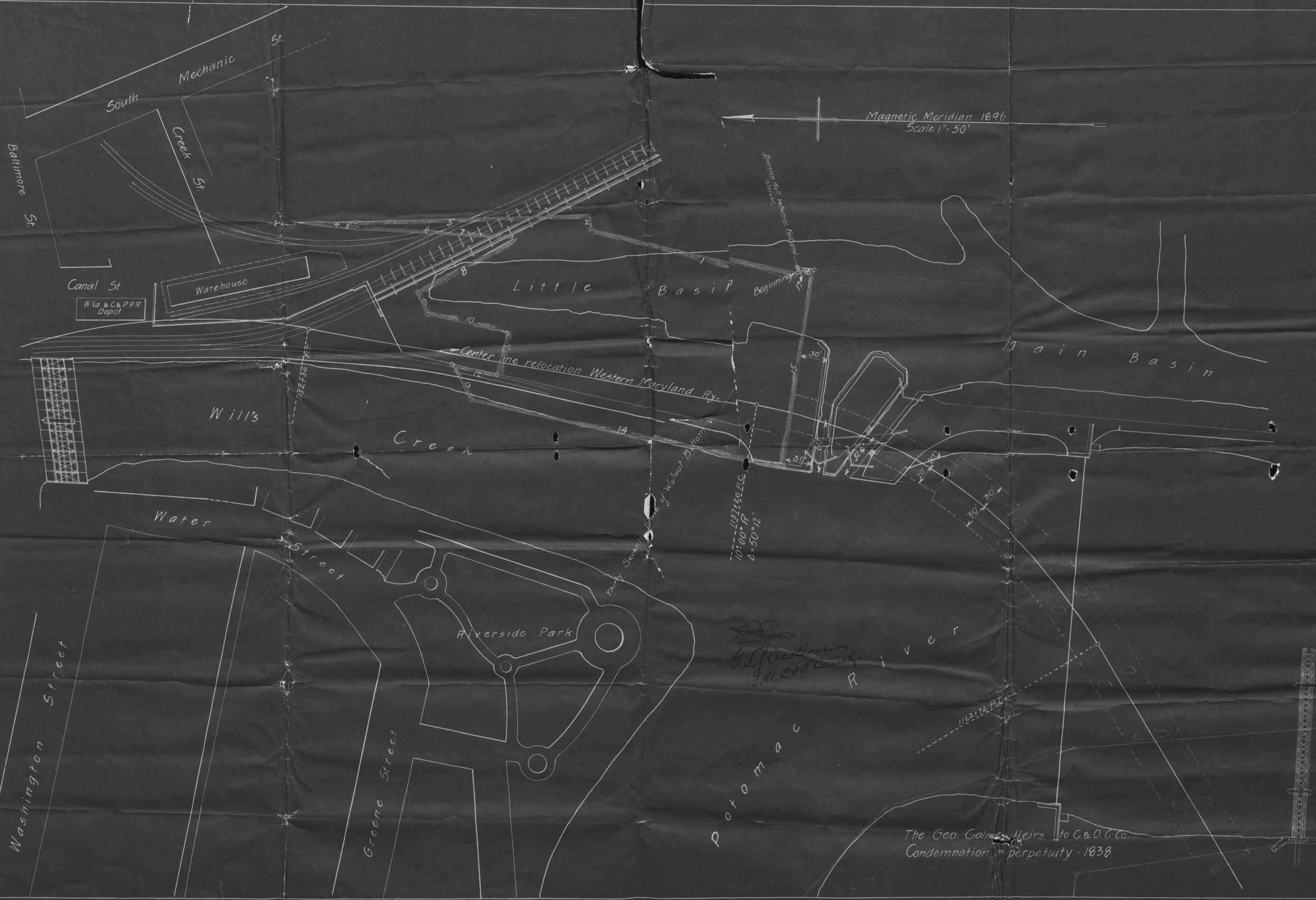
Attest:-

J. T. M. Barnes
Asst Secretary.

Approved:

(Signed) H. R. Pratt
Chief Engineer, The W. M. Ry Co.

Approved as to form
(Signed) Benj. A. Richmond
Co's Counsel.



Magnetic Meridian 1896
Scale 1" = 50'

Little Basin

Main Basin

Will's Creek

Water Street

Riverside Park

Washington Street

Greene Street

POTOMAC RIVER

W Va. & C. P.R.R. Depot

Warehouse

The Geo. Calmes Heirs to C. & O. Co.
Condemnation in perpetuity - 1838

10° 00' P
115° 11' 20' P.C.
Δ = 50° 12'

116° 21' 12' P.T.

Thirty Seven Feet
Line of Walnut Bottom

Center line relocation Western Maryland Ry.

Beginning of
Duston Mill between Fall Line
Shivers

Nos #191 & #198 Equity

Consolidated.

— (12)

Answer of The
Chesapeake and
Ohio Canal Co.
to petition of
Trustees filed
June 2, 1910.

Filed June 15, 1910

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

x-----x
George S. Brown et al. : Nos.4191 and
 : 4198, Consoli-
 vs. : dated Causes.
 : Equity.
The Chesapeake & Ohio Canal Company et al. :
x-----x

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The answer of The Chesapeake & Ohio Canal Company to the report and petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Trustees, filed herein June 2, 1910, respectfully shows:

This respondent admits as true all the matters and things stated in said petition and report, and consents to the passage of a decree by this Court as prayed therein.

And as in duty bound, etc.

Buy! Ar Richmond

Solicitor for The Chesapeake & Ohio Canal Company.

No. 4191 & 4198 Equity.

Consolidated.

(9)

Answer of
Continental Trust Co.
to petition of
Trustee, filed June
2, 1910.

Filed June 15, 1910

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

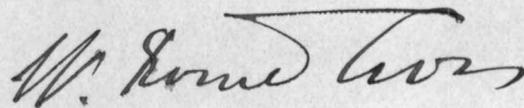
X	-----X	:	
		:	
	George S. Brown et al.	:	Nos. 4191 and
		:	4198, Consoli-
	vs.	:	dates Causes.
		:	Equity.
	The Chesapeake and Ohio Canal Company et al.	:	
X	-----X	:	

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The answer of the Continental Trust Company to the report and petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Trustees, filed herein June 2, 1910, respectfully shows:

This respondent admits as true all the matters and things stated in said petition and report, and consents to the passage of a decree by this Court as prayed therein.

And as in duty bound, etc.



Solicitor for the Continental Trust Company.

No. H 191 + 4198 Equity-
Consolidated.

— (5)

Answer of Fairfax
J. Landstreet. to
petition of Musler
filed June 2. 1910

Filed June 15. 1910

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

X-----X
George S. Brown et al. : Nos. 4191 and
: 4198.
vs. : Consolidated
: Causes.
The Chesapeake & Ohio Canal Company et al. : Equity.
X-----X

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The answer of Fairfax S. Landstreet to the report and petition of Hugh L. Bond, Jr., Herbert R. Preston and George A. Colston, Trustees, filed herein June 2, 1910, respectfully shows:

That by deed made on the 29th day of July, 1907, recorded among the land records of Washington County, Maryland, in liber No. 126, folio 209, etc., and also recorded among the land records of Allegany County, Maryland, in liber J. W. Y. No. 101, folio 637, he assigned all his interests in said The Chesapeake & Ohio Canal Company to the Continental Trust Company, a corporation of the State of Maryland.

And as in duty bound, etc.

Fairfax S. Landstreet
Respondent.

Glenn Saxe
Solicitor for Respondent.

Nos 4191 + 4198 ^{5/4}
Consolidated

⑦

Report on
Special Report and
Section of Curio-
ling history.

Filed June 18, 1910.

George S. Brown, et al.,
Trustees,

vs

The Chesapeake and Ohio Canal Company, et al.)

) IN THE CIRCUIT
) COURT FOR WASHINGTON
) COUNTY -
) Nos. 4191 and 4198.
) Consolidated Causes.

DECREE.

This cause coming on to be heard upon the Special Report and Petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, surviving trustees, and it appearing from said special report and petition that The Baltimore and Ohio Railroad Company in the years 1896 and 1900 constructed certain tracks over certain land in the City of Cumberland belonging to The Chesapeake and Ohio Canal Company formerly used as a coal wharf, and that said Railroad Company agreed, when required, to purchase the land upon which said tracks were constructed, and that said Railroad Company has now offered to purchase said land, containing about 167,915 square feet, and pay therefor at the rate of Thirty (30) cents per square foot, the land so offered to be purchased being more particularly described in said special report and petition and shown upon the plat filed as an exhibit thereto; and it further appearing from said special report and petition that The Footers Dye Works of Cumberland, Md. has offered to purchase for \$30,000 a parcel of land in the City of Cumberland, containing about 98,000 square feet, lying North of said land proposed to be purchased by said Railroad Company, which land would be separated from the other lands of the Chesapeake and Ohio Canal Company by said proposed sale to said Railroad Company, the land so offered to be purchased being more particularly described in said special report and petition and shown upon the plat filed as an exhibit thereto; and it further appearing from said special report and petition that Isaac Hirsch has offered to purchase for \$3,000 a parcel

of land in the City of Cumberland, containing about 3,781 square feet, the land so offered to be purchased being more particularly described in said special report and petition and shown upon the plat filed as an exhibit thereto; and it appearing to the Court that each of said parcels of land is no longer required for use by said Canal Company, and that it is to the interest and advantage of all parties to this cause and persons represented by or claiming under them that said parcels of land should be sold at private sale;

IT IS, THEREFORE, ADJUDGED, ORDERED AND DECREED, this *Eighteenth* day of *June*, A. D., 1910, by the Circuit Court for Washington County, that *J. Clarence Lane, Esq.* is hereby appointed Trustee to sell at private sale the said three parcels of land mentioned and described in said special report and petition, and said Trustee is hereby directed to report said sales to this Court, to the end that, after due notice to all parties, published under the rules of this court, said sales may be finally ratified and approved unless good and sufficient cause to the contrary be shown.

M. S. T. Cuddy

Nos. 4191 & 4198 Equity.

Consolidated.

_____ (4)

Report of sales

by J. Clarence Lane,
Trustee.

Handwritten notes:
\$100,000, 50
12
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Mail

Filed June 21, 1910

STATE OF MICHIGAN, CANTON COUNTY, A. 1910

Faint, mostly illegible text, possibly a court order or filing record.

(2)

George S. Brown, et al,	(	No. 4191 and 4198
Trustees,)	
	(	Consolidated Cases
vs)	
	(	In the Circuit Court
)	
	(	for
The Chesapeake and Ohio Canal Com-)	
pany, et al.	(	Washington County, in Equity.

Report of Sales of J. Clarence Lane, Trustee.

TO THE HONORABLE, THE JUDGES OF SAID COURT:-

The report of J. Clarence Lane, trustee hereinbefore appointed by a decree of this Court entered the 18th day of June, 1910, respectfully shows:-

1. That in accordance with the terms and provisions of said decree he has sold to The Baltimore and Ohio Railroad Company all that parcel of land in Cumberland, Maryland, containing about 167,915 square feet, more particularly described in the Special Report and Petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, surviving trustees, filed in this cause, and shown upon the plat filed as "Exhibit A" therewith, for the sum of \$50,374.50 cash.

2. That in accordance with the terms and provisions of said decree he has sold to The Footers Dye Works of Cumberland, Maryland, all that parcel of land in Cumberland, Maryland, containing about 98,000 square feet, more particularly described in said special report and petition and shown upon the plat filed as "Exhibit B" therewith, for the sum of \$30,000 cash.

3. That in accordance with the terms and provisions of said decree he has sold to Isaac Hirsch all that parcel of land in Cumberland, Maryland, containing about 3,781 square feet, more particularly described in said special report and petition and shown upon the plat filed as "Exhibit C" therewith, for the sum of

\$3,000 cash.

Total Amount of
Sales \$83,374.50

J. Clarence Lane
Justice.

STATE OF MARYLAND, WASHINGTON COUNTY, to wit:-

I hereby certify that on this ²¹ day of June, 1910,
before the subscriber, the Clerk of the Circuit Court for Washing-
ton County, personally appeared J. Clarence Lane and made oath
in due form of law that the matters and facts stated in the afore-
going report are true to the best of his knowledge, information
and belief.

Edward Oswald
Clerk.

No. 4191 & 4198
Equity

(6)

PERCENS

RECORDS
Circuit Court

WASHINGTON COUNTY

COURT OF EQUITY

(Waite)

Filed June 21. 1910

ORDER NISI:—

No. 4,191 and 4,198 Equity, Consolidated.
GEORGES. BROWF, et. al., Trustees.

Versus

THE CHESAPEAKE & OHIO CANAL
COMPANY, et. al.

In the Circuit Court for Washington
County, sitting as a Court of Equity.
Ordered, by the Clerk of the Circuit
Court, this

21st DAY OF JUNE, 1910,
that the sales made and reported by

J. CLARENCE LANE,

heretofore appointed Trustees for the sale
of the real estate in the proceedings of
this cause mentioned, be ratified and con-
firmed, unless cause to the contrary be
shown to the Court, on or before the

13th DAY OF JULY, NEXT

Provided, a copy of this order be insert-
ed in some newspaper published in Wash-
ington County, at least once a week for
three successive weeks before the said
last mentioned day.

The report states the amount of sales
to be \$83,374.50.

True Copy—Test:

EDWARD OSWALD, Clerk.

OFFICE OF HAGERSTOWN MAIL

Hagerstown, Md., July 13 1910

WE HEREBY CERTIFY, That the annexed advertisement has been published in

THE HAGERSTOWN MAIL, a newspaper published in Washington County, Maryland, at least

once a week for Three successive weeks prior to the 13th

day of July, 1910

MAIL PUBLISHING CO., Publishers.

No Exceptions filed to
this date July 15, 1910.

Edward Oswald
Clerk

A. D. Grisco
Secy.

George S Brown et al
Trustees

No. 41913 4198 Equity
Consolidated

In The Circuit Court

VERSUS

FOR

WASHINGTON COUNTY,

SITTING AS A

COURT OF EQUITY.

The Chesapeake & Ohio
Canal Company et al

Ordered, By the Clerk of the Circuit Court, this 21st day of June
1900, that the sales made and reported by

J. Clarence Lane heretofore
appointed Trustee for the sale of the real estate in the proceedings of this cause mentioned, be

ratified and confirmed, unless cause to the contrary be shown to the Court, on or before the

13th day of July next: Provided, a copy of this order be inser-
ted in some newspaper published in Washington County, at least once a week for three successive
weeks before the said last mentioned day.

The report states the amount of sales to be \$ 83,374.50

~~TRUE COPY TEST:~~

Edward Osway Clerk.

4191 + 4198

Eg. Consolidated

#

(19)

Filed June 21, 1910

DAILY ESTABLISHED 1890

WEEKLY ESTABLISHED 1828

≡≡≡ *The Mail* ≡≡≡

Hagerstown, Md., June 21 1910

M. J. Clarmer Lane, Trustee, #4191 & 4198 Eq. Consolidated

To The Hagerstown Mail Publishing Company, Dr.

1910

June 21 To Adr. Nisi Order,

2 00

Nos. 4191 + 4198² Ep.

Consolidated.

(16)

Decree on Re-
port of Sales by
J. Clarence Sane
Trustee

Filed July 15, 1910.

George S. Brown, et al.,
Trustees,

vs

The Chesapeake and Ohio Canal Company, et al.)

) IN THE CIRCUIT
) COURT FOR WASHINGTON
) COUNTY -
) Nos. 4191 and 4198.
) Consolidated Causes.

DECREE.

This cause coming on to be heard upon the Report of Sales of *J. Clarence Lane*, Trustee heretofore appointed, and due notice to all parties having been given by publication under the rules of this court, and no cause having been shown why said sales should not be ratified and approved;

IT IS, THEREFORE, ADJUDGED, ORDERED AND DECREED, this *Fifteenth* day of *July, A. D.*, 1910, by the Circuit Court for Washington County, *sitting in equity*, that the sales and each of them, made and reported by

J. Clarence Lane, Trustee, to The Baltimore and Ohio Railroad Company, The Footers Dye Works of Cumberland, Md., and Isaac Hirsch, be and the same are hereby ratified and approved, and said

J. Clarence Lane, Trustee, is hereby authorized and directed, upon the payment to Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, surviving trustees, by The Baltimore and Ohio Railroad Company of the sum of \$50,374.50, *and the report of the same to this Court for distribution by the auctior thereof,* to execute and deliver to it a deed for all that parcel of land sold to it; and, upon payment to said surviving trustees by The Footers Dye Works of Cumberland, Md. of the sum of \$30,000, *and the report of the same to this Court, as above set forth,* to execute and deliver to it a deed for all that parcel of land sold to it; and, upon payment to said surviving trustees by Isaac Hirsch of the sum of \$3,000, *and the report of the same as above set forth,* to execute and deliver to him a deed for all that parcel of land sold to him; and that said deeds and each of them shall vest in each of said Grantees therein all right, title and interest of the Chesapeake and Ohio Canal

Company therein free and clear of the lien of the mortgage of said Canal Company of May 15th, 1878, and the mortgage of said Canal Company of June 5th, 1848, and free and clear of all claims and demands of all parties to this cause and said Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, surviving trustees, and all persons represented by or claiming by, through or under them, or any of them.

~~IT IS FURTHER ORDERED that said purchase money shall be held by said surviving trustees as a part of the trust estate subject to the further order of this Court.~~

M. S. Bond

No. 4191 + 4198 Ev-

①

Report of trustees of
disposition of money
received from sale
of land in the Dis-
trict of Columbia.

Dot Record

Filed Oct. 8. 1910

George S. Brown, et al, Trustees,	)	IN THE CIRCUIT COURT FOR
	)	WASHINGTON COUNTY.
vs	)	Nos. 4191 and 4198.
The Chesapeake and Ohio Canal Company, et al.	)	Consolidated Causes.

REPORT OF HUGH L. BOND, Jr.,
GEORGE A. COLSTON and
HERBERT R. PRESTON,
SURVIVING TRUSTEES.

To the Honorable, the Judges of the Circuit Court
for Washington County:-

Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Surviving Trustees, respectfully report as follows:-

That these Trustees have received the money awarded to Hugh L. Bond, Jr., Surviving Trustee of The Chesapeake and Ohio Canal Company, in a certain condemnation proceeding instituted by the U. S. Government in the Supreme Court of the District of Columbia entitled "In the matter of the condemnation of Squares 63 and 89 in the City of Washington, District of Columbia, No. 781", as follows:-

For Parcel 12 - - - - -	\$ 5,597.38
For Parcel 21 - - - - -	\$ 1,250.25
For Parcel 22 - - - - -	\$10,267.89
Total - - - - -	\$17,115.52

That these Trustees have received interest on this amount from July 28th, 1909, to March 28th, 1910, - - - - - \$ 684.62

There was a balance in the hands of these Trustees at the date of their last report of - - \$ 18.20
\$17,818.34

That these Trustees have applied said sum of \$17,818.34 to the payment of interest on \$260,000 of the bonds secured by the mortgage of May 15th, 1878, which has paid the interest on said bonds from the date of the last payment of interest - July 21st, 1907 - to and including September 12th, 1908.

Respectfully submitted,

Hugh T. Bond Jr.
Herbert R. Prutton
George A. Coe
Surviving Trustees.

Nos. 4191 & 4198 Equity
Consolidated

(3)

Copy of Decree
in No. 3679 Equity
the Circuit Court for
Allegheny Co.

Dont Record

Filed Oct 8. 1910

William Walsh and others

vs

The Chesapeake & Ohio Canal
Company and Isaac Long-

No 3679 Equity

In the Circuit Court for

Allegany County-

This cause standing ready for hearing and being submitted upon argument of Counsel the proceedings were read and considered:

It is thereupon this 12th day of October in the year eighteen hundred and eighty eight by the Circuit Court of Allegany County, sitting as a Court of Equity, adjudged ordered and decreed that unless the defendant, the Chesapeake and Ohio Canal Company, shall on or before the 12th day of November 1888, pay or bring into this Court to be paid unto the defendant Isaac Long, his personal representatives or assigns upon him or they releasing and entering satisfied the two judgments No 205 Trials April Term 1877 and No 206 Trials April Term 1877 of the Circuit Court for Allegany County the sum of sixteen thousand and thirteen dollars and fifty seven cents (\$16013.57) with interest thereon from the first day of July 1888 until paid, hereby reserving any equities between the complainants and the said Isaac Long, his personal representatives or assigns- and shall pay or bring into Court to be paid, unto the complainants the sum of six thousand two hundred and thirty six dollars and forty three cents, (\$6236.43) with interest from the first day of July 1878 until paid or brought in as aforesaid, less the sum of \$504.16-2/3, being the amount hereby allowed at the rate of \$50.00 per annum for the use and occupation of the land and premises held by Jane McIntyre from July 1st 1878 down to July 12th 1888 together with the complainant's costs of this suit to be taxed by the Clerk of this Court the mortgaged premises in the proceedings mentioned or so much thereof as may be necessary for the purpose be sold- that Ferdinand Williams and James A. McHenry be and they are hereby appointed Trustees to make such sale and the Course and manner of their

proceedings shall be as follows- they shall first file with the Clerk of this Court a bond to the State of Maryland, executed by themselves with a surety or sureties to be approved by ^{this} the Court in the penalty of fifty thousand dollars conditioned for the faithful performance of the trust reposed in them by this decree or which may be reposed in them by any future order or decree in the premises, having first given at least three weeks previous notice inserted in some newspaper published in the City of Cumberland and such other notice as they may think proper, of the time, place, manner and terms of sale, which terms shall be as follows:-

the purchase money to be paid one half in cash on the day of sale, and the balance in one year from the day of sale, said balance to bear interest from the day of sale and to be secured by the bond of the purchaser or purchasers, with surety or sureties to be approved by the trustees- And as soon as may be convenient after such sale the said trustees shall return to the Court a full and particular account of the same with an affidavit of the truth thereof and of the fairness of such sale annexed-

And on the ratification of such sale by the Court and upon the payment of the whole purchase money (and not before) the said trustees by a good and sufficient deed to be executed and acknowledged agreeably to law, shall convey to the purchaser or purchasers of said property and to his her or their heirs, the property to him, her or them sold, free, clear and discharged of all claim of the parties to this cause or of any person or persons claiming by from or under them- And the said trustees shall ~~XXX~~ bring into this Court the money arising on such sale and the bond which may be taken for the same, to be disposed of under the direction of this Court, after deducting therefrom the costs of this suit and such commissions to the said trustees as the Court shall think proper to allow in consideration of the skill, attention and fidelity wherewith they shall

appear to have discharged their trust:-

H. W. Hoffman,

The Complainants hereby consent to a sale on credit for one half of the purchase money-

James A. McHenry,
Sol. for the Complainants-

State of Maryland, Allegany County to wit:

I John W. Young, Clerk of the Circuit Court in and for Allegany County, State aforesaid, hereby certify that the foregoing is a true copy of DECREE in the above entitled case-

In testimony whereof I hereto subscribe my name and affix the seal of said Circuit Court at Cumberland, this 5th day of September A. D. 1910-

J. W. Young
Clerk-



OFFICE 206 BRACKEN
BY F. W. MOSE

No. 4191 + 4198 Equity
Consolidated.

C + O Canal Co

to

Walsh & M King

(17)

Cert. Copy Mortgage

Deed Record

Filed Oct. 8th 1910

At the request of William Walsh and Thomas I. McKaig
this mortgage was recorded July 19th 1878 @ 3:20 P.M.

This Mortgage made this first day of July A.D. one thousand eight hundred and seventy eight, by and between the Chesapeake and Ohio Canal Company a body duly corporate of the State of Maryland of the one part and William Walsh and Thomas I. McKaig of Allegany County in the State of Maryland of the other part-

Whereas the Chesapeake and Ohio Canal Company are justly and bona fide indebted unto William Walsh and Thomas I. McKaig of Allegany County, in the State of Maryland, in the full and just sum of eighty six thousand dollars for the balance of the purchase money for the land and premises hereinafter described and mentioned for which said sum the said Chesapeake and Ohio Canal Company has made and passed the twenty nine bonds of said Company each for the same- dated the first day of July one thousand eight hundred and seventy eight and drawn respectively as follows to wit:-

The First and Second of said Bonds for the sums of nine thousand nine hundred and ninety three dollars and fifty nine cents (\$9993.59) and six thousand and nineteen dollars and ninety eight cents (\$6019.98) payable to the order of the said William Walsh and Thomas I. McKaig on the first day of January one thousand eight hundred and seventy nine after date with interest semi-annually-

The Third and Fourth of said Bonds each for the sum of one thousand eight hundred and seventy five dollars and payable to the aforesaid order on the first day of April one thousand eight hundred and seventy nine after date with interest semi-annually-

The Fifth and Sixth of said Bonds each for the sum one thousand eight hundred and seventy five dollars (\$1875.) and payable to the aforesaid order on the first day of July one thousand eight hundred and seventy nine after date with interest semi-annually-

The Seventh and eighth of said Bonds each for the sum of one thousand eight hundred and seventy five dollars (\$1875.) and payable to the aforesaid order on the first day of October one thousand eight hundred and seventy nine after date with interest semi-annually-

The Ninth and Tenth of said Bonds each for the sum of one thousand eight hundred and seventy five dollars (\$1875.) and payable to the aforesaid order on the first day of January one thousand eight hundred and eighty after date with interest semi-annually.

The Eleventh and Twelfth of said Bonds each for the sum of one thousand eight hundred and seventy five dollars (\$1875.) and payable to the aforesaid order on the first day of April one thousand eight hundred and eighty after date with interest semi-annually-

The Thirteenth and Fourteenth of said Bonds each for the sum of one thousand eight hundred and seventy five dollars (\$1875.) and payable to the aforesaid order on the first day of July one thousand eight hundred and eighty after date, with interest semi-annually.

The Fifteenth and Sixteenth of said Bonds each for the sum of one thousand eight hundred and seventy five dollars (\$1875.) and payable to the aforesaid order on the first day of October one thousand eight hundred and eighty after date, with interest semi-annually.

The Seventeenth and Eighteenth of said Bonds each for the sum of one thousand eight hundred and seventy five dollars (\$1875.) and payable to the aforesaid order on the first day of January one thousand eight hundred and eighty one after date with interest semi-annually.

The Nineteenth of said Bonds for the sum of three thousand seven hundred and fifty dollars (\$3750.) payable to the aforesaid order on the first day of April one thousand eight hundred and eighty one after date, with interest semi-annually.

The Twentieth of said Bonds for the sum of three thousand seven hundred and fifty dollars (\$3750.) payable to the aforesaid order on the first day of July one thousand eight hundred and eighty one after date, with interest semi-annually.

The Twentyfirst of said Bonds for the sum of three thousand seven hundred and fifty dollars (\$3750.) and payable to the aforesaid order on the first day of October one thousand eight hundred and eighty one after date, with interest semi-annually.

The Twentysecond of said Bonds for the sum three thousand seven hundred and fifty dollars (\$3750.) and payable to the aforesaid order on the first day of January one thousand eight hundred and eighty two after date with interest semi-annually.

The Twentythird of said Bonds for the sum of three thousand seven hundred and fifty dollars (\$3750.) and payable to the aforesaid order on the first day of April one thousand eight hundred and eighty two after date, with interest semi-annually.

The Twentyfourth of said Bonds for the sum of three thousand seven hundred and fifty dollars (\$3750.) and payable to the aforesaid order on the first day of July one thousand eight hundred and eighty two after date with interest semi-annually.

The Twentyfifth of said Bonds for the sum of three thousand seven hundred and fifty dollars (\$3750.) payable to the aforesaid order on the first day of October one thousand eight hundred and eighty two after date with interest semi-annually.

The Twentysixth of said Bonds for the sum of three thousand seven hundred and fifty (\$3750.) payable to the aforesaid order on the first day of January one thousand eight hundred and eighty three after date with interest semi-annually.

The Twentyseventh of said Bonds for the sum of three thousand seven hundred and fifty dollars (\$3750.) payable to the aforesaid order on the first day of April one thousand eight hundred and eighty three after date with interest semi-annually.

The Twentyeighth of said Bonds for the sum of three thousand seven hundred and fifty dollars (\$3750) and payable to the aforesaid order on the first day of July one thousand eight hundred and eighty three after date with interest semi-annually.

The Twentyninth of said Bonds for the sum of two thousand four hundred and eighty six dollars and forty three cents (\$2486.43) payable to the aforesaid order on the first day of October one thousand eight hundred and eighty three after date with interest semi-annually. And the said Chesapeake and Ohio Canal Company intending to secure the prompt payment of the aforesaid Bonds as they respectively mature, therefore executes this mortgage.

Now therefore in consideration of the premises the said Chesapeake and Ohio Canal Company doth hereby grant and convey unto the said William Walsh and Thomas I. McKaig their heirs and assigns- All and singular the property and premises lying and being in Allegany County and State of Maryland aforesaid and particularly described in deed dated of even date with these presents from the said William Walsh and wife and Thomas I. McKaig and wife to the said Chesapeake and Ohio Canal Company.

Beginning for the first parcel at a point on the Western boundary of the Right of Way of Baltimore and Ohio Railroad Company ten feet northwardly from the switch stand of the track of the railroad which leads to the Coal Wharf on the lands of the said Walsh and McKaig and thence south twenty seven and one half degrees west one hundred and ninety seven feet from the intersection of said boundary with the centre line of the Williams Road opposite Johnson's Mills in the City of Cumberland which intersection is the beginning of the second line of the land purchased by William Walsh

from the heirs of David Shriver and running thence Southwestwardly with the Western boundary of the right of way of said railroad fourteen hundred and fifty three (1453) feet to the line of the " Fisher Lot " thence with an allowance of two degrees variation Right, North twenty nine degrees and forty minutes West, five feet to the corner of a lot occupied by Benjamin Rensky, thence with the eastern line of said lot North thirty seven degrees East one hundred and thirty one feet, thence with North line of said lot South sixty one degrees West eleven and a half feet to the end of the Southern Boundary of Milford's Lot, North twenty seven degrees east one hundred and twenty feet then North thirty two and a half degrees East two hundred and fifty three feet to the end of the second line of Painter's lot. North twenty eight and a quarter degrees east sixty two feet to end of second line of Dixon's lot, then with third line of Dixon's lot North thirty five degrees east thirty one feet then with the fourth line of Dixon's lot North seventy three and a half degrees West one hundred and fifty feet to the beginning. then with the east side of the Old Town Road and with the first line of said lot South fifteen and a South half degrees West thirty feet thence twenty two and three quarter degrees West two hundred and sixty eight feet, then South twenty eight and a quarter degrees West two hundred and three feet to the intersection of the East side of the Old Town Road with the North line of the Fisher Lot, then with the North line of the Fisher Lot with two degrees and twenty minutes Right variation, North twenty nine degrees and forty minutes West sixty six feet to the beginning of said line- then with the outlines of the conveyance by David Shriver's heirs to William Walsh North Sixty and a half degrees West seventy four and a quarter feet, South thirty six and a half degrees West one hundred and seventy six and a half feet, North four degrees East three hundred and sixty three feet, North sixteen degrees West two hundred and sixty four feet, North six and a half degrees East two hundred and eighty two feet to a line parallel with the Coal Shipping

Wharf on said lands and thirty two feet North of the North line of the same. Then with said line South seventy six degrees East two hundred and eighty six feet to the Northwest corney of the Store House of Charles W. Embrey, then North eighty eight degrees East two hundred and thirty nine feet crossing the Basin to the South West corner of the lot sold by William Walsh to Michael Kearney, then with the Southern line of Kearney's lot South eighty six and a quarter degrees East two hundred and fifteen feet then with a curve of about five hundred and twenty five feet radius North-easterly, the Eastern boundary of Kearney's Lot to the end thereof, then North thirty nine and three quarter degrees East three hundred and forty nine feet to a point seven feet from the Western boundary of the lands of the Baltimore and Ohio Railroad ten feet North of the Switch Stand first described, then South sixty two and a half degrees East seven feet to the beginning containing seven and a half acres, exclusive of that portion of the land conveyed to the Chesapeake and Ohio Canal Company by Walsh and McKaig in Eighteen hundred and seventy which is contained within the above described boundaries: and Beginning

Beginning for the Second Parcel at the end of the second line of the conveyance to J.J. Bruce by Andrew Stewart &c. West of Mechanic Street and running thence North sixty four and a quarter degrees East four hundred and eight feet to the Western side of Mechanic Street fifteen feet North of the centre line of the arch over the Mill Race, thence with the West side of Mechanic street South thirty five and three quarter degrees East thirty feet then South sixty four and a quarter degrees West one hundred and sixty seven feet, thence Southwestwardly on a Curve with a radius of sixty-six feet, sixty nine feet, thence South four degrees West thirty feet to the end of the third line of the conveyance by Walsh & McKaig to the Chesapeake and Ohio Canal Company in eighteen hundred and seventy for a basin then with the fourth line of said conveyance South eighty degrees West one hundred and sixty three feet, then with fifth line of the same South

seven degrees West twenty feet thence parallel with the third line of the conveyance to Bruce aforesaid South sixty-five and three quarter degrees West, three hundred and fifty eight feet to the outlines of the conveyance to Walsh by Shriver's heirs, then with said outlines North six and a half degrees East twenty feet then North thirty two degrees East seventy three feet to a point on the prolongation of the third line of the aforesaid conveyance to Bruce, then North sixty five and three quarters degrees East eighty two feet to the end of said line thence with said line reversed North sixty five and three quarters degrees East one hundred and ninety eight feet to the beginning- containing (1-8/100) one and eight one hundredth acres of land-

To have and to Hold the aforesaid property hereby conveyed or intended so to be with the appurtenances unto the said William Walsh and Thomas I. McKaig their heirs and assigns-

Provided nevertheless, and it is hereby understood that if the said Chesapeake and Ohio Canal Company or its successors shall well and truly pay the aforesaid Bonds as the same shall respectively mature in the manner hereinbefore recited, then this Mortgage shall be void and of no effect- And the said Chesapeake and Ohio Canal Company doth hereby constitute and appoint Arthur V. Millholland of Baltimore City to be its true and lawful attorney with full power and authority for it and in its name to acknowledge this instrument as the act and deed of the said Chesapeake and Ohio Canal Company before any person having by the Laws of the State of Maryland to right to take said acknowledgment-

In witness whereof the said Chesapeake and Ohio Canal Company has caused its corporate seal to be hereunto affixed and to be signed by its President and Directors the first day of July A.D. one thousand eight hundred and seventy eight-

(SEAL)



Arthur P. Gorman, President
James G. Berret
Henry D. Farnandis } Directors
Patrick Hamill
John Humbird
Michael Bannon

Test: Geo. McCaffray

State of Maryland-Baltimore City Sct:

I hereby certify that on the first day of July in the year of our Lord one thousand eight hundred and seventy eight before the subscriber a Justice of the peace of the State of Maryland in and for Baltimore City aforesaid, personally appeared Arthur V. Milholland the attorney named in the foregoing Power or Letter of Attorney and acknowledged the foregoing Mortgage to be the act of the said Chesapeake and Ohio Canal Company- and at the same time personally appeared Thomas I McKaig and made oath in due form of law that the consideration set forth in the foregoing mortgage is true and bona fide as therein set forth-

Geo. McCaffray J.P.

State of Maryland, Baltimore City Sct:-

I hereby certify that George McCaffray Esquire before whom the annexed acknowledgment and affidavit were made and who has thereto subscribed his name, was, at the time of so doing a Justice of the Peace of the State of Maryland in and for the City of Baltimore, duly commissioned and sworn-

In testimony whereof I hereto set my hand and affix the seal of the Superior Court of Baltimore City this 2nd day of July A.D. 1878-

F.A. Prevost,
Clerk of the Superior Court of Baltimore City-



State of Maryland, Allegany County to wit:-

I, John W. young, Clerk of the Circuit Court in and for Allegany County, State aforesaid, hereby certify that the foregoing is a true copy of MORTGAGE recorded in Liber No 52 folio 116, one of the Land Records of said Allegany County, Md-

In testimony whereof I hereto subscribe my name and affix the seal of said Circuit Court at Cumberland this 3rd day of September 1910,

John W. Young
Clerk-



Mortgage of Chesapeake and Ohio Canal Co. for James Stokes. See Equity. 3679. Filed 15. 88.

No. 4191 + 4198 Equity

Report of Surviving
Trustees as to
funds from sales
made by J. Clarence
Lane, Trustee,

(20)

Dont Record

Filed Oct 8. 1910

George S. Brown, et al,	)	IN THE CIRCUIT COURT FOR
Trustees,)	
	)	WASHINGTON COUNTY.
vs)	
	)	Nos. 4191 and 4198.
The Chesapeake and Ohio)	
Canal Company, et al.	)	Consolidated Causes.

REPORT OF HUGH L. BOND, Jr.,
 GEORGE A. COLSTON and
 HERBERT R. PRESTON,
 SURVIVING TRUSTEES.

To the Honorable, the Judges of the Circuit Court
 for Washington County:-

Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Surviving Trustees, respectfully report as follows:-

1. These Trustees have received from Isaac Hirsch the purchase money of Three Thousand Dollars (\$3,000.00) and have delivered to him the deed for the property sold under the decree entered in this cause July 15th, 1910.

2. The Chesapeake and Ohio Canal Company executed a purchase money mortgage dated July 1st, 1878, to William Walsh and Thomas J. McKaig covering all of the property to be sold under said decree to The Baltimore and Ohio Railroad Company and a part of the property to be sold to The Footers Dye Works of Cumberland, Md. A suit was begun in the Circuit Court for Allegany County to enforce this mortgage and a decree entered against The Chesapeake and Ohio Canal Company for the amount due thereon, and The Baltimore and Ohio Railroad Company on November 30th, 1888, purchased said decree, amounting with interest to that date to \$25,627.95, and paid C. J. M. Gwynn on account of professional services rendered said Canal Company in said transaction \$118.06, and certain costs amounting to \$3.10, and

said decree was entered to the use of James Sloan, Jr., as Agent for The Baltimore and Ohio Railroad Company.

3. It is necessary to have said decree paid and satisfied before settlement can be made for land sold to The Baltimore and Ohio Railroad Company and to The Footers Dye Works of Cumberland, Md. The Footers Dye Works of Cumberland, Md. desired to secure possession of the property sold to it as soon as possible, and, therefore, it has paid to these Trustees the sum of Twenty-Four Thousand Dollars (\$24,000.00) and has deposited with the Maryland Trust Company the balance of the purchase money - \$6,000.00 - to be paid to these Trustees as soon as said decree is satisfied and deed has been delivered to it. The Baltimore and Ohio Railroad Company is ready to pay for the property sold to it as soon as said decree is satisfied. All the money received by these Trustees has been deposited with the Maryland Trust Company.

4. The Baltimore and Ohio Railroad Company has been in possession of a part of the land sold to it since November 30th, 1900, and, in consideration of the use of such part of said land, has agreed to waive any interest upon the amount due it under said decree from November 30th, 1900, which arrangement these Trustees believe to be a fair and equitable one. The amount due The Baltimore and Ohio Railroad Company on said decree and payment to said Gwynn and costs, with interest thereon to November 30th, 1900, amounts to \$44,288.47.

5. It is necessary to apply the purchase money from these sales, first, to the payment of this decree. The balance remaining can be applied to the payment of interest on the \$260,000 of bonds of 1878, and to the payment of \$10,000 of the principal of said bonds. Such application would be as follows:-

Proceeds of Sale - - - - - \$83,374.50

Amount of decree, counsel fee, costs
and interest to November 30th, 1900,--\$44,288.47

Interest on bonds of 1878 -
September 12th, 1908, to July 23,1910-\$29,076.66

Principal of Bonds - - - - - \$10,000.00. \$83,365.13
Balance - - - - - - \$ 9.37

Interest to be received on said deposit from the Maryland Trust Company will be accounted for by these Trustees in their next report.

These Trustees, therefore, pray that reference be made to an Auditor of this court to state an account distributing the amount to come into their hands upon settlement being made for said sales.

Hugh L. Bond Jr.
Herbert R. Prentiss
George A. Cotton

No. 1914 4198 Equity

(13)

Petition and
order of Court for
fee to Clarence
Musler.

Dont Record

Filed Oct 8 1900

the Auditor of this Court, in settling an account in the above
Court for Washington County, sitting as a Court of Equity, that
Ordered this 27th day of September, 1900, by the Circuit

and
Dollars (\$1,000) as a fee and compensation

(13)

Ordered this 29th day of September, 1910, by the Circuit Court for Washington County, sitting as a Court of Equity, that the Auditor of this Court, in stating an account in the above entitled cause, shall allow to J. Clarence Lane, Trustee, the sum of One Thousand Dollars (\$1,000) as a fee and compensation for his services as said trustee.

M. S. Kury

11. 17. 10
Nos. 4, 1914, 4198 Equity
(Consolidated)
Auditor's
Report and Account
No. 3. —

(22)

Copy made

Filed October 28th 1910

George S. Brown et al.
Trustees,

vs.
The Chesapeake and Ohio
Canal Company et al.

Nos. 4191 & 4198 Equity,
(Consolidated)
in the Circuit Court
for
Washington County
Sitting as Equity.

To the Honorable, the judges of said Court: -
The Auditor's Report in the above entitled
cause respectfully shows: That he has examined the
further proceedings in said cause and from them
has stated the within account.

He has charged the surviving Trustees with
the sum of \$83,374.50, in their hands as per
Report of Sale of J. Clarence Lane, Special
Trustee, and Trustee's Supplemental Report
filed in these proceedings on the 8th day of
October, A. D. 1910.

He has credited them with the sum allowed J.
Clarence Lane, Special Trustee, as per order of
Court, Court charges, necessary expenses.

He has distributed to James Sloan Jr. use of
the Baltimore & Ohio Railroad Co., the sum of
\$44,288.47, as per affidavit of Geo. W. Borth, filed
in these proceedings on Oct. 9, 1910.

He has also distributed to the surviving Trustees
use of the Baltimore & Ohio Railroad Co., the sum of
\$33,020.00, being the interest on \$260,000.00, the balance
of the principal of bonds secured by the mortgage of
May 15th 1878, and \$5,000.00 in part payment of the
principal of said bonds, leaving a balance of said
principal of \$255,000.00, with interest thereon
from October 24, A. D. 1910.

He has left in the hands of said surviving
Trustees, after the above distributions, as working
capital the sum of \$

All of which will more fully appear from
the within account which is herewith.

Respectfully Submitted,
Geo. W. Wolpinger
Auditor.

October, 28th 1910.

The Chesapeake & Ohio Canal Company in Nos. 4,191 & 4,198 Equity in 1910

Oct. 28 To Edward Oswald, Clerk		*17 50	
" The Mail Order Co. misc		2 50	
" Lane & Needy, app. fee		10 00	
" Jos. W. Wolfinger, Auditor		13 50	
To J. Clarence Sam, Special Trustee, as per order of Court	1000 00		*1043 50
To Balance for Distribution			82,331 00
			*83,374 50

And distributed as follows:-

To James Sloan Jr. Use of the Baltimore & Ohio Railroad Co., assignee of the decree of the Circuit Court for Allegany Co., in no. 3679 Equity in said Court, with interest to Nov. 30th 1900, as per affidavit of Geo. W. Booth, Comptroller, as filed in this proceeding, on Oct. 8th 1910. #44,288 47

To Hugh L. Bond & Geo. A. Colston and Robert R. Pristron, surviving Trustees, under a mortgage from the Chesapeake & Ohio Canal Co. to Thomas Jamney, et al Trustees, dated Jan 5th 1848, and surviving substituted Trustees under the mortgage of the Chesapeake & Ohio Canal Co. to Geo. S. Brown et al, Trustees, dated May 15th 1878, as per decree of this Court passed in this cause Oct. 2nd A. D. 1890, and subsequent decrees, use of the Baltimore & Ohio Railroad Co, as follows:-

To Amount forwarded. #44,288 47 #44,288 47

Ag. with Hugh L. Bond, Jr. George A. Colston + Robert R. Preston, Trustees
1910.

Oct. 31st By This sum being the entire amount
in the hands of surviving Trustees,
as per Report of Sale, by J. Clarence
Lane Special Trustee, and
Trustees' Supplemental Report
filed in three foreclosures on
October 8th A. D. 1910.

83,374 50

83,374 50

By Balance for distribution.

82,331 00

Amount forwarded.

82,331 00

1910

19.

Oct. 28	Amount brought forward.		\$44,288 47
	To Said Trustee in payment of interest on \$260,000.00, the balance due on the bonds secured by the mortgage of May 15 th 1878, from September 12 th 1908, to Oct. 24 th 1910. Use of the Baltimore & Ohio Railroad Co.	\$33,020 00	
	To Said Trustee in part payment of of the principal of said bonds, use of the Baltimore & Ohio Railroad Co.	5,000 00	38,020 00
	To Balance in hands of said Trustee.		22 53
			\$82,331 10

Leaving a balance due on the principal of said Bonds of \$255,000.00 with interest thereon from Oct. 24th A. D. 1910.

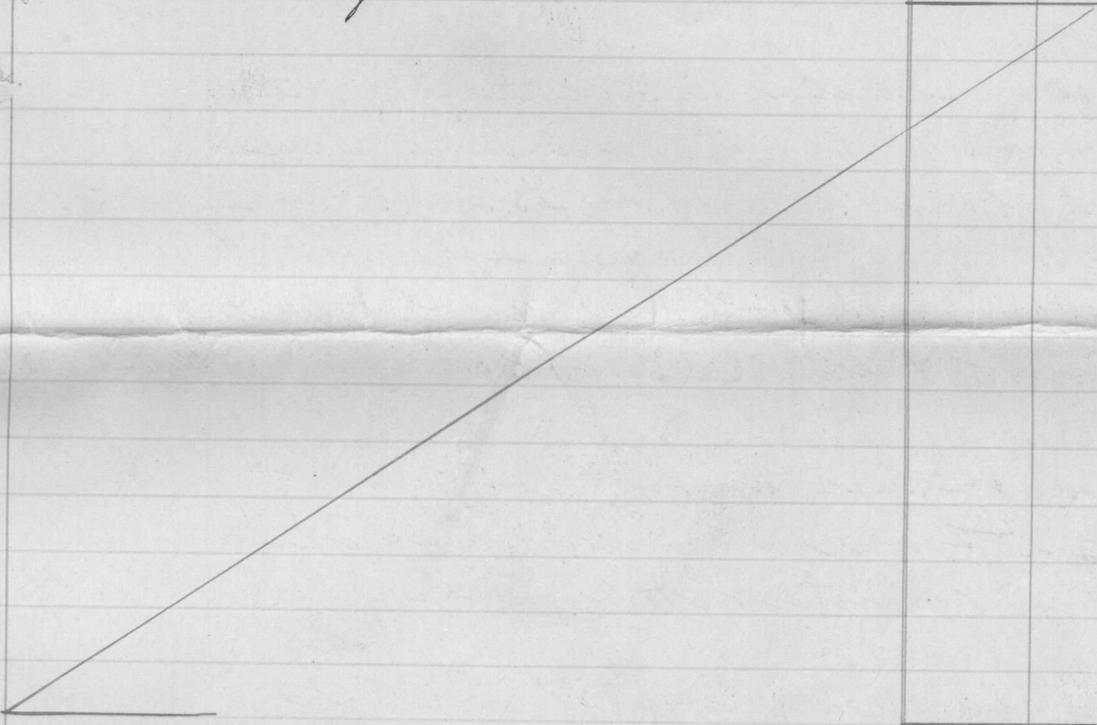
1910.

Dr.

Oct. 28th

Amount forwarded.

\$ 82,331 00



\$ 82,331 00

No 4191 Equity
4198 Equity
Consolidated

Final Ratification
of Auditor Report
Account No. 3.

COURT OF EQUITY

SITTING AS A

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY

No. 4191 Equity

CLERK

Filed Nov 19, 1910

COURT OF EQUITY

SITTING AS A

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY

No. 4191 Equity

George S Brown et al
Trustees

VS.

The Chesapeake & Ohio
Canal Company et al

NO. ⁴¹⁹¹⁺₄₁₉₈ EQUITY. *Insolvent*

In the Circuit Court for Washington County,

SITTING AS A

COURT OF EQUITY.

Auditor's Report and Account No. 3 filed in this cause October

28 1910, will be ready for final ratification after the same shall have lain
fourteen days in Court agreeably to Rule No. XLIV.

Test :

Edward Oswald Clerk.

George S Brown
et al
Trustees

vs.

The Chesapeake & Ohio
Canal Co et al

Auditor's Report and Account, No. 3

41917
No. 4198 } Equity. Consolidated
In the Circuit Court for Washington County,
SITTING AS A
COURT OF EQUITY.
October 28 1910

Notice thereof set up in Clerk's Office same day.

No objection or exception thereto filed to this date,

Nov. 19 1910

TEST:

Edward Oswald Clerk.

George S Brown
et al
Trustees

vs.

The Chesapeake & Ohio Canal
Co. et al

41917
No. 4198 } Equity. Consolidated
In the Circuit Court for Washington County,
SITTING AS A
COURT OF EQUITY.

19th

ORDERED, By the Circuit Court for Washington County, sitting as a Court of Equity, this

day of November 1910, that the Auditor's Report and Account No. 3, in the

above entitled cause, be and the same is hereby finally ratified and confirmed, no cause to the contrary thereof having

been shown, and no exception thereto having been filed, although notice appears to have been given as required by

Rule XLIV of this Court, and the trustee is hereby directed to pay out the fund accordingly:

W. S. Keady

Nos. 4191 & 4198 Equity
In The Circuit Court
for Washington
County.

George S. Brown
et al.,
Trustees,

v.
The Chesapeake ^{and}
Ohio Canal Company
et al.

Nos. 4191 and 4198,
Consolidated Causes.

Trustees' Report,
1910.

Filed April 15, 1911

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

x-----x	:
George S. Brown et al.,	:
Trustees,	:
vs.	:
The Chesapeake & Ohio Canal Company et al.	:
x-----x	:

Nos. 4191
and 4198
Consolidated
Causes.

Report of Hugh L. Bond, Jr., George A. Colston
and Herbert R. Preston, Trustees.

To the Honorable, the Judges of the Circuit Court for
Washington County:

In accordance with decree of this Court entered
on the twenty-seventh day of December, 1905, the undersigned,
Trustees, respectfully report to the Court their receipts
and disbursements for the year ended December thirty-first,
1910, as such Trustees, and file herewith and make part here-
of the following statements and accounts:

1. Statements of receipts and disbursements
for the year ended December 31, 1910.
2. Statement of profit and loss account,
December 31, 1910.
3. Balance sheet, December 31, 1910.

Respectfully submitted.

Hugh L. Bond, Jr.
George A. Colston.
Herbert R. Preston
Trustees.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.
RECEIPTS AND DISBURSEMENTS FOR YEAR ENDED DECEMBER 31, 1910.

---o--- o---

Balance January 1, 1910, \$ 6,564.84

Receipts:-

Earnings,	\$ 69,371.79	
Guaranteed revenue,	<u>38,850.92</u>	<u>108,222.71</u>
Total		114,787.55

Disbursements:-

Operating expenses,		<u>108,222.71</u>
Balance		6,564.84

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

PROFIT AND LOSS ACCOUNT DECEMBER 31, 1910.

Balance, January 1, 1910, \$ 6,564.84

Earnings:

Tolls,	\$ 90,292.09	
Less drawbacks,	37,326.72	
	<u>52,965.37</u>	
Rents, water,	11,774.17	
Rents, houses and lands,	4,632.25	
	<u>4,632.25</u>	
Total Earnings,		\$ 69,371.79

Expenses:

Operating expenses,	<u>108,222.71</u>	
Loss from operation for year,	38,850.92	
From guaranteed revenue,	<u>38,850.92</u>	
Surplus, December 31, 1910,		\$ 6,564.84

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

BALANCE SHEET FOR YEAR ENDED DECEMBER 31, 1910.

-----○-----

BONDS OF 1878.

Assets:-

Bonds of 1878 acquired, Farmers' & Merchants' Bank, Baltimore, to meet out- standing coupons and interest as per court's orders,	\$ 260,000.00 858.78	
Interest accrued from January 1, 1910, to December 31, 1910,	15,600.00	<u>\$276,458.78</u>

Liabilities:-

Purchase money unpaid, Bonds of 1878,	260,000.00	
Outstanding coupons, Bonds of 1878,	750.00	
Interest on outstanding coupons, Bonds of 1878,	108.78	
Interest accrued on unpaid purchase money, January 1, 1910, to Decem- ber 31, 1910,	15,600.00	<u>276,458.78</u>

OPERATING BALANCE.

Current Assets:-

Cash,	\$ 1,192.19	
Individuals & Companies,	5,457.91	
C. & O. Transportation Company,	<u>11,305.10</u>	\$17,955.20

Current Liabilities:-

Accounts payable,	\$11,307.02	
Individuals & Companies,	<u>83.34</u>	<u>11,390.36</u>

Balance December 31, 1910, 6,564.84

Nos. 4191 + 4198^{En.}

Crossed out.

Trustee Report
for year 1911.

Filed Feb. 27, 1912.

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

X-----X	:	
George S. Brown et al.,	:	Nos. 4191
Trustees,	:	and 4198
vs	:	Consolidated
	:	Causes.
The Chesapeake & Ohio Canal Company et al.	:	
X-----X	:	

Report of Hugh L. Bond, Jr., George A. Colston
and Herbert R. Preston, Trustees.

To the Honorable, the Judges of the Circuit Court for
Washington County:

In accordance with decree of this Court entered on
the twenty-seventh day of December, 1905, the undersigned,
Trustees, respectfully report to the Court their receipts and
disbursements for the year ended December thirty-first, nineteen
hundred and eleven, as such Trustees, and file herewith and make
part hereof the following statements and accounts:

1. Statement of receipt and disbursements
for the year ended December 31, 1911.
2. Statement of profit and loss account,
December 31, 1911.
3. Balance sheet, December 31, 1911.

Respectfully submitted,

Hugh L. Bond Jr.
George A. Colston.
H. R. Preston
Trustees.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.
RECEIPTS AND DISBURSEMENTS FOR YEAR ENDED DECEMBER 31, 1911.

---o---

Balance, January 1, 1911, \$ 6,564.84

Receipts:

Earnings,	\$ 59,161.59	
Guaranteed revenue,	<u>49,261.14</u>	<u>108,422.73</u>
		114,987.57

Disbursements:

Operating expenses,		<u>108,422.73</u>
		6,564.84

Unclaimed wages redeposited.		20.23
Balance,		<u>\$ 6,585.07</u>

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

PROFIT AND LOSS ACCOUNT DECEMBER 31, 1911.

Balance, January 1, 1911, \$ 6,564.84

Earnings:

Tolls, \$ 77,527.55
Less drawbacks, 33,602.82
43,924.73

Rents, water, 10,920.00
Rents, houses 4,295.95
and lands,
Miscellaneous, 20.91

Total earnings, \$ 59,161.59

Expenses:

Operating expenses, 108,423.73

Loss from operation
for year 49,261.14

From guaranteed revenue 49,261.14

Unclaimed wages redeposited 20.23
Surplus, December 31, 1911, \$ 6,585.07

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY
 BALANCE SHEET FOR YEAR ENDED DECEMBER 31, 1911.

-----00000-----

BONDS OF 1878.

Assets:

Bonds of 1878 acquired,	⊥ 260,000.00	
Farmers' & Merchants' National Bank, Baltimore, to meet outstanding cou- pons and interest as per court's orders,		858.78
Interest accrued from September 13, 1908, to December 31, 1911, in- clusive,	<u>51,480.00</u>	⊥ 312,338.78

Liabilities:

Purchase money unpaid, Bonds of 1878,	⊥ 260,000.00	
Outstanding coupons, Bonds of 1878,		750.00
Interest on outstanding coupons, Bonds of 1878		108.78
Interest accrued on unpaid purchase money September 13, 1908, to December 31, 1911, inclusive,	<u>51,480.00</u>	⊥ 312,338.78

OPERATING BALANCE.

Current Assets:

Cash,	⊥ 1,444.84	
Individuals and companies,		3,955.04
C. & O. Transportation Company,	<u>18,566.24</u>	⊥ 23,966.12

Current Liabilities

Accounts payable,	⊥ 17,266.71	
Individuals and companies	<u>114.34</u>	<u>17,381.05</u>

Balance, December 31, 1911, ⊥ 6,585.07

nos. 4191 & 4198 Equity Contested.

Special Report & Petition of
Serving Trustees.

Record

Filed June 12th 1912

George S. Brown, et al.,	)	IN THE CIRCUIT COURT
Trustees,	)	FOR
	)	WASHINGTON COUNTY.
vs)	
	)	Nos. 4191 and 4198.
The Chesapeake and Ohio Canal Company,	)	Consolidated Causes.
et al.)	

Special Report and Petition of Hugh L. Bond, Jr., George
A. Colston and Herbert R. Preston, Surviving Trustees.

To the Honorable, the Judges of the Circuit Court for
Washington County, in equity:

Your petitioners respectfully show:-

FIRST. That they are the surviving trustees substituted and appointed under the mortgage made by The Chesapeake and Ohio Canal Company dated June 5th, 1848, to secure the bonds of said company authorized by and issued under the Acts of the General Assembly of Maryland of 1844, Chapter 281, and are also the surviving trustees substituted and appointed under the mortgage made by said company dated May 15th, 1878, to secure the bonds of said company authorized by and issued under the Acts of the General Assembly of Maryland of 1878, Chapter 58. Your petitioners respectfully refer to the copies of said mortgages filed in the proceedings in this cause and to the decrees and orders of court and other proceedings in this cause, for a complete showing of their interests, rights, powers and legal status in respect of The Chesapeake and Ohio Canal Company and its property.

SECOND. That the Chesapeake and Ohio Canal Company is the owner of a certain parcel of land situate in the City of Cumberland, Allegany County, Maryland, lying south of Baltimore Street, west of Mechanic Street, east of Will's Creek and north of Feeder Lock, heretofore used as a boat yard and carpenter shop for the construction and repair of canal boats. The Western Maryland Railway Company desires to improve its access to Cumberland, and, in order to secure a relocation of its line, it is necessary for it to acquire this boat yard, and also to acquire the right to construct its line over the feeder lock and lift lock lying south thereof and the property of the Canal Company, to its western boundary on the West Virginia shore. A map is herewith filed showing the land which said Railway Company desires to acquire, and the right of way over said locks, and land of the Canal Company south thereof.

It is important that The Western Maryland Railway Company be permitted to make a relocation of its line, and your petitioners desire to afford it facility for so doing so far as they can consistently do so. After careful consideration of the matter, your petitioners have found that they can secure another location for said boat yard which will be equally accessible and convenient, and they have, therefore, agreed to recommend to the Court the sale of said parcel of land. The easement for a right of way over said locks and land of the Canal Company will not interfere with the maintenance and operation of said canal, and your petitioners believe that the terms set forth in the offer of said Railway Company, herewith filed, fully protects the interests of said Canal Company.

Your petitioners file herewith copy of an agreement marked "Exhibit Agreement between Trustees and Western Maryland Railway Company", by which they agree to recommend to the Court the sale of the land therein particularly described, and the grant of an easement for a right of way, and the terms which your petitioners believe

are necessary and sufficient to protect the interests of the Canal Company in the premises. The Western Maryland Railway Company has agreed to pay for the land and easement the sum of One Hundred and Fifty-One Thousand Five Hundred Dollars (\$151,500), which sum your petitioners believe to be the full value of said land and easement. Said Railway Company also agrees to pay to your petitioners the sum of Sixteen Thousand Dollars (\$16,000), which is the estimated cost of moving the improvements upon the land, which are reserved from the sale, and the reconstructing of them upon the new location.

The land proposed to be sold is not easily accessible and could not readily be sold for other purposes and is of greater value to said Railway Company than to any one else. Your petitioners do not believe that they could readily find another purchaser or that any other purchaser would pay as much for the property, and, for this reason, your petitioners do not believe that it would be practicable to sell the property at public sale.

Your petitioners, therefore, pray that the Court, by proper order to be entered in this cause, appoint a Trustee or Trustees with authority to make private sale of said parcel of land and easement subject to approval and ratification by the Court, and that said Trustee or Trustees shall report such private sale to the Court for its approval and ratification, to the end that, after due notice to all parties, said sale may be finally approved and ratified, and that, upon such approval and ratification, said Trustee or Trustees may make and execute a proper deed for said parcel of land vesting in the purchaser such title thereto as is vested in said Canal Company and granting said easement upon the terms set out in said offer, free and clear of the lien of the mortgage of said Canal Company of May 15, 1878, and the mortgage of said company of June 5, 1848, and

No. 4191 & 4198 Equity.

Answer of
Continental Trust Co.
to
Petition of Trustee filed
June 12, 1912.

Filed June 26 1912

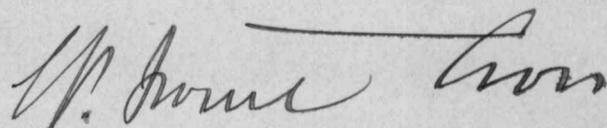
George S. Brown, et al, (Nos. 4191 & 4198 Equity,
vs. (Consolidated.
The Chesapeake and Ohio Canal Com- (In the Circuit Court
pany, et al. (for
(Washington County, in Equity.

TO THE HONORABLE JUDGES OF SAID COURT:-

The answer of the Continental Trust Company to the report and petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, trustees, filed herein June 12th, 1912, respectfully shows:-

This respondent admits as true all the matters and things stated in said petition and report and consents to the passage of a decree by this Court as prayed therein.

And as, &c.



Solicitor for the Continental Trust
Company.

No. 4191 + 4198 Equity.

Answer of C & O.
Canal Co. to petition
of Trustees filed June
12, 1912.

Filed June 26, 1912

George S. Brown, et al, (Nos. 4191 & 4198 Equity,
(Consolidated.
)
vs. (In the Circuit Court
)
(for
The Chesapeake and Ohio Canal Com-)
pany, et al. (Washington County, in Equity.

TO THE HONORABLE JUDGES OF SAID COURT:-

The answer of The Chesapeake and Ohio Canal Company to the report and petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, trustees, filed herein June 12th, 1912, respectfully shows:-

This respondent admits as true all the matters and things stated in said petition and report and consents to the passage of a decree by this Court as prayed therein.

And as, &c.

Ray. Ch. Richmond

Solicitor for The Chesapeake and
Ohio Canal Company.

Nos. 4191 + 4198 Equity.

Decree on special
report and petition of
Surviving Trustees filed
June 12, 1912, Appointing
Special
J. Clarence Sans, Trustee.

Filed June 26, 1912

George S. Brown, et al, Trustees,	(Nos. 4191 & 4198 Equity.)
vs.	(Consolidated.)
The Chesapeake and Ohio Canal Company, et al,	(In the Circuit Court) (for)) Washington County, in Equity.

This cause coming on to be heard upon the Special Report and Petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Surviving Trustees, filed June 12th, 1912, and the Exhibit Agreement filed therewith and the Answers of The Chesapeake and Ohio Canal Company and The Continental Trust Company thereto, and it appearing from the said Special Report and Petition and Exhibit Agreement, filed therewith, that the said Surviving Trustees have agreed to sell, subject to the ratification and approval of this Court, to The Western Maryland Railway Company a certain parcel of land situate in the City of Cumberland, Allegany County, Maryland, lying South of Baltimore Street, West of Mechanic Street, East of Will's Creek and North of Feeder Lock, heretofore used as a boat yard and carpenter shop for the construction and repair of canal boats, and containing one and ninety-five hundredths (1.95) acres of land, more or less, and also the right to construct, maintain and operate its railroad of two or more tracks in perpetuity, from the Southern boundary of said land over the feed lock and lift lock of said Canal Company and over the land of the said Canal Company and the Potomac River, upon a location described in said Exhibit Agreement, at and for the sum of One Hundred and Fifty One Thousand, Five Hundred Dollars (\$151,500) cash, and the said The Western Maryland Railway Company also agreeing to pay to the said Surviving Trustees the further sum of Sixteen Thousand Dollars (\$16,000) for the purpose of moving the improvements upon the said

land, which are reserved from the said sale, and the reconstruction of them upon a new location, and it appearing to the Court that the said parcel of land and easements are not required for use by the said Canal Company and that it is to the interest and advantage of all parties to this cause and persons represented by or claiming under them, that said parcel of land shall be sold at private sale and upon terms stated in said Exhibit Agreement.

It is therefore adjudged, ordered and decreed this 26th day of June, 1912, by the Circuit Court for Washington County, sitting as a Court of Equity, that *J. Clarence Lane, Esq.* be, and he is hereby appointed ^{Special} Trustee to sell at private sale the said parcel of land and the easements mentioned and described in said Special Report and Petition and Exhibit Agreement, filed therewith, and the said Trustee is hereby directed to report said sale to this Court, to the end that, after due notice to all parties, published under the rules of this Court, said sale may be finally ratified and approved, unless good and sufficient cause to the contrary be shown.



Nos. 4191 + 4198 ^{copy} -

Report of sales by
J. Claude Lane
Gene Music,
under license of
June 26, 1912.

Mail

Filed June 27, 1912

George S. Brown, et al, Trustees,	(Nos. 4191 and 4198 Equity.) (Consolidated.) (In the Circuit Court) (for) (Washington County.
vs.	
The Chesapeake and Ohio Canal Company, et al.	

Report of J. Clarence Lane, Special Trustee:

TO THE HONORABLE JUDGES OF SAID COURT:-

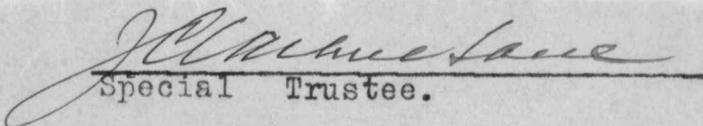
Special

The report of J. Clarence Lane, Special Trustee, heretofore appointed by a decree of this Court entered the 26th day of June, 1912, respectfully shows:-

That in accordance with the terms and provisions of said decree he has sold to The Western Maryland Railway Company all that parcel of land situated in the City of Cumberland, Allegany County, Maryland, containing one and ninety-five hundredths (1.95) acres of land, more or less, more particularly described in the Special Report and Petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Surviving Trustees, filed in this cause on June 12th, 1912, and in the Exhibit Agreement filed therewith, and also the right to construct, maintain and operate its railroad of two or more tracks in perpetuity, from the Southern boundary of said land over the feed lock and lift lock of The Chesapeake and Ohio Canal Company and over the land of the said Canal Company and the Potomac River upon the location described in said Exhibit Agreement, at and for the sum of One Hundred and Fifty One Thousand, Five Hundred Dollars (\$151,500) cash upon the ratification of the sale, the said The Western Maryland Railway Company also agreeing to pay to the said Surviving Trustees the further sum of Sixteen Thousand Dollars (\$16,000) for the purpose of moving the improvements upon the said land,

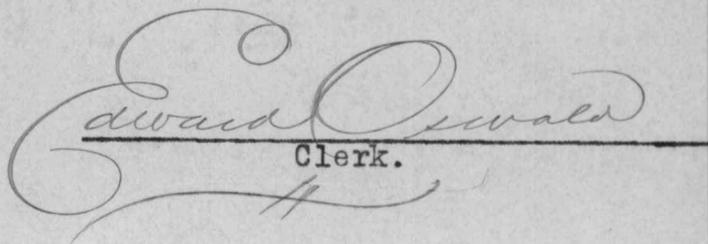
which are reserved from the said sale, and the reconstruction of them upon a new location.

Amount of sale \$151,500


Special Trustee.

STATE OF MARYLAND, WASHINGTON COUNTY, to wit:-

I hereby certify that on this 27 day of June, 1912, before the subscriber, the Clerk of the Circuit Court for Washington County, personally appeared J. Clarence Lane, ^{Special} Trustee, and made oath in due form of law that the matters and facts stated in the foregoing report are true to the best of his knowledge, information and belief.


Clerk.

No. 41915 4198 Equity

Misc Order

Filed June 27, 1912

In the Circuit Court

WASHINGTON COUNTY,

COURT OF EQUITY.

No. 419134198 Equity

George S. Brown et al
Trustees

In the Circuit Court

VERSUS

FOR

The Chesapeake & Ohio
Canal Company
et al

WASHINGTON COUNTY,

SITTING AS A

COURT OF EQUITY.

Ordered, By the Clerk of the Circuit Court, this 27th day of June
1912, that the sales made and reported by J. Clarence Lane

heretofore
appointed Trustee for the sale of the real estate in the proceedings of this cause mentioned, be
ratified and confirmed, unless cause to the contrary be shown to the Court, on or before the
19th day of July next: Provided, a copy of this order be inser-
ted in some newspaper published in Washington County, at least once a week for three successive
weeks before the said last mentioned day.

The report states the amount of sales to be \$ 151,500⁰⁰

TRUE COPY--TEST:

Edward Oswald
Clerk.

No. 4191 + 4198 Egn.

Supplemental re-
port of J. Carson
Lane, Special Master

Filed July 27, 1912

George S. Brown, et al,	(Nos. 4191 & 4198 Equity.)
vs.	(Consolidated.)
The Chesapeake and Ohio Canal Company, et al.	(In the Circuit Court) (for) (Washington County, in Equity.

TO THE HONORABLE JUDGES OF SAID COURT:-

The supplemental report of J. Clarence Lane, heretofore appointed Special Trustee by the decree of this Court passed June 26th, 1912, respectfully shows:-

1. That he has received from The Western Maryland Railway Company the sum of One Hundred and Fifty One Thousand Five Hundred Dollars (\$151,500) in full payment of the land and easements decreed to be sold and which were sold by your Trustee to the said The Western Maryland Railway Company.

2. That he has also received from the said The Western Maryland Railway Company the sum of Sixteen Thousand Dollars (\$16,000), the amount agreed to be paid by the said Railway Company to the Surviving Trustees for the cost of moving the improvements upon the land sold, as aforesaid, and reconstructing them upon a new location.

That your Special Trustee reports the above amounts for distribution and for the purpose of having an account stated by the auditor of this Court.

J. Clarence Lane
Special Trustee.

Nos. 4191 + 4198 Eg.

Petition and order
of Court for fee to
J. Clarence Sams
District

Filed July 27, 1912.

George S. Brown, et al, (Nos. 4191 & 4198 Equity.
)
(Consolidated.
)
vs. (In the Circuit Court
)
(for
The Chesapeake and Ohio Canal Com-)
pany, et al. (Washington County, in Equity.

TO THE HONORABLE JUDGES OF SAID COURT:-

The petition of J. Clarence Lane, heretofore appointed Trustee to make sale of certain land of The Chesapeake and Ohio Canal Company, by a decree of this Court passed and filed June 26th, 1912, respectfully shows:-

That in pursuance of said decree he has sold the property mentioned and described in the special report and petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Surviving Trustees, filed June 12th, 1912, and the exhibit accompanying said report, which sale was duly reported to and finally ratified by this Court, as will appear by the proceedings in said cause, and the purchase money for said property, amounting to One Hundred and Fifty One Thousand Five Hundred Dollars (\$151,500) has been paid ~~or~~ ~~secured to be paid~~ as will appear by the supplemental report filed in the said consolidated cases, and the papers are ready for the statement of account by the auditor of this Court.

Your petitioner prays your Honors to allow him a reasonable fee as compensation for his services in the premises and reports to the Court that One Thousand Dollars (\$1,000) is a fee which the said Surviving Trustees are willing shall be allowed.

And as, &c.

J. Clarence Lane

Ordered this 26th day of July, 1912, by the Circuit Court for Washington County, sitting as a Court of Equity, that the auditor of this Court, in stating the account in the above entitled cause, shall allow to J. Clarence Lane, Special Trustee, the sum of One Thousand Dollars (\$1,000) as a fee and compensation for his services as said Trustee, subject to the usual exceptions.

M. L. Rudy

Nos. 4191 & 4198 Equity.
Consolidated.

Auditor's Report
& Account.

No. 4

PIEDMONT BOND

PIEDMONT BOND

Filed July 30 1912

Geo. S. Brown, et al	)	Nos. 4191 & 4198 Equity.
Trustees.	)	In the Circuit Court
VS	)	for
The Chesapeake and Ohio	)	Washington County
Canal' Company, et al.	)	Sitting as Equity.

TO THE HONORABLE, the Judges of said Court:-

The Auditor's Report in the above entitled cause respectfully shows:- That he has examined the further proceedings in said cause and from them has stated the within account.

He has charged the surviving Trustees with the entire amount of the funds received from all sources as per Supplemental Report of J. Clarence Lane special Trustee, and filed in the proceedings July 27th A. D. 1912, and has credited them with the fee allowed J. Clarence Lane, Special Trustee as per order of Court, Court charges, and necessary expenses.

He has distributed to the surviving Trustees, Use of the Baltimore and Ohio Railroad Company, the sum of \$27667.50 being the interest on \$255000, the balance of the principal of bonds secured by the mortgage of May 15th, 1878 and \$122,500.00 in part payment of the principal of said Bonds, leaving a balance of said principal of \$132, 500.00, with interest thereon from the 15th day of August, A. D. 1912.

He has also distributed to the said surviving Trustees the sum of \$16000.00 for the purpose of removing improvements from the Lands sold to the Western Maryland Railway Company, and reconstructing them else where, as per agreement filed, in these proceedings.

He has left in the hands of said surviving Trustees after the above distributions, as working capital the sum of \$302.00.

All of which will more fully appear from the within

account which is herewith,

Respectfully Submitted,

Jos. W. Wolfrum

Auditor.

July 30th, 1912.

EDMONT BOND

EDMONT BOND

The Chesapeake & Ohio Canal Company, in Nos. 4191 & 4198 Equity, Consolidated, in account with J. Clarence Lane, Special Trustee, under decree of Court passed June 26th, 1912.

1912	Dr.	Cr.
July 30th By This sum being the entire amount in the hands of J. Clarence Lane, Special Trustee, received from the real estate sold as per his supplemental report, filed July 27th, 1912,		\$151,500.00
" Entire amount in the hands of the said J. Clarence Lane, Special Trustee, received from The Western Maryland Railway Co. for the purpose of meeting the cost and expense of removing the improvements from the land sold by the said J. Clarence Lane, Special Trustee, to The Western Maryland Railway Co. and the reconstruction of them upon a new location		16,000.00
		<u>\$167,500.00</u>
To Edward Oswald, Clerk,	\$ 9.00	
" The Mail Publishing Co. Ptg.	2.50	
" Lane & Keedy, Appr. fee,	10.00	
" J. Clarence Lane, Special Trustee, as per Order of Court	1,000.00	
" Jos. W. Wolfinger, Auditor	9.00	
" Balance for Distribution	166,469.50	
	<u>\$167,500.00</u>	<u>167,500.00</u>
By Balance for Distribution		\$166,469.50
To Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Surviving Trustees under the mortgage from The Chesapeake & Ohio Canal Co. to Phineas Janney, et al, Trustees, dated June 5th, 1848, and surviving substituted Trustees under the mortgage from The Chesapeake & Ohio Canal Co. to George S. Brown, et al, Trustees, dated May 15th, 1878, as per decree of this Court passed in this cause October 2, A.D. 1890, and subsequent decrees, use of The Baltimore & Ohio Railroad Co. as follows:-		
To Said Trustees in payment of interest on \$255,000 the balance due on the bonds secured by the said mortgage of May 15th, 1878, from Oct. 24th, 1910, to August 15th, 1912, use of The Baltimore & Ohio Railroad Company	\$ 27,667.50	
" Said Trustees in part payment of the principal of the said bonds secured by the said mortgage of May 15th, 1878, use of The Baltimore & Ohio Railroad Co.	122,500.00	
" Said Trustees to be accounted for in their next report	302.00	
	<u>\$150,469.50</u>	

WESTERN MARYLAND BOND

1912

Dr.

Cr.

Amounts carried over

\$150,469.50

\$166,469.50

Leaving a balance due on said bonds of \$132,500.00, with interest from the 15th day of August, 1912,

To The said Trustees for the purpose of removing the improvements from the land sold by the said J. Clarence Lane, Special Trustee, to The Western Maryland Railway Co. and reconstruction of them upon a new location, as per agreement filed and approved by the Court

16,000.00

\$166,469.50

\$166,469.50

WESTERN MARYLAND BOND

Nos. 4191 + 4198 Eq.

Final order of confirmation of sale reported by Clarence Lane Special Trustee June 27, 1912

Filed July 20, 1912

NISI ORDER:—
GEORGES. BROWN, et. al., Trustee,
 vs.
THE CHESAPEAKE & OHIO CANAL
COMPANY, et. al.
 No. 4,191 & 4,198 Equity.
 In the Circuit Court for Washington
 County, sitting as a Court of Equity.
 Ordered, By the Clerk of the Circuit
 Court, this
 27TH DAY OF JUNE, 1912,
 that the sales made and reported by
 J. CLARENCE LANE,
 heretofore appointed Trustee for the
 sale of the real estate in the proceed-
 ings of this cause mentioned, be rati-
 fied and confirmed, unless cause to the
 contrary be shown to the Court, on or
 before the
 19TH DAY OF JULY NEXT;
 Provided, a copy of this order be in-
 serted in some newspaper published in
 Washington County, at least once a
 week for three successive weeks before
 the said last mentioned day.
 The report states the amount of
 sales to be \$151,500 00.
 True Copy—Test:
 EDWARD OSWALD, Clerk.

 OFFICE OF HAGERSTOWN MAIL
 Hagerstown, Md., July 20 1912
 WE HEREBY CERTIFY. That the annexed advertisement has been published in
 THE HAGERSTOWN MAIL, a newspaper published in Washington County, Maryland, at least
 once a week for three successive weeks prior to the 19th
 day of July, 1912,
 No exceptions filed to this date
 July 20, 1912.
 MAIL PUBLISHING CO., Publishers.
 Edward Oswald, Sec'y.

The Chesapeake and Ohio Canal)
 Company, et al.)
) In the Circuit Court
) for
) Washington County, in Equity.

It is hereby ordered this 20th day of July, 1912, by the
 Circuit Court for Washington County, sitting as a Court of Equity,
 that the sale heretofore reported by J. Clarence Lane, Special
 Trustee, under a decree of this Court passed on the 26th day of
 June, 1912, be, and the same is hereby finally ratified and confirm-
 ed, no cause to the contrary having been shown although notice ap-
 pears to have been given, as required by the preceding order
 of the Clerk.

M. L. Keagy

George S. Brown, et al,
Trustees,

vs.

The Chesapeake and Ohio Canal
Company, et al.

(Nos. 4191 & 4198 Equity.
)
(Consolidated.
)
(In the Circuit Court
)
(for
)
(Washington County, in Equity.

It is hereby ordered this 20th day of July, 1912, by the Circuit Court for Washington County, sitting as a Court of Equity, that the sale heretofore reported by J. Clarence Lane, Special Trustee, under a decree of this Court passed on the 26th day of June, 1912, be, and the same is hereby finally ratified and confirmed, no cause to the contrary having been shown although notice appears to have been given, as required by the preceding order of the Clerk.



George S. Brown, et al.,	)	IN THE CIRCUIT COURT
Trustees,	)	FOR
	)	WASHINGTON COUNTY.
vs)	
	)	Nos. 4191 and 4198.
The Chesapeake and Ohio Canal Company,	)	Consolidated Causes.
et al.)	

Special Report and Petition of Hugh L. Bond, Jr.,
George A. Colston and Herbert R. Preston, Surviving
Trustees.

To the Honorable, the Judges of the Circuit Court for
Washington County, in equity:

Your petitioners respectfully show:-

FIRST. That they are the surviving trustees substituted and appointed under the mortgage made by the Chesapeake and Ohio Canal Company dated June 5th, 1848, to secure the bonds of said company authorized by and issued under the Acts of the General Assembly of Maryland of 1844, Chapter 281, and are also the surviving trustees substituted and appointed under the mortgage made by said company dated May 15th, 1878, to secure the bonds of said company authorized by and issued under the Acts of the General Assembly of Maryland of 1878, Chapter 58. Your petitioners respectfully refer to the copies of said mortgages filed in the proceedings in this cause and to the

decrees and orders of court and other proceedings in this cause, for a complete showing of their interests, rights, powers and legal status in respect of The Chesapeake and Ohio Canal Company and its property.

SECOND. Your petitioners have agreed, subject to the approval of the Court, to grant to The Western Maryland Railway Company the right to construct a railroad track across the Chesapeake and Ohio canal and certain land belonging to it and across the Potomac River about 9,300 feet below Dam No. 5, for which said Railway Company has offered to pay Two Thousand Dollars (\$2,000). An agreement marked "Exhibit - Agreement between the Trustees and The Western Maryland Railway Company" is herewith filed, and attached thereto is a plat showing the location of said crossing and the elevation and character of the bridge to be constructed. Said Railway Company agrees to construct said bridge so as not to interfere in any way with the operation of said canal, and to do all things which your petitioners deem necessary to fully protect the interests represented by them.

Your petitioners, therefore, pray the Court that their action in executing said agreement be approved, and that they, or a majority of them, may be authorized to execute to said Railway Company an instrument granting to it the right and easement to construct and maintain its railroad over said canal and land and over the Potomac River upon the terms set forth in said agreement, which instrument

shall vest in said Railway Company a title to said right and easement free and clear of the lien of the mortgage of said Canal Company of May 15th, 1878, and the mortgage of said company of June 5, 1848, and shall be binding forever upon each and all of the parties to this cause and their privies, and upon each and all of the holders of the bonds issued under said mortgage of May 15th, 1878, and under said mortgage of June 5th, 1848, and upon your petitioners representing as Trustees each of said classes of bondholders, and upon said Canal Company and all persons claiming under it, and that, upon the execution and delivery of said instrument, the purchase money shall be paid over to your petitioners as Trustees, to be held as a part of the trust estate, and paid out and distributed by them as this Court may authorize and direct.

And your petitioners will ever pray, etc.

Lucas & Needy
Solicitors

Herbert B. Preston
George A. Coe

STATE OF MARYLAND,)
) TO WIT:-
CITY OF BALTIMORE,)

I HEREBY CERTIFY, that on this *12th* day of *July*, 1912, before me, the subscriber, a Notary Public of the State of

Maryland, in and for the City of Baltimore aforesaid, personally ap-
peared *Herbert R. Preston* and made oath in due
form of law that the matters and facts stated in the foregoing pe-
tition are true to the best of his knowledge, information and be-
lief.

Geo. W. Baulebost,

Notary Public.

*My Commission Expires
May 1st, 1914.*

Nos. 4191 + 4198
AGREEMENT

HUGH L. BOND ET AL.
TRUSTEES,

WITH

THE WESTERN MARYLAND
RAILWAY COMPANY

*Exhibit -
Agreement between
The Trustees and the Western
Maryland Railway Co.*

Filed July 20 1912

THIS AGREEMENT, made this 10 day of July, 1912, between Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Trustees of the Chesapeake and Ohio Canal, hereinafter called "Trustees", parties of the first part, and The Western Maryland Railway Company, hereinafter called the "Railway Company", party of the second part.

WHEREAS, there is pending in the Circuit Court for Washington County an Equity case entitled "George S. Brown, et al, Trustees, versus the Chesapeake and Ohio Canal Company, et al, Nos. 4191 and 4198 Equity, Consolidated Causes", by reference to the proceedings in which case the character of said trusteeship will fully appear; and

WHEREAS, said Railway Company desires to acquire the right to construct a railroad track across said Chesapeake and Ohio canal and certain land of the Chesapeake and Ohio Canal Company, and across the Potomac River about 9,300 feet measured along the tow-path below Dam No. 5, upon the location shown upon the blue-print hereto attached, dated June 7th, 1912, and approved by the Chief Engineer of said Railway Company and the General Manager of said Trustees, and said Railway Company has offered to pay Two Thousand Dollars (\$2,000) for said easement, and said Trustees have agreed to report said offer to said Court with the recommendation that it be accepted by said Court.

NOW, THEREFORE, the parties hereto have agreed as follows:-

Said Trustees agree forthwith to recommend to said Court

that the easement hereinafter described be granted to said Railway Company, upon the terms hereinafter set forth, for the sum of \$2,000, and said Railway Company agrees that in case said Court shall accept said offer and by proper proceedings authorize said Trustees to grant said easement, that it will pay in cash, upon the execution and delivery to it of a proper instrument granting the same, the sum of \$2,000.

The easement for which said offer is made is the right to construct and maintain a single-track railroad over said canal and land of said Canal Company and over the Potomac River to the extent of the interest of said Canal Company therein, by means of a bridge with a clearance of not less than 18 feet above the full level of the water of said canal, said bridge extending from the abutment on the Maryland side of the Potomac River, as shown upon said blue-print, to the abutment on the West Virginia side of said river, as shown on said blue-print, and also the right to place piers on either side of said canal and as shown upon said blue-print, the north-east face of said pier on the tow-path of said canal to be not less than 13 feet from the edge of the water at full level of said canal at the surface of the tow-path; it being expressly understood that no other supports or obstructions shall be placed over or upon said canal and said Canal Company's lands and said river except the piers for said bridge, as shown upon said blue-print, and the superstructure of said bridge.

It is agreed that the Railway Company shall protect the

tow-path embankment from a point 50 feet above the upper face of the pier to a point 100 feet below the lower face of the pier by a slope wall on the inner slope of the tow-path extending to the bottom of the canal, and pave the surface of the tow-path for the whole distance, and the river side of the embankment shall be protected by rip-rap of heavy stone or slope wall.

The Railway Company shall remove the timber from the islands in the Potomac River for a distance of 350 feet from the center line of said railroad on the up-stream side, and for a distance of 900 feet from the center line of said railroad on the down-stream side of said river, and maintain the said islands clear of timber within the above mentioned limits.

The Railway Company shall conduct its operations so as not to interfere with or delay transportation upon said canal, and shall be responsible to said Trustees or to any person or corporation operating boats upon said canal for any loss or injury to said canal or to persons, boats or teams operating on said canal, and for any delay in transportation caused by their operations.

IN TESTIMONY WHEREOF, said Trustees and said Railway Company have caused this agreement to be executed, in triplicate, on the day and year aforesaid.

Herbert R. P. P. P.
George A. Colston

Trustees.

THE WESTERN MARYLAND RAILWAY COMPANY

BY

[Handwritten Signature]
President.

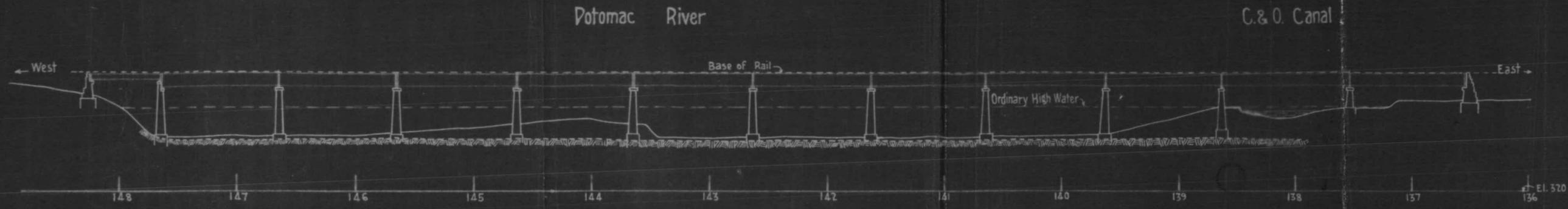
Attest
[Handwritten Signature]
Secretary

Approved:

[Handwritten Signature]
Chief Engineer, The W. M. Ry. Co.

Approved as to form
By: *[Handwritten Signature]*
Ry. Co's Counsel

W. S. B. PARAGON LINEN
MADE IN U.S.A.



Note: The Western Maryland Railway Company is to remove the timber from the Islands in the Potomac River, for a distance of 350 feet from the center line of said Railroad on the up stream side, and for a distance of 900 feet from the center line of said Railroad on the down stream side of said river, and maintain the said Islands clear of timber within the above mentioned limits.



Approved:-


Chief Engr. The W. M. Ry. Co.

Approved:-


Genl. Mgr. C.&O. Canal Co.

W. M. RY.
 MARYLAND DIVISION
 CHARLTON BRANCH
BRIDGE OVER POTOMAC RIVER
 WASHINGTON COUNTY, MD.

Office of Chief Engineer,
 Scale: 1 in. = 100 ft.

Baltimore, Md.
 June 7, 1912.

George S. Brown, et al,
Trustees,

vs

The Chesapeake and Ohio Canal Company,
et al.

)
)
)
)
)
)
)

IN THE CIRCUIT COURT
FOR
WASHINGTON COUNTY.
Nos. 4191 and 4198.
Consolidated Causes.

ANSWER OF THE CHESAPEAKE AND OHIO CANAL COMPANY.

To the Honorable, the Judges of the Circuit Court for
Washington County, in equity:-

The answer of The Chesapeake and Ohio Canal Company to the
report and petition of Hugh L. Bond, Jr., George A. Colston and
Herbert R. Preston, surviving trustees, asking authority to execute
an instrument granting to The Western Maryland Railway Company the
right to construct a certain railroad track across the Chesapeake and
Ohio Canal and certain land belonging to it and across the Potomac
River below Dam No. 5, respectfully shows:-

This defendant admits the facts stated in said petition
to be true and consents to the passage of an order as therein prayed.

Buy: A. Williams

Solicitor for The Chesapeake
and Ohio Canal Company.

No. 4191 + 4198 Eq.

4

Answer of
Continental Trust Co.
to Special Report &
petition of Trustee
filed July 1912.

Filed July 20 1912

George S. Brown, et al.,
Trustees,

vs

The Chesapeake and Ohio Canal Company,
et al.

)
) IN THE CIRCUIT COURT
) FOR
) WASHINGTON COUNTY.

)
) Nos. 4191 and 4198.
) Consolidated Causes.
)

ANSWER OF THE CONTINENTAL TRUST COMPANY.

To the Honorable, the Judges of the Circuit Court for
Washington County, in equity:-

The answer of the Continental Trust Company to the report and petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, surviving trustees, asking authority to execute an instrument granting to The Western Maryland Railway Company the right to construct a certain railroad track across the Chesapeake and Ohio Canal and certain land belonging to it and across the Potomac River below Dam No. 5, respectfully shows:-

This defendant admits the facts stated in said petition to be true and consents to the passage of an order as therein prayed.

M. J. ...

Solicitor for the Conti-
nental Trust Company.

No. 4, 1914 H. 1985
5

Decree and order of
Court authorizing the
Trustees to enter into
agreement with the
Western Nat. Railway Co.

Filed July 20th 1912

George S. Brown, et al,
Trustees,
vs
The Chesapeake and Ohio Canal Company,
et al.

) IN THE CIRCUIT COURT
) FOR
) WASHINGTON COUNTY.
)
) Nos. 4191 and 4198.
) Consolidated Causes.
)

DECREE.

This cause coming on to be heard upon the report and petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, surviving trustees, praying that authority be granted them to execute an instrument granting to The Western Maryland Railway Company the right to construct a certain railroad track across the Chesapeake and Ohio Canal and certain land belonging to it and across the Potomac River below Dam No. 5, and upon the exhibit filed with said petition and the answers thereto of The Chesapeake and Ohio Canal Company and the Continental Trust Company, and it appearing from said petition that The Western Maryland Railway Company desires to acquire the right to construct its railroad over said canal and across certain land belonging to said Canal Company and across the Potomac River about 9300 feet below Dam No. 5 and has offered to pay therefor Two Thousand Dollars (\$2,000) and to construct its bridge so as not to interfere in any way with the operation of said canal, and said defendants having assented to the passage of a decree as prayed;

IT IS, THEREFORE, ADJUDGED, ORDERED AND DECREED, this 20th day of *July, A. D.*, 1912, by the Circuit Court for Washington County, that the agreement dated July 10th, 1912, between said Trustees and The Western Maryland Railway Company, and filed as an exhibit with said petition, is hereby approved, and said Trustees are hereby authorized to grant said easement in consideration of the payment of said \$2,000 and upon the terms set forth in said agreement, which instrument shall vest in said Railway Company a title to said easement free and clear of the lien of the mortgage of said Canal Company of May 15th, 1878, and the mortgage of said company of June 5th, 1848, and shall be binding forever upon each and all of the parties to this cause and their privies, and upon each and all of the holders of the bonds issued under said mortgage of May 15th, 1878, and under said mortgage of June 5th, 1848, and upon said Trustees representing each of said classes of bondholders, and upon said Canal Company and all persons claiming under it, and that, upon the execution and delivery of said instrument, the purchase money shall be paid over to said Trustees, to be held as a part of the trust estate, and paid out and distributed by them as this Court may authorize and direct.



UNITED STATES POSTAGE 1930

#4191 + 4198 *Eg*

Filed June 27 1912

REGISTERED MAIL 1930

DAILY ESTABLISHED 1890

WEEKLY ESTABLISHED 1828

≡≡≡ *The Mail* ≡≡≡

Hagerstown, Md., June 27 1915

McDermee Lane, Inlet, #4191 & 4198 Eq.

To *The Hagerstown Mail Publishing Company, Dr.*

1915.

<i>June 27</i>	<i>To ad. order Misc</i>	<i>2.00</i>
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In The Circuit Court
for Washington
County.

George S. Brown
et al, Trustees,
v.

The Chesapeake & Ohio
Canal Company
et al.

Nos. 4191 and 4198,
Consolidated Causes.

Petition of
Surviving
Trustees and
Order Thereon.

As to balance of deposit held by
Joseph D. Baker,

Filed June 7, 1913

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

----- :
George S. Brown, et al., :
Trustees, : Nos. 4191 and
vs. : 4198 Consolidated
The Chesapeake and Ohio Canal Company et al. : Causes.
----- :

PETITION OF HUGH L. BOND, JR., GEORGE A COLSTON
AND HERBERT R. PRESTON, SURVIVING TRUSTEES.

To the Honorable, the Judges of the Circuit Court for
Washington County:

The petition of Hugh L. Bond, Jr., George A. Colston
and Herbert R. Preston, Surviving Trustees, respectfully
shows:

That by order entered the Tenth day of June, 1909, this
Court directed Joseph D. Baker, Esquire, as survivor of the
receivers of the property and rights of The Chesapeake and Ohio
Canal Company, to turn over to said Surviving Trustees the sum
of \$280.48 then on deposit in the Citizens' National Bank of
Frederick, Frederick, Maryland, with interest thereon, at legal
rate, from January 1, 1891, until paid;

That said Joseph D. Baker, Esquire, has paid over to your
petitioners as such Surviving Trustees, the sum of \$280.48;

That your petitioners were advised at the time of the pay-
ment of said amount to them that said Citizens' National Bank of
Frederick had treated said amount of \$280.48, from the date of
its deposit to the time of payment, as an account entirely separate
and distinct from its other deposits and had received no benefit
from the same, but that it had held said amount in its vaults
awaiting disposition of the same;

WHEREFORE your petitioners pray that an order may be entered herein approving the acceptance of said amount of \$280.48 by your petitioners as a full compliance with the terms of said order of June 10, 1909.

And your petitioners will ever pray, etc.

Hugh L. Bond Jr.
Richard R. P. Carter
George A. Best
Surviving Trustees-Petitioners.

ORDERED, this *Seventh* day of *June*, 1913,
by the Circuit Court for Washington County, that the acceptance
of the sum of \$280.48 by the Surviving Trustees-Petitioners
named in the foregoing petition, from Joseph D. Baker, Esquire,
as survivor of the Receivers of the property and rights of
The Chesapeake and Ohio Canal Company, be and it is hereby
approved as a full compliance with the terms of the order of
this Court entered June 10, 1909.

A handwritten signature in cursive script, appearing to read "W. L. Keady", with a long horizontal flourish extending to the left.

nos. 4191 + 4198 equity
Special Report and Re-
vision of Surviving Trusts
and 1 Exhibit.

Filed July 29. "1913

George S. Brown et al,	(Nos. 4191 and 4198 Equity,
Trustees,)
	(Consolidated,
vs.)
	(In the Circuit Court
The Chesapeake and Ohio Canal Company)
	(for
et al.)
	(Washington County, in Equity

Special Report and Petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Surviving Trustees.

TO THE HONORABLE JUDGES OF SAID COURT:-

Your petitioners respectfully show:-

1:- That they are the surviving trustees substituted and appointed, under the mortgage made by the Chesapeake and Ohio Canal Company, dated June 5th, 1848, to secure the bonds of said Company authorized by, and issued under the Acts of the General Assembly of Maryland of 1844, Chapter 281, and of, also, the surviving trustees substituted and appointed, under the mortgage made by said Company, dated May 15th, 1878, to secure the bonds of said Company authorized and issued under the Acts of the General Assembly of Maryland of 1878, Chapter 58.

Your petitioners respectfully refer to the copies of said mortgages filed in the proceedings in this cause and to the decrees and orders of Court and other proceedings in this cause for a complete showing of their interests, rights, powers and

legal status in respect of the Chesapeake and Ohio Canal Company and its property.

2:- Your petitioners have agreed, subject to the approval of the Court, to grant to The Cumberland Valley Railroad Company^{the} right to construct and maintain a bridge at, or near Powell's Bend, and near the location of the present bridge of the said Railroad Company, and the right to locate piers thereof upon the land of the Canal Company, for which, the said Railroad Company has offered and agreed to pay the sum of One Thousand Dollars (\$1000.00). An agreement marked "Exhibit agreement between the trustees and The Cumberland Valley Railroad Company" is filed herewith, and attached thereto is a Plat showing the location of said bridge and the elevation and character of the same.

Said Railroad Company agrees to bear all expense of changing the towpath, so as to afford a proper passage around the pier located thereon, as the General Manager of said Canal Company may require, and agrees to indemnify said trustees and said Canal Company and any persons, lawfully operating upon the said canal, from all loss and damage, which they, or it may suffer on account of any interference with operations, or damage to persons or property, during construction, and further agrees to pay the costs of repairing any damage done to the works of said canal by the waters of the Potomac river, to the extent that such damage may be caused or contributed to by the construction of

said bridge and said piers across said canal and the Potomac river.

Your petitioners, therefore, pray the Court that their action in executing said agreement be approved and that they, or a majority of them may be authorized to execute to said Railroad Company an instrument, granting to it the right and easement to construct and maintain its bridge and railroad over said canal and land and over the Potomac river, upon the terms set forth in said agreement, which instrument shall vest in said Railroad Company a title to said right and easement, free and clear of the lien of the mortgage of said Canal Company of May 15th, 1878, and the mortgage of said Company of June 5th, 1848, and shall be binding forever upon each and all the parties to this cause and their privies and upon each and all of the holders of the bonds, issued under said mortgage of May 15th, 1878, and under said mortgage of June 5th, 1848, and upon your petitioners, representing, as trustees, each of said classes of bond-holders, and upon said Canal Company and all persons claiming under it, and that, upon the execution and delivery of said instrument, the purchase money shall be paid over to your petitioners, as trustees; to be held as part of the trust estate, and paid out and distributed by them, as this Court may authorize and direct.

And your petitioners will ever pray, etc.

James Keedy
S. C.

Hugh L. Bond Jr } Trustees
Herbert R. Preston }
Lewis A. Calhoun }
(3) by Herbert R. Preston

STATE OF MARYLAND, BALTIMORE CITY, to wit:-

I hereby certify that on this *28th* day of July, 1913,
before the subscriber, a Notary Public, of the State of Maryland,
in and for the City of Baltimore, personally appeared *H. K.*
Preston, and made oath in due form of law that
the matters and facts, stated in the foregoing petition, are
true to the best of his knowledge, information and belief.

IN TESTIMONY WHEREOF, I have
hereunto subscribed my name
and affixed my Notarial seal,
the day and year first above
written.

Geo. W. Kaulenbort *D.S.*
Notary Public
My Commission Expires
May 1st, 1914.

nos. 4191 & 4198 Equity ²

No.

A G R E E M E N T

TRUSTEES OF CHESAPEAKE AND OHIO
CANAL

and

THE CUMBERLAND VALLEY RAILROAD
COMPANY

Dated,

Relative to bridge cross-
ing of Canal at Powells Bend.

Exhibit Agreement be-
tween the Trustees and The
Cumberland Valley Railroad
Company.

Filed July 29 1913

THIS AGREEMENT, Made this *17th* day of *July*, A.D.1913, between Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Trustees of the Chesapeake and Ohio Canal, hereinafter called "Trustees", parties of the first part, and The Cumberland Valley Railroad Company, hereinafter called the "Railroad Company", party of the second part.

WHEREAS, there is pending in the Circuit Court for Washington County an Equity case entitled "George S. Brown, et al, Trustees, versus the Chesapeake and Ohio Canal Company, et al, Nos. 4191 and 4198 Equity, Consolidated Causes", by reference to the proceedings in which case the character of said trusteeship will fully appear, and

WHEREAS, said Railroad Company desires to construct a railroad bridge crossing the Potomac River and the Chesapeake and Ohio Canal at a point north of its present bridge over said river and said canal upon the location shown upon the blue-print hereto attached.

NOW, THEREFORE, the parties hereto have agreed as follows:-

Said Trustees agree forthwith to recommend to said Court that the easement hereinafter described be granted to said Railroad Company, and, upon securing authority from said court, to grant to said Railroad Company by proper deed the right to construct and maintain its bridge upon the location and with the elevation shown upon said plat, and the right to locate the piers thereof upon the land of the Canal Company as shown upon said plat, upon payment by said Railroad Company of the sum of \$1,000.00 - - - -, and upon said Railroad Company agreeing to bear all expense of changing the two-path so as to afford a proper passage around said pier located thereon as the General Manager of said Canal Company may require, and agreeing to indemnify said Trustees and said Canal Company and any persons lawfully operating upon said canal from all loss and damage which they or it may suffer on account of any interference with operations or damage to persons or property during construction, and further agreeing to pay the cost of repairing any damage done to the works of said canal by the waters of the Potomac River to the extent that such damage may be caused or contributed to by the construction of said bridge and said piers across said canal and the Potomac River. If the parties hereto are

unable to agree as to the extent to which said bridge and said piers caused or contributed to such damage, then the matter shall be submitted to the arbitration of competent engineers, one selected by each of the parties hereto, and the two so selected to choose a third, and their decision as to what proportion, if any, of the cost of repairs shall be paid by the Railroad Company shall be final.

IN TESTIMONY WHEREOF, said Trustees and said Railroad Company have caused this agreement to be executed, in triplicate, on the day and year aforesaid.

TEST:-

Geo. W. Kaulebach.

Herbert R. Preston (SEAL)

Hugh L. Bond Jr. (SEAL)

(SEAL)

Trustees.

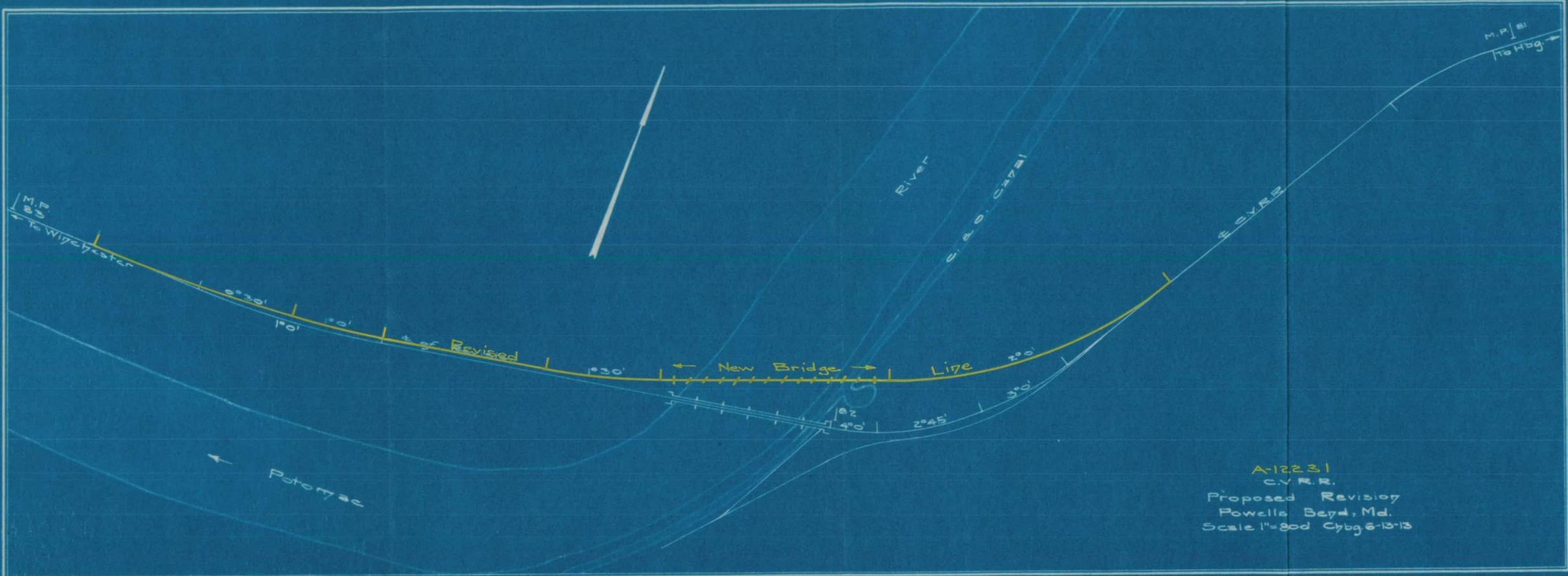
Attest:

W. D. Ritchey
Secretary.

THE CUMBERLAND VALLEY RAILROAD COMPANY,

By.

M. C. H. Eucedy
President.



M.P. 83
 ← to Wiggleswater

M.P. 81
 ← to Hbg. →

River

C. & O. Canal

C.V.R.R.

Revised

New Bridge

Line

Potomac

A-12231
 C.V.R.R.
 Proposed Revision
 Powell's Bay, Md.
 Scale 1"=800 Chbg 6-13-13

nos. 4191 + 4198 Equity. 2

Answer of the Continental
Trust Company to the Special
Report and petition of Senior
Trustees filed July 29, 1913.

Filed July 29, 1913

George S. Brown et al,

Trustees,

vs.

The Chesapeake and Ohio Canal Company

et al.

(Nos. 4191 and 4198 Equity,

) Consolidated,

) In the Circuit Court

) for

(Washington County, in Equity

Answer of the Continental Trust Company.

TO THE HONORABLE JUDGES OF SAID COURT:-

The answer of the Continental Trust Company to the report and petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, surviving trustees, asking authority to execute an instrument, granting to The Cumberland Valley Railroad Company the right to construct a certain bridge and railroad track across the Chesapeake and Ohio canal and certain land belonging to it and across the Potomac river at, or near Powell's Bend, respectfully shows:-

This defendant admits the facts stated in said petition to be true, and consents to the passage of an order, as therein prayed.

M. James Cox

Solicitor for the Continental Trust
Company.

Nos. 4191 & 4198 Equity. ⁴

Answer of the Chesapeake
and Ohio Canal Company
to the Special Report and
petition filed July 29, 1913.

Filed July 29, 1913

George S. Brown et al,

Trustees,

vs.

The Chesapeake and Ohio Canal Company

et al.

(Nos. 4191 and 4198 Equity,

)
(Consolidated,

)
(In the Circuit Court

)
) for

(Washington County, in Equity.)

Answer of the Chesapeake and Ohio Canal Company.

TO THE HONORABLE JUDGES OF SAID COURT:-

The answer of the Chesapeake and Ohio Canal Company to the report and petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, surviving trustees, asking authority to execute an instrument, granting to The Cumberland Valley Railroad Company the right to construct a certain bridge and railroad track across the Chesapeake and Ohio canal and certain land belonging to it and across the Potomac river at, or near Powell's Bend, respectfully shows:-

This defendant admits the facts stated in said petition to be true, and consents to the passage of an order, as therein prayed.

Benj. A. Richmond

Solicitor for the Chesapeake and Ohio
Canal Company.

No. 4191 + 4198 Equity

Decree and order of Court
authorizing trustees to enter into
agreement with The Cumberland
Valley Railroad Company.

Filed July 29th 1913

Lane & Keedy,
Attorneys at Law,
Hagerstown, Md.

J. CLARENCE LANE.

HENRY H. KEEDY, JR.

George S. Brown et al,	(Nos. 4191 and 4198 Equity,
Trustees,	) Consolidated,
vs.	) In the Circuit Court
The Chesapeake and Ohio Canal Company,	) for
et al.	) Washington County, in Equity.

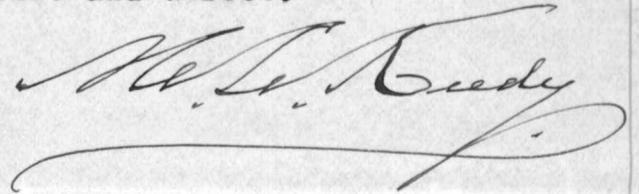
and petition

This cause coming on to be heard, upon the report/of
 Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, sur-
 viving trustees, praying that authority be granted to them to
 execute an instrument granting to The Cumberland Valley Railroad
 Company the right to construct and maintain a bridge at or near
 Powell's Bend and near the location of the present bridge of said
 Railroad Company, and the right to locate piers thereof upon the
 land of the said Canal Company and upon the exhibit filed with
 said petition and the answers thereto of the Chesapeake and Ohio
 Canal Company and the Continental Trust Company, and it appearing
 from said petition that The Cumberland Valley Railroad Company
 desires the right to so construct and maintain a bridge and^{to}so
 locate the piers thereof and has offered to pay therefor the sum
 of One Thousand Dollars (\$1000.00) and to bear all expense of
 changing the tow-path, so as to afford a proper passage around the
 pier located thereon, as the General Manager of said Canal Company
 may require, and agrees to indemnify said trustees and said
 Canal Company and any persons lawfully operating upon the said
 canal from all loss or damage, which they or it may suffer on

account of any interference with operations, or damage to persons or property during construction, and further agrees to pay the costs of repairing any damage done to the works of said canal by the waters of the Potomac river, to the extent that such damage may be caused or contributed to by the construction of the said bridge and the said piers across the said canal and the Potomac river.

It is, therefore, adjudged, ordered and decreed this *29th* day of July, 1913, by the Circuit Court for Washington County, in Equity, that the agreement, dated July 17th, 1913, between said trustees and The Cumberland Valley Railroad Company, and filed as an exhibit with said petition, is hereby authorized and approved, and said trustees are hereby authorized to grant said rights in consideration of the payment of the said One Thousand Dollars (\$1000.00) and upon the terms set forth in said agreement, which instrument shall vest in said Railroad Company a title to said rights, easements and privileges, free and clear of the lien of the mortgage of said Canal Company of May 25th, 1878, and the mortgage of said Company of June 5th, 1848, and shall be binding forever upon each and all of the parties to this cause and their privies, and upon each and all of the holders of the bonds issued under said mortgage of May 15th, 1878, and under said mortgage of June 5th, 1848, and upon said trustees, representing each of said classes of bond holders, and upon said Canal Company and all persons, claiming under it, and that, upon the execution and delivery of said instrument,

the purchase money shall be paid over to the said trustees, to be held as part of the trust estate, and paid out and distributed by them, as this Court may authorize and direct.

A handwritten signature in cursive script, appearing to read "M. T. Keady". The signature is written in dark ink and features a prominent, sweeping flourish at the end.

No. 4191 + 4198 Epp.

Petition of Trustees
+ order of Court thereon
for writ against
Lawson House

Filed Nov 25th 1913.

George S. Brown	(Nos. 4191 and 4198 Equity,
et al	) Consolidated Causes,
	) In the Circuit Court
vs.)
	) for
The Chesapeake and Ohio Canal Company	(
et al.	) Washington County in Equity.

TO THE HONORABLE JUDGES OF SAID COURT:-

The petition of Hugh L. Bond, Jr., Herbert R. Preston and George A. Colston, surviving Trustees of the Chesapeake and Ohio Canal Company, respectfully represents:-

That a certain Lawson House has seized and taken possession of certain land, lying in Frederick County, Maryland, which said land is the property of the Chesapeake and Ohio Canal Company.

That your Trustees are desirous of regaining possession of the said land and of bringing an action in ejectment against the said Lawson House.

Your petitioners, therefore, pray:-

1:- That an order be passed by your Honorable Court, permitting your Trustees, petitioners, to bring an action in ejectment against the said Lawson House in the Circuit Court for Frederick County, for the purpose of regaining possession of the said land, rightfully the property of the said The Chesapeake and Ohio Canal Company.

2:- That your petitioners may have such other and further

relief as their case may require.

And as, etc.

Lawson Keedy

Solicitors for petitioners.

Hugh L. Bond Jr

Geo. A. Colston

Herbert R. Preston

Surviving Trustees.

by Herbert R. Preston
Trustee

Ordered this *25th* day of November, 1913, by the Circuit Court for Washington County, sitting as a Court of Equity, that Hugh L. Bond, Jr., Herbert R. Preston and George A. Colston, surviving Trustees, be and they are hereby authorized and empowered to bring an action in ejectment against Lawson House, as prayed for in the foregoing petition.

M. S. Keedy

nos. 4191 & 4198 Eq. Conso.
dated.

Petition for permission
to bring an action against
Clarence A. Gayles
and order of Court.

Filed June 15th 1914.

BALTIMORE
OFFICE SUPPLY CO.

George S. Brown et al,	)	Nos. 4191 and 4198 Equity,
	(
vs.	)	Consolidated,
	(
	)	In the Circuit Court
The Chesapeake and Ohio Canal Company)	(
	)	for
et al.	)	(Washington County, in Equity.

TO THE HONORABLE JUDGES OF SAID COURT:-

The petition of Hugh L. Bond, Jr., Herbert R. Preston and George A. Colston, surviving Trustees of the Chesapeake and Ohio Canal Company, respectfully represents:-

That a certain Clarence A. Gaylor has trespassed upon the property of the Chesapeake and Ohio Canal Company in violation of Section 64 of the by-laws, rules and regulations made and adopted by the said Canal Company and now in force, in pursuance of and by virtue of chapter 287 of the Acts of 1844, and that your petitioners are desirous of bringing suit against the said Clarence A. Gaylor for the sum of five Dollars (\$5.00), the amount of the penalty prescribed in said by-law and authorized by the said Act of Assembly.

Your petitioners, therefore, pray:-

That an order may be passed by your Honorable court, permitting and authorizing your Trustees and petitioners to bring an action against the said Clarence A. Gaylor before a Justice of the Peace of Washington County for the purpose of enforcing the said penalty.

And as etc.

Henry H. Keedy Jr.
 (1) *Sol. for petitioners.*

UPON THE FOREGOING PETITION, IT IS ORDERED
this 15th day of June, 1914, by the Circuit Court for Washington
County, sitting as a Court of Equity, that Hugh L. Bond, Jr.,
Herbert R. Preston and George A. Colston, surviving Trustees,
be and they are hereby authorized to bring an action against
Clarence A. Gaylor, as prayed for in the foregoing petition.

H. L. Bond, Jr.

Nos 4191 and 4198 Equity
Consolidated in the Ci-
vil Court for Washing-
ton County

Hugh L. Bond Jr. et al
vs
The Ches Ohio Canal Co.

Petition, affidavit &
order of Court

Filed Oct 28th 1914

Hugh L. Bond, Jr., Herbert R. Preston
and George A. Colston, Trustees, in
Nos. 4191 & 4198 Equity, consolidated,
in the Circuit Court for Washington
County

*Nos. 4191 and 4198 Equity,
Consolidated:
In the Circuit Court for
Washington County*

vs

The Chesapeake & Ohio Canal Company.

The petition of Hugh L. Bond, Jr., Herbert R. Preston,
and George A. Colston, Trustees of the Chesapeake & Ohio Canal Com-
pany, in the above entitled cause, respectfully represents unto your
Honor.

1. - Heretofore to wit, under authority of an order of
this honorable Court, your petitioners entered suits in ejectment
against Sylvester K. Ringler and Ida Ringler, his wife, and against
George H. Myers, in the Circuit Court for Allegany County, to recover
certain land, which was the property of the Chesapeake & Ohio Canal
Company, as set out in the declarations filed in said cases, which were
No. _____ Trials, at the October term of said Court, 1910, and No. 5
Trials at the April term of said Court, in the year 1911.

2. - That an arrangement has been made by way of compro-
mising ^{and} settlement of the said suits under and by virtue of which, the
defendant agrees with your petitioners to file disclaimers of title in
the suits aforesaid, acknowledge the title of your petitioners as
plaintiffs therein upon condition that your petitioners will execute
deeds of the property involved in said suits to the said defendant.

Your petitioners, therefore, pray your Honor to pass an
order, authorizing and directing them to sell at private sale to the
defendants therein, the land sued for by your petitioners in the
ejectment suits aforesaid, in compliance with the said agreement, and
to convey the same to the defendants by good and sufficient deeds,

And as in duty bound, your petitioners will ever pray,
etc.

*Hugh L. Bond Jr. George A. Colston
per C. R. W.*

State of Maryland, Baltimore City,, to wit:-

I hereby certify that on this 19th day of September, in the year 1911, before me the subscriber, a Notary Public, of the state of Maryland, in and for Baltimore City, personally appeared Hugh L. Bond, Jr.,
one of the above named petitioners and made oath in due form of law that the matters and facts contained in the foregoing petition, are true as therein set forth, to the best of knowledge and belief.

Witness my hand and Notarial Seal the day and year first above written.


George W. Bauleubert,
Notary Public.
MY COMMISSION
EXPIRES MAY 1, 1912.

Upon the foregoing petition and affidavit, it is hereby this Twenty-Seventh day of October, in the year 1914, by the Circuit Court for Washington County, sitting in Equity, adjudged, ordered and decreed that Hugh L. Bond, Jr., Herbert R. Preston and George A. Colston, trustees herein, are hereby authorized and directed to sell at private ~~public~~ sale to the defendants in the ejectment cases in said petition referred to, the land mentioned in the declaration insaid ejectment suits, in conformity with the agreement of compromise referred to in said petition, and convey said land to the said defendants by good and sufficient deeds.

H. L. Bond, Jr.

In the Circuit
Court for
Washington County.

George S. Brown
et al.,
Trustees,

v.

The Chesapeake &
Ohio Canal Com-
pany et al.

Nos. 4191 and 4198,
Consolidated Causes.

Petition, Exhibits
and Order.

Filed July 23^d 1915

George S. Brown et al.,
Trustees,

vs.

The Chesapeake and Ohio Canal Company et al.

IN THE CIRCUIT COURT
FOR WASHINGTON COUNTY.
NOS. 4191 and 4198.
CONSOLIDATED CAUSES.

To the Honorable, the Judges of said Court:

The petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Trustees, respectfully represents:

That, at the October Term of the Circuit Court for Allegany County for the year 1911, actions of ejectment were instituted by said Trustees against George H. Myers, said actions being known as Nos. 4 and 128, Trials.

That, at the October Terms of said Circuit Court for the years 1910 and 1911, said Trustees instituted actions of ejectment against Sylvester K. Ringler and Ida K. Ringler, his wife, said actions being known as No. 8, Trials, October Term, 1910, and No. 129, Trials, October Term, 1911;

That the purpose of said Trustees in instituting these actions was, primarily, to establish their title to the land of which the defendants had taken possession; that the land is of little value and its possession would be of no advantage to the Trustees in the administration of the trust; but that it is their duty, and also necessary to the interests of the trust, that title be established to all of the canal property wrongfully occupied.

That pleas of not guilty were filed by the defendants in each of said actions.

That thereafter it was agreed between the parties, because of the circumstances connected with these cases, as above set forth, that defendants should withdraw their said pleas and file disclaimers of title in each of said cases, and, in consideration thereof and of the payment by defendants of the County Surveyor's bills, said actions should be dismissed and that the said trustees should convey to said

George H. Myers all their right, title and interest in and to the property claimed and sued for in the action against said Myers, and also convey to said Sylvester K. Ringler all their right, title and interest in and to the property claimed and sued for in the action against said Ringler and wife, by good and sufficient deeds.

That your trustees-petitioners are now prepared to execute the deeds aforesaid and submit herewith for approval by your Honorable Court copies of said deeds, marked "Exhibit A" and "Exhibit B" and made a part of this petition.

Your trustees-petitioners, therefore, pray that an order be passed by your Honorable Court authorizing said Trustees to convey to said George H. Myers and Sylvester K. Ringler the property described, respectively, in said Exhibits "A" and "B".

As in duty bound, etc.

Hugh L. Bond Jr.
George A. Colston
Hubert R. P. Martin

TRUSTEES.

W. H. Keedy, Jr.

Solicitor for Petitioners.

tenths feet to the place of beginning, being the same piece or parcel of land which was conveyed to the said George H. Myers by Robert R. Henderson and wife and Robert R. Henderson, trustee, by deed dated June 17, 1904, and recorded in Liber No. 95, folio 399, one of the land records of Allegany County.

Together with the buildings thereon and the rights, roads ways, waters and appurtenances thereto belonging or in anywise appertaining.

To have and to hold the above described property unto the said party of the second part, his heirs and assigns in fee simple forever.

Witness our hands and seals the day and year first above written.

Witness.

(SEAL)

(SEAL)

(SEAL)

Trustees in Nos. 4191 and 4198 Equity, in the Circuit Court for Washington County.

State of Maryland

Baltimore City to wit:

I hereby certify that on this _____ day of _____ in the year 1914, before me, the subscriber, a notary public of the State of Maryland, in and for Baltimore City, personally appeared Hugh L. Bond, Jr., Herbert R. Preston and George A. Colston, Trustees, and did acknowledge the foregoing deed to be their act and deed.

Notary Public.

German Lane and running thence with Thomas Street, North twenty degrees, East fifty-three and five-tenths feet to a point North twenty degrees East one and six-tenths feet from the Northwest corner of the house standing on said lot, then South seventy degrees forty-five minutes East, one hundred and five feet to a fifteen foot alley, and with it South twenty degrees West, thirty-one and five-tenths feet to German Lane, and with it North seventy-two degrees, North one hundred and five feet to the beginning, being the same piece or parcel of land conveyed to the party of the second part by Rebecca E. Henderson, et al. by deed dated March 20, 1903, and recorded in Liber No. 93, folio 53, one of the land records of Alleghany County.

Together with the buildings thereon, and the rights, ways, waters and appurtenances thereto belonging or in anywise appertaining.

To have and to hold the above-described property unto the said party of the second part his heirs and assigns in fee simple forever.

Witness our hands and seals the day and year first above writted.

Witness:

(SEAL)

(SEAL)

(SEAL)

Trustees in Nos. 419 and 4198
Equity in the Circuit Court for
Washington County.

ORDERED this *Twenty Third* day of *January*,
A. D. 191*6*, by the Circuit Court for Washington County, that
Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston,
Trustees, be and they are hereby authorized to convey to
George H. Myers and Sylvester K. Ringler the property described,
respectively, in Exhibits "A" and "B" attached to and made a part of
the petition filed in this Court by said Trustees, and to execute
deeds in the forms of said exhibits for the conveyance thereof.

W. A. Cuddy

nos. 4191 & 4198 Equity

Annual Report of Trustees
for the year ending
December 31, 1912.

Filed Feb 23, 1915

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

.....	:	
George S. Brown et al.,	:	
Trustees,	:	Nos. 4191 and
	:	4198 Consolidated
vs.	:	Causes.
	:	
The Chesapeake and Ohio Canal Company et al.	:	
.....	:	

Report of Hugh L. Bond, Jr., George A. Colston
and Herbert R. Preston, Trustees.

To the Honorable, the Judges of the Circuit Court for Washington
County:

In accordance with decree of this Court entered on the twenty-
seventh day of December, 1905, the undersigned Trustees respectfully
report to the Court their receipts and disbursements for the year
ended December thirtyfirst, Nineteen Hundred and Twelve, as such
Trustees, and file herewith and make part hereof the following
statements and accounts:

1. Statement of receipts and disbursements
for the year ended December 31, 1912.
2. Statement of profit and loss account,
December 31, 1912.
3. Balance sheet, December 31, 1912.

Respectfully submitted,

H. L. Bond Jr.
Herbert R. Preston
George A. Colston
Trustees.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

RECEIPTS AND DISBURSEMENTS FOR YEAR ENDED DECEMBER 31, 1912.

Balance, January 1, 1912, \$ 6,585.07

Receipts:

Earnings,	\$ 57,575.58	
Received from Chesapeake and Ohio Transportation Company to cover deficit in operation,	<u>42,858.04</u>	<u>100,433.62</u>
Gross receipts		107,018.69

Disbursements:

Operating Expenses,	<u>100,433.62</u>
Balance	6,585.07

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

PROFIT AND LOSS ACCOUNT DECEMBER 31, 1912.

Balance January 1, 1912,

\$ 6,585.07

Earnings:

Tolls,	\$ 41,644.24
Rents, water,	11,070.00
Rents, Houses and Lands,	4,846.34
Miscellaneous,	<u>15.00</u>

Total Earnings, \$ 57,575.58

Expenses:

Operating expenses	<u>100,433.62</u>
Loss from operation for year	42,858.04
From Chesapeake and Ohio Transportation Company to cover deficit in operation,	<u>42,858.04</u>

Surplus, December 31, 1912,

\$ 6,585.07

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY
BALANCE SHEET FOR THE YEAR ENDED DECEMBER 31, 1912.

BONDS OF 1878.

Assets.

Bonds of 1878 acquired, Farmers' & Merchants' National Bank, Baltimore, to meet outstanding coupons and interest as per court's orders, Interest accrued from August 30, 1912, to December 31, 1912,	\$132,500.00 858.78 <u>2,678.94</u>	 \$136,037.72
--	---	--------------------------------------

Liabilities.

Purchase money unpaid, Bonds of 1878, Outstanding coupons, Bonds of 1878, Interest on outstanding coupons, Bonds of 1878, Interest accrued on unpaid purchase money, August 30, 1912, to December 31, 1912,	\$132,500.00 750.00 108.78 <u>2,678.94</u>	 \$136,037.72
---	---	--------------------------------------

nos. 4191 & 4198 Equity

Annual Report of Trustees
for the year ending
December 31, 1913.

Filed Feb. 23, 1915

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

.....X	:	
George S. Brown et al.,	:	Nos. 4191 and
Trustees,	:	4198 Consolidated
	:	Causes.
vs.	:	
	:	
The Chesapeake and Ohio Canal Company et al.	:	
.....X	:	

Report of Hugh L. Bond, Jr., George A. Colston
and Herbert R. Preston, Trustees.

To the Honorable, the Judges of the Circuit Court for Washington
County:

In accordance with decree of this Court entered on the twenty-
seventh day of December, 1905, the undersigned Trustees respectfully
report to the Court their receipts and disbursements for the year
ended December thirtyfirst, Nineteen Hundred and Thirteen, as such
Trustees, and file herewith and make part hereof the following
statements and accounts:

1. Statement of receipts and disbursements
for the year ended December 31, 1913.
2. Statement of profit and loss account,
December 31, 1913.
3. Balance sheet, December 31, 1913.

Respectfully submitted,

Hugh L. Bond, Jr.
Herbert R. Preston
George A. Colston
 Trustees.

W.S. & B. PARAGON LINEN

TRUSTEES- THE CHESAPEAKE AND OHIO CANAL COMPANY.

RECEIPTS AND DISBURSEMENTS FOR YEAR ENDED DECEMBER 31, 1913.

Balance, January 1, 1913, \$6,585.07

Receipts:

Earnings,	\$57,787.36	
Received from Chesapeake & Ohio Transportation Company to cover deficit in operation,	<u>44,066.13</u>	<u>101,853.49</u>
Gross receipts,		<u>\$108,438.56</u>

Disbursements:

Operating expenses,		<u>101,853.49</u>
		6,585.07
Unclaimed wages redeposited,		<u>63.29</u>
		<u>\$6,648.36</u>

W.S. & B. PARAGON LINEN

MADE IN U.S.A.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

PROFIT AND LOSS ACCOUNT DECEMBER 31, 1913.

Balance January 1, 1913,

\$ 6,585.07

Earnings:

Tolls,	\$ 41,407.71
Rents, water,	11,070.00
Rents, houses and lands,	5,024.17
Fines,	5.00
Miscellaneous,	<u>280.48</u>

Total Earnings,

\$ 57,787.36

Expenses:

Operating Expenses,	<u>101,853.49</u>
Loss from operation for year,	44,066.13
From Chesapeake and Ohio Transportation Company to cover deficit in operation,	<u>44,066.13</u>

Unclaimed wages redeposited

63.29

Surplus, December 31, 1913,

\$ 6,648.36

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

BALANCE SHEET FOR THE YEAR ENDED DECEMBER 31, 1913.

BONDS OF 1878.

Assets.

Bonds of 1878 acquired	\$132,500.00	
Farmers' & Merchants'		
National Bank, Baltimore,		
to meet outstanding coupons		
and interest as per court's		
orders,	858.78	
Interest accrued from		
August 30, 1912, to December 31,		
1913.	<u>10,627.57</u>	\$143,986.35

Liabilities.

Purchase money unpaid,		
Bonds of 1878,	\$132,500.00	
Outstanding coupons,		
Bonds of 1878,	750.00	
Interest on outstanding		
coupons, Bonds of 1878,	108.78	
Interest accrued on unpaid		
purchase money August 30, 1912,	<u>10,627.57</u>	\$143,986.35
to December 31, 1913,		

W.S. & B. PARAGON LINEN

MADE IN U.S.A.

nos. 4191 & 4198 Equity

Annual Report of Trustees
for the year ending
December 31st.
1914.

Filed Feb. 23, 1915.

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

.....
George S. Brown et al.,
Trustees,
vs.
The Chesapeake & Ohio Canal Company et al.
.....

Nos. 4191 and 4198.
Consolidated
Causes.

Report of Hugh L. Bond, Jr., George A. Colston and
Herbert R. Preston, Trustees.

To the Honorable, the Judges of the Circuit Court for Washing-
ton County:

In accordance with decree of this Court entered on
the twenty-seventh day of December, 1905, the undersigned
Trustees respectfully report to the Court their receipts and
disbursements for the year ended December thirty-first, Nine-
teen Hundred and Fourteen, as such Trustees, and file here-
with and make part hereof the following statements and ac-
counts:

1. Statement of receipts and disburse-
ments for the year ended December 31, 1914.
2. Statement of profit and loss account,
December 31, 1914.
3. Balance sheet, December 31, 1914.

Respectfully submitted,

Hugh L. Bond Jr.
Herbert R. Preston
George A. Colston
Trustees.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

RECEIPTS AND DISBURSEMENTS FOR YEAR ENDED DECEMBER 31, 1914.

Balance, January 1, 1914, \$6,648.36

Receipts:

Earnings,	\$58,404.22	
Received from Chesapeake and Ohio Transportation Company to cover deficit in operation,		<u>114,698.25</u>
Gross receipts,	<u>56,294.03</u>	<u>121,346.61</u>

Disbursements:

Operating expenses,		<u>114,698.25</u>
		6,648.36
Less unclaimed wages, 1911,	\$20.23	
" " " 1913,	<u>63.29</u>	
		<u>83.52</u>
		\$6,564.84

W.S. & B. PARAGON LINEN
MADE IN U.S.A.

W.S. & B. PARAGON LINE

MADE IN U.S.A.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY

PROFIT AND LOSS ACCOUNT DECEMBER 31, 1914.

Balance, January 1, 1914, \$6,648.36

Earnings:

Tolls,	\$42,236.97	
Rents, water,	11,070.00	
Rents, houses and lands,	5,077.25	
Fines,	<u>20.00</u>	
Total earnings,		\$58,404.22

Expenses:

Operating expenses,	<u>114,698.25</u>	
Loss from operation for year,	56,294.03	
From Chesapeake and Ohio Transportation Company to cover deficit in operation,	<u>56,294.03</u>	
Less unclaimed wages, 1911,	\$20.23	
Less unclaimed wages, 1913,	<u>63.29</u>	83.52
Surplus, December 31, 1914,		<u>\$6,564.84</u>

W.S. & B. PARAGON LINE

MADE IN U.S.A.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.
BALANCE SHEET FOR THE YEAR ENDED DECEMBER 31, 1914.

BONDS OF 1878.

Assets.

Bonds of 1878 acquired, Farmers' & Merchants' National Bank, Baltimore, to meet outstanding coupons an and interest as per court's orders,	\$132,500.00	
Interest accrued from August 30, 1912, to December 31, 1914,	858.78	
	<u>18,577.57</u>	\$151,936.35

Liabilities.

Purchase money unpaid, Bonds of 1878,--	\$132,500.00	
Outstanding coupons, Bonds of 1878,--	750.00	
Interest on outstanding coupons, Bonds of 1878,--	108.78	
Interest accrued on unpaid purchase money August 30, 1912, to December 31, 1914,	<u>18,577.57</u>	\$151,936.35

MADE IN U.S.A.

W.S. & B. PARAGON LINEN

nos. 4191 + 4198 Equity.

Report of Surviving Trustees
for the year 1915.

Filed March 7, 1916.

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

X-----X
George S. Brown et al.,
Trustees,
v.
The Chesapeake & Ohio Canal Co. et al.
X-----X

:
: Nos. 4191 and 4198.
:
: Consolidated
: Causes.

Report of Hugh L. Bond, Jr., George A. Colston and
Herbert R. Preston, Trustees.

To the Honorable, the Judges of the Circuit Court for Washington
County:

In accordance with decree of this Court entered on
the twenty-seventh day of December, 1905, the undersigned Trustees
respectfully report to the Court their receipts and disbursements
for the year ended December thirty-first, Nineteen Hundred and
Fifteen, as such Trustees, and file herewith and make part hereof
the following statements and accounts:

1. Statement of receipts and disbursements for the
year ended December 31, 1915.
2. Statement of profit and loss account, December 31,
1915.
3. Balance sheet, December 31, 1915.

Respectfully submitted,

Hugh L. Bond Jr.
George A. Colston.
Herbert R. Preston
Trustees.

TRUSTEES- THE CHESAPEAKE AND OHIO CANAL COMPANY.

RECEIPTS AND DISBURSEMENTS FOR YEAR ENDED DECEMBER 31, 1915.

Balance, January 1, 1915, \$6,564.84

Receipts:

Earnings, \$57,334.54

Received from
Chesapeake and Ohio
Transportation Company
to cover deficit in
operation,

47,112.49

104,447.03

Gross receipts,

\$111,011.87

Disbursements:

Operating expenses,

104,447.03

\$6,564.84

REMITICO PARAGON LINEN

MADE IN U.S.A.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

PROFIT AND LOSS ACCOUNT, DECEMBER 31, 1915.

Balance, January 1, 1915, \$6,564.84

Earnings:

Tolls,	\$41,271.46	
Rents, water,	10,770.00	
Rents, houses and lands,	5,288.08	
Fines,	5.00	
Total earnings,	<u>57,334.54</u>	\$57,334.54

Expenses:

Operating expenses,	<u>104,447.03</u>	
Loss from operation for year,	47,112.49	

From Chesapeake and Ohio Trans- portation Company to cover deficit in operation,	<u>47,112.49</u>	\$6,564.84
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TRUSTEES- THE CHESAPEAKE AND OHIO CANAL COMPANY.
BALANCE SHEET FOR THE YEAR ENDED DECEMBER 31, 1915.

BONDS OF 1878.

Assets.

Bonds of 1878 acquired,	\$132,500.00	
Farmers' & Merchants' National Bank, Baltimore, to meet outstanding coupons and interest as per court's orders,	858.78	
Interest accrued from August 30, 1912, to December 31, 1915,	<u>26,527.57</u>	\$159,886.35

Liabilities.

Purchase money unpaid, bonds of 1878,	\$132,500.00	
Outstanding coupons, bonds of 1878,	750.00	
Interest on outstanding coupons, bonds of 1878,	108.78	
Interest accrued on unpaid purchase money, August 30, 1912, to December 31, 1915,	<u>26,527.57</u>	\$159,886.35

In the Circuit Court for
Washington County -
Nos. 4191 and 4198.
Consolidated Causes.

George S. Brown, et al,
Trustees,

vs.

The Chesapeake & Ohio Canal Com-
pany, et al.

Petition of Hugh L. Bond, Jr.,
George A. Colston and Herbert R.
Preston,
Surviving Trustees.

Filed Sept 1st 1916.

GEORGE S. BROWN, ET AL,
TRUSTEES,

VS

THE CHESAPEAKE AND OHIO CANAL COMPANY, ET AL.

) IN THE CIRCUIT
) COURT FOR WASHING-
) TON COUNTY -
) NOS. 4191 and 4198.
) CONSOLIDATED CAUSES
)

PETITION OF HUGH L. BOND, JR., GEORGE A. COLSTON
AND HERBERT R. PRESTON, SURVIVING TRUSTEES.

To the Honorable the Judges of said court:-

Hugh L. Bond, Jr., George A. Colston and Herbert R. Pres-
ton, Trustees heretofore appointed in this cause, respectfully submit
the following report and petition:-

FIRST. At the date of appointment of Trustees in these
proceedings, there were in effect certain leases or contracts for the
use of water from the Georgetown Level, all substantially in the same
form, which leases are now held as follows:-

1. G. W. Cissell Company for so much water as would pass
through an aperture of 500 square inches at the rate of \$3.00 per
square inch per annum, which lease on the 14th of April, 1907, was
renewed by said company for a period of 20 years by the payment
of the bonus required to be paid under the terms of said lease
in order to entitle the Lessee to a renewal of the same.

2. Crystal Plate Ice Company for 500 square inches of water
at the rate of \$3.00 per square inch per annum, which was renewed in
September, 1901, for 20 years by the payment of the bonus required
to be paid under the terms of said lease in order to entitle the
Lessee to a renewal of the same.

3. Thomas W. Smith for 300 square inches of water at the rate of \$3.00 per square inch per annum, which was renewed January 20th, 1899, for 20 years by the payment of the bonus required to be paid under the terms of said lease in order to entitle the Lessee to a renewal of the same.

Each of the above named leases is renewable within 20 days after the expiration of the term by the Lessee for another term of 20 years on the same terms and conditions, and so from time to time as said renewed leases shall expire, on the payment of a renewal fine or bonus of one year's rent.

The Trustees have made the following yearly leases, now held by the following:-

1. Georgetown Ice Manufacturing Company for 300 square inches of water at \$3.00 per square inch per annum.

2. Thomas W. Smith for 150 square inches at \$3.00 per square inch per annum.

3. Crystal Plate Ice Company for 250 square inches at \$5.00 per square inch per annum.

The George Hill Paper Mill Company held a lease for 450 square inches of water at \$3.00 per square inch per annum. The District of Columbia Paper Manufacturing Company purchased its property. Prior to this purchase, the Hill Mill had not been taking water for some time, and the rental had not been paid. Upon the purchase of the property, the District of Columbia Paper Manufacturing Company applied to the Trustees to reinstate the lease or make a new lease upon the same terms. The Trustees on June 1st, 1900,

made a yearly lease with this company at the rate of \$4.00 per square inch per annum, the understanding being that, later when the business of this company had developed, this lease would be made permanent. In December, 1907, application was made by this company for an increase in the amount of water, and an examination and report was made by Edgar A. Alcott, an hydraulic engineer, who recommended a lease at the rate of \$4.00 per square inch per annum, and the amount of water taken was increased to 780 square inches at this rate.

SECOND. Application has been made to the Trustees by the Crystal Plate Ice Company to have the 250 square inches of water now being taken by it under the lease from the Trustees incorporated in and made a part of their permanent lease for the 500 square inches, but at the rate of \$5.00 for said 250 square inches of water, which they are now paying.

Application has also been made by the Georgetown Ice Manufacturing Company to have its lease for 300 square inches of water, for which it is now paying \$3.00 per square inch per annum, made permanent at the rate of \$5.00 per square inch per annum.

The District of Columbia Paper Manufacturing Company has under consideration the enlargement of its plant which will require approximately 1,000 square inches additional, and has made application to the Trustees to have a permanent lease made for the 780 square inches of water now taken by it at the rate of \$4.00 per square inch per annum, which it is now paying, and also the right

to increase the amount of water to be taken by approximately 1,000 square inches additional, for which it is willing to pay \$5.00 per square inch per annum. If it takes the additional water, it will agree to construct its plant so that it will utilize the water in two units, thus enabling it to shut down one unit and continue the operation of the other at the time of low water, which will result in a saving, as the rentals are suspended for the period during which the water is cut off.

THIRD. Your petitioners believe that it would be for the benefit of the trust represented by them that a supplement to the lease now held by the Crystal Plate Ice Company be made, by which the 250 square inches of water now used by it under the Trustees' lease should be held by it under its permanent lease, and that a permanent lease be made with the Georgetown Ice Manufacturing Company for 300 square inches of water at the rate of \$5.00 per square inch per annum, and that a permanent lease be made with the District of Columbia Paper Manufacturing Company for the 780 square inches of water now used by it at \$4.00 per square inch per annum, with the right to increase the amount by approximately 1,000 square inches of additional water at the rate of \$5.00 per square inch per annum, substantially upon the terms of the permanent leases above mentioned, with the change, if it is found expedient, to an equivalent basis of cubic feet of water per minute. Your petitioners believe that the rate of \$5.00 per square inch per annum is the best rate that can be obtained for these water rights. In order to secure the highest rental, it is necessary to give to the Lessees a permanent lease

which will justify the expenditures to be made by them.

FOURTH. Your petitioners filed a petition in the Supreme Court of the District of Columbia in the cause entitled "George S. Brown, et al, Trustees, versus The Chesapeake & Ohio Canal Company, In Equity, No. 12,240", setting forth the same facts as those above set forth, and asking that court, under whose jurisdiction they are administering their trust in the District of Columbia, to pass an order authorizing them to execute leases as aforesaid, and said Court on August 22nd, 1916, entered an order authorizing your petitioners to execute leases in accordance with the prayer of said petition. A certified copy of said petition and said order are herewith filed marked "Petitioners' Exhibit - Petition and Order".

Your petitioners pray that an order may be entered in this cause confirming said order of the Supreme Court of the District of Columbia.

And your petitioners will ever pray, etc.

Hugh L. Bond, Jr., George A. Colston
and Herbert R. Preston, Trustees,

By

Herbert R. Preston
Trustee.

Henry H. Keedy Jr.
Att'y.

STATE OF MARYLAND,)
) TO WIT:-
CITY OF BALTIMORE,)

I HEREBY CERTIFY that on this thirtieth day of August, 1916, before me, the subscriber, a Notary Public of the State of Maryland, in and for said City, personally appeared Herbert R. Preston, and made oath in due form of law that he is one of the Trustees named in the foregoing petition; that he knows the contents thereof, and that the matters and facts therein stated are true to the best of his knowledge, information and belief.

WITNESS my hand and Notarial seal the day and year aforesaid.

Geo W Haulenbeck
Notary Public.

My commission expires May 1st, 1918.

In the Circuit Court for
Washington County -
Nos. 4191 and 4198.
Consolidated Causes.

George S. Brown, et al,
Trustees,

vs.

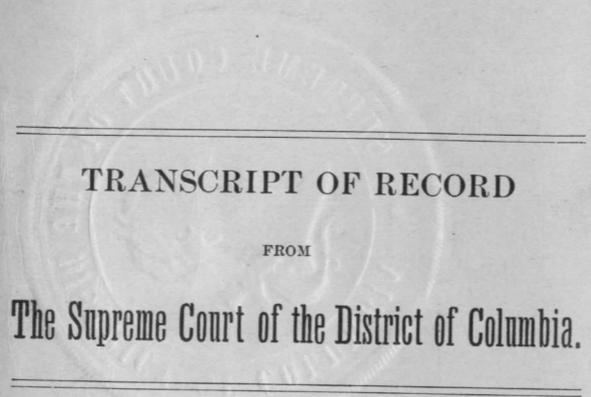
The Chesapeake & Ohio Canal Com-
pany, et al.

PETITIONERS' EXHIBIT

PETITION AND ORDER.

Filed Sept 1st 1916.

\$ 2 ⁶⁰/₁₀₀



TRANSCRIPT OF RECORD

FROM

The Supreme Court of the District of Columbia.

Geo. S. Brown, et al, } *In Equity*
vs. Trs, } *No. 12,240*
The Chesapeake + } *At Law.*
Ohio Canal Co.

Clerk's fees for preparing this record, \$2.60

Paid by

.....
Clerk.



In the Supreme Court of the District of Columbia.

TRANSCRIPT OF RECORD.

To all to whom these presents come, Greeting:

UNITED STATES OF AMERICA, } ss:
DISTRICT OF COLUMBIA,

BE IT REMEMBERED, That in the Supreme Court of the District of Columbia, at the city of Washington, in said District, at the times hereinafter mentioned, among others, were the following proceedings, to wit:

the rate of \$3.00 per square inch per annum, which was renewed January 20th, 1899, for 20 years by the payment of the bonus required to be paid under the terms of said lease in order to entitle the Lessee to a renewal of the same.

Each of the above named leases is renewable within 20 days after the expiration of the term by the Lessee for another term of 20 years on the same terms and conditions, and so from time to time as said renewed leases shall expire, on the payment of a renewal fine or bonus of one year's rent.

The Trustees have made the following yearly leases, now held by the following:-

1. Georgetown Ice Manufacturing Company for 300 square inches of water at \$3.00 per square inch per annum.
2. Thomas W. Smith for 150 square inches at \$3.00 per square inch per annum.
3. Crystal Plate Ice Company for 250 square inches at \$5.00 per square inch per annum.

The George Hill Paper Mill Company held a lease for 450 square inches of water at \$3.00 per square inch per annum. The District of Columbia Paper Manufacturing Company purchased its property. Prior to this purchase, the Hill Mill had not been taking water for some time, and the rental had not been paid. Upon the purchase of the property, the District of Columbia Paper Manufacturing Company applied to the Trustees to reinstate the lease or make a new lease upon the same terms. The Trustees on June 1st, 1900, made a yearly lease with this company at the rate of \$4.00 per square inch per annum, the understanding being that, later when the business of this company had developed, this lease would be made permanent. In December, 1907, applica-

tion was made by this company for an increase in the amount of water, and an examination and report was made by Edgar A. Alcott, an hydraulic engineer, who recommended a lease at the rate of \$4.00 per square inch per annum, and the amount of water taken was increased to 780 square inches at this rate.

SECOND. Application has been made to the Trustees by the Crystal Plate Ice Company to have the 250 square inches of water now being taken by it under the lease from the Trustees incorporated in and made a part of their permanent lease for the 500 square inches, but at the rate of \$5.00 for said 250 square inches of water, which they are now paying.

Application has also been made by the Georgetown Ice Manufacturing Company to have its lease for 300 square inches of water, for which it is now paying \$3.00 per square inch per annum, made permanent at the rate of \$5.00 per square inch per annum.

The District of Columbia Paper Manufacturing Company has under consideration the enlargement of its plant which will require approximately 1,000 square inches additional, and has made application to the Trustees to have a permanent lease made for the 780 square inches of water now taken by it at the rate of \$4.00 per square inch per annum, which it is now paying, and also the right to increase the amount of water to be taken by approximately 1,000 square inches additional, for which it is willing to pay \$5.00 per square inch per annum. If it takes the additional water, it will agree to construct its plant so that it will utilize the water in two units, thus enabling it to shut down one unit and continue the operation of the other at the time of low water, which will result in a saving, as the rentals are suspended for the period during which the water is cut off.

THIRD. Your petitioners believe that it would be for the benefit of the trust represented by them that a supplement to the lease now held by the Crystal Plate Ice Company be made, by which the 250 square inches of water now used by it under the Trustees' lease should be held by it under its permanent lease, and that a permanent lease be made with the Georgetown Ice Manufacturing Company for 300 square inches of water at the rate of \$5.00 per square inch per annum, and that a permanent lease be made with the District of Columbia Paper Manufacturing Company for the 780 square inches of water now used by it at \$4.00 per square inch per annum, with the right to increase the amount by approximately 1,000 square inches of additional water at the rate of \$5.00 per square inch per annum, substantially upon the terms of the permanent leases above mentioned, with the change, if it is found expedient, to an equivalent basis of cubic feet of water per minute. Your petitioners believe that the rate of \$5.00 per square inch per annum is the best rate that can be obtained for these water rights. In order to secure the highest rental, it is necessary to give to the Lessees a permanent lease which will justify the expenditures to be made by them.

Your petitioners pray that an order may be passed authorizing them to execute leases as aforesaid.

And your petitioners will ever pray, etc.

HUGH L. BOND, JR.
HERBERT R. PRESTON
GEORGE A. COLSTON
Trustees.

STATE OF MARYLAND,)
) TO WIT:-
CITY OF BALTIMORE,)

I HEREBY CERTIFY that on this 19th day of June, 1916,
before me, the subscriber, a Notary Public of the State of Maryland

in and for said City, personally appeared Herbert R. Preston, and made oath in due form of law that he is one of the Trustees named in the foregoing report and petition; that he knows the contents thereof, and that the matters and facts therein stated are true to the best of his knowledge, information and belief.

WITNESS my hand and Notarial seal the day and year aforesaid.

(SEAL)

GEO. W. HAULENBEEK
Notary Public.

My Commission Expires May 1st, 1918.

ORDER .

Filed August 22, 1916. J.R.Young, Clerk.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

GEORGE S. BROWN, et al
Trustees,

vs.

THE CHESAPEAKE & OHIO CANAL
COMPANY,

)
)
)
)
)
)
)

In Equity No. 12,240.

This cause coming on to be heard upon the petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Trustees heretofore appointed in this cause, and no cause to the contrary having been shown, although due notice had been given to the Solicitors of the parties hereto;

IT IS ORDERED this 22nd day of August, 1916, that said Trustees be and they are hereby authorized to make and execute the several leases and supplements to leases, or any of them, in accordance with the prayer of said petition, for the amount of water and at the rates therein set forth, substantially in the form of the existing permanent leases mentioned in said petition with the change, if the Trustees deem it expedient, to an equivalent basis of cubic feet of water per minute, and said leases and supplements when made by said Trustees in accordance with this order shall be binding upon all of the parties to this cause and their successors, and upon each and all of the interests represented by them.

WENDELL P. STAFFORD
Justice.

In the Circuit Court for
Washington County -
Nos. 4191 and 4198.
Consolidated Causes.

George S. Brown, et al,
Trustees,

vs.

The Chesapeake & Ohio Canal Com-
pany, et al.

ORDER.

Filed Sept. 1. 1916 =

GEORGE S. BROWN, ET AL,
TRUSTEES,

VS

THE CHESAPEAKE AND OHIO CANAL COMPANY, ET AL.

) IN THE CIRCUIT
) COURT FOR WASHING-
) TON COUNTY -
) NOS. 4191 and 4198.
) CONSOLIDATED CAUSES

ORDER.

This cause coming on to be heard upon the petition of Hugh L. Bond, Jr., George A. Colston and Herbert R. Preston, Trustees heretofore appointed in this cause, and it appearing that the Supreme Court of the District of Columbia has authorized said Trustees to make and execute the several leases and supplements to leases, or any of them, in accordance with the prayer of said petition and of the petition filed in this cause;

IT IS ORDERED this *First* day of *September*, 1916, that said Trustees be and they are hereby authorized to make and execute the several leases and supplements to leases, or any of them, in accordance with the prayer of said petition, for the amount of water and at the rates therein set forth, substantially in the form of the existing permanent leases mentioned in said petition with the change, if the Trustees deem it expedient, to an equivalent basis of cubic feet of water per minute, and said leases and supplements when made by said Trustees in accordance with this order shall be binding upon all of the parties to this cause and their successors, and upon each and all of the interests represented by them.

W. D. Beedy

nos. 4191 + 4198 Equity.

Report of trustees for
the year 1916.

Filed May 18 - 1917

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

X-----X
George S. Brown et al., :
Trustees, : Nos. 4191 and 4198.
v. :
The Chesapeake & Ohio Canal Co. et al. : Consolidated
Causes.
X-----X

Report of Hugh L. Bond, Jr., George A. Colston and
Herbert R. Preston, Trustees.

To the Honorable, the Judges of the Circuit Court for Washington
County:

In accordance with decree of this Court entered
on the twenty-seventh day of December, 1905, the undersigned
Trustees respectfully report to the Court their receipts and dis-
bursements for the year ended December thirty-first, Nineteen
Hundred and Sixteen, as such Trustees, and file herewith and make
part hereof the following statements and accounts:

1. Statement of receipts and disbursements for the year
ended December 31, 1916.
2. Statement of profit and loss account, December 31, 1916.
3. Balance sheet, December 31, 1916.

Respectfully submitted,

Hugh L. Bond Jr.
W. R. Preston
George A. Colston
Trustees.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

RECEIPTS AND DISBURSEMENTS FOR YEAR ENDED DECEMBER 31, 1916.

Balance, January 1, 1916, \$6,564.84

Receipts:

Earnings, Received from Chesapeake and Ohio Transportation Company to cover deficit in operation,	\$55,793.77	
	<u>53,476.87</u>	<u>109,270.64</u>
Gross receipts,		\$115,835.48

Disbursements:

Operating expenses,	<u>109,270.64</u>
	\$ 6,564.84

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

PROFIT AND LOSS ACCOUNT, DECEMBER 31, 1916.

Balance, January 1, 1916 \$ 6,564.84

Earnings:

Tolls, \$38,956.77

Rents, water, 11,470.00

Rents, houses and
lands 5,367.00

Total earnings, \$55,793.77

Expenses:

Operating expenses, 109,270.64
Loss from operation for year, \$ 53,476.87

From Chesapeake and Ohio Trans-
portation Company to cover deficit
in operation, 53,476.87
\$6,564.84

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

BALANCE SHEET FOR THE YEAR ENDED DECEMBER 31, 1916.

BONDS OF 1878.

Assets.

Bonds of 1878 acquired,	\$132,500.00
Farmers' & Merchants' National Bank, Baltimore, to meet outstanding coupons and interest as per court's orders,	858.78
Interest accrued from August 30, 1912, to December 31, 1916,	<u>34,477.57</u> \$167,836.35

Liabilities.

Purchase money unpaid, bonds of 1878,	\$132,500.00
Outstanding coupons, bonds of 1878,	750.00
Interest on outstanding coupons, bonds of 1878,	108.78
Interest accrued on unpaid purchase money, August 30, 1912, to December 31, 1916,	<u>34,477.57</u> \$167,836.35

nos. 4191 + 4198 Equity
Consolidated

Report of trustees bring-
ing into Court bonds
nos. 41 to 167 of 1878,
for cancellation.

Filed Oct 20 1917 =

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

.....X
George S. Brown et al.,
Trustees,
vs.
The Chesapeake and Ohio Canal Company et al.:
.....X

Nos. 4191 and 4198.
Consolidated
Causes.

Report of Hugh L. Bond, Jr., George A. Colston
and Herbert R. Preston, Trustees.

To the Honorable, the Judges of the Circuit Court for Washington
County:

The report of Hugh L. Bond, Jr., George A. Colston and Herbert
R. Preston, Trustees, respectfully shows:

That as heretofore reported and in accordance with the auditor's
accounts ratified November 19, 1910, and August 13, 1912, these
Trustees have applied the proceeds of sales of land to the payment
in part of the principal of the bonds secured by the mortgage from The
Chesapeake and Ohio Canal Company to George S. Brown et al., Trustees,
dated May 15, 1878, and also to the payment of interest on the same,
and, therefore, these Trustees bring into Court herewith, for cancel-
lation, Bonds Nos. 41 to 167, inclusive, for one thousand dollars each.

Respectfully submitted,

Hugh L. Bond, Jr.
George A. Colston
Herbert R. Preston

Trustees.

nos. 4191 ~~4198~~ 4198 Equity
Consolidated -

Order of Court directing
that bonds nos. 41 to
167 inclusive for one thousand
dollars each, secured
by the mortgage of May 15,
1878, be cancelled and
destroyed -

Filed Oct 30 1917

George S. Brown, et al.
Trustees

Vs.

The Chesapeake and Ohio
Canal Company, et al.

) NOS. 4191 and 4198 Equity
Consolidated

) In the Circuit Court for

) Washington County
In Equity.

Handwritten notes on left margin:
George S. Brown, et al. Trustees
The Chesapeake and Ohio Canal Company, et al.
NOS. 4191 and 4198 Equity Consolidated
In the Circuit Court for Washington County In Equity.

Hugh L. Bond Jr., George A. Colston and Herbert R. Preston, surviving trustees, having paid bonds numbers 41 to 167 inclusive, for one thousand dollars each, secured by the mortgage from the Chesapeake and Ohio Canal Company to George S. Brown, et al trustees, dated May 15, 1878, from the proceeds of sales of land, in accordance with the auditor's accounts, ratified on November 19, 1910 and August 13, 1912, and having brought the said bonds into Court for cancellation, it is hereby ordered by the Circuit Court for Washington County, in Equity, this 30th day of October, 1917, that the clerk is hereby authorized and directed to cancel and destroy the said bonds.

M. S. Rudy

nos. 4191 & 4198 Eq. Custis
dated.

Report of trustees for
the year ending
December 31, 1917.

Filed July 29th 1918

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

George S. Brown et al.,	:	
Trustees,	:	Nos. 4191 and 4198.
	:	
v.	:	Consolidated
	:	Causes.
The Chesapeake & Ohio Canal Co. et al.	:	
*	:	

Report of Hugh L. Bond, Jr., George A. Colston and
Herbert R. Preston, Trustees.

To the Honorable, the Judges of the Circuit Court for Washington
County:

In accordance with decree of this Court entered
on the twenty-seventh day of December, 1905, the undersigned
Trustees respectfully report to the Court their receipts and dis-
bursements for the year ended December thirty-first, Nineteen
Hundred and Seventeen, as such Trustees, and file herewith and
make part hereof the following statements and accounts:

1. Statement of receipts and disbursements for the year
ended December 31, 1917.
2. Statement of profit and loss account, December 31, 1917.
3. Balance sheet, December 31, 1917.

Respectfully submitted,

Hugh L. Bond Jr.
George A. Colston
Herbert R. Preston

Trustees.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

RECEIPTS AND DISBURSEMENTS FOR YEAR ENDED DECEMBER 31, 1917.

Balance, January 1, 1917, \$6,564.84

Receipts:

Earnings, Received from Chesapeake and Ohio Transportation Company to cover deficit in operation,	\$58,125.10	
	<u>46,094.25</u>	<u>104,219.35</u>

Gross receipts, \$110,784.19

Disbursements:

Operating expenses,	<u>104,219.35</u>
	\$6,564.84

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

PROFIT AND LOSS ACCOUNT, DECEMBER 31, 1917.

Balance, January 1, 1917, \$ 6,564.84

Earnings:

Tolls, \$40,545.74

Rents, water, 11,970.00

Rents, houses and
lands, 5,609.36

Total earnings, \$58,125.10

Expenses:

Operating expenses, 104,219.35

Loss from operation for year, 46,094.25

From Chesapeake and Ohio Trans-
portation Company to cover deficit
in operation, 46,094.25

\$6,564.84

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

BALANCE SHEET FOR THE YEAR ENDED DECEMBER 31, 1917.

BONDS OF 1878.

Assets.

Bonds of 1878 acquired,	\$132,500.00	
Farmers' & Merchants' National Bank, Baltimore, to meet outstanding coupons and interest as per court's orders,	858.78	
Interest Accrued from August 30, 1912, to December 31, 1917,	<u>42,427.57</u>	\$175,786.35

Liabilities.

Purchase money unpaid, bonds of 1878,	\$132,500.00	
Outstanding coupons, bonds of 1878,	750.00	
Interest on outstanding coupons, bonds of 1878,	108.78	
Interest accrued on unpaid purchase money, August 30, 1912, to December 31, 1917,	<u>42,427.57</u>	\$175,786.35

nos. 4191+4198 Equity-

Report of trustees for
year ending December
31, 1918.

Filed Oct 28 1919

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY.

George S. Brown et al, :
Trustees, : Nos. 4191 and 4198.
v. : Consolidated
The Chesapeake & Ohio Canal Co. et al. : Causes.

Report of Hugh L. Bond, Jr., George A. Colston and
Herbert R. Preston, Trustees.

To the Honorable, the Judges of the Circuit Court for Washington
County:

In accordance with decree of this Court entered on
the twenty-seventh day of December, 1905, the undersigned
Trustees respectfully report to the Court their receipts and
disbursements for the year ended December thirty-first, Nine-
teen hundred and Eighteen, as such Trustees, and file herewith
and make part hereof the following statements and accounts:

1. Statement of receipts and disbursements for the
year ended December 31, 1918.
2. Statement of profit and loss account, December
31, 1918.
3. Balance sheet, December 31, 1918.

Respectfully submitted,

Hugh L. Bond Jr.
Herbert R. Preston
George A. Colston
Trustees.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.
RECEIPTS AND DISBURSEMENTS FOR YEAR ENDED DECEMBER 31, 1918.

Balance, January 1, 1918, \$ 6,564.84

Receipts:

Earnings, Received from Chesapeake and Ohio Transportation Company to cover deficit in operation,	\$89,287.11	
	<u>46,865.07</u>	<u>136,152.18</u>
Gross receipts,		\$142,717.02

Disbursements:

Operating expenses,	<u>136,152.18</u>
	\$ 6,564.84

REMITTANCE PARAGON LINE
MADE IN U.S.A.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.

PROFIT AND LOSS ACCOUNT, DECEMBER 31, 1918.

Balance, January 1, 1918, \$6,564.84

Earnings:

Tolls,	\$71,404.43	
Rents, water	11,970.00	
Rents, Houses and lands,	<u>5,912.68</u>	
Total earnings,	\$89,287.11	

Expenses:

Operating expenses,	<u>136,152.18</u>	
Loss from operation for year,	46,865.07	
From Chesapeake and Ohio Transportation Company to cover deficit in operation,	<u>46,865.07</u>	\$6,564.84

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY.
 BALANCE SHEET FOR THE YEAR ENDED DECEMBER 31, 1918.
 BONDS OF 1878.

Assets.

Bonds of 1878 acquired,	\$132,500.00	
Farmers' & Merchants' National Bank, Baltimore, to meet outstanding coupons and interest as per court's orders,	858.78	
Interest accrued from August 30, 1912, to December 31, 1918,	<u>50,377.57</u>	\$183,736.35

Liabilities.

Purchase money unpaid, bonds of 1878,	\$132,500.00	
Outstanding coupons, bonds of 1878,	750.00	
Interest on outstanding coupons, bonds of 1878,	108.78	
Interest accrued on unpaid purchase money, August 30, 1912, to December 31, 1918,	<u>50,377.57</u>	\$183,736.35